City Environmental Quality Review
ENVIRONMENTAL ASSESSMENT STATEMENT FULL FORM
Please fill out, print and submit to the appropriate agency (see instructions)

PART I: GENERAL INFORMATION

PROJECT NAME 11-55 49th Avenue

1. *Reference Numbers*

CEQR REFERENCE NUMBER (To Be Assigned by Lead Agency)	BSA REFERENCE NUMBER (If Applicable)
14DCP066Q	
ULURP REFERENCE NUMBER (If Applicable)	OTHER REFERENCE NUMBER(S) (If Applicable) (e.g., Legislative Intro, CAPA, etc.)
N 140274 ZRQ **140275 ZMQ**	

2a. *Lead Agency Information*

NAME OF LEAD AGENCY: **New York City Department of City Planning**

NAME OF LEAD AGENCY CONTACT PERSON: **Robert Dobruskin**

ADDRESS: **22 Reade Street, Room 4E**

CITY: **New York** STATE: **NY** ZIP: **10007**

TELEPHONE: **(212) 720-3423** FAX: **(212) 720-3495**

EMAIL ADDRESS: **rdobrus@planning.nyc.gov**

2b. *Applicant Information*

NAME OF APPLICANT: **Hunters Point 49, LLC**

NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON: **William Bollinger**

ADDRESS: **15 Verbena Avenue**

CITY: **Floral Park** STATE: **NY** ZIP: **11001**

TELEPHONE: **(516) 821-2040** FAX: **(718) 343-6767**

EMAIL ADDRESS: **spectrumdevelopment@hotmail.com**

3. *Action Classification and Type*

SEQRA Classification

■ UNLISTED ☐ TYPE I; SPECIFY CATEGORY *(see 6 NYCRR 617.4 and NYC Executive Order 91 of 1977, as amended):*

Action Type *(refer to Chapter 2, "Establishing the Analysis Framework" for guidance)*

■ LOCALIZED ACTION, SITE SPECIFIC ☐ LOCALIZED ACTION, SMALL AREA ☐ GENERIC ACTION

4. *Project Description:*

See Attachment A, "Project Description"

Project Location

BOROUGH: **Queens** COMMUNITY DISTRICT(S): **CD 2** STREET ADDRESS: **11-55 49th Avenue**

TAX BLOCK(S) AND LOT(S): **Development Site: Block 61, Lot 55**
Rezoning Area: Block 61, Lot 50, and portions of Lots 5 and 55; Block 72, portion of Lot 1
Sidewalk Café Area: Block 61, Lots 50, 55, 7501; Block 62, Lots 19, 28, 30, 7501

ZIP CODE: **11101**

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS
Portion of block bounded by 49th Avenue, 21st Street, 47th Road, and Jackson Avenue

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY: **M1-4** ZONING SECTIONAL MAP NO: **9b**

5. *REQUIRED ACTIONS OR APPROVALS* *(check all that apply)*

City Planning Commission: ■ YES ☐ NO ■ UNIFORM LAND USE REVIEW PROCEDURE (ULURP)

☐ CITY MAP AMENDMENT	☐ ZONING CERTIFICATION	☐ CONCESSION
■ ZONING MAP AMENDMENT	☐ ZONING AUTHORIZATION	☐ UDAPP
■ ZONING TEXT AMENDMENT	☐ ACQUISITION—REAL PROPERTY	☐ REVOCABLE CONSENT
☐ SITE SELECTION—PUBLIC FACILITY	☐ DISPOSITION—REAL PROPERTY	☐ FRANCHISE
☐ HOUSING PLAN & PROJECT	☐ OTHER, explain:	

☐ SPECIAL PERMIT (if appropriate, specify type: ☐ MODIFICATION; ☐ RENEWAL; ☐ OTHER); EXPIRATION DATE:

SPECIFY AFFECTED SECTION(S) OF THE ZONING RESOLUTION

Board of Standards and Appeals: YES ☐ NO ■

☐ VARIANCE (USE)

☐ VARIANCE (BULK)

☐ SPECIAL PERMIT (if appropriate, specify type: ☐ MODIFICATION; ☐ RENEWAL; ☐ OTHER); EXPIRATION DATE:

SPECIFY AFFECTED SECTION(S) OF THE ZONING RESOLUTION

Department of Environmental Protection: YES ☐ NO ■ If "yes," specify:

Other City Approvals Subject to CEQR (check all that apply)

- ☐ LEGISLATION
- ☐ RULEMAKING
- ☐ CONSTRUCTION OF PUBLIC FACILITIES
- ☐ 384(B)(4) APPROVAL
- ☐ OTHER; EXPLAIN
- ☐ FUNDING OF CONSTRUCTION; specify
- ☐ POLICY OR PLAN; specify
- ☐ FUNDING OR PROGRAMS; specify
- ☐ PERMITS; specify

Other City Approvals Not Subject to CEQR (check all that apply)

- ☐ PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMD)
- ☐ LANDMARKS PRESERVATION COMMISSION APPROVAL
- ■ OTHER; explain: **The applicant intends to apply for a 421-A housing tax abatement, which will include the development of 20 percent of the units as affordable.**

State or Federal Actions/Approvals/Funding: YES ☐ NO ■ If "yes," specify

6. *Site Description:* *The directly affected area consists of the project site and the area subject to any change in regulatory controls. Except where otherwise indicated, provide the following information with regard to the directly affected area.*

GRAPHICS *The following graphics must be attached and each box must be checked off before the EAS is complete. Each map must clearly depict the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. Maps may not exceed 11x17 inches in size and, for paper filings, must be folded to 8.5x11 inches.*

See Figures 1 through 6.

- ■ SITE LOCATION MAP
- ■ ZONING MAP
- ■ SANBORN OR OTHER LAND USE MAP
- ■ TAX MAP
- ☐ FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S)
- ■ PHOTOGRAPHS OF THE PROJECT SITE TAKEN WITHIN 6 MONTHS OF EAS SUBMISSION AND KEYED TO THE SITE LOCATION MAP

Physical Setting *(both developed and undeveloped areas)*

Total directly affected area (sq. ft.): **+ 88,000 (Rezoning Area)** Waterbody area (sq. ft.) and type:

Roads, building and other paved surfaces (sq. ft.): **+ 88,000** Other, describe (sq. ft.):

7. *Physical Dimensions and Scale of Project* *(if the project affects multiple sites, provide the total development below facilitated by the action)*

SIZE OF PROJECT TO BE DEVELOPED (gross square feet): **173,715 gsf**

NUMBER OF BUILDINGS: **1**

GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): **173,715 gsf on a 26,500 sf site**

HEIGHT OF EACH BUILDING (ft): **116 to 125 feet (maximum building height)**

NUMBER OF STORIES OF EACH BUILDING: **12 (maximum number of stories)**

Does the proposed project involve changes in zoning on one or more sites? YES ■ NO ☐

If 'Yes,' specify: The total square feet owned or controlled by the applicant: **26,500 (Development Site)**

The total square feet non-applicant owned area: **+ 61,500**

Does the proposed project involve in-ground excavation or subsurface disturbance, including but not limited to foundation work, pilings, utility lines, or grading? YES ■ NO ☐

If 'Yes,' indicate the estimated area and volume dimensions of subsurface disturbance (if known):

AREA OF TEMPORARY DISTURBANCE: sq. ft. (width x length) VOLUME OF DISTURBANCE: **450,313** cubic feet (width x length x depth)

AREA OF PERMANENT DISTURBANCE: **26,500** sq. ft. (width x length)

8. *Analysis Year* *CEQR Technical Manual,* Chapter 2

ANTICIPATED BUILD YEAR (DATE THE PROJECT WOULD BE COMPLETED AND OPERATIONAL): **2017**

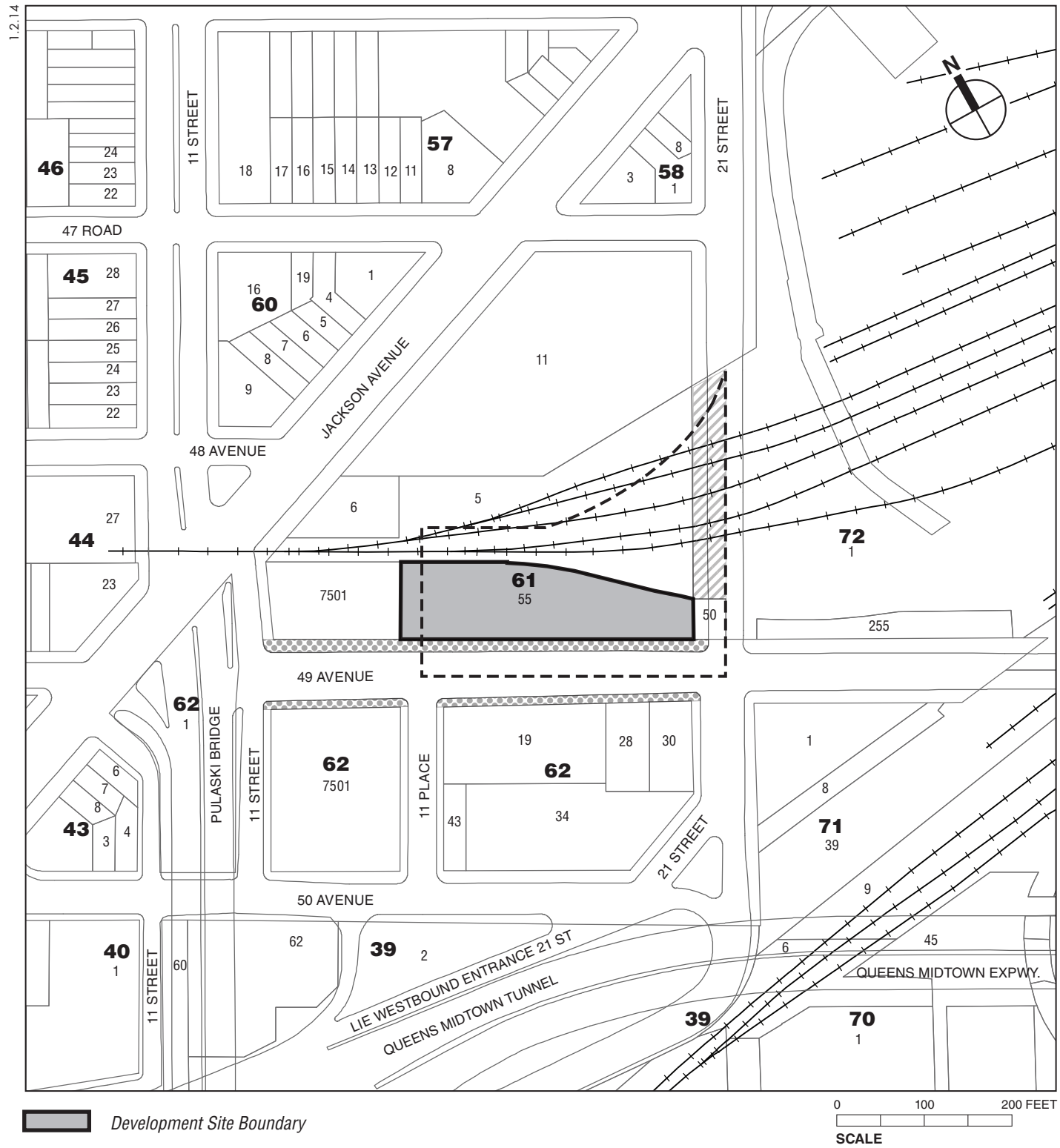
ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: **24 months**

WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? ■ YES ☐ NO | IF MULTIPLE PHASES, HOW MANY?

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE:

9. *Predominant Land Use in the Vicinity of Project?* *(Check all that apply)*

■ RESIDENTIAL ■ MANUFACTURING ■ COMMERCIAL ☐ PARK/FOREST/OPEN SPACE ■ OTHER, specify: **Transportation and Utility**



