CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

CONDITIONAL NEGATIVE DECLARATION

Project Identification
CEQR No. 21DCP118Q
ULURP Nos. 210234ZMQ, N210235ZRQ
SEQRA Classification: Unlisted

Lead Agency
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271
Contact: Stephanie Shellooe
(212) 720-3328

Name, Description and Location of Proposal

11th Street & 34th Avenue Rezoning
The Applicant, 33-33 11th St. LLC, is seeking the approval of a zoning map amendment and zoning text amendments (the "Proposed Actions") to facilitate the development of 33-33/33-51 11th Street (Block 318, Lots 15 and 22) and 33-80 12th Street (Block 318, Lot 1) with two mixed-use nine-story buildings, including a mixed-use commercial and residential building on Block 318 Lots 15 and 22 and a mixed-use commercial, community facility, industrial/manufacturing, and residential building on Block 318, Lot 1 located in the Astoria neighborhood of Queens Community District (CD) 1.

The zoning map amendment would rezone Block 318, Lots 1, 9, 11, 15, and 22 from an R5 zoning district to an M1-5/R6A zoning district. The proposed zoning text amendments include a text amendment to modify the New York City Zoning Resolution (ZR) Article 12, Chapter 3 to establish a new MX (M1-5/R6A mixed-use) district and to increase the maximum permitted building height to 95 feet and the maximum base height to 75 feet, and a text amendment to modify the Queens CD 1 map in Appendix F of the ZR to establish a new Mandatory Inclusionary Housing (MIH) Area that would be coterminous with the proposed rezoning area.

The Proposed Actions would facilitate the development of two separate buildings: Proposed Development Site 1 would be developed with an 8-story 95-foot-tall mixed-use commercial and residential building of 338,474 gross square feet (gsf), including 204,831 gsf of residential uses (up to 204 dwelling units, 61 of which would be permanently affordable pursuant to MIH); 90,251 gsf of commercial retail, studio and office uses, and 43,392 gsf of cellar-level parking. Proposed Development Site 2 would be an 8-story, 95-foot-tall, 248,095 gsf mixed-use commercial, community facility, industrial/manufacturing, and residential building, including 149,677 gsf of residential uses (up to148 dwelling units, 44 of which would be permanently affordable); 35,988 gsf of commercial retail uses, 10,000 gsf of community facility uses, 27,109 gsf of manufacturing warehouse uses, and 25,321 gsf of cellar-level parking.

The Proposed Actions would also affect two non-applicant owned lots, Block 318, Lots 9 and 11, which are assumed for the purpose of a conservative analysis to be merged for future development as Potential Development Site 1. Potential Development Site 1 would be redeveloped with a new 8-story, 95-foot-tall 45,741 gsf mixed-use commercial and residential building, containing 33,262 gsf of residential uses (up to 36 dwelling units, 7 of which would be permanently affordable); 7,490 gsf of ground floor commercial retail uses, and 4,989 gsf of parking uses.

Absent the proposed action, the affected area would remain unchanged. The proposed project is anticipated to be completed by 2024.

To avoid any potential significant adverse impacts, an (E) designation (E-661) for hazardous materials, air quality, and noise would be placed on the applicant's property, Queens Block 318, Lots 1, 15, and 22, and for hazardous materials and air quality on the non-applicant-owned lots, Block 318, Lots 9 and 11.

The (E) designation text related to hazardous materials is 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 be 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.

With the implementation of the above (E) designation, no significant adverse impacts related to hazardous materials would occur.

The (E) designation text related to air quality is as follows:

Block 318, Lots 15 and 22 – Projected Development Site 1

Any new development on the above-referenced property must exclusively use natural gas as the type of fuel for the heating, ventilation, air conditioning and hot water system (HVAC) and ensure that the HVAC stack(s) is located at the highest tier and at least 98 feet above grade to avoid any potential significant adverse air quality impacts.

Block 318, Lot 1 – Projected Development Site 2

Any new development on the above-referenced property must exclusively use natural gas as the type of fuel for the heating, ventilation, air conditioning and hot water system (HVAC) and ensure that the HVAC stack(s) is located at the highest tier and at least 98 feet above grade to avoid any potential significant adverse air quality impacts.

Block 318, Lots 9 and 11 – Potential Development Site 1

Any new development on the above-referenced property must exclusively use natural gas as the type of fuel for the heating, ventilation, air conditioning and hot water system (HVAC) and ensure that the HVAC stack(s) is located at the highest tier and at least 98 feet above grade to avoid any potential significant adverse air quality impacts.

The (E) designation text related to noise is as follows:

Projected Development Site 1 (Block 318 / Lots 15, 22):

In order to ensure an acceptable interior noise environment, future trade school/commercial office/artist's studio uses must provide a closed-window condition with a minimum of 28 dBA window/wall attenuation on the facades facing 33rd Road and the facades facing 11th Street within 50 feet of 33rd Road and the facades facing 12th Street within 50 feet of 33rd Road and 31 dBA of attenuation on the facades facing 11th Street beyond 50 feet of 33rd Road and the facades facing 12th Street beyond 50 feet of 33rd Road and the facades facing 34th Avenue within 50 feet of 11th Street and 12th Street to maintain an interior noise level not greater than 45 dBA for trade school uses or not greater than 50 dBA for commercial office and artist's studio uses as illustrated in the EAS. To maintain a closed-window condition, an alternate means of

ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.

