CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

February 18, 2014

NEGATIVE DECLARATION

Project Identification
CEQR No. 14DCP066Q
ULURP No. 140275 ZMQ; N140274ZRQ
SEQRA Classification: Unlisted

Lead Agency
City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal:

11-55 49th Avenue Rezoning
The Applicant, Hunters Point 49, LLC, is seeking zoning map and text amendments to rezone lots within an M1-4 district to a M1-5/R7X district, to include the rezoning area in the Special Long Island City Mixed Use District (LIC District) and to allow unenclosed sidewalk cafes on 49th Avenue between 11th Street and 21st Street (Block 61, Lots 50, 55, 7501, and p/o 5; Block 72, p/o Lot 1; Block 62, Lots 19, 28, 30, and 7501). In addition to the above CPC approvals, the applicant anticipates applying for funding through HPD's 421-a Affordable Housing Program, which provides tax exemptions for reserving 20 percent of the dwelling units as affordable housing. The proposed actions would facilitate a proposal by the applicant to redevelop a public parking lot consisting of 100 parking spaces with a twelve-story 173,715 gross square foot (gsf) mixed-use building. The project site is located at 11-55 49th Avenue (Block 61, Lot 55) and is bounded by 11th Street to the west, 21st Street to the east, the Long Island Rail Road (LIRR) right-of-way to the north, and 49th Avenue to the south, in the Hunters Point neighborhood of Queens, Community District 2.

The proposed project would include approximately 140 dwelling units, 28 of which would be affordable per 421-a financing, 6,085 gsf of restaurant space, and 100 below-grade accessory parking spaces accessed by a proposed curb cut at the western edge of the project site on 49th Avenue. The existing public parking lot can be accessed via three curb cuts along 49th Avenue though the primary curb cut seems to be near the intersection of 49th Avenue and 21st Street.

The proposed actions would also affect non-applicant owned tax lots on Block 61, Lots 50 and p/o 5; Block 72, p/o Lot 1; Block 62, Lots 19, 28, 30, and 7501. The proposed actions are not expected to

induce new development on these non-applicant owned lots because they are either owned by government agencies; are located within the bed of public sidewalks, portions of 21st Street and above the LIRR spur that is part of the Arch Street Yard and Shop, all of which would require additional discretionary actions; or are existing manufacturing and residential uses that are not likely to produce an unenclosed sidewalk café.

M1-4 districts allow light industrial, commercial and retail uses at a maximum floor area ratio (FAR) of 2.0. Certain community facilities are allowed at a maximum FAR of 6.5. Building envelopes are regulated by the sky exposure plane and parking requirements vary by use. The proposed M1-5/R7X district within the LIC District allows all uses at a maximum FAR of 5.0. Residential uses are subject to the R7X height and setback provisions which have street wall requirements with a minimum and maximum base height of 60 and 85 feet respectively and a maximum height of 125 feet. Manufacturing and commercial developments are allowed a maximum base height of 85 feet or six stories whichever is less. Additionally, all new dwelling units in Special Mixed Use Districts must be provided with a minimum 35dB(A) of window wall attenuation to maintain an interior noise level of 45dB(A) or less, with windows closed, and shall provide an alternate means of ventilation.

The proposed project is expected to be completed by 2017. Absent the proposed action, the applicant has stated that the subject site would not be redeveloped and the current use as a public parking lot would remain unchanged.

The proposed action includes an (E) designation on the applicant's property (Block 61, Lot 55) in order to preclude future air quality impacts, which could occur as a result of the proposed action. The (E) designation number is E-335. The (E) designation for air quality would preclude the potential for significant adverse air quality impacts related to heating and hot water systems (HVAC) emissions. The (E) designation text for air quality is as follows:

> Block 61, Lot 55
> **Any new residential/commercial development on the above referenced properties must ensure that fossil fuel-fired heating and hot water system(s) utilize only natural gas, and that the heating and hot water system(s) exhaust stack(s) are located at least 67 feet from the lot line facing 11th Street, to avoid any potential significant air quality impacts.**

With the placement of the (E) designation on the above block and lot, no significant air quality impacts would be expected as the result of the proposed action.

Statement of No Significant Effect:

The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement, dated February 10, 2014, prepared in connection with the ULURP Application (Nos. 140275 ZMQ; N140274ZRQ). The City Planning Commission has determined

that the proposed action will have no significant effect on the quality of the environment.

Supporting Statement:

The above determination is based on an environmental assessment which finds that:

1. The (E) designation for air quality would ensure that the proposed action would not result in significant adverse impacts.

2. The environmental conditions of Section 123-32 requiring a minimum 35dBA of window wall attenuation and alternate means of ventilation would ensure that the proposed action would not result in significant adverse noise impacts.

3. Hazardous materials remediation on the applicant owned properties will occur pursuant to a New York City Department of Environmental Protection (DEP) approved Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP), which includes the removal of all materials in accordance with New York State Department of Environmental Conservation regulations and incorporation of a vapor barrier applied to the underside of the foundation slab and sub-grade walls and a separate basement ventilation system. DEP will review the Remedial Closure Report from a certified Professional Engineer upon proper completion and implementation of the approved RAP and CHASP.

4. No other significant effects on the environment which would require an Environmental Impact Statement are foreseeable.

This Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617. Should you have any questions pertaining to this Negative Declaration, you may contact Jonathan Keller at (212) 720-3419.

Celeste Evans

Date: February 14, 2014

Celeste Evans, Deputy Director
Environmental Assessment & Review Division
Department of City Planning

Date: February 18, 2014

Kenneth J. Knuckles, Esq., Vice Chair
City Planning Commission