Development Site Boundary

Rezoning Area

Portion of Block 72, Lot 1

Proposed Sidewalk Cafe Area

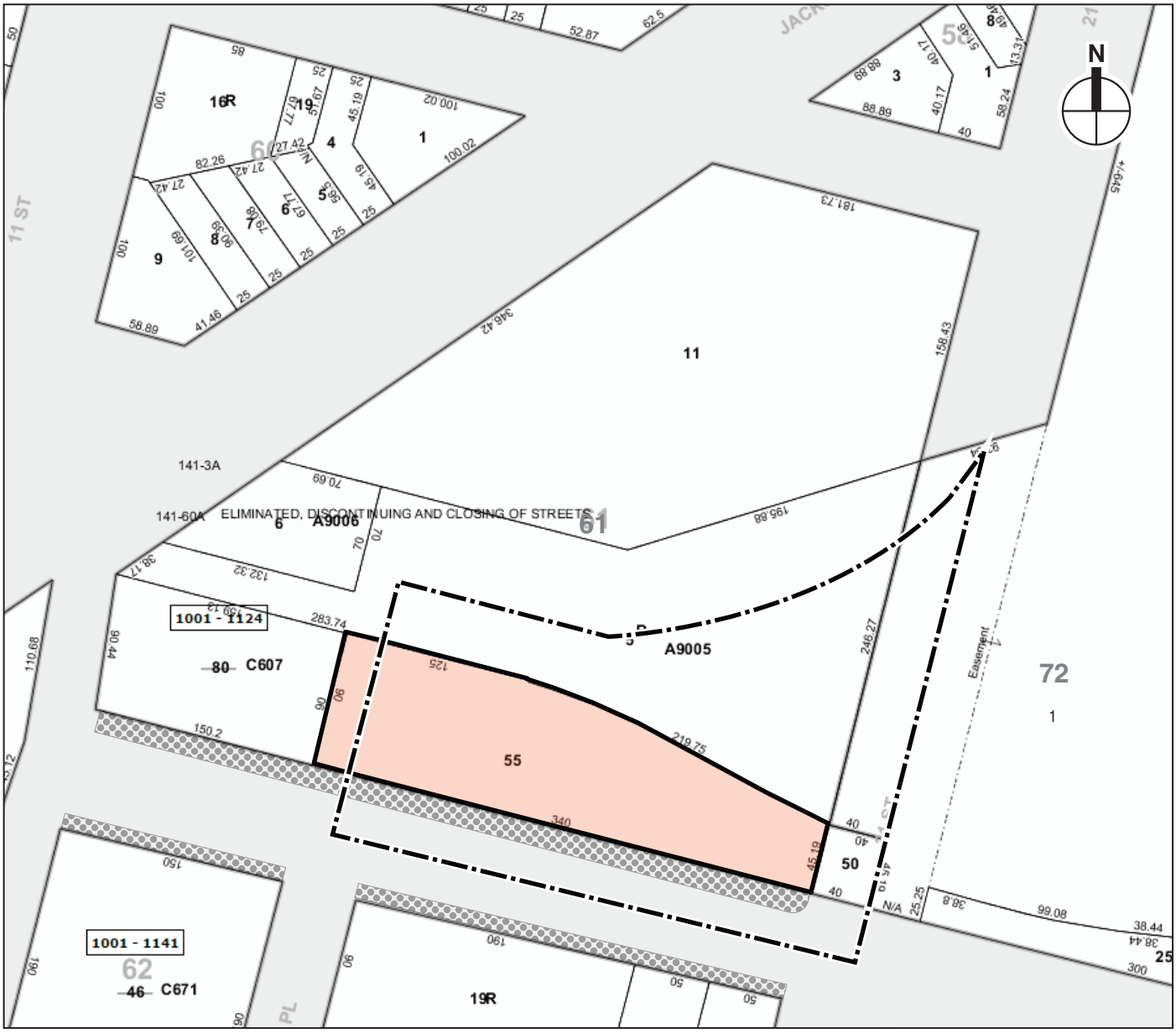
61 *Block Number*

55 *Lot Number*

Project Site and Rezoning Area

Figure 1

11-55 49TH AVENUE



Development Site Boundary

Rezoning Area Boundary

Proposed Sidewalk Cafe Area

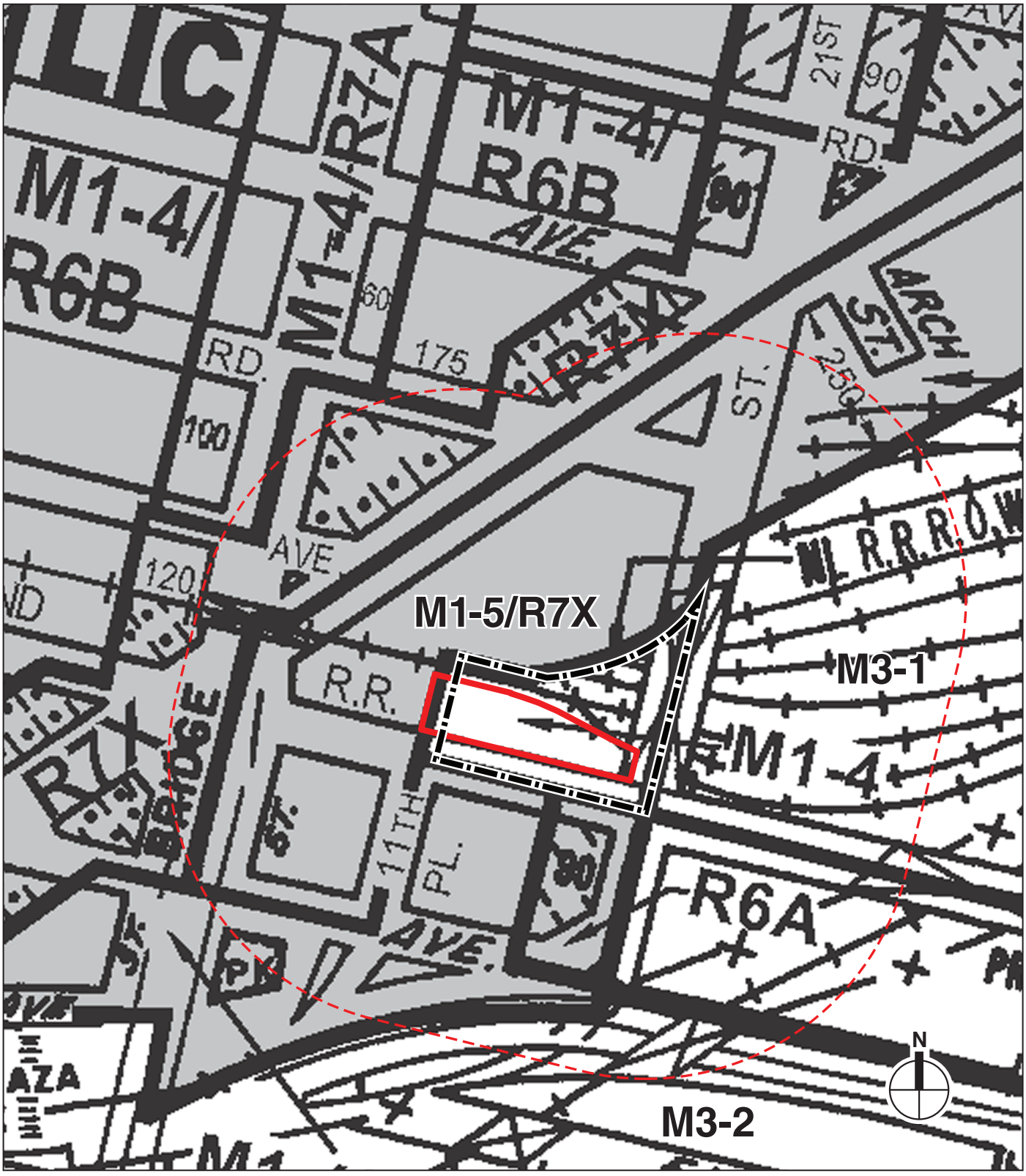
61 *Block Number*

55 *Lot Number*

11-55 49TH AVENUE

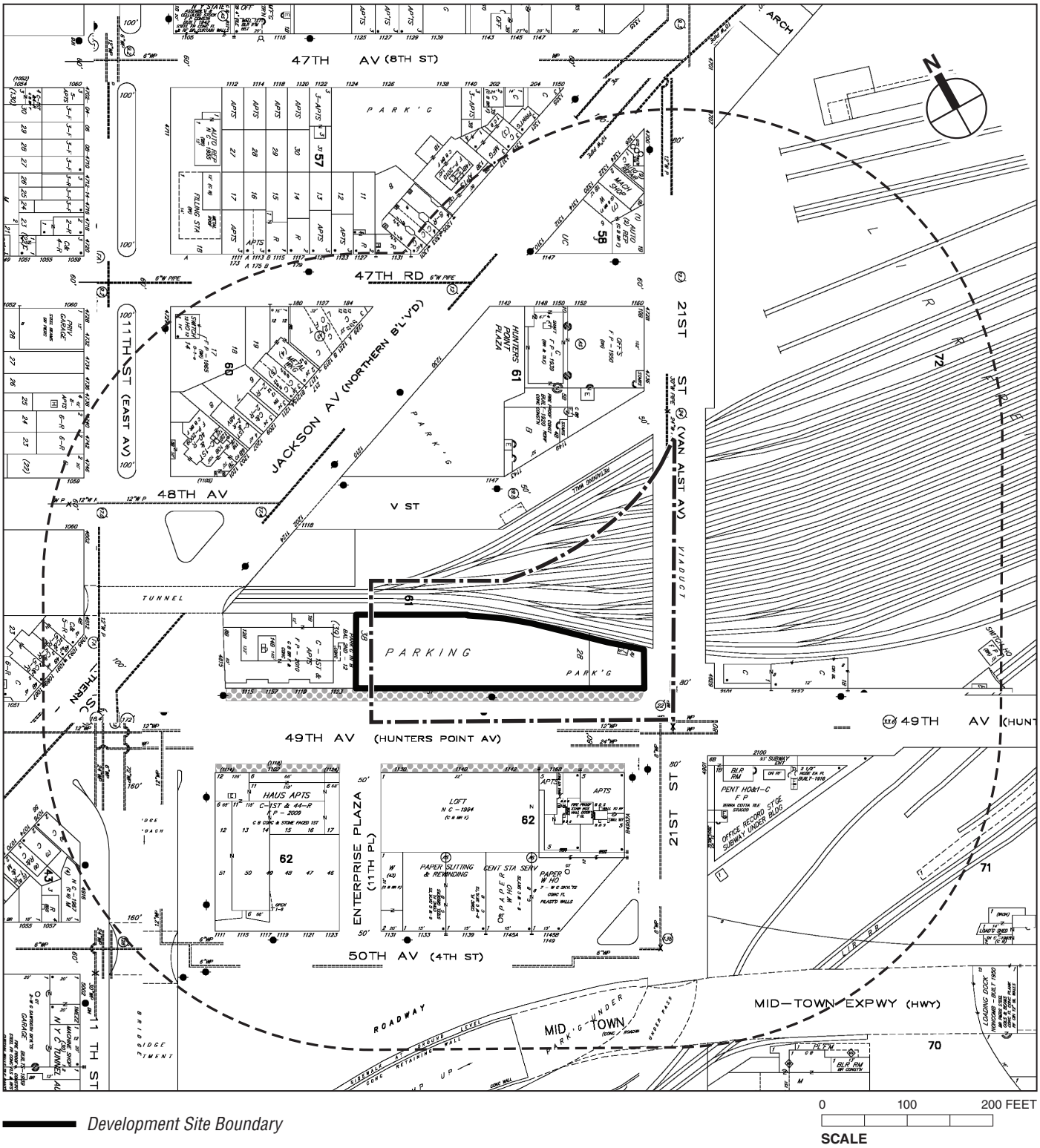
Tax Map
Figure 2

1.2.14



11-55 49TH AVENUE

Zoning Map
Figure 3



Development Site Boundary

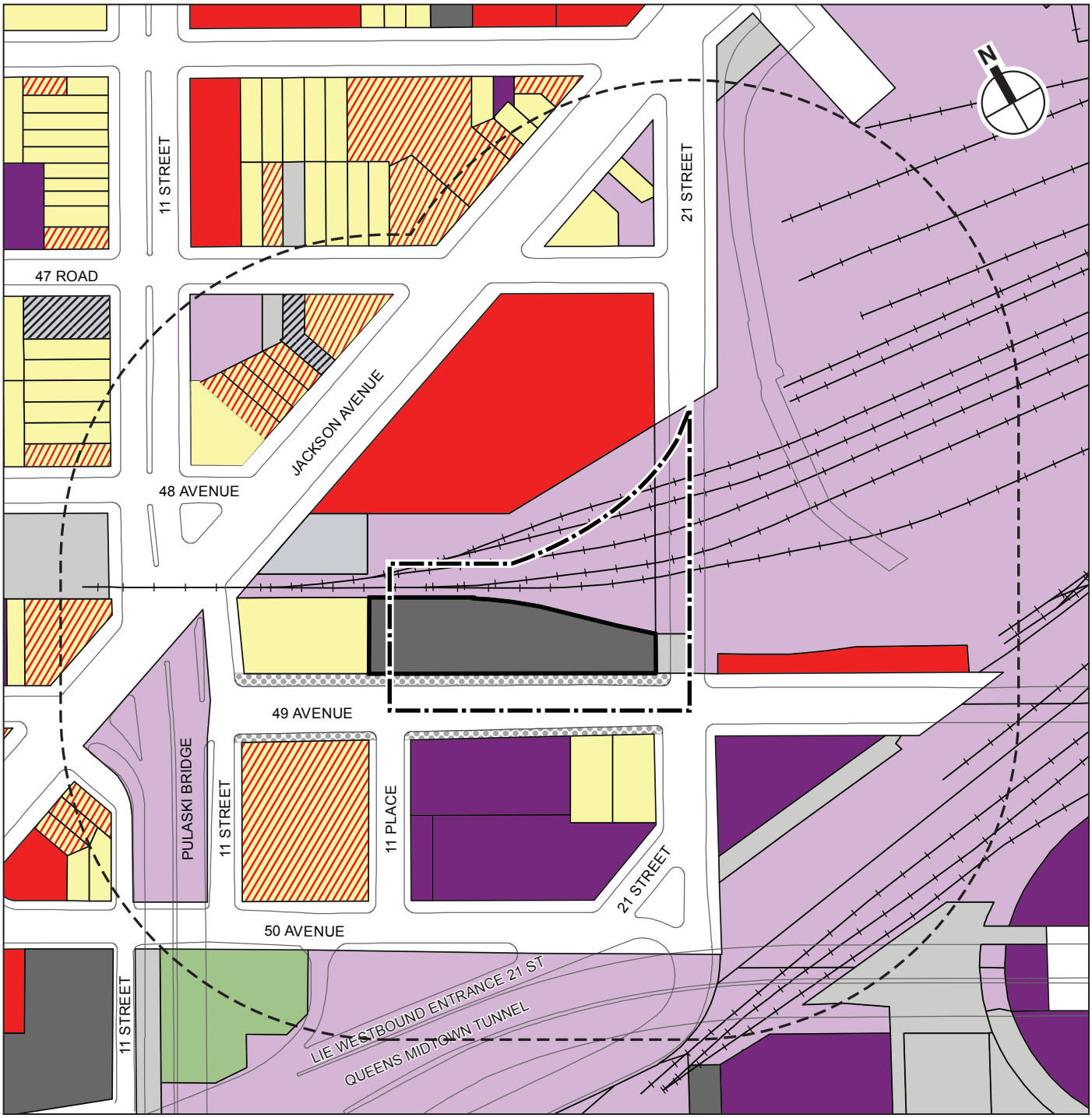
Rezoning Area Boundary

Proposed Sidewalk Cafe Area

Study Area Boundary (400-Foot Perimeter)

Sanborn Map

Figure 4



11-55 49TH AVENUE

Land Use
Figure 5



View of the development site, facing west from 21st Street **1**



View of the development site facing north from 49th Avenue **2**

DESCRIPTION OF EXISTING AND PROPOSED CONDITIONS

The information requested in this table applies to the directly affected area. The directly affected area consists of the project site and the area subject to any change in regulatory control. The increment is the difference between the No-Action and the With-Action conditions.

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
Land Use				
Residential	Yes ☐ No ■	Yes ☐ No ■	Yes ■ No ☐	
If yes, specify the following				
Describe type of residential structures			**12 stories**	**+12 stories**
No. of dwelling units			**140 (total)**	**+140 (total)**
No. of low- to moderate-income units			**28**	**28**
Gross Floor Area (sq. ft.)			**167,630**	**+167,630**
Commercial	Yes ■ No ☐	Yes ■ No ☐	Yes ■ No ☐	
If yes, specify the following:				
Describe type (retail, office, other)	**Public parking lot**	**Public parking lot**	**Commercial**	**+Commercial**
Gross floor area (sq. ft.)			**6,085**	**+6,085**
Manufacturing/Industrial	Yes ☐ No ■	Yes ☐ No ■	Yes ☐ No ■	
If yes, specify the following:				
Type of use				
Gross floor area (sq. ft.)				
Open storage area (sq. ft.)				
If any unenclosed activities, specify				
Community Facility	Yes ☐ No ■	Yes ☐ No ■	Yes ☐ No ■	
If yes, specify the following				
Type				
Gross floor area (sq. ft.)				
Vacant Land	Yes ☐ No ■	Yes ☐ No ■	Yes ☐ No ■	
If yes, describe				
Publicly Accessible Open Space	Yes ☐ No ■	Yes ☐ No ■	Yes ☐ No ■	
If yes, specify type (mapped City, State, or Federal Parkland, wetland—mapped or otherwise known, other)				
Other Land Uses	Yes ☐ No ■	Yes ☐ No ■	Yes ☐ No ■	
If yes, describe				
Parking				
Garages	Yes ☐ No ■	Yes ☐ No ■	Yes ■ No ☐	
If yes, specify the following:				
No. of public spaces			**0**	
No. of accessory spaces			**100**	**100**
Operating hours			**24 hours per day/7 days per week**	**24 hours per day/7 days per week**
Attended or non-attended			**Non-attended**	**Non-attended**
Lots	Yes ■ No ☐	Yes ■ No ☐	Yes ☐ No ■	
If yes, specify the following:				
No. of public spaces	**100**	**100**	**0**	**-100**
No. of accessory spaces	**0**	**0**	**0**	
Operating hours	**7 AM to midnight**	**7 AM to midnight**	**N/A**	
Other (includes street parking)	Yes ■ No ☐	Yes ■ No ☐	Yes ■ No ☐	
If yes, describe	**Street parking**	**No change**	**No change**	

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
Population				
Residents	Yes ☐ No ■	Yes ☐ No ■	Yes ■ No ☐	
If any, specify number			**269**	**+269**
Briefly explain how the number of residents was calculated	**140 residential units x 1.92 (average household size for Queens Census Tracts 1, 7, and 19)**			
Businesses	Yes ■ No ☐	Yes ■ No ☐	Yes ■ No ☐	
If any, specify the following:				
No. and type	**One; public parking lot**	**One; public parking lot**	**6,085 square feet of restaurant**	
No. and type of workers by business	**3 full-time and 3 part-time attendants**	**3 full-time and 3 part-time attendants**	**Up to 36**	**+32[1]**
No. and type of non-residents who are not workers	**0**	**0**	**0**	**0**
Briefly explain how the number of businesses was calculated	**Existing parking use: Information on number of workers obtained from the Applicant. Proposed Development: 1 employee per 200 gsf of restaurant use (6,085 gsf retail) = 30 workers; 1 employee per 25 residential units (140 units) = 6 workers**			
Students (non-resident)	Yes ☐ No ■	Yes ☐ No ■	Yes ☐ No ■	
If any, specify number				
Briefly explain how the number of students was calculated				
Zoning				
Zoning classification	**M1-4 (24,420 square feet), M1-5/R7X (2,080 square feet), Special Long Island City Mixed Use District**	**M1-4, M1-5/R7X, Special Long Island City Mixed Use District**	**M1-5/R7X, Special Long Island City Mixed Use District**	**- M1-4**
Maximum amount of floor area that can be developed	**M1-4 – 2.0 FAR manufacturing and commercial; 6.5 FAR community facility M1-5/R7X – 5.0 FAR for all uses**	**M1-4 – 2.0 FAR manufacturing and commercial; 6.5 FAR community facility M1-5/R7X – 5.0 FAR for all uses**	**5.0 FAR manufacturing, commercial, residential, and community facility**	**For portion of site located in the M1-4 district – +3.0 FAR manufacturing and commercial; -1.5 FAR community facility; +5.0 FAR residential**
Predominant land use and zoning classifications within land use study areas or a 400-foot radius of proposed project	**M1-4, M3-1, M3-2, M1-4/R6B, M1-4/R7A, M1-5/R7X, R6A, R7X; Special Long Island City Mixed Use District, Residential, Commercial, Institutional, Transportation and Utility**	**M1-4, M3-1, M3-2, M1-4/R6B, M1-4/R7A, M1-5/R7X, R6A, R7X; Special Long Island City Mixed Use District, Residential, Commercial, Institutional, Transportation and Utility**	**M1-4, M3-1, M3-2, M1-4/R6B, M1-4/R7A, M1-5/R7X, R6A, R7X; Special Long Island City Mixed Use District, Residential, Commercial, Institutional, Transportation and Utility**	**No change**

Attach any additional information as may be needed to describe the project.

If your project involves changes that affect one or more sites not associated with a specific development, it is generally appropriate to include total development projections in the above table and attach separate tables outlining the reasonable development scenarios for each site.

[1] Assumed 3 part-time employees equaled 1.5 full-time, then subtracted from 36 and rounded up.

PART II: TECHNICAL ANALYSIS

INSTRUCTIONS: For each of the analysis categories listed in this section, assess the proposed project's impacts based on the thresholds and criteria presented in the *CEQR Technical Manual*. Check each box that applies.

- If the proposed project can be demonstrated not to meet or exceed the threshold, check the "no" box.
- If the proposed project will meet or exceed the threshold, or if this cannot be determined, check the "yes" box.
- For each "yes" response, provide additional analyses (and attach supporting information, if needed) based on guidance in the *CEQR Technical* Manual to determine whether the potential for significant impacts exists. Please note that a "yes" answer does not mean that EIS must be prepared—it means that more information may be required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant to either provide additional information to support the Full EAS Form. For example, if a question is answered "no," an agency may request a short explanation for this response.

	YES	NO
1. *LAND USE, ZONING AND PUBLIC POLICY:* *CEQR Technical Manual, Chapter 4*		
(a) Would the proposed project result in a change in land use different from surrounding land uses?	☐	■
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	☐	■
(c) Is there the potential to affect an applicable public policy?	☐	■
(d) If "yes" to (a), (b), and/or (c), complete a preliminary assessment and attach.		
(e) Is the project a large, publicly sponsored project?	☐	■
o If "yes," complete a PlaNYC assessment and attach.		
(f) Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries?	■	☐
o If "yes," complete the Consistency Assessment Form. **See Attachment B, "Land Use"**		
2. *SOCIOECONOMIC CONDITIONS:* *CEQR Technical Manual, Chapter 5*		
(a) Would the proposed project:		
• Generate a net increase of more than 200 residential units or 200,000 square feet of commercial space?	☐	■
o If "yes," answer questions 2(b)(ii) and 2(b)(iv) below.		
• Directly displace 500 or more residents?	☐	■
o If "yes," answer questions 2(b)(i), 2(b)(ii), and 2(b)(iv) below.		
• Directly displace more than 100 employees?	☐	■
o If "yes," answer questions under 2(b)(iii) and 2(b)(iv) below.		
• Affect conditions in a specific industry?	☐	■
o If "yes," answer question 2(b)(v) below.		
(b) If 'Yes' to any of the above, attach supporting information to answer the relevant questions. If 'No' was checked for each category above, the remaining questions in this technical area do not need to be answered.		
i. *Direct Residential Displacement*		
o If more than 500 residents would be displaced, would these displaced represent more than 5% of the primary study area population?		
o If "yes," is the average income of the directly displaced population markedly lower than the average income of the rest of the study area population?		
ii. *Indirect Residential Displacement*		
o Would expected average incomes of the new population exceed the average incomes of the study area populations?		
o If "yes:" ▪ Would the population of the primary study area increase by more than 10 percent?		
▪ Would the population of the primary study area increase by more than 5 percent in an area where there is the potential to accelerate trends toward increasing rents?		
o If "yes," to either of the preceding questions, would more than 5 percent of all housing units be renter-occupied and unprotected?		
iii. *Direct Business Displacement*		
o Do any of the displaced businesses provide goods or services that otherwise would not be found within the trade area, either under existing conditions or in the future with the proposed project?		
o Is any category of business to be displaced the subject of other regulations or publicly adopted plans to preserve, enhance, or otherwise protect it?		

	YES	NO
iv. *Indirect Business Displacement*		
o Would the project potentially introduce trends that make it difficult for businesses to remain in the area?		
o Would the project capture the retail sales in a particular category of goods to the extent that the market for such goods would become saturated, potentially resulting in vacancies and disinvestment on neighborhood commercial streets?		
v. *Affects on Industry*		
o Would the project significantly affect business conditions in any industry or any category of businesses within or outside the study area?		
o Would the project indirectly substantially reduce employment or impair the economic viability in the industry or category of businesses?		
3. *COMMUNITY FACILITIES:* *CEQR Technical Manual, Chapter 6*		
(a) Direct Effects		
o Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, health care facilities, day care centers, police stations, or fire stations?	☐	■
(b) Indirect Effects		
i. *Child Care Centers*		
o Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in Chapter 6)	☐	■
o If "yes," would the project result in a collective utilization rate of the group child care/Head Start centers in the study area that is greater than 100 percent?		
ii. *Libraries*		
o Would the project result in a 5 percent or more increase in the ratio of residential units to library branches? (See Table 6-1 in Chapter 6)	☐	■
o If "yes," would the project increase the study area population by 5 percent or more from the No-Action levels?		
o If "yes," would the additional population impair the delivery of library services in the study area?		
iii. *Public Schools*		
o Would the project result in 50 or more elementary or middle school students, or 150 or more high school students based on number of residential units? (See Table 6-1 in Chapter 6)	■	☐
o If "yes," would the project result in a collective utilization rate of the elementary and/or intermediate schools in the study area that is equal to or greater than 100 percent?	■	☐
o If "yes," would the project increase this collective utilization rate by 5 percent or more from the No-Action scenario? **See Attachment C, "Community Facilities"**	☐	■
iv. *Health Care Facilities*		
o Would the project result in the introduction of a sizeable new neighborhood?	☐	■
o If "yes," would the project affect the operation of health care facilities in the area?		
v. *Fire and Police Protection*		
o Would the project result in the introduction of a sizeable new neighborhood?	☐	■
o If "yes," would the project affect the operation of fire or police protection in the area?		
4. *OPEN SPACE:* *CEQR Technical Manual, Chapter 7*		
(a) Would the project change or eliminate existing open space?	☐	■
(b) Is the project located within an underserved area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	☐	■
(c) If "yes," would the proposed project generate more than 50 additional residents or 125 additional employees?		
(d) Is the project located within a well-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	☐	■
(e) If "yes," would the project generate more than 350 additional residents or 750 additional employees?		
(f) If the project is located within an area that is neither underserved nor well-served, would it generate more than 200 additional residents or 500 additional employees?	■	☐
(g) If "yes" to questions (c), (e), or (f) above, attach supporting information to answer the following: **See Attachment D, "Open Space"**		
o If in an underserved area, would the project result in a decrease in the open space ratio by more than 1 percent?		
o If in an area that is not under-served, would the project result in a decrease in the open space ratio by more than 5 percent?	☐	■
o If "yes," are there qualitative considerations, such as the quality of open space, that need to be considered? Please specify:		
5. *SHADOWS:* *CEQR Technical Manual, Chapter 8.*		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?	■	☐
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?	☐	■
(c) If "yes" to either of the above questions, attach supporting information explaining whether the project's shadow reach any sunlight-sensitive resource at any time of the year. **See Attachment E, "Shadows"**		

	YES	NO
6. *HISTORIC AND CULTURAL RESOURCES:* *CEQR Technical Manual, Chapter 9*		
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State, or National Register Historic District? (See the GIS System for Archaeology and National Register to confirm.)	■	☐
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	■	☐
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archaeological resources. **See Attachment F, "Historic and Cultural Resources"**		
7. *URBAN DESIGN AND VISUAL RESOURCES:* *CEQR Technical Manual, Chapter 10*		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	■	☐
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	☐	■
(c) If "yes" to either of the questions above, please provide the information requested in Chapter 10. **See Attachment G, "Urban Design and Visual Resources"**		
8. *NATURAL RESOURCES:* *CEQR Technical Manual, Chapter 11*		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of Chapter 11?	☐	■
o If "yes," list the resources and attach supporting information on whether the proposed project would affect any of these resources.		
(b) Is any part of the directly affected area within the Jamaica Bay Watershed?	☐	■
o If "yes," complete the Jamaica Bay Watershed Form and submit according to its instructions.		
9. *HAZARDOUS MATERIALS:* *CEQR Technical Manual, Chapter 12*		
(a) Would the proposed project allow commercial or residential use in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	■	☐
(b) Does the proposed project site have existing institutional controls (e.g., (E) designations or a Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	☐	■
(c) Would the project require soil disturbance in a manufacturing area or any development on or near a manufacturing area or existing/historic facilities listed in Appendix 1 (including nonconforming uses)?	■	☐
(d) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin?	■	☐
(e) Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (e.g., gas stations, oil storage facilities, heating oil storage)?	■	☐
(f) Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury, or lead-based paint?	☐	■
(g) Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators?	■	☐
(h) Has a Phase I Environmental Site Assessment been performed for the site?	■	☐
o If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify: **Historic gasoline underground storage tanks (USTs) closed and removed from the site; elevated semi-volatile organic compounds (SVOCs) in soil.**	■	☐
(i) Based on the Phase I Assessment, is a Phase II Assessment needed? **Phase II has been completed. See Attachment H, Hazardous Materials"**	■	☐
10. *WATER AND SEWER INFRASTRUCTURE:* *CEQR Technical Manual, Chapter 13*		
(a) Would the project result in water demand of more than one million gallons per day?	☐	■
(b) If the proposed project is located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 sq. ft. or more of commercial space in Manhattan, or at least 400 residential units or 150,000 sq. ft. or more of commercial space in the Bronx, Brooklyn, Staten Island or Queens?	☐	■
(c) If the proposed project is located in a separately sewered area, would it result in the same or greater development than that listed in Table 13-1 in Chapter 13?		
(d) Would the project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	☐	■
(e) If the project is located within the Jamaica Bay Watershed or in certain specific drain areas, including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	☐	■
(f) Would the proposed project be located in an area that is partially sewered or currently unsewered?	☐	■
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or contribute contaminated stormwater to a separate storm sewer system?	☐	■
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	☐	■
(i) If "yes" to any of the above, conduct the appropriate preliminary analyses and attach supporting documentation.		