Projected Development Site 2 (Block 318 / Lot 1):

In order to ensure an acceptable interior noise environment, future commercial office uses and community facility uses without dwelling units must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation on the façades facing 34th Avenue and the facades facing 12th Street and the facades facing 33rd Road within 50 feet of 11th Street and 12th Street and the facades facing 11th Street within 50 feet of 11th Street and the facades facing Block 318, Lot 11 within 50 feet of 11th Street to maintain an interior noise level not greater than 45 dBA for community facility uses without dwelling units or not greater than 50 dBA for commercial office uses as illustrated in the EAS. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.

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 11, 2022, prepared in connection with the ULURP Application (Nos. 210234ZMQ, N210235ZRQ). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment, once it is modified as follows:

The Applicant agrees to enter into a Restrictive Declaration (RD) to ensure the implementation of mitigation measures and Project Components Related to the Environment (PCREs) relating to transportation and construction which would avoid the potential for any significant adverse impacts. The mitigation measures and PCREs are as follows:

1. The applicant shall implement as part of its construction of the Proposed Building, and at its sole cost and expense, the following PCREs:
    a. The applicant will develop and submit a plan for review and approval by New York City Department of Transportation (NYCDOT) to install traffic calming measures on the northbound and southbound directions along 11th Street in the vicinity of 33rd Road (the "approved traffic calming measures"). Upon NYC DOT approval of all plans and specifications prepared by the applicant, the applicant shall install the approved traffic calming measures to the satisfaction of DOT prior to obtaining temporary or permanent Certificates of Occupancy for the proposed development.
    b. The applicant has committed to implementing the Best Available Technology for construction equipment to reduce construction-related effects of the project to the greatest extent feasible including a Construction Noise Mitigation Plan, diesel reduction measures, clean fuel, best available tailpipe reduction technologies, dust

control measures, installation of noise barriers, preparation of a pedestrian circulation plan and restrictions on vehicle idling.

2. The applicant shall implement, at its sole cost and expense, the following Mitigation Measures:
    a. The applicant shall develop and submit a plan for review and approval by NYC DOT to install an all-way stop sign control at the intersection of 12th Street at 34th Avenue. Upon NYC DOT approval of all plans and specifications prepared by the applicant, the applicant shall install the approved all-way stop sign control to the satisfaction of DOT prior to obtaining temporary or permanent Certificates of Occupancy for the proposed development.

Supporting Statement:

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

1. The applicant will enter into a Restrictive Declaration to ensure the implementation of project components and mitigation relating to transportation and construction which would avoid the potential for any significant adverse impacts related thereto.

2. The traffic analysis indicates that project-generated traffic has the potential to generate significant adverse impacts at the following intersections, which are adjacent to the project site:

    - 11th Street & 33rd Road
    - 12th Street & 34th Avenue

    The proposed PCRE and mitigation measures, including the installation of traffic calming measures and an all-way stop, would fully mitigate the potential impacts at these intersections. Pursuant to correspondence from the Department of Transportation dated February 8, 2022, the proposed mitigation measures were deemed to be reasonable and appropriate. DOT has also agreed to investigate the feasibility of implementing the mitigation measures once the project is built. Consequently, no significant adverse impacts related to traffic would occur.

3. The Construction analysis concludes that the proposed project would not result in significant adverse impacts during construction. The applicant has committed to implementing the Best Available Technology for construction equipment to reduce construction-related effects of the project to the greatest extent feasible including a Construction Noise Mitigation Plan, diesel reduction measures, clean fuel, best available tailpipe reduction technologies, dust control measures, installation of noise barriers, preparation of a pedestrian circulation plan, and restrictions on vehicle idling.

4. The (E) designation for hazardous materials, air quality and noise would ensure that the proposed action would not result in significant adverse impacts due to hazardous materials, air quality and noise.

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

It is fully agreed and understood that if the foregoing conditions, modification, and alterations are not fully incorporated into the proposed action, this Conditional Negative Declaration shall become null and void. In such event, the applicant shall be required to prepare a Draft Environmental Impact Statement before proceeding further with said proposal.

This Conditional Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

I, the Undersigned, as the applicant or authorized representative for this proposal, hereby affix my signature in acceptance of the above conditions to the proposed action.

Signature of Applicant or Authorized Representative

Date: February 11, 2022

Kevin Williams
Name of Applicant or Authorized Representative

Date: February 11, 2022

Stephanie Shellooe, Director
Environmental Assessment and Review Division
Department of City Planning

Date: June 8, 2022

Daniel R. Garodnick, Chair
City Planning Commission