CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIRMAN

October 20, 2014

NEGATIVE DECLARATION

Project Identification
CEQR No. 13DCP106Q
ULURP No. 120403ZMQ
SEQR Type: Type I

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

Name, Description and Location of Proposal:

Xu Hotel and Residences Rezoning
The applicant, CG & J Realty LLC, is seeking a zoning map amendment to rezone Block 4960, Lot 29 (the "project site") and part of Lots 28, 57, 58, 59, 60, 61, 62, and 63 and part of Block 4977, Lot 130, from a R6/C2-2 district to C4-3 and R6 districts in the Downtown Flushing neighborhood of Queens, Community District 7 (the "proposed action"). The proposed action would facilitate the construction of an approximately 214,539 gross square foot (gsf) eleven-story, mixed-use building containing hotel, residential, commercial, and community facility uses.

The project site is located in a R6/C2-2 district which allows residential and community facility Use Groups 1 through 4, with a permitted residential floor area ratio (FAR) ranging from 0.78 to 2.43 and a community facility FAR of 4.8. The existing C2-2 commercial overlay permits Use Groups 1 through 9 and 14 and a maximum commercial FAR of 2.0. The proposed action seeks to extend the C4-3 zoning district to the south of the project site to facilitate a mixed use building with a wider range of commercial uses than what would be permitted on an as-of-right-basis. The proposed C4-3 zoning district permits Use Groups 1 through 6, 8, 9, 10, and 12 and a commercial FAR of up to 3.4, a residential FAR of between 0.78 and 2.43, and a community facility FAR of up to 4.8.

The project site, Block 4960, Lot 29, is currently developed with a one-story 25,300 square foot (sf) supermarket and an accessory parking lot containing 38 parking spaces. Vehicular access to the parking lot is provided via curb cuts onto Northern Boulevard and Leavitt Street. The rezoning boundary also extends beyond the project site and includes portions of the following non-Applicant owned lots: Block 4960, Lots 28 and 57 through 63 and Block 4977, Lot 130. These parcels are not expected to be redeveloped or enlarged as a result of the proposed action. Block 4960, Lots 28 and 57 through 62 are developed with one- to three-family residential buildings. Block 4960, Lot 63 is developed with a City owned parking lot that serves Flushing

Town Hall, a Landmark Preservation Commission (LPC) designated landmark and National Register listed site located directly west of the project site. The rezoning area extends 125 feet in from the Northern Boulevard street line, therefore approximately 0.16 feet (two inches) in width of Block 4960, Lots 28 and 57 through 62 would be zoned C4-3. The remainder of the C2-2 commercial overlay would be removed from these lots and would maintain their effective R6 zoning. In addition, a portion of the Daniel Carter Beard Memorial Park mall (Block 4977, Lot 130) is within the proposed rezoning boundary. It is an open space area owned by the NYC Department of Parks and Recreation. The eastbound and westbound lanes of Northern Boulevard are divided by this partially landscaped and partially paved median strip.

The proposed action would facilitate a proposal by the applicant to construct an approximately 214,539 gsf eleven-story mixed-use building on the project site. The proposed development would include approximately 43 dwelling units within 40,299 gsf of floor area, 191 hotel rooms within 103,554 gsf of floor area, 11,273 gsf of accessory retail space, and approximately 7,890 gsf of community facility space (non-profit club). The proposed development would also include 155 accessory attended parking spaces (plus 16 reservoir spaces), 33 bicycle parking spacing, and one loading berth. The cellar level of the building would be used for hotel parking and accessed from ramps on the basement level on Leavitt Street and by vehicle elevators. The first floor of the building would be used for residential parking garage and would be accessed from ramps on the basement level on Leavitt Street.

The proposed project is expected to be completed by 2017.

Absent the proposed action, the project site would be developed with a 174,174 gsf eleven-story mixed-use building. The building would include 72 dwelling units within 74,553 gsf of floor area, 33,771 gsf of community facility space (non-profit club), and 21,820 gsf of retail space. The proposed development would also include 143 accessory attended parking spaces (plus 15 reservoir spaces) and one loading berth.

The proposed actions include an (E) designation (E-355) applicable to the project site (Block 4960, Lot 29). The (E) designation would preclude significant adverse impacts related to noise and hazardous materials.

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

In order to ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum window-wall attenuation of 31 dB(A) along the project's Northern Boulevard façade and 28 dB(A) on other building facades in order to maintain an interior noise level of 45 dB(A). In order 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, central air conditioning or air conditioning sleeves containing air conditioners.

The text for the (E) designation related to hazardous materials is as follows:

Task 1

The fee owners of the lot restricted by this (E) designation will be required to prepare a scope of work for any soil, gas, or groundwater sampling and testing needed to determine if contamination exists, the extent of the contamination, and to what extent remediation may be required. The scope of work will include all relevant supporting documentation, including site plans and sampling locations. This scope of work will be submitted to the Mayor's Office of Environmental Remediation (OER) for review and approval prior to implementation. It will be reviewed to ensure that an adequate number of samples will be collected and that appropriate parameters are selected for laboratory analysis.

No sampling program may begin until written approval of a work plan and sampling protocol is received from the OER. The number and location of sample sites should be selected to adequately characterize the type and extent of the contamination, and the condition of the remainder of the site. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of the sampling data. Guidelines and criteria for choosing sampling sites and performing sampling will be provided by OER upon request.

Task 2

A written report with findings and a summary of the data must be presented to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such test results, a determination will be provided 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 necessary according to test results, a proposed remediation plan must be submitted to OER for review and approval. The fee owners of the lot restricted by this (E) designation must perform such remediation as determined necessary by OER. After completing the remediation, the fee owners of the lot restricted by this (E) designation should provide proof that the work has been satisfactorily completed.

An OER-approved construction-related health and safety plan would be implemented during excavation and construction 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.

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 October 17, 2014, prepared in connection with the ULURP Application (ULURP No. 120403ZMQ). 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 noise and hazardous materials would ensure that the proposed actions would not result in significant adverse impacts.

2. 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 Lauren Hamid-Shapiro at (212) 720-3426.

Olga Abinader, Deputy Director
Environmental Assessment & Review Division
Department of City Planning

Date: October 17, 2014

Carl Weisbrod, Chairman
City Planning Commission

Date: October 20, 2014

cc: Robert Dobruskin, Lauren Hamid-Shapiro, John Young, Terrell Estesen, Deborah Carney, Hye-Kyung Yang, Xiomara Chang, Susan Wong, Pat Bussey, Glenn Friedman