	YES	NO
11. *SOLID WASTE AND SANITATION:* *CEQR Technical Manual, Chapter 14*		
(a) Using Table 14-1 in Chapter 14, the project's projected operational solid waste generation is estimated to be (pounds per week):		
o Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?	☐	■
(b) Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City?	☐	■
o If "yes," would the proposed project comply with the City's Solid Waste Management Plan?		
12. *ENERGY:* *CEQR Technical Manual, Chapter 15*		
(a) Using energy modeling or Table 15-1 in Chapter 15, the project's projected energy use is estimated to be (annual BTUs): **17,7073 Mbtu/sf**		
(b) Would the proposed project affect the transmission or generation of energy?	☐	■
13. *TRANSPORTATION:* *CEQR Technical Manual, Chapter 16*		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16? **See Attachment I, "Transportation"**	☐	■
(b) If "yes," conduct the appropriate screening analyses, attach back up data as needed for each stage, and answer the following questions:		
o Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour?		
If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? ***It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 in Chapter 16 for more information.***		
o Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour?		
If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction) or 200 subway trips per station or line?		
o Would the proposed project result in more than 200 pedestrian trips per project peak hour?		
If "yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop?		
14. *AIR QUALITY:* *CEQR Technical Manual, Chapter 17*		
(a) *Mobile Sources:* Would the proposed project result in the conditions outlined in Section 210 in Chapter 17?	■	☐
(b) *Stationary Sources:* Would the proposed project result in the conditions outlined in Section 220 in Chapter 17?	■	☐
o If 'Yes,' would the proposed project exceed the thresholds in the Figure 17-3, Stationary Source Screen Graph in Chapter 17? (Attach graph as needed) **See Attachment J, "Air Quality"**	☐	■
(c) Does the proposed project involve multiple buildings on the project site?	☐	■
(d) Does the proposed project require Federal approvals, support, licensing, or permits subject to conformity requirements?	☐	■
(e) Does the proposed project site have existing institutional controls (e.g., (E) designations or a Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	☐	■
(f) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation. **See Attachment I, "Air Quality"**		
15. *GREENHOUSE GAS EMISSIONS:* *CEQR Technical Manual, Chapter 18*		
(a) Is the proposed project a city capital project or a power generation plant?	☐	■
(b) Would the proposed project fundamentally change the City's solid waste management system?	☐	■
(c) Would the proposed project result in the development of 350,000 square feet or more?	☐	■
(d) If "yes" to any of the above, would the project require a GHG emissions assessment based on guidance in Chapter 18?		
If "yes," would the project result in inconsistencies with the City's GHG reduction goal? (see Local Law 22 of 2008; § 24-803 of the Administrative Code of the City of New York). Please attach supporting documentation.		
16. *NOISE:* *CEQR Technical Manual, Chapter 19*		
(a) Would the proposed project generate or reroute the vehicular traffic?	■	☐
(b) Would the proposed project introduce new or additional receptors (see Section 124 in Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of sight to that rail line?	■	☐
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?	■	☐
(d) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	☐	■
(e) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation. **See Attachment K, "Noise"**		

	YES	NO
17. *PUBLIC HEALTH:* *CEQR Technical Manual, Chapter 20*		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality, Hazardous Materials, Noise? **As detailed in Attachments H, "Hazardous Materials"; J, "Air Quality"; and K, "Noise", the project would not result in significant adverse impacts in these technical areas. Therefore, there would be no adverse impacts to public health as a result of the proposed project.**	■	☐
(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in Chapter 20, "Public Health." Attach a preliminary analysis, if necessary. As detailed and therefore no public health impacts would result from the proposed project.		
18. *NEIGHBORHOOD CHARACTER:* *CEQR Technical Manual, Chapter 21*		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise? **As detailed in Attachments B, "Land Use, Zoning, and Public Policy"; D, "Open Space"; E, "Shadows"; F, "Historic and Cultural Resources"; G, "Urban Design and Visual Resources"; and K, "Noise", the project would not result in significant adverse impacts in these technical areas. The proposed project would result in the construction of a mixed-use building that is consistent with existing uses in the area, as well as the height and massing of existing buildings in the area. Therefore, there would be no adverse impacts to neighborhood character as a result of the proposed project.**	☐	■
(b) If "Yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in Chapter 21, "Neighborhood Character." Attach a preliminary analysis, if necessary.		
19. *CONSTRUCTION:* *CEQR Technical Manual, Chapter 22*		
(a) Would the project's construction activities involve:		
○ Construction activities lasting longer than two years?	☐	■
○ Construction activities within a Central Business District or along an arterial or major thoroughfare?	☐	■
○ Closing, narrowing, or otherwise impeding traffic, transit or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, etc.)?	■	☐
○ Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	☐	■
○ The operation of several pieces of diesel equipment in a single location at peak construction?	☐	■
○ Closure of a community facility or disruption in its service?	☐	■
○ Activities within 400 feet of a historic or cultural resource?	■	☐
○ Disturbance of a site containing or adjacent to a site containing natural resources?	☐	■
○ Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last more than two years overall?	☐	■

(b) If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance in Chapter 22, "Construction." It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination.

The construction activities associated with the development of the proposed project would be expected to result in conditions typical of construction sites in New York City. Construction of the proposed project would occur over a period of approximately 24 months. During this time, construction activities for the proposed project would normally take place Monday through Friday, although the delivery or installation of certain critical equipment could occur on weekend days. The permitted hours of construction are regulated by the New York City Department of Buildings (DOB) and apply to all areas of the City. In accordance with those regulations, work would begin at 7:00 AM on weekdays, although some workers would arrive and begin to prepare work areas between 6:00 and 7:00 AM.

The construction of the proposed project would comply with applicable control measures for construction noise. Construction noise is regulated by the New York City Noise Control Code and by the Environmental Protection Agency noise emission standards for construction equipment. These federal and local requirements mandate that certain classifications of construction equipment and motor vehicles meet specified noise emissions standards. Except under exceptional circumstances, construction activities must be limited to weekdays between the hours of 7:00 AM and 6:00 PM. Construction material must also be handled and transported in such a manner as to not create unnecessary noise. Therefore, no significant adverse noise impacts are expected to occur as a result of the construction.

Dust emissions can occur from hauling debris and traffic over unpaved areas. All appropriate fugitive dust control measures would be employed to reduce the generation and spread of dust, and to ensure that the New York City Air Pollution Control Code regulating construction-related dust emissions is followed.

Construction activities would occur within 400 of two historic resources determined eligible for listing on the State and National Registers: the Paragon Oil building and the Blue Sky diner. However, these resources are not located within 90 feet of construction activities that would take place on the project site. Therefore, as defined in the New York City Department of Buildings (DOB) *Technical Policy and Procedure Notice* (TPPN) #10/88, there would be no adverse construction-related impacts on these resources as a result of the proposed project.

Overall, duration and severity of potential construction impacts would be short-term and would be minimized by implementing measures during scheduling and staging of activities to control intrusive construction-related noise, particulate emissions, and inadvertent physical impacts on nearby buildings, as well as to minimize disruption to existing traffic and pedestrian circulation. As the construction period for the proposed project would be less than 2 years and there would be no direct construction impacts, no significant adverse impacts are expected and a detailed construction analysis is not warranted.

20. *APPLICANT'S CERTIFICATION*

I swear or affirm under oath and subject to the penalties for perjury that the information provided in this Environmental Assessment Statement (EAS) is true and accurate to the best of my knowledge and belief, based upon my personal knowledge and familiarity with the information described herein and after examination of pertinent books and records and/or after inquiry of persons who have personal knowledge of such information or who have examined pertinent books and records.

Still under oath, I further swear or affirm that I make this statement in my capacity as the applicant or representative of the entity that seeks the permits, approvals, funding, or other governmental action(s) described in this EAS.

APPLICANT/REPRESENTATIVE NAME: NEIL WEISSMAN SIGNATURE [signature] DATE 2/10/2014

PLEASE NOTE THAT APPLICANTS MAY BE REQUIRED TO SUBSTANTIATE RESPONSES IN THIS FORM AT THE DISCRETION OF THE LEAD AGENCY SO THAT IT MAY SUPPORT ITS DETERMINATION OF SIGNIFICANCE.

Part III: DETERMINATION OF SIGNIFICANCE (To Be Completed by Lead Agency)

INSTRUCTIONS: In completing Part III, the lead agency should consult 6 NYCRR 617.7 and 43 RCNY § 6-06 (Executive Order 91 or 1977, as amended), which contain the State and City criteria for determining significance.

1. For each of the impact categories listed below, consider whether the project may have a significant adverse effect on the environment, taking into account its (a) location; (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude.

IMPACT CATEGORY	Potentially Significant Adverse Impact: YES	NO
Land Use, Zoning, and Public Policy	☐	☒
Socioeconomic Conditions	☐	☒
Community Facilities and Services	☐	☒
Open Space	☐	☒
Shadows	☐	☒
Historic and Cultural Resources	☐	☒
Urban Design/Visual Resources	☐	☒
Natural Resources	☐	☒
Hazardous Materials	☐	☒
Water and Sewer Infrastructure	☐	☒
Solid Waste and Sanitation Services	☐	☒
Energy	☐	☒
Transportation	☐	☒
Air Quality	☐	☒
Greenhouse Gas Emissions	☐	☒
Noise	☐	☒
Public Health	☐	☒
Neighborhood Character	☐	☒
Construction	☐	☒

2. Are there any aspects of the project relevant to the determination of whether the project may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials? ☐ YES ☒ NO

If there are such impacts, attach an explanation stating whether, as a result of them, the project may have a significant impact on the environment.

3. Check determination to be issued by the lead agency:

☐ **Positive Declaration**: If the lead agency has determined that the project may have a significant impact on the environment, and if a Conditional Negative Declaration is not appropriate, then the lead agency issues a *Positive Declaration* and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).

☐ **Conditional Negative Declaration:** A *Conditional Negative Declaration* (CND) may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result. The CND is prepared as a separate document and is subject to the requirements of 6 NYCRR Part 617.

☒ **Negative Declaration:** If the lead agency has determined that the project would not result in potentially significant adverse environmental impacts, then the lead agency issues a *Negative Declaration*. The *Negative Declaration* may be prepared as a separate document (see template) or using the embedded Negative Declaration on the next page.

4. ***LEAD AGENCY'S CERTIFICATION***

TITLE	LEAD AGENCY
Deputy Director	NYC Department of City Planning
NAME	DATE
Celeste Evans	2/14/2014
SIGNATURE	

Attachment A: Project Description

A. INTRODUCTION

The Applicant, Hunters Point 49, LLC, is seeking zoning map and zoning text amendments to rezone a portion of a development site at 11-55 49th Avenue (Queens Block 61, Lot 55) (the "development site"), as well as Block 61, Lot 50 and portions of Block 61, Lot 5 and Block 72, Lot 1. The development site and the additional lots constitute the Rezoning Area. The Rezoning Area would be rezoned from M1-4 (2.0 FAR) to M1-5/R7X (5.0 FAR/5.0 FAR) and the Special Long Island City Mixed Use District (LIC District) would be extended to the Rezoning Area. The proposed rezoning would permit the development of an eight- to 12-story commercial and residential building of approximately 173,715 gross square feet (gsf), including the cellar level, on Block 61, Lot 55. The development site and rezoning area are located in Hunter's Point, Queens in Community District 2. A zoning text amendment is also proposed to modify Appendix A of the Special LIC District to allow unenclosed sidewalk cafes along 49th Avenue between 11th Street and 21st Street.

This Environmental Assessment Statement (EAS) has been prepared pursuant to City Environmental Quality Review (CEQR) procedures for the purposes of informing the decision-making agencies and the public as to the environmental consequences of the proposed development and rezoning.

DEVELOPMENT SITE

The proposed development site is comprised of one tax lot on Queens Block 61, Lot 55 (see EAS Figure 1). The lot area of the development site is 26,500 square feet, of which approximately 24,420 square feet is located in an M1-4 zoning district and approximately 2,080 square feet is located in the Special LIC District, in an M1-5/R7X zoning district. The site is currently occupied by a public parking lot with 100 parking spaces, 70 bicycle parking spaces, and a small parking attendant's booth. The site is located on 49th Avenue between 11th and 21st Streets.

REZONING AREA

The remaining portion of the Rezoning Area consists of Block 61, Lot 50, which abuts the eastern end of the development site and is located in the bed of 21st Street, a portion of Block 61, Lot 5, a below-grade property occupied by the Long Island Rail Road and abutting the development site on the north, and a portion of Block 72, Lot 1, also located in the bed of 21st Street (see EAS Figure 1). A zoning text amendment is also proposed to modify Appendix A of the Special LIC District to allow unenclosed sidewalk cafes along 49th Avenue between 11th Street and 21st Street. The proposed rezoning is not anticipated to induce development on Block 61, Lot 50 or the affected portion of Block 72, Lot 1 as these areas are occupied by public sidewalks and portions of 21st Street. The proposed rezoning action is also not anticipated to induce development on the portion of Block 61, Lot 5 located in the Rezoning Area as this area

is occupied by a Long Island Rail Road (LIRR) spur that is part of the Arch Street Yard and Shop. Future potential development of this site would require additional discretionary actions, including a special permit pursuant to NYC Zoning Resolution Section 74-681, "Development within or over a railroad or transit right-of-way or yard." Given the need for discretionary actions and the existence of other as-of-right development sites within Long Island City; it is unlikely that Block 61, Lot 5 would represent a potential development site.

PROPOSED DEVELOPMENT

With the proposed development, the existing parking lot use on the development site would be replaced by an 8- to 12-story commercial and residential building containing up to approximately 173,715 gsf, including a cellar level (see **Figures A-1 through A-4**). The proposed development would contain approximately 141,826 gsf of residential space, approximately 6,085 gsf of commercial space, approximately 24,213 gsf of parking space and ramp, and approximately 1,591 gsf of mechanical space. The cellar level would be occupied by accessory parking use, and the ground floor would be occupied by mechanical rooms, commercial use, and a lobby and amenities for residential use. Floors two through twelve would be occupied by residential use. The proposed lowest building height would be approximately 77.5 feet and the proposed maximum building height would be 116 to 125 feet.

The proposed development is expected to begin construction in 2015 and be completed by 2017.

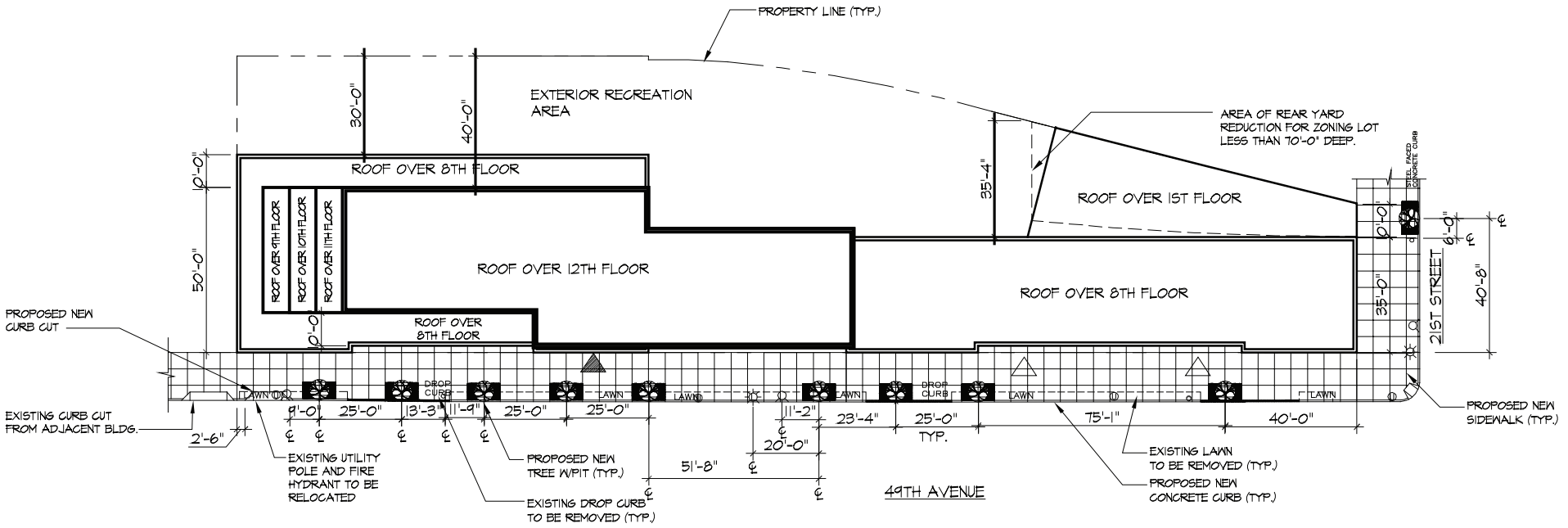
B. PROPOSED ACTIONS

The actions noted below will be requested from the City Planning Commission to permit the proposed development:

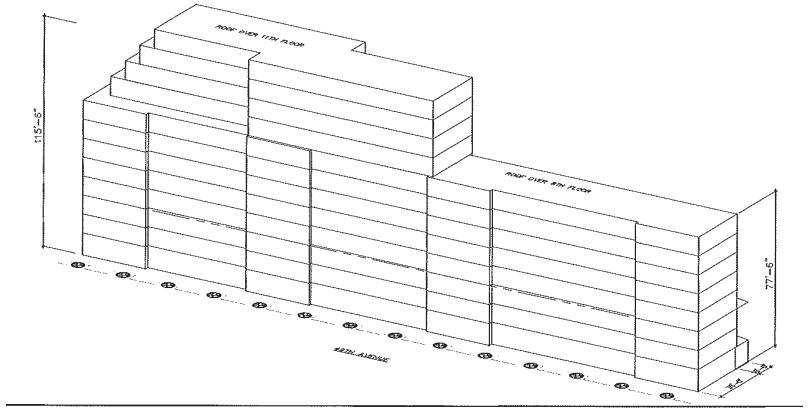
- A zoning text amendment modifying ZR Section 117, Appendix A, Special Long Island City Mixed Use District and Subdistricts, to include the proposed rezoning area and to allow unenclosed sidewalk cafes on 49th Avenue between 11th Street and 21st Street; and a zoning map amendment from M1-4 to M1-5/R7X and an extension of the Special Long Island City Mixed Use District (LIC District) to the rezoning area.

C. PROJECT PURPOSE AND NEED

The existing zoning on the development site does not allow residential development. Therefore, as noted above in Section I, the Applicant is seeking three actions to permit the development of a mixed-use commercial and residential building: (1) a zoning text amendment modifying ZR Section 117-00, Appendix A, Special Long Island City Mixed Use District and Subdistricts, to include the rezoning area and the proposed development site; (2) a zoning map amendment from M1-4 to M1-5/R7X and the LIC District; and (3) a zoning text amendment to Section 117-00 Appendix A, Special Long Island City Mixed Use District and Subdistricts, to allow unenclosed sidewalk cafes on 49th Avenue between 11th Street and 21st Street. The actions noted above would facilitate the development of an eight- to 12-story residential and commercial building on the project site. The proposed project is consistent with the goals of the Special Long Island City Mixed Use District, established in 2001 to promote a mix of light industrial, residential, commercial, and cultural uses in a formerly primarily manufacturing area.



