Department of
Housing Preservation
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100 Gold Street
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April 4, 2025

NEGATIVE DECLARATION

Project Identification

Name/Location: **IKOS Senior Living**
Block 611, Lot 25
Queens, NY
Community District 1
CEQR No. 22HPD043Q
SEQRA Classification: Unlisted
ULURP Nos.: 250207HAQ, 250208ZMQ, 250209ZRQ

Name and Description of Proposed Action

IKOS Senior Living:

Mega Contracting Group and HANAC Inc, (the 'Project Sponsor') is seeking construction financing from New York City Department of Housing Preservation and Development (HPD) through HPD's Senior Affordable Rental Apartments (SARA) program, financing from the New York City Housing Development Corporation (EDC) Extremely Low- and Low-Income (ELLA) program and Project-based Vouchers from the U.S. Department of Housing and Urban Development (HUD). In addition to the public funding and financing, several discretionary land use actions (described in further detail below) are being sought that require public review under the Uniform Land Use Review Procedure (ULURP). Collectively, the public funding and financing are referred herein as the "Proposed Action". The Proposed Action would facilitate the new construction of a mixed-use building containing 167 dwelling units (DU) of senior housing (the 'Proposed Project'), located at 31-07 31st Street (Block 611, Lot 25) in the Astoria neighborhood of Queens, Community District 1 (the 'Project Site').

The Proposed Project includes designation of an Urban Development Action Area ('UDAA') and approval of an Urban Development Action Area Project ('UDAAP') for Block 611 Lot 25 (the 'Project Site' or 'Site 1'); a zoning map amendment to rezone an area that includes Block 611, Lots 21 and 25; Block 587, Lot 43; portions of Block 611, Lots 43-52, 144, 146 and 152; and portions of Block 587, Lots 18, 29, 34, and 54 (collectively, the "Rezoning Area") from R5 and R5/C1-2 zoning districts to C4-5 and C4-5A zoning districts, and a zoning text amendment to establish the Rezoning Area as a Mandatory Inclusionary Housing (MIH) Area.

The Proposed Project is an approximately 134,000 gross square foot (gsf) mixed use development, comprised of two buildings: an approximately 127,000 gsf, 13-story mixed-use residential building on the Project Site's 31st Street frontage with 167 affordable senior DUs and one superintendent's unit and approximately 7,000 gsf of ground-floor retail; and a 3-story, approximately 7,000-gsf community facility building on the Project Site's 32nd Street frontage. The residential building would achieve a maximum height of 135 feet and a base height of 75 feet. The community facility building would be connected to the

residential building on the first floor and would reach a building height of 37 feet (maximum of 47 feet with bulkhead). The commercial and residential entrances for the residential building would be located on 31st Street, while the entrance for the community facility building would be located on 32nd Street. No accessory parking would be provided. The Proposed Project would include green roofs and solar panels on both buildings. The zoning map amendment would change an existing R5 and R5/C1-2 district on 31st and 32nd Streets to a C4-5 district, with a small portion rezoned to a C4-2A district.

The Project Site is located at 31-07 31st Street, midblock with frontage on 31st and 32nd Streets, and is currently occupied by a public parking lot operated by the New York City Department of Transportation (DOT) and contains 20,880 square feet (sf) of lot area with parking for approximately 61 spaces. In addition to the Project Site, for conservative analysis purposes the environmental review considers additional development at Block 587, Lot 43, referred to as "Projected Development Site 2"). The site is 20,600 sf in lot area and currently contains a one-story, 11,475 gsf grocery store building and an accessory parking lot. The environmental review considers that this site would be redeveloped by the Analysis Year with a 121,600 gsf, 9-story mixed-use building containing 107,100 gsf of residential space (126 dwelling units, 32 to 38 of which would be affordable pursuant to MIH) and approximately 14,500 gsf of retail space. The environmental review also considers the potential for redevelopment at Block 611, Lot 21, referred to as "Potential Development Site A". The site is 8,000 sf in lot area and is occupied by a one-story, 7,200-gsf community facility building containing a community cultural center and banquet hall. The site is occupied by the Cretan's Association Omonia, and is considered less likely to be redeveloped by the Analysis Year and only considered in certain non-density related assessments

