CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

# NEGATIVE DECLARATION

May 22, 2017

**Project Identification**
CEQR No. 17DCP161Q
ULURP Nos. 170336ZMQ, 170337ZRQ
SEQRA Classification: Unlisted

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

**Name, Description and Location of Proposal**:

**Northeastern Towers Annex**

The applicant, Northeastern Towers Annex L.P., is seeking a Zoning Map Amendment from an R3X to an R6 zoning district affecting a property at 131-10 Guy R. Brewer Boulevard (Block 12277, part of Lot 1, the "Project Site"), located in the Rochdale/Springfield Gardens neighborhood of Queens, Community District 12. The proposed rezoning would affect the majority of Lot 1; an approximately 14,600 square foot portion of the lot would remain R3X. The applicant is also seeking a Zoning Text Amendment to Appendix F to establish a Mandatory Inclusionary Housing (MIH) Area coterminous with the area to be rezoned. Collectively, the proposed actions would facilitate a proposal by the applicant to develop an approximately 139,487 gross square foot (gsf), 10-story, residential Affordable Independent Residence for Seniors (AIRS) development on an undeveloped portion of the Project Site. The proposed development would rise to a height of approximately 107 feet and would contain approximately 3,925 gsf of community facility uses, 135,562 gsf of residential use with 130 AIRS dwelling units (DU). The proposed development would also include accessory parking for 51 parking spaces, accessed by a new curb cut located along 161st Street.

Currently, the Project Site contains a 12-story, 92,608 gsf residential building containing 110 AIRS units, and 39 accessory parking spaces. The underlying R3X zoning district currently mapped on the Project Site allows a maximum residential FAR of 0.5 (and can be increased by 20% to 0.6 FAR for attic allowance) and a maximum community facility FAR of 1.0. Commercial and manufacturing uses are not permitted in R3X districts.

The proposed actions include a rezoning of a portion of the Project Site to an R6 zoning district. R6 zoning districts permit a maximum FAR of 2.43 for residential uses and a maximum FAR of 4.8 for community facility uses. In R6 zoning districts, the maximum allowable residential FAR increases to 3.6 with the provision of affordable housing pursuant to the MIH program, and 3.9 with the provision of AIRS. Commercial and manufacturing uses are not permitted in R6 zoning districts. Given that a portion of the Project Site would remain zoned R3X in the future with the proposed

actions, the full 3.9 FAR would not be achievable, and the Project Site would be permitted a lower blended FAR using the R6 and R3X zoning district floor area parameters.

While the applicant intends to pursue the development containing AIRS units and community facility uses, the proposed zoning map amendment to R6 could result in a wide range of developments. Therefore, for the purposes of presenting a conservative analysis, a Reasonable Worst Case Development Scenario presented in the Environmental Assessment Statement (EAS) considers two development scenarios that could occur in the future with the proposed action: Scenario (1) the applicant's proposed project, which entails a 139,487 gsf 10-story (1.94 FAR) development with 129 residential AIRS units and 3,925 gsf community facility uses, and 51 additional accessory parking spaces; and Scenario (2) which assumes the construction of a 222,493 gsf (2.73 FAR), mixed-use residential and community facility development including a 14-story, 159,493 gsf residential building (159 dwelling units, 40 of which are affordable pursuant to MIH), a 7-story, 63,000 gsf building containing medical office uses, and a 230-space accessory parking garage. Under both scenarios, the existing 12-story building would remain.

Absent the proposed actions and under the existing R3X zoning district, the Project Site is expected to remain unchanged.

The proposed project is expected to be completed by 2020.

To avoid the potential for significant adverse impacts related to air quality, noise and hazardous materials, an (E) designation (E-426) has been incorporated into the proposed actions, as described below.

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

The text of the (E) designation for the 10-story Proposed Residential Building under Scenario 1 would be as follows:

> **Any new residential development on Block 12277, Lot 1 must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC) and hot water systems, and any new HVAC stack (chimney) should be located at least 50 feet from 132nd Avenue and 154 feet from 161st Street to avoid any potential significant adverse air quality impacts. The stack shall be a minimum of 109 feet above grade.**

The text of the (E) designation for the 7-story Community Facility Building under Scenario 2 would be as follows:

> **Any new community facility development on Block 12277, Lot 1 must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC) and hot water systems, and any new HVAC stack (chimney) should be located at least 50 feet from 161st Street and 150 feet from 132nd Avenue to avoid any potential significant adverse air quality impacts. Stack shall be a minimum of 76 feet above grade.**

The text of the (E) designation for the 14-story Residential Building under Scenario 2 would be as follows:

> **Any new residential development on Block 12277, Lot 1 must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC) and hot water systems, to avoid any potential significant adverse air quality impacts. Stack shall be located a minimum of 143 feet above grade.**

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

> **In order to ensure an acceptable interior noise environment, future residential or community facility uses must provide a closed-window condition with minimum attenuation of 25 dBA window/wall attenuation on the Guy R. Brewer Boulevard façade. 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. In order to ensure an acceptable exterior noise environment, future HUD-assisted open space/recreation uses along the Guy R. Brewer Boulevard frontage must maintain ambient noise levels of less than 65 dBA. Attenuation measures include, but are not limited to, barriers along the proposed open space/recreation area.**

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

> *Task 1*:
> **Sampling Protocol**
> **Prior to construction, the applicant must submit to the New York City Mayor's Office of Environmental Remediation (OER), for review and approval, a Phase II Investigation protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented. No sampling should begin until written approval of a protocol is received by 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 the sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.**
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> *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 for the test results, a proposed remedial action plan (RAP) must be submitted by 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 (CHASP) 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 May 19, 2017, prepared in connection with the ULURP Application (170336ZMQ, 170337ZRQ). 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 no significant effects on the environment which would require an Environmental Impact Statement are foreseeable.

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

Should you have any questions pertaining to this Negative Declaration, you may contact Rupsha Ghosh at (212) 720-3524.

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

Date: May 19, 2017

Marisa Lago, Chair
City Planning Commission

Date: May 22, 2017