SCHEMATIC SITE PLAN



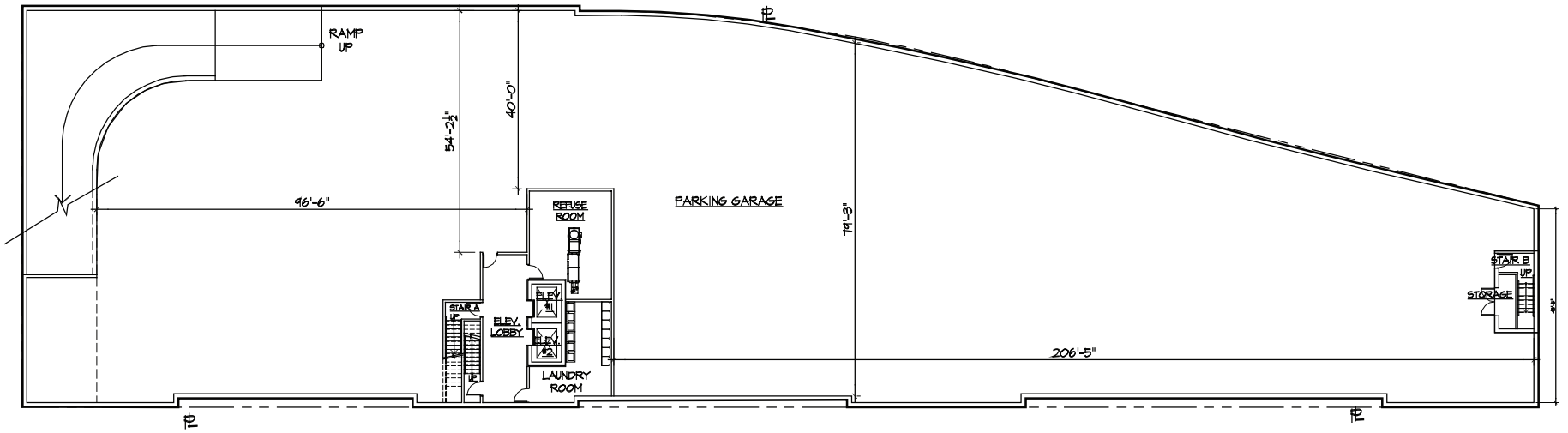
MASSING STUDY
NOT TO SCALE

FOR ILLUSTRATIVE PURPOSES ONLY

Roof Plan and Massing Diagram

11-55 49TH AVENUE

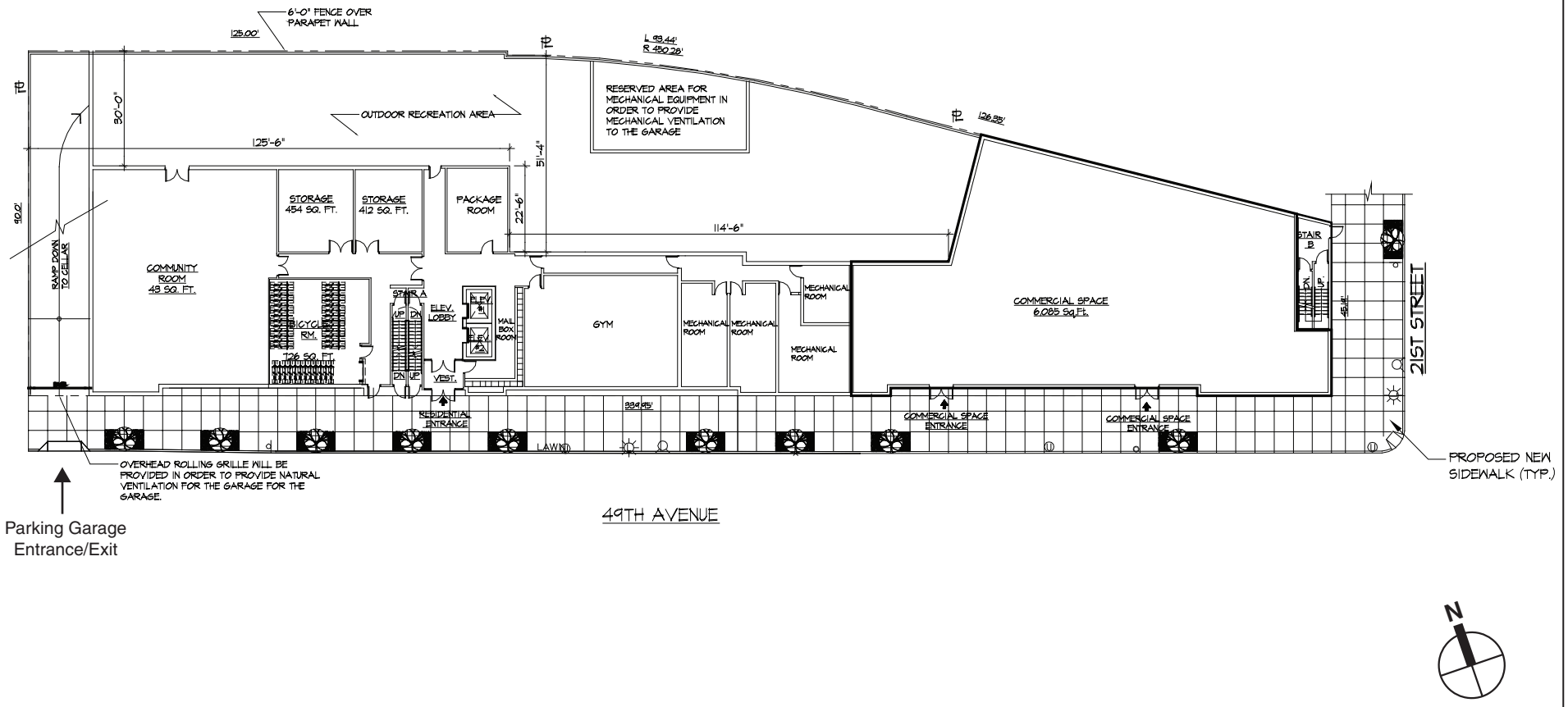
Figure A-1



FOR ILLUSTRATIVE PURPOSES ONLY

Cellar Level Plan

Figure A-2

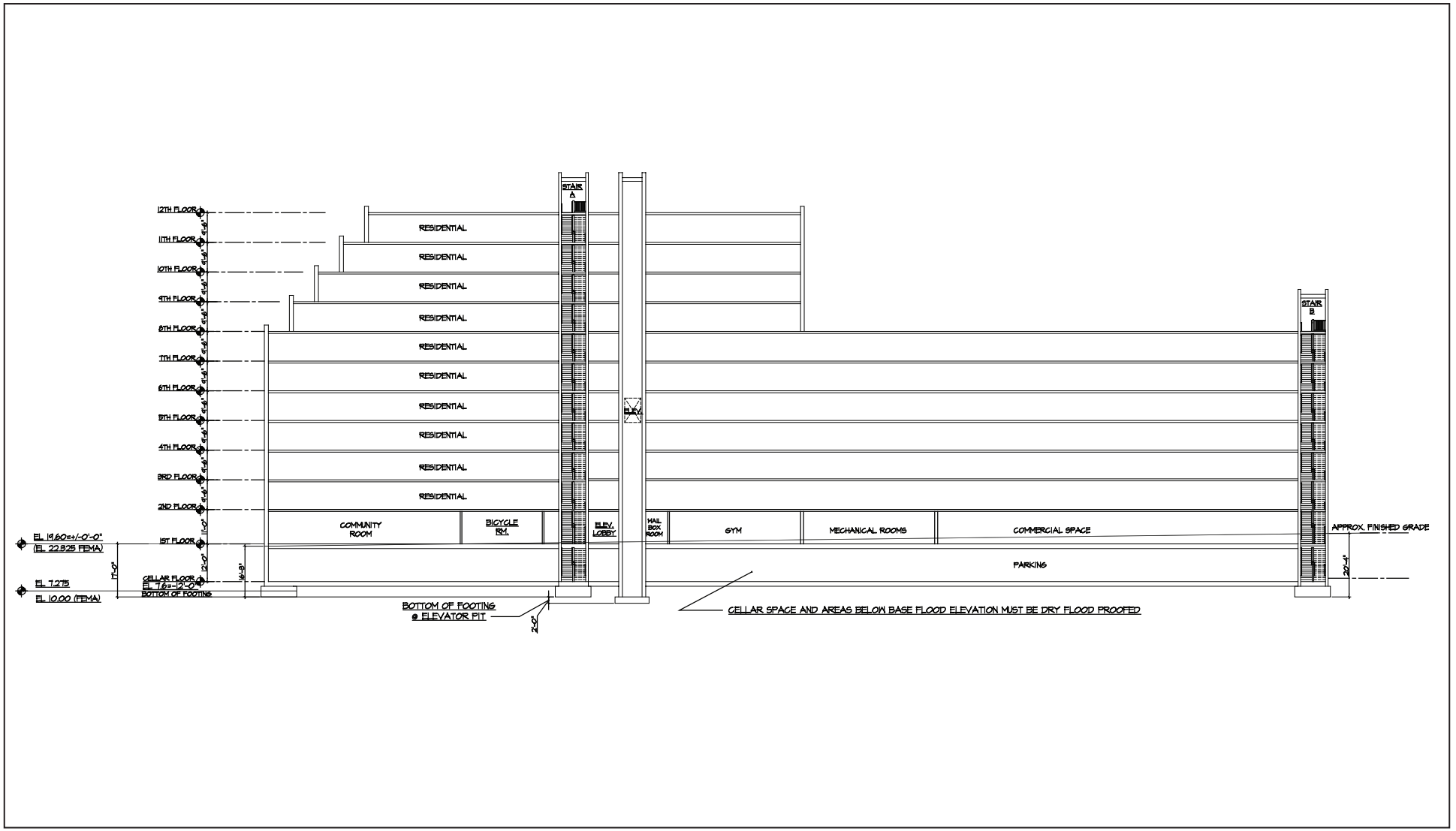


FOR ILLUSTRATIVE PURPOSES ONLY

11-55 49TH AVENUE

Ground Floor Plan

Figure A-3



FOR ILLUSTRATIVE PURPOSES ONLY

11-55 49TH AVENUE

Section
Figure A-4

D. ANALYSIS FRAMEWORK

The proposed development is expected to be completed by 2017; therefore 2017 is the analysis year for the environmental analyses. The No Action condition describes a future baseline condition to which the changes that are expected to result from the proposed development are compared. For each technical analysis, known and approved development projects within the appropriate study area that are likely to be completed by the 2017 analysis year are considered.

NO ACTION SCENARIO

Under current zoning, it is possible to develop the site with various uses, such as light industrial and manufacturing uses, limited community facility uses, and commercial uses such as offices, hotels, most retail uses, and certain large entertainment uses; residential uses are not allowed However, for this environmental review, absent the proposed actions, the Applicant has stated that the property, consisting of Block 61, Lot 55, would continue to be used as a public parking lot.

WITH ACTION SCENARIO

With the proposed development, the existing public parking lot use on the development site (Block 61, Lot 55) would be replaced by a new eight- to 12-story residential and commercial building containing up to approximately 173,715 gsf, including one cellar level. The cellar level would be occupied by accessory parking use, and the ground floor would be occupied by mechanical rooms, commercial use, and a lobby and amenities for residential use. Floors two through twelve would be occupied by residential use. The proposed building would contain approximately 141,826 gsf of residential use, approximately 24,213 gsf of accessory parking and ramp use and approximately 1,591 gsf of mechanical space (located on the ground floor), and approximately 6,085 gsf of restaurant use. The proposed lowest building height would be approximately 77.5 feet and the proposed maximum building height would be 116 to 125 feet.

Based on an assumption of 1,000 square feet per residential unit, the proposed project is estimated to include 140 units, including approximately 112 market-rate units and 28 affordable units.[1] Therefore, the increment to be analyzed in the EAS will be 140 residential units and a 6,085 square foot restaurant use. It is also assumed that 100 accessory parking spaces would be provided on the site.

E. ENVIRONMENTAL REVIEW AND ULURP

ENVIRONMENTAL REVIEW

The City of New York established CEQR regulations in accordance with SEQRA. In addition, the City has published a guidance manual for environmental review, the *CEQR Technical Manual*. This EAS and supporting studies provide the documentation for the decision-makers to consider the potential environmental effects of their actions along with other aspects of project planning and design. CEQR rules guide environmental review through the following steps:

[1] The applicant intends to apply for a 421-A housing tax abatement, which will include the development of 20 percent of the units as affordable. Therefore, the EAS considers a total of 140 units, of which 28 would be considered affordable.

- **Establishing a Lead Agency**. Under CEQR, the "lead agency" is the public entity responsible for conducting environmental review. DCP is the lead agency for this project.
- **Environmental Review and Determination of Significance**. The lead will determine whether the proposed actions may have a significant impact on the environment. To do so, an EAS must be prepared. This EAS will be reviewed by the lead agency, which will determinate if the proposed actions and development would result in any significant impacts on the environment.

ULURP

The City's ULURP process, mandated by Sections 197-c and 197-d of the New York City Charter, is designed to allow public review of ULURP applications at four levels: Community Board, Borough President, CPC, and City Council. The procedure sets time limits for each level of review to ensure a maximum total review period of approximately seven months.

The process begins with certification by DCP that the ULURP application is complete. The application is then referred to the relevant Community Board (in this case Queens Community Board 2). The Community Board has up to 60 days to review and discuss the proposal, hold a public hearing, and adopt an advisory resolution on the ULURP application. The Borough President then has up to 30 days to review the application. CPC then has up to 60 days, during which time a public hearing is held on the ULURP application. If CPC approves, the application is forwarded to the City Council, which has 50 days to review the zoning text and map amendments. ✷

Attachment B: Land Use, Zoning, and Public Policy

A. INTRODUCTION

As set forth in the 2012 *City Environmental Quality Review (CEQR) Technical Manual* guidelines, this analysis characterizes existing conditions on the development site, the rezoning area, and in the surrounding area, and describes conditions in the future without the proposed project (or No Action condition), and addresses potential impacts to land use, zoning, and public policy that would be associated with the proposed development (the With Action condition). The development site and rezoning area occupy the southeast portion of Queens Block 61 and a small portion of Block 72, and is generally bounded by 21st Street to the east, 49th Avenue to the south, 11th Street and Jackson Avenue to the west, and 47th Road to the north. As recommended in the *CEQR Technical Manual*, this analysis examines a 400-foot study area, which is the area in which the proposed development could reasonably be expected to have potential effects.

The proposed development involves the construction of an approximately 8- to 12-story residential and commercial building containing approximately 141,826 gsf of residential space, approximately 24,213 gsf of accessory parking and ramp space on the cellar level, and approximately 6,085 gsf of restaurant space and approximately 1,591 gsf of mechanical space on the ground floor. As described in Attachment A, "Project Description," the proposed development would require a zoning map amendment and a zoning text amendment to rezone the portion of the development site and rezoning area located in an M1-4 district to an M1-5/R7X district and to include the development site and rezoning area in the Special Long Island City Mixed Use District ("Special LIC District"), Hunters Point Subdistrict ("HP Subdistrict"). A zoning text amendment is also proposed to modify Appendix A of the Special LIC District to allow unenclosed sidewalk cafes along 49th Avenue between 11th Street and 21st Street.

Therefore, this attachment considers existing land use, zoning, and public policies, and compares conditions in the future without the proposed project to those that would occur in the future with the proposed project. As described below, this analysis concludes that the proposed development would be consistent with land uses in the study area and compatible with zoning and public policy. Overall, the proposed development would not result in any significant adverse impacts to land use, zoning, or public policy.

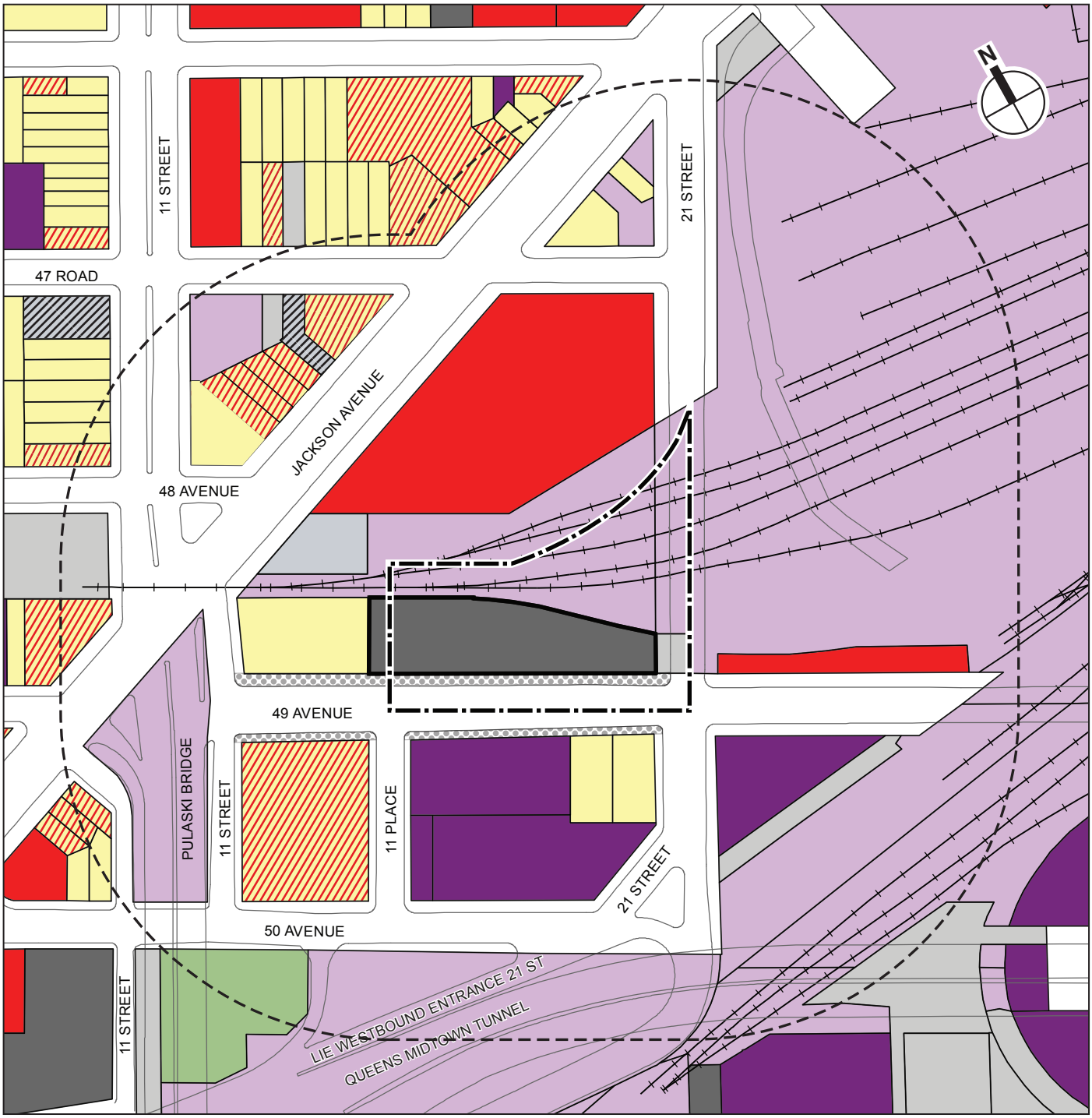
B. EXISTING CONDITIONS

LAND USE

DEVELOPMENT SITE

The proposed development site is located on 49th Avenue between 11th Street and 21st Street in the Hunters Point neighborhood of Queens (see **Figure B-1**). The development site occupies the southeast portion of Block 61 and includes a portion of Tax Lot 55, and contains a total lot area

1.2.14



0 100 200 FEET

SCALE

- *Development Site Boundary*
- *Rezoning Area Boundary*
- *Study Area Boundary (400-Foot Perimeter)*
- *Proposed Sidewalk Cafe Area*
- *Residential*
- *Residential with Commercial Below*
- *Hotels*
- *Commercial and Office Buildings*
- *Industrial and Manufacturing*
- *Transportation and Utility*
- *Open Space and Outdoor Recreation*
- *Parking Facilities*
- *Vacant Land*
- *Under Construction*
- *Vacant Building*

11-55 49TH AVENUE

Land Use
Figure B-1

of approximately 26,500 square feet (sf). Current uses on the development site include a surface public parking facility with approximately 100 parking spaces and 70 bicycle parking spaces, and a small attendant's booth.

REZONING AREA

The rezoning area extends to the north, east, and south of the development site. The rezoning area occupies approximately one-third of the southeast portion of Block 61 and contains Tax Lot 50, and portions of Tax Lots 5 and 55. The rezoning area also occupies a small portion of the southwest corner of Block 72, Lot 1. The portion of the rezoning area located outside of the development site is occupied by a Long Island Rail Road (LIRR) spur that is part of the Arch Street Yard and Shop.