The NYC Department of City Planning (DCP) recently adopted a citywide zoning text amendment, the City of Yes for Housing Opportunity (COYHO) (CEQR No. 24DCP033Y) to expand opportunities for housing within all zoning districts, and across all 59 of the City's Community Districts. These changes to the City's Zoning Resolution enable more housing and a wider variety of housing types in every neighborhood, from the lowest-density districts to the highest, to address the housing shortage and high cost of housing in New York City. It has been determined that the Reasonable Worst Case Development Scenario (RWCDS) may be affected by the text amendment, as COYHO modifies the regulations of the C4-5 district proposed to be mapped in the Rezoning Area. Although the Project Sponsor does not intend to take advantage of the text amendment, an alternative With Action scenario was developed to assess the potential changes to the RWCDS under COYHO. As concluded in the assessment, the effects of the increased development on Site 2 and Site A under the COYHO alternative scenario would be minimal and would not alter the conclusions of the analysis presented in this EAS dated March 27, 2025.

Absent the Proposed Project, it is anticipated that no changes to land use would occur within the Rezoning Area and Sites 1, 2 and A are expected to remain in their existing condition. As the Proposed Actions, including the proposed rezoning, are expected to be approved in 2025, it is reasonable to expect that new developments generated under the rezoning on Site 2 would also be completed by 2027. The Analysis Year for the Proposed Project is 2027, the year when the Proposed Project is expected to be complete and operational according to the EAS dated March 27, 2025.

Statement of No Significant Effect:

Pursuant to the CEQR rules adopted on June 6, 1991, Executive Order 91, HPD has completed its technical review of an Environmental Assessment Statement (EAS) dated March 27, 2025, and has determined that the Proposed Actions will have no significant effect on the quality of the environment.

Supporting Statement:

The above determination is based on an EAS dated March 27, 2025, which finds that the Proposed Action would not have a significant adverse impact on the environment. Reasons supporting these determinations are noted below:

Hazardous Materials

A Hazardous Materials analysis is included in the EAS. AKRF performed a Phase I Environmental Site Assessment (Phase I) of the Project Site in June 16, 2021 in conformance with American Society for Testing and Materials (ASTM) Standard E1527-13, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Practice. Based on the Phase I, recognized environmental conditions (RECs) were identified and therefore a detailed Hazardous Materials analysis was warranted.

The Phase II investigation was approved by the New York City Department of Environmental Protection (DEP) in a letter dated June 16, 2022. The Phase II investigation included the advancement of seven soil borings, the installation of four temporary groundwater monitoring wells, and the installation of five soil vapor probes, with the collection of 14 soil samples, four groundwater samples, and five soil vapor samples for laboratory analysis.

Based on the findings of the Subsurface (Phase II) Investigation, an E Designation (E-771) has been placed on Site 1 for Hazardous Materials to ensure that additional soil testing and any necessary remedial activities would be undertaken prior to and/or, as necessary, during redevelopment. The E-Designation would also ensure that appropriate procedures for any necessary subsurface disturbance would be followed prior to, during, and following construction. Prior to closing the Project Sponsor will obtain a Notice to Proceed (NTP) from the Office of Environmental Remediation (OER). The following procedures are required per the E-Designation prior to obtaining DOB permits for construction activities at Site 1 entailing soil disturbance:

Task 1—Sampling Protocol: If additional sampling is necessary, it must be conducted in accordance with an OER-approved sampling protocol or workplan. The number and location of sample sites should be selected to adequately characterize the site, the specific source 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 the 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. An

OER-approved Construction Health and Safety Plan (CHASP) would be implemented during evacuation and construction and activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This plan would be submitted to OER for review and approval prior to implementation.

