NEGATIVE DECLARATION

Statement of No Significant Effect

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York and 6 NYCRR, Part 617, State Environmental Quality Review, the Department of City Planning acting on behalf of the City Planning Commission assumed the role of lead agency for the environmental review of the proposed action. Based on a review of information about the project contained in this environmental assessment statement (EAS) and any attachments hereto, which are incorporated by reference herein, the lead agency has determined that the proposed action would not have a significant adverse impact on the environment.

Reasons Supporting this Determination

The above determination is based on information contained in this EAS, which finds the proposed action sought before the City Planning Commission (CPC) would not have a significant adverse impact on the environment. Reasons supporting this determination are noted below.

Land Use, Zoning, and Public Policy

A detailed analysis of land use, zoning, and public policy is included in this EAS. The Applicant, 21-17 37th Ave. LLC, is seeking a zoning map amendment to rezone Queens Block 348, Lots 1, 2, p/o 6, and p/o 35 (the "Affected Area") from an M1-1 zoning district to an M1-5 zoning district (the "Proposed Action"). The Proposed Action would facilitate the development of the proposed project -- a new seven-story plus cellar and sub-cellar, 113-foot-10-inch-tall light manufacturing and commercial building at 31-17 37th Avenue (Block 348, Lot 2; "Projected Development Site 1"), in the Ravenswood neighborhood of Queens, Community District 1. The proposed building would contain approximately 119,854 gross square feet (gsf), including 22,242 gsf of commercial uses (UG 6, local retail stores and commercial offices), 65,612 gsf of light manufacturing uses, and 32,000 gsf of accessory parking area containing 58 spaces. The ground floor would be used for local retail while the second floor through the fifth floor would be occupied by light manufacturing uses and the sixth and seventh floors would be occupied by commercial office. The Proposed Action is anticipated to result in the redevelopment of an underutilized site with a mixed light manufacturing and commercial building that would be compatible with surrounding uses. The proposed zoning district would allow for an increase the density of development over the No Action scenario that would not be inconsistent with the nearby low-to-medium-density zoning districts including the adjacent M1-3 district. The Proposed Project would introduce new jobs and space suitable for light manufacturing uses, which would be supportive of public policies applicable to Projected Development Site 1, including the Industrial Business Zone program. The analysis concludes that the Proposed Action would not result in significant adverse impacts to land use, zoning, or public policy and further assessment is not warranted.

Shadows

A detailed analysis related to shadows is included in this EAS. Projected Development Site 1 would cast incremental shadow on portions of a publicly accessible open space, Sixteen Oaks Grove, ranging from 28 minutes on the March 21/September 21 analysis date, to up to 2 hours and 8 minutes on the June 21 analysis period. Incremental shadow from the Proposed Development also would affect portions of the P.S. 111 Jacob Blackwell School playground on the May 6/ August 6 and June 21 analysis dates for up to 22 minutes. The analysis demonstrates that the duration of project-generated shadows would be limited in size and duration, and would not affect the vegetation or usability of these open space resources. All of the affected resources would continue to receive substantial direct sunlight throughout the representative analysis days and public utilization or enjoyment of the resources' sunlight-sensitive features would not be adversely affected. Vegetation in the affected resources would continue to receive adequate sunlight, which is a minimum of six to eight hours during the growing season. The analysis concludes that the Proposed Action would not result in significant adverse shadow impacts and further assessment is not warranted.

Hazardous Materials, Air Quality, and Noise

An (E) designation (E-718) related to hazardous materials, air quality, and noise would be established as part of the approval of the Proposed Action. Refer to "Determination of Significance Appendix: (E) designation" for the applicable (E) designation requirements. The hazardous materials, air quality, and noise analyses conclude that with the (E) designation in place, the Proposed Action would not result in a significant adverse impact related to hazardous materials, air quality, or noise.

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA). Should you have any questions pertaining to this Negative Declaration, you may contact Stacey Barron, AICP at sbarron@planning.nyc.gov.