STUDY AREA

As shown in **Figure B-1**, the study area extends 400 feet from the development site and rezoning area and terminates at approximately 47th Avenue to the north, approximately 400 feet east of 21st Street to the east, the Long Island Expressway (LIE) to the south, and approximately 105 feet west of 11th Street to the west.

The blocks within a 400-foot radius surrounding the proposed development site and rezoning area contain a mix of land uses reflecting the neighborhood's historic mix of low-rise commercial, industrial, and low-density residential uses and the City's long-term efforts to encourage higher-density commercial and residential development in Hunters Point and the larger Long Island City neighborhood to the north and west of the rezoning area. Hunters View, a recently completed 12-story residential building, is located immediately west of the development site. Other residential uses in the study area include several three- to five-story buildings located on 49th Avenue, 11th Street, and 47th Road. Newer, mid-rise residential buildings include an 8-story building located at the intersection of Jackson Avenue and 47th Road, and a 13-story building located on Jackson Avenue.

Several mixed-use buildings are also located in the study area, including the L Haus, a recently completed 11-story residential building with a commercial ground floor containing Tigerstar Entertainment, Inc. The mixed-use buildings located in the western portion of the study area west of 11th Street and the Pulaski Bridge ramp are primarily contained in low-rise, two- to seven-story buildings with commercial ground floors. Commercial uses include neighborhood retail uses, such as restaurants, coffee shops, salons, and a comedy club. Additionally, Jackson Avenue contains several two- to ten-story mixed-use buildings with commercial ground floors. Commercial uses on Jackson Avenue include neighborhood retail uses, such as restaurants, salons, a deli, an insurance agency, a picture framing shop, and an organic grocery store on the ground floor of the 10-story building located at the corner of Jackson and 48th Avenues.

Commercial and office uses in the study area include the Hunters Point Plaza building located north of the rezoning area across the LIRR spur, and a gas station located on the northeast corner of 11th Street and 47th Road. A commercial building located on 49th Avenue contains a sports bar and a former diner that is currently being renovated.

Manufacturing and light industrial uses also are located in the study area, including several one-story buildings immediately south of the development site, which house Movie Mobile, a motion picture equipment rental and sales company, and Sacco Carpet, a carpet and rug supply

company. The seven-story triangular building southeast of the development, formerly the Paragon Oil building, is currently used as a warehouse.

Several transportation and utility uses are located in the study area. The portion of the study area east of 21st Street is dominated by the LIRR tracks and associated railroad transportation buildings. The LIRR tracks extend from the eastern portion of the study area under 21st Street to the area north of the proposed development site located in the proposed rezoning area. The southern portion of the study area also is bounded by the LIE and a parking lot for MTA employees, and the Pulaski Bridge ramp is located in the southwest corner of the study area. A small Con Edison facility is located on 47th Road, and an NYC taxi service station and auto repair facility is located on the triangular block north of the proposed rezoning area.

The only publicly accessible open space is located in the southwest corner of the study area. The Bridge and Tunnel Park contains a seating area, handball courts, a basketball court, and a playground.

A few vacant lots and buildings are interspersed throughout the study area. A building slated for residential and commercial development is located on the southwest corner of 11th Street and 47th Road. A vacant lot on 47th Road is slated for a small residential development. Other vacant lots are located on the southwest corner of 11th Street and 48th Avenue and on the south side of 47th Road between 11th Street and Jackson Avenue.

ZONING

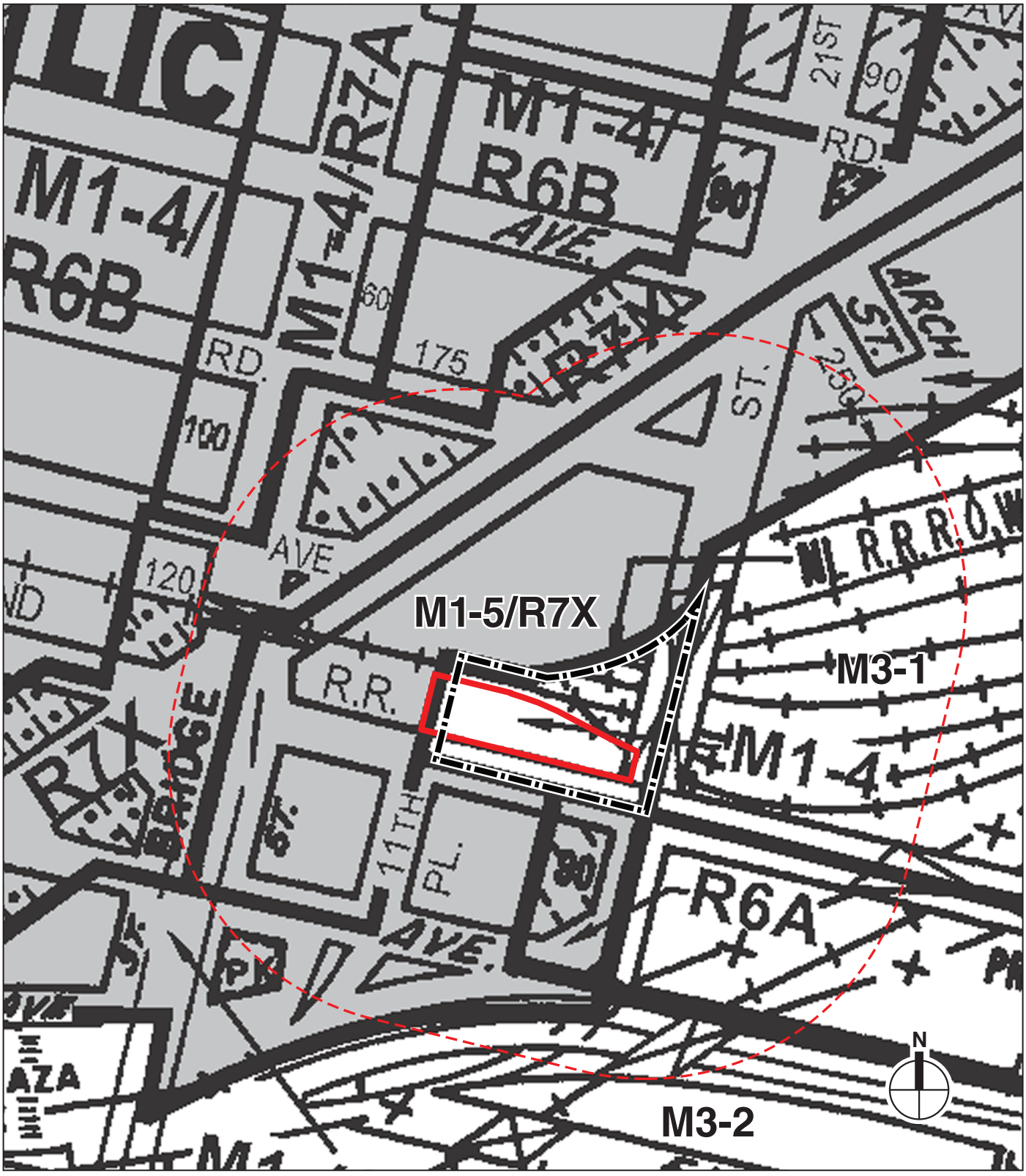
DEVELOPMENT SITE

Of the 26,500 square feet comprising the development site, approximately 24,420 square feet are located in an M1-4 zoning district and approximately 2,080 square feet are located in an M1-5/R7X zoning district that is also within the HP Subdistrict of the Special LIC District (see **Figure B-2**).

M1-4 districts are often buffer districts between M2 and M3 districts, which allow heavier manufacturing uses, and adjacent residential or commercial districts. M1-4 districts do not allow residential uses, but do allow light industrial uses, such as woodworking shops, repair shops, and wholesale service and storage facilities. Offices, hospitals, and most retail uses are also permitted in M1-4 districts, as are houses of worship. M1-4 districts permit a maximum floor area ratio (FAR) of 2.0 for manufacturing and commercial uses, and up to 6.5 for community facility uses. Building height and setbacks are controlled by sky exposure plane in M1 districts, though commercial and community facility buildings can be constructed as towers in M1-3 through M1-6 districts. Parking is not required in Long Island City.

The approximately 2,080-square-foot portion of the proposed development site located in the HP Subdistrict of the Special LIC District allows all permitted uses in the designated residential district and most uses permitted in the M1-5 district. Therefore, most residential, community facility, and a wide range of commercial uses and light industrial uses are allowed as-of-right in the M1-5/R7X district. The M1-5/R7X district permits an FAR of 5.0 for residential, commercial, community facility, and manufacturing uses (see **Table B-1**). Buildings above a base height of 60 to 85 feet must be set back a depth of 10 feet on a wide street and 15 feet on a narrow street before rising to a maximum height of 125 feet in R7X districts. In addition, the streetwall of new buildings cannot be closer to the streetline than any building within 150 feet on the same block. Off-street parking is required for 50 percent of the dwelling units.

1.2.14



Development Site Boundary

Rezoning Area Boundary

Study Area Boundary (400-Foot Perimeter)

Zoning District Boundary

Special Long Island City Mixed Use District

11-55 49TH AVENUE

Zoning Map
Figure B-2

REZONING AREA

The proposed rezoning area is located in an M1-4 zoning district, which is described above and included in **Table B-1**.

STUDY AREA

Zoning districts within the study area are listed and summarized in **Table B-1**.

Table B-1
Study Area Zoning Districts

Zoning District	Maximum FAR[1, 2]	Zoning Characteristics
R6A/C1-5*	R: 3.0; CF: 3.0; C: 2.0 Commercial overlay follows residential and community facility bulk regulations of underlying district	Contextual medium-density residential district; commercial overlay—local shopping, restaurants, and beauty parlors
R7X/C2-5*	R: 5.0; CF: 5.0; C: 2.0 Commercial overlay follows residential and community facility bulk regulations of underlying district	Residential, community facility, and commercial uses as-of-right; commercial overlay—local shopping and services including repair shops and funeral homes
M1-4	M: 2.0; C: 2.0; CF: 6.5	Light industrial and limited commercial uses, such as hotels and offices; limited community facility uses, such as houses of worship
M3-1	M: 2.0; C: 2.0	Heavy manufacturing and limited commercial uses, minimum manufacturing performance standards (outside of overlying district)
M3-2	M: 2.0; C: 2.0	Heavy manufacturing and limited commercial uses, minimum manufacturing performance standards (outside of overlying district)
Hunters Point Subdistrict (includes development site)	Special FAR regulations apply (see below)	The HP Subdistrict allows most residential, commercial, and light manufacturing uses generally as-of-right
M1-4/R6B*	R: 2.0; M: 2.0; C: 2.0; CF: 2.0	Special MX provisions apply
M1-4/R7A*	R: 4.0; M: 2.0; C: 2.0; CF: 4.0	Special MX provisions apply
M1-5/R7X*	R: 5.0; M: 5.0; C: 5.0; CF: 5.0	Special MX provisions apply

Notes: *The zoning district is located within the Special Long Island City Mixed Use District, Hunters Point Subdistrict.
1. Floor area ratio (FAR) is a measure of density establishing the amount of development allowed in proportion to the base lot area. For example, a lot of 10,000 square feet with a FAR of 1 has an allowable building area of 10,000 square feet. The same lot with an FAR of 10 has an allowable building area of 100,000 square feet.
2. R-Residential; C-Commercial; CF-Community Facility; M-Manufacturing
3. Commercial overlay districts are often mapped with residential districts (R5 and above) along major corridors.

Source: New York City Zoning Resolution.

The majority of the study area is within the Special LIC District, HP Subdistrict (see **Figure B-2**).[1] The HP Subdistrict of the Special LIC District is intended to promote a mix of residential use along with light industry, commercial use, and cultural activities in Hunters Point.

There are two underlying zoning districts in the study area that are outside the Special LIC District. They are an M3-1 heavy industrial district mapped to the east of the development site and reflecting the presence of the Arch Street Yard and Shop, and an M1-4 light industrial district mapped southeast of the development site.

[1] The Special LIC District contains another three subdistricts, which are located outside the study area: the Queens Plaza Subdistrict (QP Subdistrict); the Court Square Subdistrict (CS Subdistrict); and the Dutch Kills Subdistrict (DK Subdistrict)

PUBLIC POLICY

WATERFRONT REVITALIZATION PROGRAM

The New York City Waterfront Revitalization Program (WRP) is the city's principal coastal zone management tool. As originally adopted in 1982 and revised in 1999, it establishes the city's policies for development and use of the waterfront. All proposed projects subject to CEQR, Uniform Land Use Review Procedure (ULURP), or other local, state, or federal agency discretionary actions that are situated within New York City's designated Coastal Zone Boundary must be reviewed and assessed for their consistency with the WRP.

DCP has proposed revisions to the WRP in order to advance the long-term goals laid out in *Vision 2020: The New York City Comprehensive Waterfront Plan*, released in 2011. Following referral by the City Planning Commission in March 2012, the revisions to the WRP underwent public review following the New York City Charter Section 197-a process for community input and adoption, and on October 30, 2013, the City Council approved the revisions. The New York State Department of State (NYSDOS) and the United States Department of Commerce must also approve the proposed revisions.

Although the development site and rezoning area are not currently located within the Coastal Zone Boundary, the updated Coastal Zone Boundary maps approved by the City Council and pending approval by NYSDOS and the U.S. Department of Commerce include the development site and rezoning area (see **Figure B-3**). Therefore, a WRP consistency assessment is warranted.

C. THE FUTURE WITHOUT THE PROPOSED PROJECT

LAND USE

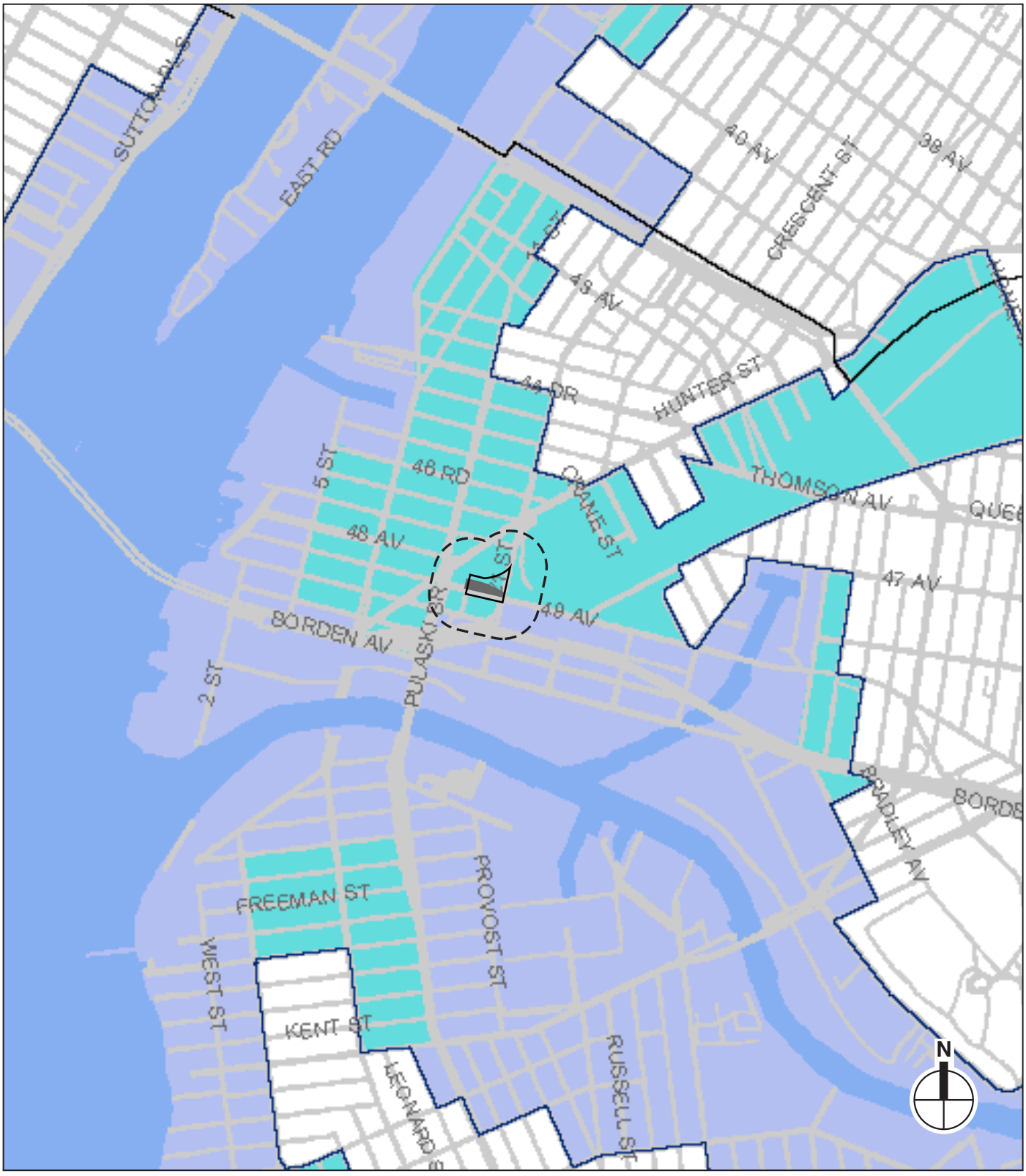
DEVELOPMENT SITE/REZONING AREA

Absent the proposed actions, no new development is anticipated on the development site or in the rezoning area by the 2017 analysis year. The development site is expected to remain occupied with a surface public parking lot and the rezoning area is expected to remain occupied by an LIRR spur.

STUDY AREA

There is one development expected to be completed within the study area by the 2017 analysis year. The development located at 11-15 47th Road to the north of the development site is expected to be a four-story building (approximately 45 feet tall) containing five dwelling units. The development would be consistent with older residential development in the study area. Another development is located just outside of the study area at 47-28 11th Street, on the block bounded by 47th Road, 11th Street, 48th Avenue, and Vernon Boulevard to the northwest of the development site. The development is expected to be a seven-story apartment building (approximately 76 feet tall) containing 21 dwelling units and 216 square feet of commercial use. The development would be consistent with the scale of new residential development in the study area.

1.2.14



Development Site Boundary

Rezoning Area Boundary

Study Area Boundary (400-Foot Perimeter)

Existing Coastal Zone - Land

Existing Coastal Zone - Water

Proposed Coastal Zone Additions

0 1000 FEET

SCALE

Coastal Zone Boundary

11-55 49TH AVENUE

Figure B-3

ZONING

No alterations to the zoning regulations for the development site, rezoning area, or study area are expected to occur by 2017. Zoning within the Special LIC District, HP Subdistrict will remain a mix of light industrial and medium-density residential districts with most commercial uses allowed as-of-right. Outside of the Special LIC District, HP Subdistrict, the light industrial zoning with limited commercial uses allowed in the study area will remain.

PUBLIC POLICY

As noted above, there is one known change to public policy expected to occur in the future without the proposed project by 2017. Updates to the WRP and Coastal Zone Boundary are anticipated to be approved by NYSDOS and the U.S. Department of Commerce. However, since no new development is anticipated on the development site or in the rezoning area by the 2017 analysis year, updates to the WRP and Coastal Zone Boundary would not impact the development site or the rezoning area in the future without the proposed project.

D. PROBABLE IMPACTS OF THE PROPOSED PROJECT

LAND USE

DEVELOPMENT SITE/REZONING AREA

As described in Attachment A, "Project Description," the proposed development would result in the construction of a new, 8- to 12-story residential building containing approximately 141,826 gsf of residential space, approximately 24,213 gsf of accessory parking and ramp space on the cellar level, and approximately 6,085 gsf of restaurant space and approximately 1,591 gsf of mechanical space on the ground floor. The proposed development would include approximately 140 residential units, 28 of which would be affordable pursuant to 421-A financing. The development is anticipated to have setbacks at each floor above the eighth floor.

Compared to the future without the proposed project, the proposed development would introduce new residential and commercial uses on the development site, which would be compatible with land uses adjacent to the development site. The proposed residential uses also would provide much needed housing options in a growing neighborhood, and the proposed commercial space would provide restaurant use (or neighborhood-oriented goods and services). No additional changes to existing uses in the rezoning area are anticipated as a result of the proposed rezoning. Therefore, the proposed development would not result in any significant adverse land use impacts on the development site or in the rezoning area.

STUDY AREA

The new residential and commercial land uses introduced on the development site as a result of the proposed development would be compatible with the existing residential and commercial land uses in the study area. The proposed rezoning would not result in any new development in the study area. The proposed text amendment also is not anticipated to result in any new unenclosed sidewalk cafes other than on the project site by 2017. Overall, the proposed development would improve land use conditions on the development site and study area and add vibrancy to the block by replacing an underutilized site with a new, mixed-use development.