The remediation plan (referenced in Task 2), which would be codified in a formal Remedial Action Work Plan (RAWP), typically addresses requirements for items such as: soil stockpiling, soil disposal and transportation; dust control; quality assurance; contingency measures should petroleum storage tanks or contamination be unexpectedly encountered; and installation of a composite site cover (which may consist of impervious surfaces and/or a clean soil cap). The remediation plan may also include requirements for vapor barrier installation beneath the new building, and/or other mitigation measures. A CHASP would also be prepared and would assign responsibilities to a designated Site Safety Officer (SSO) who is a competent person responsible for implementation of the remediation plan and CHASP, establish personnel protection standards and mandatory safety practices and procedures, and provide for contingencies that may arise during construction at the Project Site. Such safety practices and procedures may include worker training, equipment and personnel decontamination procedures, and emergency response. The CHASP is intended of subsurface hazardous materials. Documentation proving adherence to the remediation plan would be included in a Remedial Closure Report (RCR) to be submitted to OER for review and approval to obtain a Notice of Satisfaction and Certificates of Occupancy for newly constructed structures. If warranted based on site conditions, the development would also require preparation of a Site Management Plan (SMP) which would document institutional controls and lay out any post-construction inspection requirements (e.g., site use restrictions, cover system inspections), and any necessary post-construction measures, e.g., implementation of health and safety procedures during subsurface utility repair.

- The three 5-gallon containers of orphan waste, if still present, would be removed and disposed of off-site in accordance with applicable regulations.

- If dewatering is necessary during construction, water must be discharged to sewers in accordance with DEP requirements.

- All petroleum tanks encountered during construction would be removed in accordance with applicable regulations, including New York City Fire Department (FDNY) and DEC requirements (including those relating to spills and tank registration).

With the implementation of these procedures, no significant adverse impacts related to Hazardous Materials would result from the Proposed Project.

DEVELOPMENT SITES (SITE 2 AND SITE A)

Any future construction at Sites 2 and Site A would likely require demolition of the existing structures and subsurface disturbance. To ensure that there would be no significant adverse Hazardous Materials impacts associated with development at Site 2 (Block 587, Lot 43) and Site A (Block 611, Lot 21), an E Designation (E-771) would be placed on the sites as follows:

Task 1 - Sampling Protocol: The applicant submits to OER, for review and approval, a Phase I ESA of the site along with a soil and groundwater 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 sample sites should be selected to adequately characterize the site, the specific source 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 the 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. An OER-approved construction-related health and safety plan would be implemented during evacuation and construction and activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This plan would be submitted to OER for review and approval prior to implementation.

With the restrictions required as a part of the Proposed Project, to be carried out through a Land Disposition Agreement (LDA) and Regulatory Agreement (RA) for Site 1 and with the placement of an E-Designation on Site 2 and Site A, there would be no potential for significant adverse impacts related to Hazardous Materials exposure as a result of redevelopment and ground disturbing activities at the development sites. Therefore, the Proposed Actions would not result in significant adverse impacts related to Hazardous Materials.

Air Quality

An Air quality analysis is included in the EAS. To ensure that there are no potential significant adverse impacts of NO_x and $PM_{2.5}$ heating and hot water system emissions, certain restrictions would be required as part of the Proposed Actions through the LDA and RA for Site 1 and an Air Quality E-Designation (E-771) that would be placed on Sites 2 and A.

SITE 1 (BLOCK 611, LOT 25)

Any new residential development must exclusively use electrically powered equipment for space heating. Any fossil fuel-fired hot water equipment for this development must have no more than a 3,000 MBH capacity, utilize only natural gas, be fitted with low NOx (20

ppm) burners, and the exhaust vent(s) must be located at least 137.3 feet above grade, to avoid any potential significant adverse air quality impacts.