TITLE	LEAD AGENCY
Deputy Director, Environmental Assessment and Review Division	Department of City Planning on behalf of the City Planning Commission 120 Broadway, 31st Fl. New York, NY 10271 | 212.720.3493
NAME Evren Ulker-Kacar, AICP	DATE 9/8/2023
SIGNATURE Evren Ulker Kacar	
TITLE Chair, City Planning Commission	
NAME Daniel R. Garodnick	DATE 9/11/2023
SIGNATURE	

Project Name: 21-17 37th Avenue Rezoning
CEQR # 23DCP060Q
SEQRA Classification: Unlisted

Determination of Significance Appendix

The Proposed Action was determined to have the potential to result in changes to development on the following site:

Development Site	Borough	Block and Lot
Projected Development Site 1	Queens	Block 348, Lot 2

(E) Designation Requirements

To ensure that the Proposed Action would not result in significant adverse impacts related to hazardous materials, air quality, and noise an (E) designation (**E-718**) would be established as part of approval of the Proposed Action on **Projected Development Site 1** as described below:

Development Site	Hazardous Materials	Air Quality	Noise
Projected Development Site 1	X	X	X

Hazardous Materials

The (E) designation requirements applicable to **Projected Development Site 1** for hazardous materials would apply as follows:

Task 1-Sampling Protocol

The applicant submits to OER, for review and approval, a Phase I of the site along with a soil, groundwater and soil vapor testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented. If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of samples should be selected to adequately characterize the site, specific sources of suspected contamination (i.e., petroleum based contamination and non-petroleum based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2-Remediation Determination and Protocol

A written report with findings and a summary of the data must he submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is indicated from test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant should then provide proper documentation that the work has been satisfactorily completed.

A construction-related health and safety plan should be submitted to OER and would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil, groundwater and/or soil vapor. This plan would be submitted to OER prior to implementation.

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Air Quality

The (E) designation requirements for air quality would apply as follows:

Projected Development Site 1: *To preclude any potential significant adverse air quality impacts from light industrial uses, special features that go beyond the normal construction practices must be installed at this site.*

(a) A licensed architect or engineer must certify with the Department of Buildings, and provide proof of filing to OER, that the manufacturing use on the above-referenced property will adhere to the following restrictions:

(i) The manufacturing use in the building does not have a New York City or New York State environmental rating of "A", "B" or "C" under Section 24–153 of the New York City Administrative Code for any process equipment requiring a New York City Department of Environmental Protection C of O or New York State Department of Environmental Conservation state facility air permit; and

(ii) is not required, under the City Right-to-Know Law, to file a Risk Management Plan for Extremely Hazardous Substances.

(b) The emission stack of the proposed light industrial/manufacturing uses developed pursuant to Section 74-962 of the Zoning Resolution of the City of New York must be located at the building's highest tier and at least 117 feet above grade.

(c) Install an odor/vapor barrier and a modified mechanical ventilation system.

(i) The mechanical ventilation prevention system will be comprised of a mechanical ventilation system designed to operate in parallel and separate from the mechanical ventilation system of the retail and commercial office, providing fresh air to, and exhaust from, the light industrial floors (second through fifth floors), with vents running above the roof line of the highest floor (seventh floor).

(ii) An odor/vapor barrier will be installed at the structural slab and/or partition walls separating the manufacturing and retail and commercial office spaces eliminating vapor exchange across interior partitions.

Noise

The (E) designation requirements for noise would apply as follows:

Projected Development Site 1: *In order to ensure an acceptable interior noise environment, future commercial office uses must provide a closed-window condition with a minimum of 23 dB(A) window/wall attenuation on the western façade facing 21st Street, the southern façade facing 37th Avenue within 50 feet of the western lot line of Lot 2, and the northern façade within 50 feet of the western lot line of Lot 2 to maintain an interior noise level not greater than 50 dB(A) for commercial office uses as illustrated in the EAS. To maintain a closed-window condition, an alternate means of ventilation must be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning.*