Therefore, the proposed development would not result in any significant adverse land use impacts in the study area.

ZONING

DEVELOPMENT SITE/REZONING AREA

The proposed development would require a zoning map amendment and a zoning text amendment. The proposed zoning map amendment would rezone the 24,420 square feet located in an existing M1-4 district (2.0 Manufacturing and Commercial FAR, 6.5 Community Facility FAR) to an M1-5/R7X district (5.0 Manufacturing, Commercial, Community Facility, and Residential FAR) located within the Special LIC District, HP Subdistrict, (see **Figure B-2**). This would increase the maximum permitted FAR for commercial and manufacturing uses and allow residential uses on the development site. The zoning text amendment would modify ZR Section 117, Appendix A, Special Long Island City Mixed Use District, Hunters Point Subdistrict to include the proposed rezoning area.

The proposed rezoning would permit mixed residential and commercial uses on the development site consistent with adjacent lots. The proposed rezoning would create a nonconforming use as public transit yards are not allowed in M1-5/R7X districts. However, the public transit yard, which currently coexists with nearby commercial and residential uses, would not have an adverse impact on the mixed residential and commercial uses on the development site. The proposed rezoning also would not impact the transit yard as the nonconforming use would be grandfathered. The proposed rezoning would not result in development on other parcels within the proposed rezoning area as they are occupied by an LIRR spur. Therefore, the proposed rezoning would not result in any adverse zoning impacts on the development site or within the rezoning area.

A zoning text amendment to modify ZR Section 117, Appendix A, Special Long Island City Mixed Use District, Hunters Point Subdistrict to include 49th Avenue as a street where sidewalk cafes are permitted is also being sought to provide the applicant with greater flexibility in the range of commercial tenants. The allowance of unenclosed sidewalk cafés on 49th Avenue between 11th and 21st Streets would be consistent with commercial uses adjacent to the development site and would not have an adverse zoning impact on the development site or rezoning area.

STUDY AREA

The proposed rezoning would extend the existing M1-5/R7X district located within the Special LIC District, HP Subdistrict in the study area east to 21st Street, and would allow residential uses on the development site, which is consistent with existing residential uses in the study area. The proposed rezoning also would not result in any new development in the study area. Therefore, the proposed development would not have any significant adverse impacts on zoning in the study area.

PUBLIC POLICY

There is one known change to public policy that would occur in the future with the proposed project. Updates to the WRP and Coastal Zone Boundary that would include the development site and rezoning area are anticipated to be approved by NYSDOS and the U.S. Department of Commerce.

Overall, the change to the development site would be compatible and consistent with current public policies that govern the development site and study area, including the WRP. As detailed below, the proposed development would not result in any significant adverse public policy impacts.

WATERFRONT REVITALIZATION PROGRAM

In accordance with the guidelines of the *CEQR Technical Manual*, a preliminary evaluation of the proposed development's consistency with WRP policies was undertaken (see **Appendix A** for the WRP Consistency Assessment Form [CAF]). New York City's WRP includes 10 principal policies designed to maximize the benefits derived from economic development, environmental preservation, and public use of the waterfront, while minimizing the conflicts among those objectives.[1] The proposed changes are intended to enhance sustainability and climate resilience planning through the incorporation of climate change considerations. The proposed revisions to the WRP are also intended to promote various ecological objectives, facilitate interagency review of permitting to preserve and enhance maritime infrastructure, and support a thriving, sustainable working waterfront. The following analysis includes a discussion of each policy's applicability to the proposed development and the proposed development's consistency with the respective policy.

Policy 1: Support and facilitate commercial and residential development in areas well-suited to such development.

Policy 1.1: Encourage commercial and residential redevelopment in appropriate coastal zone areas.

The proposed development would result in a residential building with ground-floor commercial use (possibly to include a restaurant) on an underutilized site that currently contains a public parking lot. The proposed development would be compatible with existing uses in the study area and would enhance the neighborhood by introducing a mixed-use building on the development site. Therefore, the residential and commercial building that would occur as a result of the proposed rezoning would be appropriate for the development site and the proposed development is consistent with this policy.

Policy 6: Minimize loss of life, structures, and natural resources caused by flooding and erosion.

Policy 6.1: Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the site, the use of the property to be protected, and the surrounding area.

As shown on the Preliminary Flood Insurance Rate Maps released by FEMA in December 2013 (see **Figure B-4**), approximately 37,376 sf (0.86 acres) of the rezoning area is located within the 500-year floodplain (area with a 0.2 percent chance of flooding each year). The proposed development site, although located adjacent to the 500-year floodplain, is not located within it.

[1] The WRP policies are currently undergoing proposed revisions that have yet to be approved. An updated CAF has not yet been created to correspond to the proposed revisions. Therefore, the January 2003 version of the WRP CAF was used, but the policies analyzed for this section correspond to the proposed revisions to the WRP.

1.29.14



SOURCE: FEMA | University of Virginia Library, City of New York, Esri, DeLorme, HERE, Intermap, USGS, USDA, EPA

NOT TO SCALE

Development Site Boundary

Rezoning Area Boundary

100-year Floodplain

500-year Floodplain

11-55 49TH AVENUE

FEMA Flood Insurance Rate Map

Figure B-4

Policy 6.2: Integrate consideration of the latest New York City projections of climate change and sea level rise (as published by the NPCC, or any successor thereof) into the planning and design of projects in the city's Coastal Zone.

Although the project site is within the City's designated coastal zone (as updated in 2014), it is not a waterfront site, and is not normally subject to flooding and erosion. The New York City Panel on Climate Change projects 7 to 31 inches of sea level rise by the 2050s. Although the development site is not located within the 500-year floodplain, with the high range of 31 inches, the stillwater flood elevation of the 500-year flood in the 2050s for this site would be at elevation +16.6 feet NAVD88. At the lowest elevation of 18.1 feet, the project site would be 1.5 feet above the potential flood elevation from the 500-year flood. However, a flood of this height could cause flooding of the cellar of the development, which would be located at elevation +9.23 feet NAVD88 and, therefore, is 7.4 feet below stillwater flood elevation of the 500-year flood in the vicinity of the project site. The cellar would contain parking and laundry room uses. Operational procedures, such as tenant relocation of parked cars to aboveground areas, could be undertaken to minimize the potential for loss or damage.

Therefore, the proposed project would be consistent with this policy.

Policy 7: Minimize environmental degradation and negative impacts on public health from solid waste, toxic pollutants, and hazardous materials and industrial materials that may pose risks to the environment and public health and safety.

Policy 7.2: Prevent and remediate discharge of petroleum products.

As presented in Attachment H, "Hazardous Materials," soils that would be disturbed on the development site include urban fill materials with elevated concentrations of certain metals and semi-volatile organic compounds (SVOCs), but no evidence of a petroleum release. No petroleum storage tanks are known to be present on the development site. The RAP and CHASP would include measures for addressing any unexpectedly discovered petroleum storage tanks or contaminated soil. With the implementation of a RAP and CHASP, construction of the proposed development would not result in significant adverse environmental impacts due to the potential discharge of petroleum products. Therefore, the proposed development would be consistent with this policy.

Policy 7.1 (B): Remediate inactive hazardous waste disposal sites and brownfields to ensure that the public health and the waters, wetlands, and habitats are protected. Utilize best practices during the future remediation process to ensure safe containment of contaminants in the event of a coastal storm.

The project site is not an inactive hazardous waste disposal site or brownfield. No petroleum storage tanks are known to exist on-site and no petroleum storage tanks are planned to be installed as part of the proposed project. In the event of a coastal storm during the proposed construction, measures undertaken prior to the predicted storm to minimize dispersion of soil/fill materials would include securing construction equipment and, when practical, removing soil stockpiles from the project site or moving these stockpiles out of flood-prone areas. Following construction, any residual soil/fill materials would be capped by building foundations and would not create an exposure hazard during a coastal storm.

It is therefore concluded that the proposed development would not result in any significant adverse impacts with respect to land use, zoning or public policy. ✷

A. INTRODUCTION

This attachment assesses the potential impacts of the proposed development on community facilities and services. The 2012 *City Environmental Quality Review (CEQR) Technical Manual* defines community facilities as public or publicly funded schools, child care centers, libraries, health care facilities, and fire and police protection services. CEQR methodology focuses on direct effects on community facilities, such as when a facility is physically displaced or altered, and on indirect effects, which could result from increased demand for community facilities and services generated by new users such as the new population that would result from the proposed development.

As described in Attachment A, "Project Description," the proposed development would result in a new residential and commercial building containing commercial space on the ground floor and 140 residential units above (112 market rate units and 28 affordable units). The proposed development would not physically displace or alter an existing community facility. However, since the proposed development would introduce a new residential population to the study area which could result in increased demand for community facilities and services, an assessment was conducted to determine whether the proposed development would result in any significant adverse impacts to community facilities. As described in this attachment, the proposed development would not result in significant adverse impacts on community facilities.

B. PRELIMINARY SCREENING

This analysis of community facilities has been conducted in accordance with *CEQR Technical Manual* guidelines and the latest data and guidance from agencies such as the New York City Department of Education (DOE), and the New York City Department of City Planning (DCP).

The purpose of the preliminary screening is to determine whether a community facilities assessment is required. As recommended by the *CEQR Technical Manual*, a community facilities assessment is warranted if a project has the potential to result in either direct or indirect effects on community facilities. If a project would physically alter a community facility, whether by displacement of the facility or other physical change, this "direct" effect triggers the need to assess the service delivery of the facility and the potential effect that the physical change may have on that service delivery. New population added to an area as a result of a project would use existing services, which may result in potential "indirect" effects on service delivery. Depending on the size, income characteristics, and age distribution of the new population, there may be effects on public schools, libraries, or child care centers.

DIRECT EFFECTS

The proposed development would not displace or otherwise directly affect any public schools, child care centers, libraries, health care facilities, or police and fire protection services facilities. Therefore, an analysis of direct effects is not warranted.

INDIRECT EFFECTS

The *CEQR Technical Manual* provides thresholds for guidance in making an initial determination of whether a detailed analysis is necessary to determine potential impacts. **Table C-1** lists those *CEQR Technical Manual* thresholds for each community facility analysis. If a proposal exceeds the threshold for a specific facility, a more detailed analysis is warranted. A preliminary screening analysis was conducted to determine if the proposed development would exceed established *CEQR Technical Manual* thresholds warranting further analysis. Based on that screening, it was determined that a detailed analysis is warranted for public elementary and intermediate schools (see Section C, "Indirect Effects on Public Elementary and Intermediate Schools").

Table C-1
Preliminary Screening Analysis Criteria

Community Facility	Threshold For Detailed Analysis
Public schools	More than 50 elementary/intermediate school or 150 high school students
Libraries	Greater than 5 percent increase in ratio of residential units to libraries in borough
Health care facilities (outpatient)	Introduction of sizeable new neighborhood where none existed before[1]
Child care centers (publicly funded)	More than 20 eligible children based on number of low- and low/moderate-income units by borough
Fire protection	Introduction of sizeable new neighborhood where none existed before[1]
Police protection	Introduction of sizeable new neighborhood where none existed before[1]

Notes: [1] The *CEQR Technical Manual* cites the Hunters' Point South project as an example of a project that would introduce a sizeable new neighborhood where none existed before. The Hunters' Point South project would introduce approximately 5,000 new residential units to the Hunters' Point South waterfront in Long Island City, Queens.
Source: *CEQR Technical Manual*, 2012.

PUBLIC SCHOOLS

The *CEQR Technical Manual* recommends conducting a detailed analysis of public schools if a proposed action would generate more than 50 elementary/intermediate school students and/or more than 150 high school students. Based on the development of approximately 140 residential units and the student generation rates provided in the *CEQR Technical Manual* (0.28 elementary, 0.12 intermediate, and 0.14 high school students per housing unit in Queens), the proposed development would generate approximately 39 elementary school students, 17 intermediate school students, and 20 high school students. This number of students warrants a detailed analysis of the proposed development's potential effects on elementary and intermediate schools; an analysis of high schools is not warranted.

LIBRARIES

Potential impacts on libraries can result from an increased user population. According to the *CEQR Technical Manual*, a proposed action that results in a 5 percent increase in the average number of residential units served per branch, which is 622 residential units in Queens, may cause a significant impact on library services and require further analysis. With approximately

140 units, the proposed development does not approach this threshold, and a detailed analysis of libraries is not warranted.

CHILD CARE CENTERS

According to the *CEQR Technical Manual*, if a proposed action would add more than 20 children eligible for child care to the study area's child care facilities, a detailed analysis of its impact on publicly funded child care facilities is warranted. This threshold is based on the number of low-income and low/moderate-income units introduced by a proposed action.[1] In Queens, developments introducing 139 or more low- to moderate-income units would introduce 20 or more children eligible for child care services. As the proposed development could include approximately 28 affordable housing units, the proposed project does not approach this threshold, and a detailed child care analysis is not warranted.

HEALTH CARE FACILITIES

Health care facilities include public, proprietary, and nonprofit facilities that accept government funds (usually in the form of Medicare and Medicaid reimbursements) and that are available to any member of the community. Examples of these types of facilities include hospitals, nursing homes, clinics, and other facilities providing outpatient health services.

According to the *CEQR Technical Manual*, if a proposed action would create a sizeable new neighborhood where none existed before, there may be increased demand on local public health care facilities, which may warrant further analysis of the potential for indirect impacts on outpatient health care facilities. The proposed development would not result in the creation of a sizeable new neighborhood where none existed before, as the proposed development is located within the existing Hunters Point neighborhood of Queens and would consist of only approximately 140 units. Therefore, a detailed analysis of indirect effects on health care facilities is not warranted.

POLICE AND FIRE SERVICES

The *CEQR Technical Manual* recommends detailed analyses of impacts on police and fire service in cases where a proposed action would affect the physical operations of, or direct access to and from, a precinct house or fire station, or where a proposed action would create a sizeable new neighborhood where none existed before. The proposed development would not result in these direct effects on either police or fire services, nor would it create a sizeable new neighborhood where none existed before; therefore, no further analysis is warranted.

[1] Low-income and low/moderate-income are the affordability levels used in the *CEQR Technical Manual*. They are intended to approximate the financial eligibility criteria established by the Administration for Children's Services, which generally corresponds to 200 percent Federal Poverty Level or 80 percent of area median income.

C. INDIRECT EFFECTS ON PUBLIC ELEMENTARY AND INTERMEDIATE SCHOOLS

METHODOLOGY

This analysis assesses the potential effects of the proposed development on public elementary and intermediate schools serving the development site. Following the methodologies in the *CEQR Technical Manual*, the study area for the analysis of elementary and intermediate schools is the school districts' "sub-district" (also known as "regions" or "school planning zones") in which the development is located. The development site is located in Sub-district 2 of Community School District (CSD) 30 (see **Figure C-1**).

In accordance with the *CEQR Technical Manual*, this schools analysis uses the most recent DOE data on school capacity, enrollment, and utilization rates for elementary and intermediate schools in the sub-district study area and New York City School Construction Authority (SCA) projections of future enrollment. Specifically, the existing conditions analysis uses data provided in the DOE's *Utilization Profiles: Enrollment/Capacity/Utilization, 2012-2013* edition. Future conditions are then predicted based on SCA enrollment projections and data obtained from SCA's Capital Planning Division on the number of new housing units and students expected at the sub-district level. The future utilization rate for school facilities is calculated by adding the estimated enrollment from proposed residential developments in the schools' study area to DOE's projected enrollment, and then comparing that number with projected school capacity. DOE does not include charter school enrollment in its enrollment projections. DOE's enrollment projections for years 2011 through 2021, the most recent data currently available, were provided by DCP. These enrollment projections are based on broad demographic trends and do not explicitly account for discrete new residential developments planned for the study area. Therefore, the estimated student population from the other new development projects expected to be completed within the study area have been obtained from SCA's Capital Planning Division and are added to the projected enrollment to ensure a more conservative prediction of future enrollment and utilization. In addition, new capacity from any new school projects identified in the DOE Five-Year Capital Plan are included if construction has begun or if deemed appropriate to include in the analysis by the lead agency and the SCA.

The effect of the new students introduced by the proposed development on the capacity of schools within the study areas is then evaluated. According to the *CEQR Technical Manual*, a significant adverse impact may occur if a proposed action would result in both of the following conditions:

1. A utilization rate of the elementary and/or intermediate schools in the sub-district study area that is equal to or greater than 100 percent in the With Action condition; and
2. An increase of five percentage points or more in the collective utilization rate between the No Action and With Action conditions.

EXISTING CONDITIONS

As shown in **Table C-2**, there are six elementary schools and five middle schools in Sub-district 2/CSD 30. Elementary schools in the sub-district are currently operating at 114 percent utilization, with a deficit of 758 seats. Intermediate schools are currently operating at 96 percent utilization, with a surplus of 66 seats.

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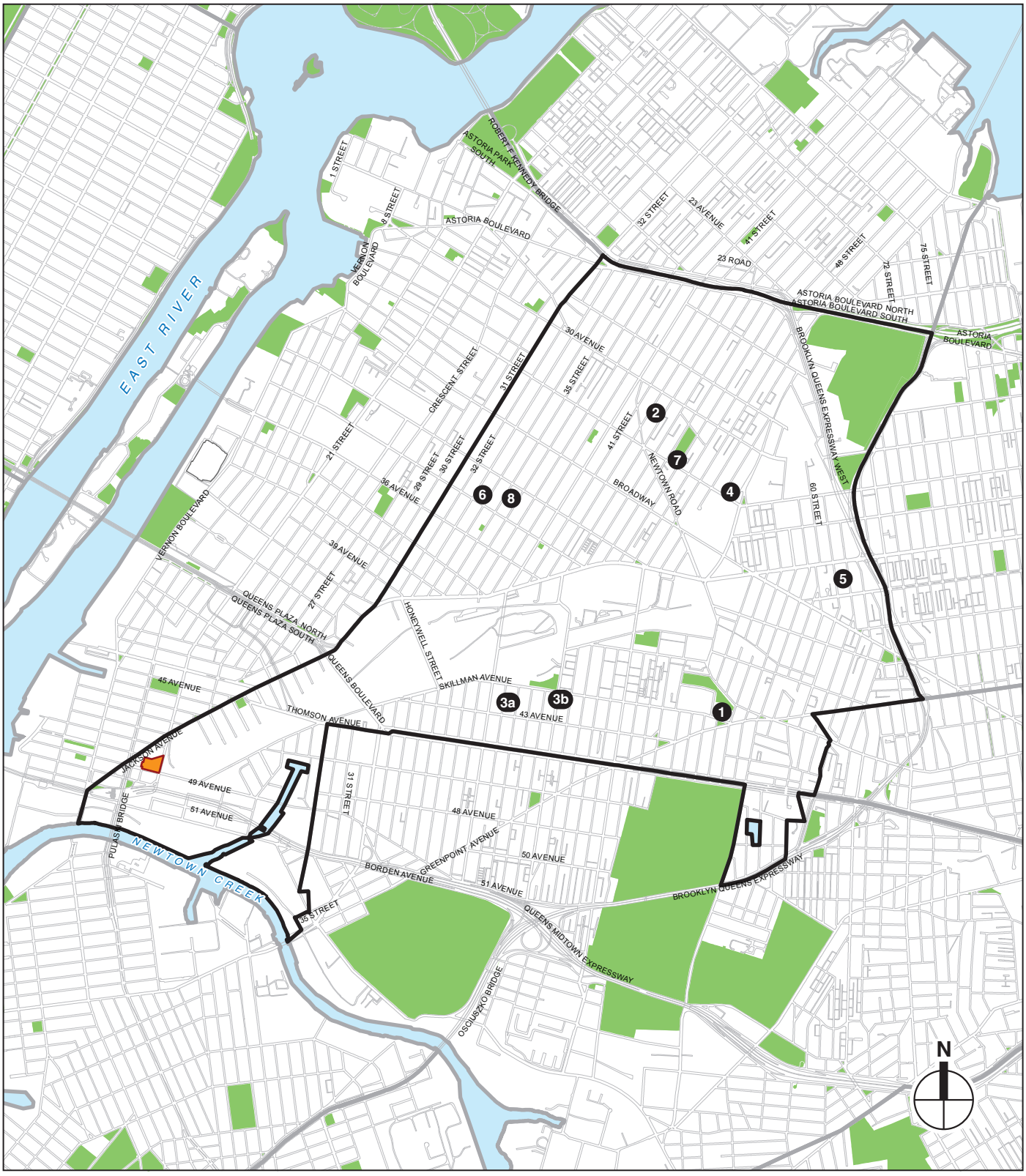

Development Site and Rezoning Area

Sub-District 2/CSD 30 Boundary

❶ *Public School (see Table C-2 for reference)*

Public Elementary and Intermediate Schools Serving the Study Area

Figure C-1

11-55 49TH AVENUE

Table C-2
Public Elementary and Intermediate Schools Serving the Study Area, Enrollment and Capacity Data, 2012-2013 School Year

Map No.	Name	Address	Enrollment	Capacity	Available Seats	Utilization
Elementary Schools						
Sub-district 2 of CSD 30						
1	PS 11 Kathryn M. Phelan School	54-25 Skillman Avenue	770	583	-186	132%
1	PS 11 Mini-school[1]	54-25 Skillman Avenue	222	179	-43	124%
1	PS 11 Transportable	54-25 Skillman Avenue	195	136	-59	144%
2	PS 70	30-45 42nd Street	920	889	-31	103%
2	PS 70 Transportable[2]	30-45 42nd Street	104	114	10	91%
3a	PS 150	40-01 43rd Avenue	890	894	4	100%
3b	PS 150 Annex	41-12 44th Street	234	184	-50	127%
4	PS 151 Mary D. Carter School	50-05 31st Avenue	474	508	34	93%
4	PS 151 Transportable	50-05 31st Avenue	12	13	1	92%
5	PS 152 Gwendoline N. Alleyne School	33-52 62nd Street	1,301	1,009	-292	129%
6	PS 166 Henry Gradstein School	33-09 35th Avenue	1,184	1,039	-145	114%
	Sub-district 2 of CSD 30 Total		**6,306**	**5,548**	**-758**	**114%**
Intermediate Schools						
Sub-district 3 of CSD 15						
7	IS 10 Horace Greeley School	45-11 31st Avenue	924	1,077	153	86%
1	PS 11 Kathryn M. Phelan School (IS component)	54-25 Skillman Avenue	97	74	-24	132%
1	PS 11 Mini-school (IS component)	54-25 Skillman Avenue	28	23	-5	124%
1	PS 11 Transportable (IS component)	54-25 Skillman Avenue	25	17	-8	144%
3	PS 150 (IS component)	40-01 43rd Avenue	104	104	0	100%
3	PS 150 Annex (IS component)	41-12 44th Street	27	21	-6	127%
5	PS 152 Gwendoline N. Alleyne School (IS component)	33-52 62nd Street	49	38	-11	129%
8	Baccalaureate School for Global Education (IS component)	34-12 36th Street	205	171	-34	120%
	Sub-district 2 of CSD 30 Total		**1,459**	**1,525**	**66**	**96%**

Notes: See **Figure C-1**
[1] A Mini-school is a smaller school located on an existing primary school site.
[2] A Transportable is a Transportable Classroom Unit (TCU) located on a school site to provide additional classroom space.
Sources: DOE *Utilization Profiles: Enrollment/Capacity/Utilization, 2012-2013*.