SITE 2 (BLOCK 587, LOT 43)

Any new residential development must exclusively use natural gas as the type of fuel for heating and hot water systems and ensure that the heating and hot water exhaust stack(s) must be located at least 97.3 feet above grade, and at least 34 feet away from the lot line facing 31st Street, to avoid any potential significant adverse air quality impacts.

SITE A (BLOCK 611, LOT 21)

Any new residential development must exclusively use natural gas as the type of fuel for heating and hot water systems and ensure that the heating and hot water exhaust stack(s) must be located at least 97.3 feet above grade, and at least 60 feet away from the lot line facing Broadway, to avoid any potential significant adverse air quality impacts.

With the restrictions required as a part of the Proposed Actions, to be carried out through the LDA and RA for Site 1 and an Air Quality E-designation (E-771) for Site 2 and Site A, there would be no potential for significant adverse Air Quality impacts.

Noise

A Noise analysis is included in the EAS. Based on the analysis, the maximum measured L_{dn} value would be 76.3 dBA taken adjacent to Project Site on East 31st Street, at grade requiring 37 dBA of attenuation, 75.2 dBA taken adjacent to Project Site on East 31st Street, elevated, requiring 36 dBA of attenuation and 66.5 dBA take at Broadway, between East 31st and East 32nd Streets requiring 28 dBA of attenuation. The façade design for the Proposed Project would be required to meet the minimum attenuation of 28 dBA, in order to ensure acceptable interior noise levels. The project design would also be required to provide an alternative means of ventilation in all habitable rooms, allowing for the maintenance of a closed window condition. Based upon the maximum measured L_{dn} values, at the Project Site, the Proposed Project's design meeting these requirements would be expected to provide sufficient attenuation to achieve both CEQR interior noise level requirements. As stated in the EAS dated March 27, 2025, an architect's Nosie letter detailing the noise attenuation requirements, will be provided before closing.

The window-wall attenuation measures, including the provision for an alternate means of ventilation in all habitable rooms, would be required through provisions contained in the LDA and RA between the Project Sponsor and HPD. With the above measures included as part of the Proposed Project and the written commitments in the architect's Nosie letter that will be provided prior to closing, the Proposed Project would not result in any significant adverse impacts related to Noise.

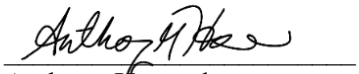
In addition, the following development sites are mapped with an (E) Designation (E-771) for Noise. The text of the (E) Designation (E-771) restrictions that would be placed on the projected and potential development sites would be as follows:

Block 587, Lot 43 (Site 2): To ensure an acceptable interior noise environment, future residential/community facility/commercial office uses must provide a closed-window

condition with a minimum of 37 dBA window/wall attenuation up to 26 feet above grade and 36 dBA window/wall attenuation more than 26 feet above grade on all façades in order to maintain an interior Ldn noise level not greater than 40 dBA for residential and community facility uses or not greater than 45 dBA for commercial office uses. 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. Block 611, Lot 21 (Site A): To ensure an acceptable interior noise environment, future residential/community facility/commercial office uses must provide a closed-window condition with a minimum of 37 dBA window/wall attenuation up to 26 feet above grade and 36 dBA window/wall attenuation more than 26 feet above grade on all façades in order to maintain an interior Ldn noise level not greater than 40 dBA for residential and community facility uses or not greater than 45 dBA for commercial office uses. 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.

With the implementation of the attenuation requirements at Site 1, pursuant to the LDA and RA between HPD and the Project Sponsor, and the (E) Designation (E-771) for Site 2 and Site A, the Proposed Actions would provide sufficient attenuation to achieve the CEQR Technical Manual interior noise level guidelines. Therefore, the Proposed Actions would not result in any significant adverse impacts related to Noise.

The EAS is on file with HPD and available for public review. This Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR Part 617.



Anthony Howard
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Division of Building and Land Development Services (BLDS)
NYC Department of Housing Preservation and Development

4/4/2025
Date