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 (CPC) assumed the role of lead agency for the environmental review of the proposed actions. 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 actions 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 Actions sought before the City Planning Commission 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, Mal Pal Realty Corp., is requesting approval of a zoning map amendment from an R3A zoning district to an R6B/C2-3 zoning district; and a zoning text amendment to Appendix F of the New York City Zoning Resolution (ZR) to designate the Proposed Rezoning Area (Queens Block 10068, Lots 200, 205, 210, 213, 214, 215, 216, and 218) as a Mandatory Inclusionary Housing (MIH) area (collectively, the "Proposed Actions"). The Proposed Actions would facilitate the development of the Proposed Project: a four-story, 45-foot tall, 92,779 gross-square foot (gsf) mixed-use development comprising 5,165 gsf of retail space; 4,587 gsf of office space; 5,950 gsf of community facility space for a Universal Pre-K school; 52,051 gsf of residential space (60 dwelling units (DUs), 15-18 of which would be affordable pursuant to MIH); and 28 cellar level accessory parking spaces at 141-05 109th Avenue (Lots 200, 205, 210, 213, 214, and 215; "Projected Development Site 1") in the South Jamaica neighborhood of Queens Community District 12. The Proposed Project would also provide a publicly accessible 249 square foot seating area at the corner of 109th Avenue and 142nd Street. The Future With-Action Scenario analyzed in the EAS conservatively assumes that the mixed-use building on Projected Development Site 1 would include five-stories (55' building height) and 61 DUs; and also considers the redevelopment of Projected Development Site 2 (Lots 216 and 218) with a 23,586 gsf mixed-use building comprising 17 DUs (5-6 of which would be affordable to MIH) and ground floor local retail. The proposed R6B zoning district would allow for an increase in bulk along 109th Avenue, a wide street; however, this change would not conflict with surrounding uses. The Proposed Actions would reinforce the area's existing residential land use patterns by promoting conforming development to replace the existing non-conforming manufacturing use within the Proposed Rezoning Area. The Proposed Actions would also be consistent with relevant public policies including the City's Housing New York 2.0 plan. The analysis concludes that no significant adverse impacts are anticipated for land use, zoning, and public policy, and no further analysis is warranted.

Open Space

A detailed analysis related to open space is included in this EAS. The Proposed Actions would result in an increase of greater than 200 residents, exceeding the threshold for an indirect open space analysis for the study area's residential population. The open space ratio for residents in the study area would decrease by less than 1% as a result of the Proposed Actions, which is below the 5% threshold for impacts to open space, and also less than a 1% decrease which may be considered if the existing open space ratio is low. In accordance with CEQR Technical Manual guidance, actions that may result in quantitative open space impacts can be further evaluated using a qualitative assessment approach to determine the overall significance of the impact. The qualitative assessment found that the Proposed Project's provision of a 249 sf publicly accessible open space area, in addition to 1,584 sf of private open that would be provided in the form of indoor and outdoor recreational space located in common areas of the proposed building, would help to ameliorate the open space shortfall in the future With-Action scenario. Further, the Proposed Actions would not have a direct effect on existing open space resources. Therefore, the analysis concludes that no significant adverse impacts to open space are anticipated, and no further analysis is required.

Urban Design and Visual Resources

A detailed analysis related to urban design and visual resources is included in this EAS. The analysis demonstrates that while the Proposed Actions would facilitate the development of two buildings that would be larger in height and bulk (scale) than that found in the immediately surrounding area, the buildings would not be incompatible with existing development patterns. In the future With-Action scenario, underbuilt property from nonconforming warehouse uses and storage yards would be redeveloped with new mixed-use residential, commercial, and community facility buildings, a continuous street wall would be created, and a public open space area featuring seating and landscaping would be introduced along the frontage of Projected Development Site 1; all of which would be expected to improve the streetscape and pedestrian experience. Comparative massing diagrams depicting the possible development with and without the Proposed Actions demonstrate that the Proposed Actions would not be incompatible with the scale and character of development within the surrounding area. In addition, the Proposed Actions would not result in significant adverse impacts on visual resources. Therefore, the analysis concludes that the Proposed Actions would not result in significant adverse impacts related to urban design or visual resources, and no further analysis is required.

Hazardous Materials, Air Quality, and Noise

An (E) designation (E-693) related to hazardous materials, air quality, and noise would be established as part of the approval of the Proposed Actions. 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 Actions 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 +1 212-720-3419.

Project Name: 141-05 109th Ave. Rezoning
CEQR # 22DCP151Q
SEQRA Classification: Unlisted

TITLE Director, Environmental Assessment and Review Division	LEAD AGENCY Department of City Planning on behalf of the City Planning Commission 120 Broadway, 31st Fl. New York, NY 10271 | 212.720.3328
NAME Stephanie Shellooe, AICP	DATE November 25, 2022
SIGNATURE	
TITLE Chair, City Planning Commission	
NAME Daniel R. Garodnick	DATE November 28, 2022
SIGNATURE	

Project Name: 141-05 109th Ave. Rezoning
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SEQRA Classification: Unlisted

Determination of Significance Appendix

The Proposed Actions were determined to have the potential to result in changes to development on the following site(s):

Development Site	Borough	Block and Lot
Projected Development Site 1	Queens	Block 10068, Lots 200, 205, 210, 213, 214, and 215
Projected Development Site 2	Queens	Block 10068, Lots 216, and 218

(E) Designation Requirements

To ensure that the Proposed Actions would not result in significant adverse impacts related to hazardous materials, air quality, and noise an (E) designation (**E-693**) would be established as part of approval of the Proposed Actions on **Projected Development Sites 1 and 2** as described below:

Development Site	Hazardous Materials	Air Quality	Noise
Projected Development Site 1		X	X
Projected Development Site 2	X	X	

Hazardous Materials

The (E) designation requirements applicable to **Projected Development Site 2 (Block 10068, Lots 216, and 218)** 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.

Air Quality

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

Projected Development Site 1 (Block 10068, Lots 200, 205, 210, 213, 214, and 215): *Any new residential, commercial, or community facility development on the above-referenced property must ensure that the heating, ventilation, air conditioning (HVAC) and hot water system(s) stack is located at the building's highest level or at least 48 feet above grade and that the stack is located at least 125 feet from the western lot line of Lot 215 facing 139th Street to avoid any potential significant adverse air quality impacts.*

Projected Development Site 2 (Block 10068, Lots 216, and 218): *Any new residential or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC), and hot water system(s), ensure that the stack is located at the building's highest level and at a minimum of 48 feet above grade, and that the stack is located at least 35 feet from the eastern lot line of Lot 216 facing 142nd Street to avoid any potential significant adverse air quality impacts.*

Noise

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

Projected Development Site 1 (Block 10068, Lots 200, 205, 210, 213, 214, and 215): *In order to ensure an acceptable interior noise environment, future residential/commercial/office/community facility uses must provide a closed-window condition with a minimum of 31 dB(A) window-wall attenuation on the northern façade of the building (facing 107th Road) in order to maintain an interior noise level no greater than 45 dB(A) for residential and community facility uses or no greater than 50 dB(A) 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.*