FUTURE WITHOUT THE PROPOSED PROJECT

In the future without the proposed project (No Action) condition, enrollment at elementary and intermediate schools in the study area is expected to increase. As described above, this analysis accounts for increases in enrollment predicted in the SCA enrollment projections and, as a conservative measure, also includes students introduced by other specific No Action developments.

The latest available SCA enrollment projections for Sub-district 2/CSD 30 project an increase to elementary and intermediate enrollment over the next several years (to 2021). These enrollment increases form the baseline projected enrollment in the No Action condition, shown in **Table C-3** in the column named "Projected Enrollment in 2017." The students introduced by other specific No Action developments are added to this baseline projected enrollment.

To estimate enrollment from specific No Action developments as per the guidelines of the *CEQR Technical Manual*, the SCA No-Action Student Numbers for Sub-district 2/CSD 30 (derived from the SCA's "Projected New Housing Starts") were used for the No Action analysis. As shown in the column named "Students Introduced by Residential Development in No

Action" in **Table C-3**, approximately 54 elementary and 143 intermediate school students are expected to be added to the sub-district.

According to DOE's *2010-2014 Five-Year Capital Plan—Proposed February 2013 Amendment*, some changes to elementary or intermediate school capacity in Sub-district 2/CSD 30 are currently anticipated. Due to the removal of transportable units and mini-schools at PS 11, PS 70, and PS 151, there would be a decrease of 442 elementary school seats in the future capacity. However, due to building expansions at PS 11 and PS 70, there would be an increase of 816 elementary school seats and 42 intermediate school seats in the future capacity. Therefore, there would be an overall net increase of 374 seats to the elementary school capacity and 25 seats to the intermediate school capacity in the future without the proposed project. In addition, two new school buildings with a total capacity of 504 seats are planned to be constructed in CSD 30. However, it is not currently known which sub-district these schools would be constructed in; therefore, they have not been included in the quantitative analysis for the No Action condition.

As shown in **Table C-3**, elementary schools in the sub-district study area would operate over capacity (112 percent utilization) with a deficit of 681 seats in the No Action condition. Intermediate schools also would operate with a deficit of 183 seats (112 percent utilization).

Table C-3
Estimated Public Elementary and Intermediate School Enrollment, Capacity, and Utilization: 2017 Future No Action Condition

Study Area	Projected Enrollment in 2017[1]	Students Introduced by Residential Development in No Action	Total No Action Enrollment	Capacity	Available Seats	Utilization
Elementary Schools						
Sub-district 2 of CSD 30	6,549	54	6,603	5,922	-681	112%
Intermediate Schools						
Sub-district 2 of CSD 30	1,590	143	1,733	1,550	-183	112%

Notes: [1] Elementary and intermediate school enrollment in each sub-district study area in 2017 was calculated by applying SCA supplied percentages for each sub-district to the relevant district enrollment projections. For CSD 2/Sub-District 30, the district's 2017 elementary projection of 20,824 was multiplied by 31.45 percent. The sub-district's intermediate projection of 10,404 was multiplied by 15.28 percent.
Sources: DOE *Enrollment Projections 2011-2021 by the Grier Partnership; DOE, Utilization Profiles: Enrollment/Capacity/Utilization, 2012-2013*, DOE *2010-2015 Five-Year Capital Plan, Proposed Amendment, February 2013; School Construction Authority*.

PROBABLE IMPACTS OF THE PROPOSED PROJECT

The proposed development would introduce approximately 140 residential units. These units could introduce approximately 39 elementary students and 17 intermediate school students to Sub-district 2/CSD 30.

The total elementary school enrollment of Sub-district 2/CSD 30 would increase by 39 students to 6,642, or 112 percent utilization, with a deficit of 721 seats (see **Table C-4**). The total intermediate school enrollment of Sub-district 2/CSD 30 would increase by 17 students to 1,750, or 113 percent utilization, with a deficit of 200 seats.

As noted above, a significant adverse impact may occur if a proposed action would result in both of the following conditions: (1) a utilization rate of the elementary or intermediate schools in the sub-district study area that is equal to or greater than 100 percent in the future without the proposed action; and (2) an increase of five percentage points or more in the collective utilization rate between the future without the proposed action and future with the proposed action conditions.

Table C-4
Estimated Public Elementary and Intermediate School Enrollment, Capacity, and Utilization: With Action Condition

Study Area	No Action Enrollment	Students Introduced by Proposed Action	Total With Action Enrollment	Capacity	Available Seats	Utilization	Change in Utilization Compared with No Action
Elementary Schools							
Sub-district 2 of CSD 30	6,603	39	6,642	5,922	-721	112%	**0%**
Intermediate Schools							
Sub-district 2 of CSD 30	1,733	17	1,750	1,550	-200	113%	**1%**

Sources: DOE *Enrollment Projections 2011-2021 by the Grier Partnership*; DOE, *Utilization Profiles: Enrollment/Capacity/Utilization, 2012-2013*, DOE 2010-2014 *Five-Year Capital Plan, Proposed Amendment*, February 2013; School Construction Authority.

Although elementary and intermediate schools in the sub-district would operate with a shortfall of seats in 2017, there would be no increase in the utilization for elementary schools. The increase attributable to the proposed development for intermediate schools would be approximately 1 percent, which is below the 5 percent *CEQR Technical Manual* threshold for a significant adverse impact. Therefore, the proposed development would not result in a significant adverse impact on elementary or intermediate schools. ✷

Attachment D: Open Space

A. INTRODUCTION

The 2012 *City Environmental Quality Review (CEQR) Technical Manual* guidelines indicate the need for an open space analysis when an action would result in a direct effect (e.g., the physical loss or alteration of public open space) or an indirect effect caused by the added user demands on the neighborhood open spaces. Typically, an assessment is conducted when a development would result in 200 or more residents or 500 or more workers. While there are different thresholds for an open space assessment in certain areas of the city that are considered either underserved or well served by open space, the development site and rezoning area are in neither of these areas. Therefore, the *CEQR Technical Manual* suggests that a preliminary assessment be used to determine the need for a more detailed open space analysis. If the preliminary assessment indicates the need for further analysis, then a detailed analysis of open space is performed.

The proposed development would result in the introduction of approximately 140 residential units and approximately 269 new residents on the development site (based on the average household size of 1.92 persons per household, which is the average for census tracts 1, 7, and 19). The proposed development would also result in approximately 6,085 gsf of restaurant space.

Since the proposed development would add a new residential population, a preliminary assessment is necessary to examine the effects of the added population on the active and passive public open spaces in the study area and to determine whether the population increase would significantly impact the local open spaces. Since the proposed development would result in a nominal increase in commercial space over the "No Action" condition, an assessment of potential impacts on the non-residential (worker) population is not warranted.

This section presents the results of the preliminary open space assessment, which concludes that no open space ratio would decrease by more than 5 percent and open space ratios would still remain above the citywide average of 1.5 acres per 1,000 residents in the future with the proposed development. Therefore, the proposed development would not result in any significant adverse impacts on open space resources.

B. PRELIMINARY ASSESSMENT

A preliminary assessment of open space involves calculating total population at the time of the most recent decennial census for the existing condition, with a population adjustment based on subsequent population estimates for the No Action and With Action conditions for the 2017 analysis year, as well as public open space acreage in a study area and comparing the results with the City's acceptable open space ratios.

As detailed in **Table D-1** and shown in **Figure D-1**, the study area contains 20 open spaces that provide approximately 19.13 acres of open space. The study are also contains approximately 10,815 residents. With the proposed development, there would be approximately 269 new residents.

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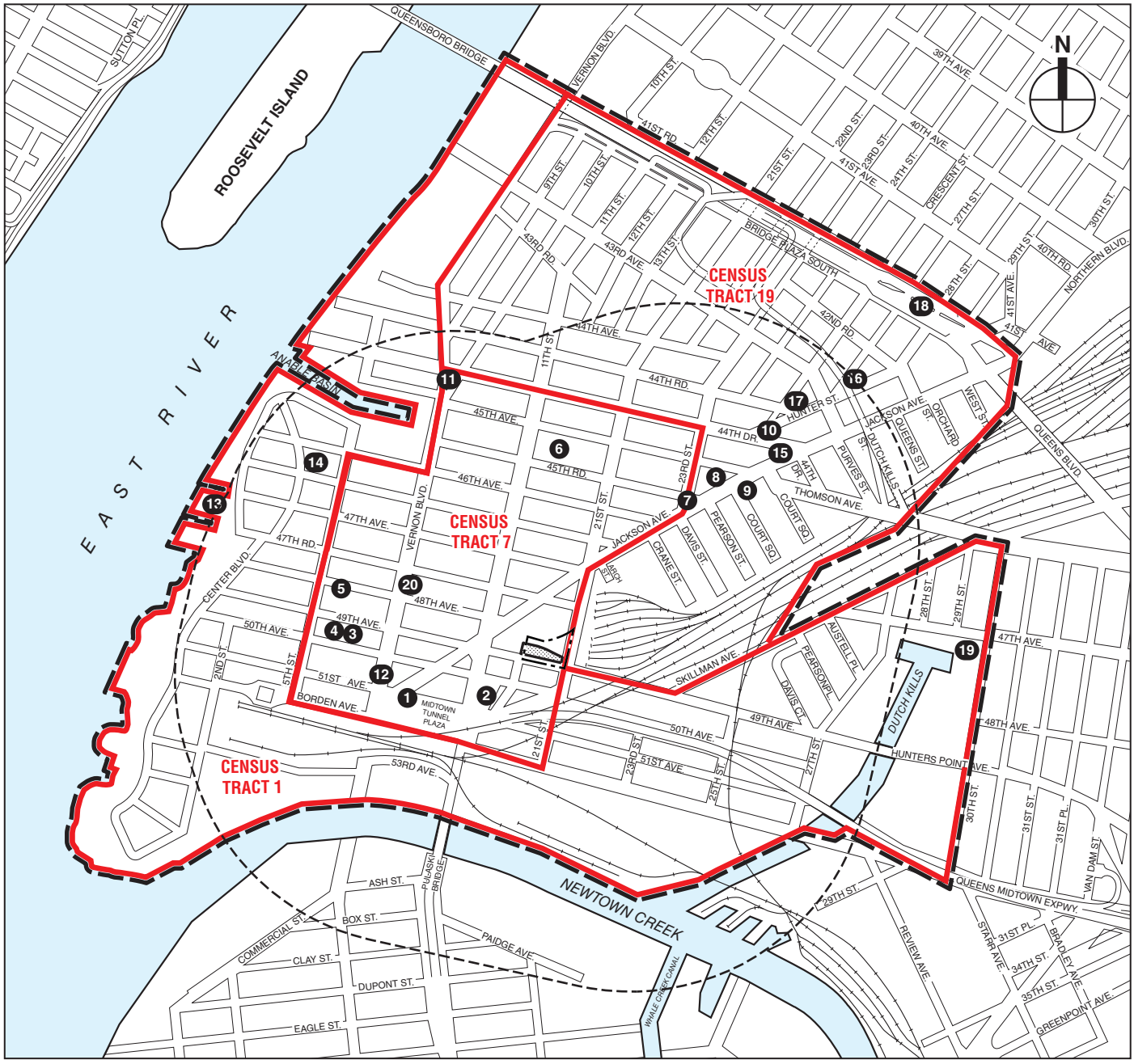


Development Site

Rezoning Area Boundary

Study Area Boundary

1/2-Mile Perimeter

Census Tract Boundary

❶ *Open Space Resource*

11-55 49TH AVENUE

Open Space Resources

Figure D-1

Table D-1
Existing Open Space Resources Within Residential Study Area

Map ID No.[1]	Name	Owner/ Agency[2]	Features	Total Acres	Active Acres	Passive Acres
1	Old Hickory Park	MTA Bridges and Tunnels	Sitting area, chess, children's play area	0.23	0.10	0.13
2	Bridge and Tunnel Park	DPR	Park and Sitting Area (2 handball courts, 1 basketball court)	0.32	0.22	0.10
3	Andrews Grove	DPR	Playground, sitting areas, walkways, trees, greenery	0.40	0.20	0.20
4	LIC Community Garden	DPR	Community garden, benches	0.11	0.00	0.11
5	Hunter's Point Community Park	OPRHP	Park (lawn, basketball, handball, tot lot)	1.38	0.69	0.69
6	Murray Playground	DPR	Playground, tot lot, multi-sport paved courts, dog run, handball courts, ball field, sitting area, community garden	2.52	1.68	0.84
7	Short Triangle	DPR	Benches, greenery	0.01	0.00	0.01
8	McKenna Triangle	DPR	Flagpole, greenery, seating	0.10	0.00	0.10
9	Court Square Park	DPR	Sitting area, fountain, lawn	0.49	0.00	0.49
10	Rafferty Triangle (includes Captain Malcom A. Rafferty Memorial)	DPR	Landscaping, seating area	0.38	0.00	0.38
11	Gordan Triangle	DPR	Greenery, benches, flagpole)	0.80	0.00	0.80
12	Vernon Mall	DPR	Small park (walkway, benches, trees, planting boxes)	0.14	0.00	0.14
13	Gantry Plaza State Park at Queens West (including Peninsula Park, Gantry Plaza, and additional waterfront open space)	OPRHP	Sitting areas, lawn, waterfront esplanade, children's play area, fishing pier, community garden	7.53	3.01	4.52
14	Queens West Sportsfield	OPRHP	Running track and multipurpose athletic field	1.86	1.86	0.00
15	Citibank Plaza	Citigroup	Landscaped area with seating	0.53	0.00	0.53
16	Hunter Street Park	NYCDOT	Landscaped area with seating; Greenstreet	0.21	0.00	0.21
17	Sundial Park	NYCDOT	Monument, landscaped area with seating; Greenstreet	0.11	0.00	0.11
18	Queens Plaza Public Open Space (including Dutch Kills Green)	NYCDOT	Landscaped park and traffic medians with benches, pedestrian walkway, off-street bike lane; Greenstreet	1.81	0.18	1.63
19	LIC Roots Community Garden/ Michael Brennan Memorial	MTA-LIRR	Community garden, benches, seating	0.09	0.00	0.09
20	New York State Dog Run	OPRHP	Dog run	0.11	0.00	0.11
			Totals	**19.13**	**7.94**	**11.19**

Notes:
1. See **Figure D-1** for open space resources.
2. DPR = New York City Department of Parks & Recreation
MTA = Metropolitan Transportation Authority
LIRR = Long Island Rail Road
OPRHP = New York State Office of Parks, Recreation, and Historic Preservation
NYCDOT = New York City Department of Transportation

Sources: AKRF Field Survey, July 2013, and 22-44 Jackson Avenue EAS, approved April 19, 2013.

Table D-2 compares the study area open space ratios under the existing, No Action, and With Action conditions and shows that the total open space ratio between the No Action and With Action conditions would be reduced from 1.07 to 1.05 acres per 1,000 residents. As shown in the table, the active and passive open space ratios would not change. If a potential decrease in an open space ratio exceeds 5 percent, it is generally considered to be a substantial change warranting a detailed analysis. As shown in **Table D-2**, under the preliminary assessment, none of the open space ratios in the With Action condition decrease by more than 1.87 percent. Additionally, the open space ratio in the With Action condition would remain above the citywide

average of 1.5 acres per 1,000 residents. Therefore, a detailed open space assessment is not warranted, and the proposed development would not result in any significant adverse impacts on open space resources.

Table D-2
Preliminary Assessment:
Adequacy of Public Open Space Resources in the Study Area

	Existing Conditions	No Action	With Action
Study Area Population			
Residents	10,815[1]	17,906[2]	18,175
Open Space Acreage[3]			
Total	19.13	19.13	19.13
Passive	11.19	11.19	11.19
Active	7.94	7.94	7.94
Open Space Ratios (acres per 1,000 residents)			
Total/Residents	1.77	1.07	1.05
Passive/Residents	1.03	0.62	0.62
Active/Residents	0.73	0.44	0.44
Percent Change, Existing to With Action			
Total/Residents			-1.87%
Passive/Residents			-0.00%
Active/Residents			-0.00%

Notes:
Planning Goal Ratios:
Total: 2.5 acres/1,000 residents
Passive: 0.5 acres/1,000 residents
Active: 2.0 acres/1,000 residents
City-wide Averages:
Total for Residents: 1.5 acres/1,000 residents
Total for Workers: 0.15 acres of passive open space/1,000 non-residents
1. Existing residential totals based on 2010 U.S. Census populations for Census Tracts 1, 7, and 19.
2. The population adjustment for the No Action condition for the 2017 analysis year was determined by using census data to calculate the annual growth rate for Census Tracts 1, 7, and 19 between 2000 and 2010. The result yielded a 7.5 percent annual growth rate, which was used to project the future population for the 2017 analysis year.
3. See **Table D-1 and Figure D-1**.

✶

Attachment E: Shadows

A. INTRODUCTION

This attachment considers the potential of the proposed development to cast new shadows on sunlight-sensitive resources. Sunlight-sensitive resources of concern include publicly accessible open spaces, important natural features such as water bodies, and sunlight-dependent features of historic and cultural resources.

According to the 2012 *City Environmental Quality Review (CEQR) Technical Manual*, a shadows assessment is required if the project would result in structures of 50 feet or more, or if the development site is located adjacent to, or across the street from, a sunlight-sensitive resource. The proposed development would reach a maximum height of 125 feet including mechanical bulkhead. Therefore a shadow analysis is warranted.

The analysis concluded that the proposed development would cast about 20 minutes of new shadow on portions of a nearby Greenstreets traffic median in one season, but that this limited extent and duration of incremental shadow would not result in significant adverse impacts.

B. DEFINITIONS AND METHODOLOGY

This analysis has been prepared in accordance with CEQR procedures and follows the guidelines of the *CEQR Technical Manual*.

DEFINITIONS

Incremental shadow is the additional, or new, shadow that a structure resulting from a proposed project would cast on a sunlight-sensitive resource.

