CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIRMAN

NEGATIVE DECLARATION

February 22, 2016

Project Identification
CEQR No. 16DCP086Q
ULURP No. 820479BZMQ
SEQRA Classification: Unlisted

Lead Agency
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271
Contact: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal:

89-55 Queens Boulevard
The Applicant, Harmen Investment Co., is seeking a modification to an existing Restrictive Declaration (the "Proposed Action") affecting a single site, Block 1846, Lot 1 (the "Project Site"), located in the Elmhurst neighborhood within Queens Community District 4. The Project Site is an irregularly shaped block bounded by Queens Boulevard, 90th Street, and 57th Avenue. The Proposed Action would allow the Applicant to expand an existing commercial building on the Project Site from 10,300 gross square foot (gsf) to 16,221 gsf, and re-tenant the expanded building with Use Group 6 local retail or service establishment uses that are currently prohibited by the Restrictive Declaration.

Additionally, the Applicant intends to seek a future action from the Department of Citywide Administrative Services (DCAS), allowing the Applicant to purchase the unused development rights of a previously demapped 1,971 square foot (sf) portion of Queens Boulevard located adjacent to the Project Site.

The Project Site is currently zoned R6/C1-4. R6 zoning districts permit residential development on wide streets up to a Floor Area Ratio (FAR) of 2.43 (or 3.0 under the Quality Housing program) and community facility use to an FAR of 4.8. The C1-4 commercial overlay district permits commercial use of up to 2.0 FAR. A Restrictive Declaration recorded against the Project Site supersedes the use regulations of the underlying zoning, precludes certain Use Group 6 local retail and service establishment uses (including dry cleaners, laundries, eating and drinking establishments, food stores, and candy or ice cream stores), and limits the property's development to that shown on an approved site plan. The Project Site is currently developed with an

approximately 10,300 gsf commercial building. The building at the site is currently occupied by two retail tenants that are not precluded by the existing Restrictive Declaration.

In 1961, the property was zoned R6, and in 1983 the site was mapped with a C1-4 overlay (C820479 ZMQ). As part of the 1983 rezoning, and in connection with a Restrictive Declaration recorded against the Project Site, a series of uses (including dry cleaners, laundries, eating and drinking establishments, food stores, and candy or ice cream stores), were prohibited from occupying the site. Limitations on the design and operation of the building were incorporated via a site plan attached to the Restrictive Declaration. In 1989, an approximately 1,971 sf portion of Queens Boulevard directly adjacent to the Project Site was demapped. In connection with this proposal, limited rights to the physical use of the demapped area were transferred to the Applicant, and the original site plan attached to the Restrictive Declaration was modified to incorporate the demapped area.

The Proposed Action before the City Planning Commission would amend the previously approved site plan attached to the Restrictive Declaration, and remove use restrictions precluding eating and drinking establishments, food stores, and candy or ice cream stores. The future DCAS application would facilitate the purchase and transfer of the unused development rights of the previously demapped portion of Queens Boulevard. Collectively, the two actions would facilitate a proposal by the Applicant to develop a new two-story, 30-foot tall building containing up to 16,221 gsf of commercial uses currently precluded by the Restrictive Declaration.

The analysis year for the Proposed Action is 2018. Absent the Proposed Action, the project site would remain in its existing condition.

In connection with the Proposed Action, an (E) designation (E-375) would be assigned to the project site (Block 1846, Lot 1) to avoid potential significant adverse impacts related to hazardous materials and noise.

The text for the (E) designation 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 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.

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

To ensure an acceptable interior noise environment, future commercial uses must provide a closed window condition with a minimum of 31 dBA window/wall attenuation on all façades to maintain an interior noise level of 50 dBA. 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.

With the assignment of the above-referenced (E) designation for hazardous materials and noise, the Proposed Action would not result in significant adverse impacts.

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 19, 2016, prepared in connection with the ULURP Application (No. 820479BZMQ). 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 hazardous materials and noise would ensure that the Proposed Action 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 6NYCRR part 617 (SEQRA).

An Environmental Assessment Statement is attached. Please contact Christopher Lee of the Department of City Planning at (212) 720-3429, if you have any questions regarding the application.

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

Date: February 19, 2016

Carl Weisbrod, Chairman
City Planning Commission

Date: February 22, 2016