CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

NEGATIVE DECLARATION

January 3, 2017

Project Identification
CEQR No. 17DCP072Q
ULURP Nos. 170162ZMQ, N 170163ZRQ
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:

74-04 Northern Boulevard Rezoning

The applicant, H & M LLC, is seeking a zoning map amendment from C8-1 to a C4-3 district affecting 74-04 Northern Boulevard (Block 1247, Lot 1, the "Project Site"), located in the Jackson Heights neighborhood of Queens, Community District 3. The applicant is also seeking a zoning text amendment to Appendix F to establish a Mandatory Inclusionary Housing (MIH) Area coterminous with the Project Site. The proposed actions would facilitate a proposal by the applicant to develop an eight-story, 122,880 gross square foot (gsf) (90,357 zoning square foot), mixed-use commercial (104,480 gsf) and community facility (18,400 gsf) building and 219 parking spaces that would be accessed via a new curb cut on 74th Street. The applicant's intended proposed development would contain ground floor retail, second and third floor parking, a fourth floor containing community facility space, and commercial office space on floors five through eight.

Currently, the Project Site contains a two-story 10,066 gross square foot car wash (Use Group 16 automotive service/laundry) with an FAR of 0.5. The underlying C8-1 zoning district currently mapped on the Project Site allows a maximum FAR of 1.0 for commercial uses and 2.4 FAR for community facility uses. Residential uses and certain community facility uses are not permitted in C8-1 zoning districts. C8-1 districts allow commercial uses such as automobile showrooms, automobile repair shops, warehouses, gas stations, and car washes.

The proposed actions would include a rezoning of the Project Site to a C4-3 zoning district, permitting up to 3.6 FAR of residential uses. The C4-3 zoning district also permits commercial uses up to 3.4 FAR while community facility uses, including medical office spaces (Use Group 4), are permitted up to 4.8 FAR.

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While the applicant intends to pursue the development of a mixed-use commercial and community facility building, the proposed zoning map amendment to C4-3 could result in the development of a wide range of uses. Therefore, for the purposes of presenting a conservative environmental review analysis, the 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: (1) the applicant's proposed project; and (2) an alternate development scenario that assumes the development of a six-story, 72,250 gsf (3.6 FAR), mixed-use commercial and residential building comprised of 53 dwelling units, including 16 dwelling units of affordable housing pursuant to the Mandatory Inclusionary Housing program, and 78 parking spaces.

Absent the proposed actions and under the existing C8-1 zoning district, the Project Site is expected to remain unchanged.

The proposed project is expected to be completed by 2018.

To avoid the potential for significant adverse impacts related to air quality, noise and hazardous materials, an (E) designation (E-407) has been incorporated into the proposed actions, as described below.

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

> **Any new residential, commercial and/or community facility development with parking facilities must provide a completely enclosed garage, that is mechanically ventilated. The parking garage stack must be located on the top of the building (at the highest tier) or at least 83 feet above ground in order to avoid any potential significant air quality impacts.**

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

> **To ensure an acceptable interior noise environment, future development must provide a closed-window condition with a minimum of 33 dBA window/wall attenuation to maintain an interior noise level of 45 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, air conditioning.**

The (E) designation text 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 December 29, 2016, prepared in connection with the ULURP Application (170162ZMQ, 170163ZRQ). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

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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 and Review Division
Department of City Planning

Date: December 29, 2016

Carl Weisbrod, Chairman
City Planning Commission

Date: January 3, 2017