Sunlight-sensitive resources are those resources that depend on sunlight or for which direct sunlight is necessary to maintain the resource's usability or architectural integrity. Such resources generally include:

- *Public open space* (e.g., parks, beaches, playgrounds, plazas, schoolyards, greenways, landscaped medians with seating). Planted areas within unused portions of roadbeds that are part of the Greenstreets program are also considered sunlight-sensitive resources.
- *Features of architectural resources that depend on sunlight for their enjoyment by the public*. Only the sunlight-sensitive features need be considered, as opposed to the entire resource. Such sunlight-sensitive features might include: design elements that depend on the contrast between light and dark (e.g., recessed balconies, arcades, deep window reveals); elaborate, highly carved ornamentation; stained glass windows; historic landscapes and scenic landmarks; and features for which the effect of direct sunlight is described as playing a significant role in the structure's importance as a historic landmark.

- *Natural resources* where the introduction of shadows could alter the resource's condition or microclimate. Such resources could include surface water bodies, wetlands, or designated resources such as coastal fish and wildlife habitats.

Non-sunlight-sensitive resources include, for the purposes of CEQR:

- *City streets and sidewalks* (except Greenstreets);
- *Private open space* (e.g., front and back yards, stoops, vacant lots, and any private, non-publicly-accessible open space);
- *Project-generated open space* cannot experience a significant adverse shadow impact from the project, according to CEQR, because without the project the open space would not exist. However, a qualitative discussion of shadows on the project-generated open space should be included in the analysis.

A significant adverse shadow impact occurs when the incremental shadow added by a proposed project falls on a sunlight-sensitive resource and substantially reduces or completely eliminates direct sunlight, thereby significantly altering the public's use of the resource or threatening the viability of vegetation or other resources. Each case must be considered based on the extent and duration of new shadow and an analysis of the resource's sensitivity to reduced sunlight.

METHODOLOGY

Following the guidelines of the *CEQR Technical Manual*, a preliminary screening assessment is first conducted to ascertain whether a project's shadow could reach any sunlight-sensitive resources at any time of year. The preliminary screening assessment consists of three tiers of analysis. The first tier determines a simple radius around the proposed development representing the longest shadow that could be cast. If there are sunlight-sensitive resources within this radius, the analysis proceeds to the second tier, which reduces the area that could be affected by project shadow by accounting for the fact that shadows can never be cast between a certain range of angles south of the development site due to the path of the sun through the sky at the latitude of New York City.

If the second tier of analysis does not eliminate the possibility of new shadows on sunlight-sensitive resources, a third tier of screening analysis further refines the area that could be reached by project shadow by looking at specific representative days in each season and determining the maximum extent of shadow over the course of each representative day.

If the third tier of analysis does not eliminate the possibility of new shadows on sunlight-sensitive resources, a detailed shadow analysis is required to determine the extent and duration of the incremental shadow resulting from the project. The detailed analysis provides the data needed to assess the shadow impacts. The effects of the new shadows on the sunlight-sensitive resources are described, and their degree of significance is considered. The results of the analysis and assessment are documented with graphics, a table of incremental shadow durations, and narrative text.

C. PRELIMINARY SCREENING ASSESSMENT

A base map was developed using Geographic Information Systems (GIS)[1] showing the location of the proposed development and the surrounding street layout (see **Figure E-1**). In coordination with the open space and historic and cultural resources assessments presented in other sections of this EAS, potential sunlight-sensitive resources were identified and shown on the map.

TIER 1 SCREENING ASSESSMENT

For the Tier 1 assessment, the longest shadow that the proposed structure could cast is calculated, and, using this length as the radius, a perimeter is drawn around the development site. Anything outside this perimeter representing the longest possible shadow could never be affected by project generated shadow, while anything inside the perimeter needs additional assessment.

According to the *CEQR Technical Manual*, the longest shadow that a structure can cast at the latitude of New York City occurs on December 21, the winter solstice, at the start of the analysis day at 8:51 AM, and is equal to 4.3 times the height of the structure.

Therefore, at a maximum height of 125 feet above curb level, including rooftop mechanical structures, the proposed development could cast a shadow up to 538 feet in length (125 x 4.3). Using this length as the radius, a perimeter was drawn around the development site (see **Figure E-1**). Three sunlight-sensitive resources were located within the longest shadow study area, the Bridge and Tunnel Park, a Greenstreets island at the intersection of the Pulaski Bridge and Jackson Avenue, and another Greenstreets island at the intersection of 21st Street and 50th Avenue. Therefore the next tier of assessment was conducted.

TIER 2 SCREENING ASSESSMENT

Because of the path that the sun travels across the sky in the northern hemisphere, no shadow can be cast in a triangular area south of any given development site. In New York City this area lies between -108 and +108 degrees from true north. **Figure E-1** illustrates this triangular area south of the development site. The complementing area to the north within the longest shadow study area represents the remaining area that could potentially experience new project generated shadow.

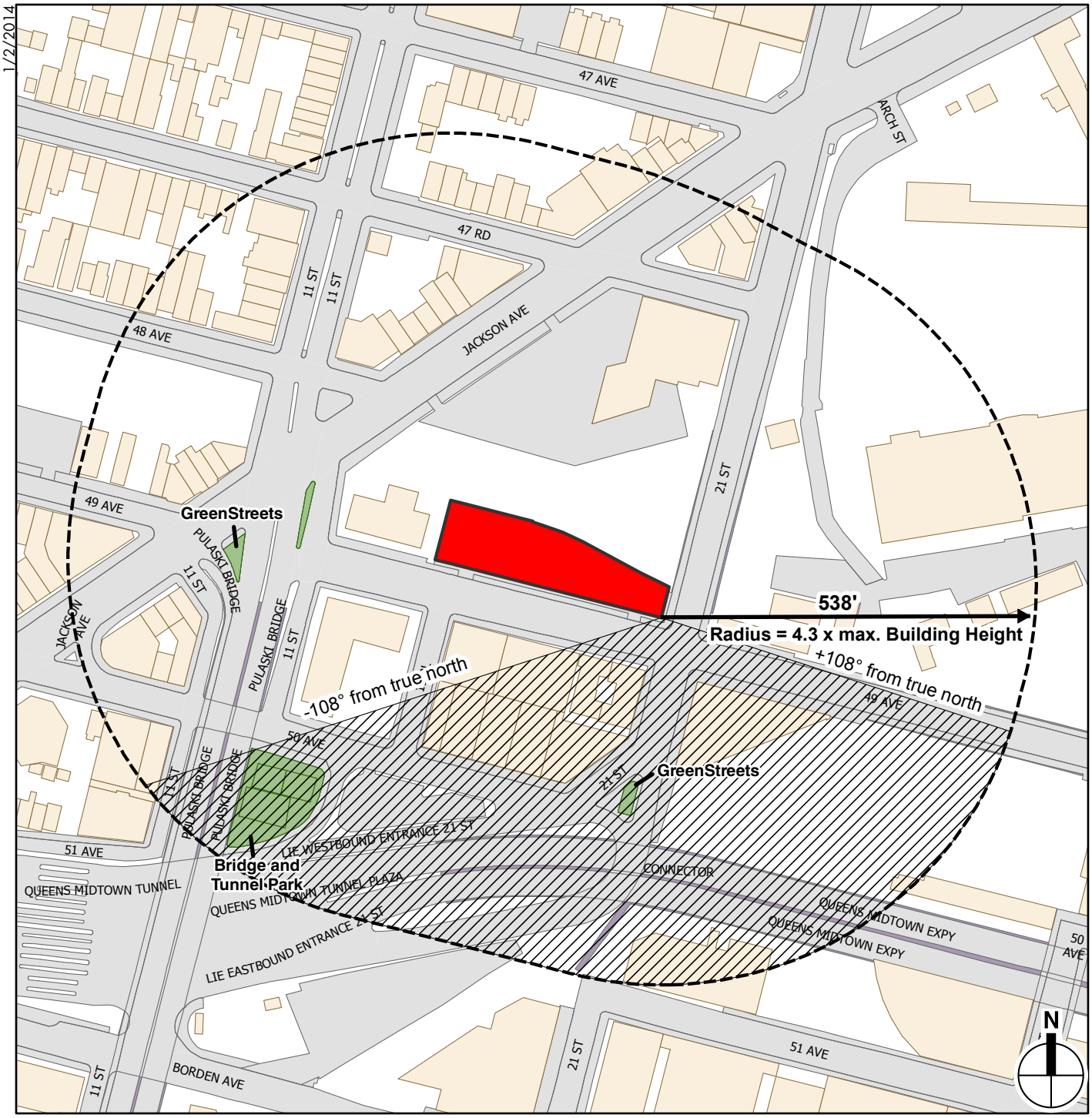
The Tier 2 assessment indicated that while Bridge and Tunnel Park and the Greenstreets island at 21st Street and 50th Avenue were located in the triangular area south of the development site and would not receive project generated shadow in any season, the Greenstreets island at Jackson Avenue and the Pulaski Bridge was located in the remaining longest shadow study area. Therefore a Tier 3 assessment was conducted.

TIER 3 SCREENING ASSESSMENT

The direction and length of shadows vary throughout the course of the day and also differ depending on the season. In order to determine whether project-generated shadow could fall on a sunlight-sensitive resource, three-dimensional (3D) computer mapping software[2] is used in the

[1] Software: Esri ArcGIS 10.1; Data: New York City Department of Information Technology and Telecommunications (DoITT) and other City agencies, and AKRF site visits.

[2] MicroStation V8i (SELECTSeries 3)



Project Site

Tier 1: Longest Shadow Study Area Boundary

Tier 2: Area south of site that could never be shaded by Proposed Project

Publicly-accessible open space

Feet
0 200 400

Tier 1 and Tier 2 Assessment

11-55 49TH AVENUE

Figure E-1

Tier 3 assessment to calculate and display the proposed development site's shadows on individual representative days of the year. A computer model was developed containing three-dimensional representations of the elements in the base map used in the preceding assessments, the topographic information of the study area, and a reasonable worst-case three-dimensional representation of the proposed project.

REPRESENTATIVE DAYS FOR ANALYSIS

Following the guidance of the *CEQR Technical Manual*, shadows on the summer solstice (June 21), winter solstice (December 21) and spring and fall equinoxes (March 21 and September 21, which are approximately the same in terms of shadow patterns) are modeled, to represent the range of shadows over the course of the year. An additional representative day during the growing season is also modeled, generally the day halfway between the summer solstice and the equinoxes, i.e., May 6 or August 6, which have approximately the same shadow patterns.

TIMEFRAME WINDOW OF ANALYSIS

The shadow assessment considers shadows occurring between one and a half hours after sunrise and one and a half hours before sunset. At times earlier or later than this timeframe window of analysis, the sun is down near the horizon and the sun's rays reach the Earth at very tangential angles, diminishing the amount of solar energy and producing shadows that are very long, move fast, and generally blend with shadows from existing structures until the sun reaches the horizon and sets. Consequently, shadows occurring outside the timeframe window of analysis are not considered significant under *CEQR*, and their assessment is not required.

TIER 3 SCREENING ASSESSMENT RESULTS

Figure E-2 illustrates the range of shadows that would occur, in the absence of intervening buildings, from the proposed development on the four representative days for analysis. As they move east and clockwise over the landscape, the shadows are shown occurring approximately every two hours from the start of the analysis day (one and a half hours after sunrise) to the end of the analysis day (one and a half hours before sunset).

The assessment showed that project-generated shadow would not fall on the Greenstreets island or any other sunlight-sensitive resource on the March 21/September 21, June 21 or December 21 analysis days.

However, the proposed development's shadow could reach a portion of the island in the early morning of the May 6/August 6 analysis day. Therefore, a detailed analysis was conducted to determine the extent and duration of new shadow on the island on May 6/August 6, and to assess the potential effects of the new shadow.

D. DETAILED SHADOW ANALYSIS

Three-dimensional representations of the existing buildings in the study area were developed using data obtained from NYC DoITT, Sanborn maps, and photos taken during development site visits, and were added to the three-dimensional model used in the Tier 3 assessment.

The future condition with the proposed development and its shadows was then be compared to the baseline No Action condition on the May 6/August 6 analysis day to determine the incremental shadows that would result with the proposed project.

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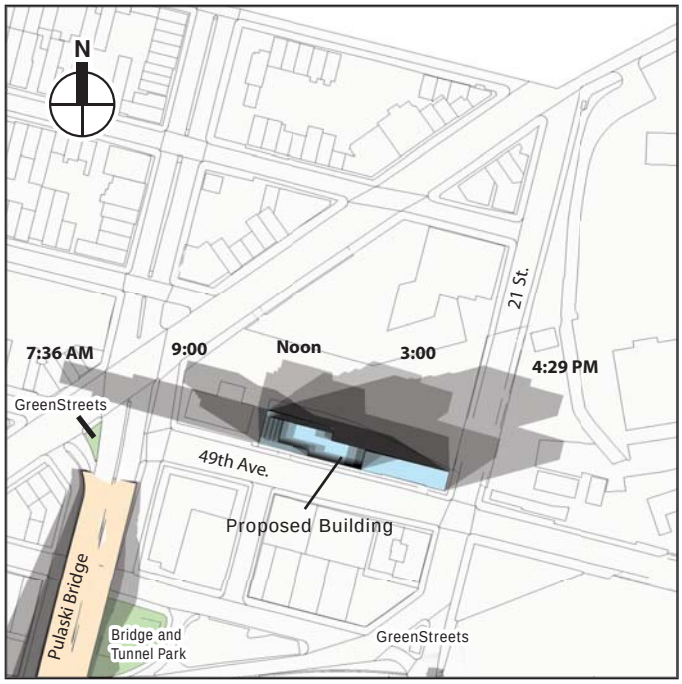
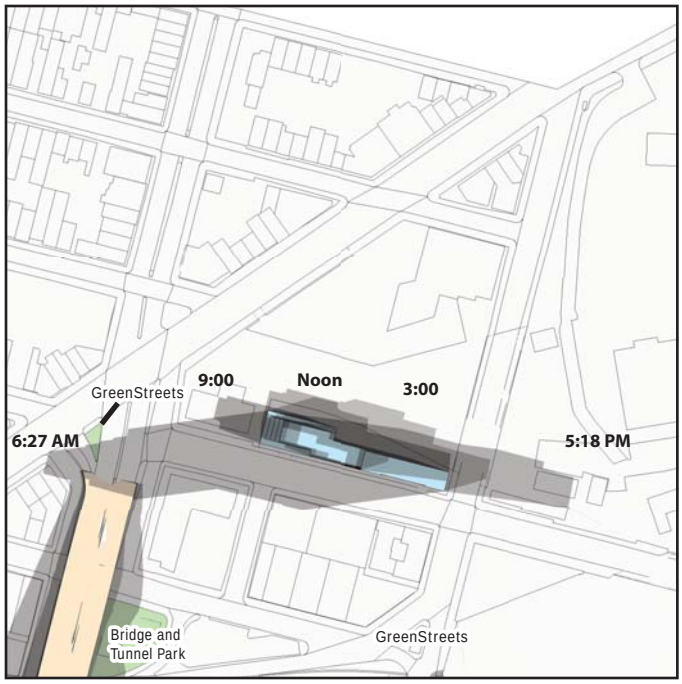
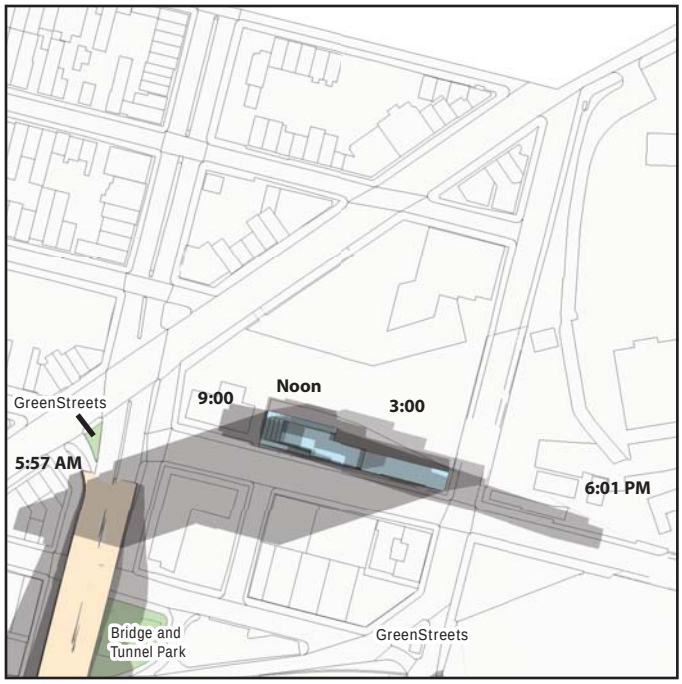


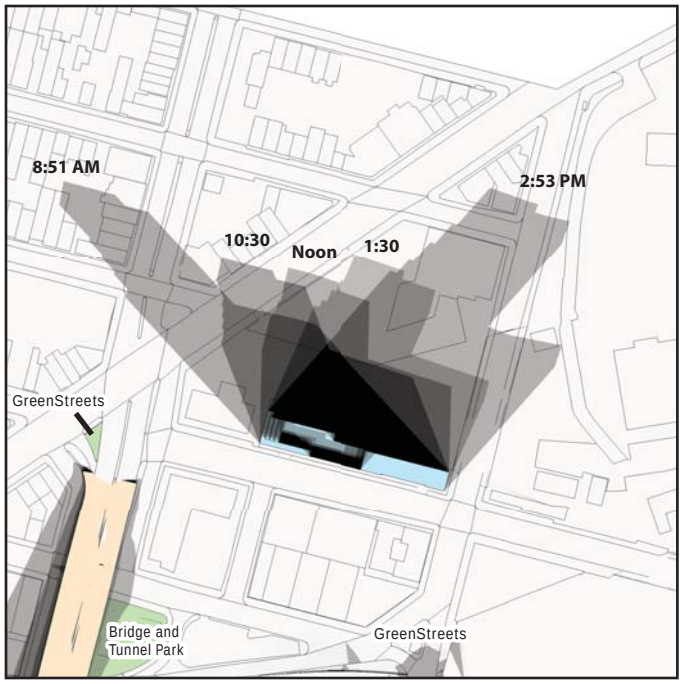
March 21/Sept. 21



May 6/August 6



June 21



December 21

Note: Daylight Saving Time not used.

0 200 400 FEET

SCALE

Publicly-Accessible Open Space

Shadow

11-55 49TH AVENUE

Tier 3 Assessment
Figure E-2

Shadows are in constant movement. The computer simulation software produces an animation showing the movement of shadows over the course of the analysis period. The analysis determines the time when incremental shadow would enter each resource, and the time it would exit.

Following the analysis framework described in Attachment A, "Project Description," the shadows assessment was performed for the analysis year of 2017, comparing the proposed development with the future No Action condition in which the site would remain as in the existing condition, a public parking lot.

Shadow analyses were performed for the representative day and analysis period indicated in the Tier 3 assessment, i.e. May 6/August 6.

Table E-1 summarizes the entry and exit times and total duration of incremental shadows on each affected sun-sensitive resource. **Figure E-3** documents the results of the analysis by providing graphic representations from the computer animation of times when incremental shadow would fall on a sun-sensitive resource. The figures illustrate the extent of additional, incremental shadow at that moment in time, highlighted in red, and also show existing shadow and remaining areas of sunlight.

Table E-1
Incremental Shadow Durations

Analysis day and timeframe window	March 21 / Sept. 21 7:36 AM-4:29 PM	May 6 / August 6 6:27 AM-5:18 PM	June 21 5:57 AM-6:01 PM	December 21 8:51 AM-2:53 PM
Greenstreets island	—	6:27 AM–6:47 AM Total: 20 min	—	—

Notes:
Table indicates entry and exit times and total duration of incremental shadow for each sunlight-sensitive resource.
Daylight saving time is not used—times are Eastern Standard Time, per *CEQR Technical Manual* guidelines. However, as Eastern Daylight Time is in effect for the March/September, May/August and June analysis periods, add one hour to the given times to determine the actual clock time.

RESOURCES OF CONCERN

The large landscaped traffic island at the intersection of the Pulaski Bridge and Jackson Avenue contains shrubs and two trees. **Figure E-4** shows photos of this resource.

ANALYSIS RESULTS

Incremental shadow would pass across the southern half of the island during the first 20 minutes of the May 6/August 6 analysis day, 6:27 AM to 6:47 AM. The island would be in direct sunlight for most of the remaining analysis day, which ends at 5:18 PM.

CONCLUSION

The proposed development's shadow would fall on a portion of the Greenstreets island for about 20 minutes at the start of the May 6/August 6 analysis day. The island would be in direct sunlight for most of the remaining day. The limited extent and duration of new shadow would not significantly affect the health of the vegetation of the island on this analysis day. No incremental shadow would fall on the island on the other three analysis days. The proposed project would not cause a significant adverse shadow impact. ✷

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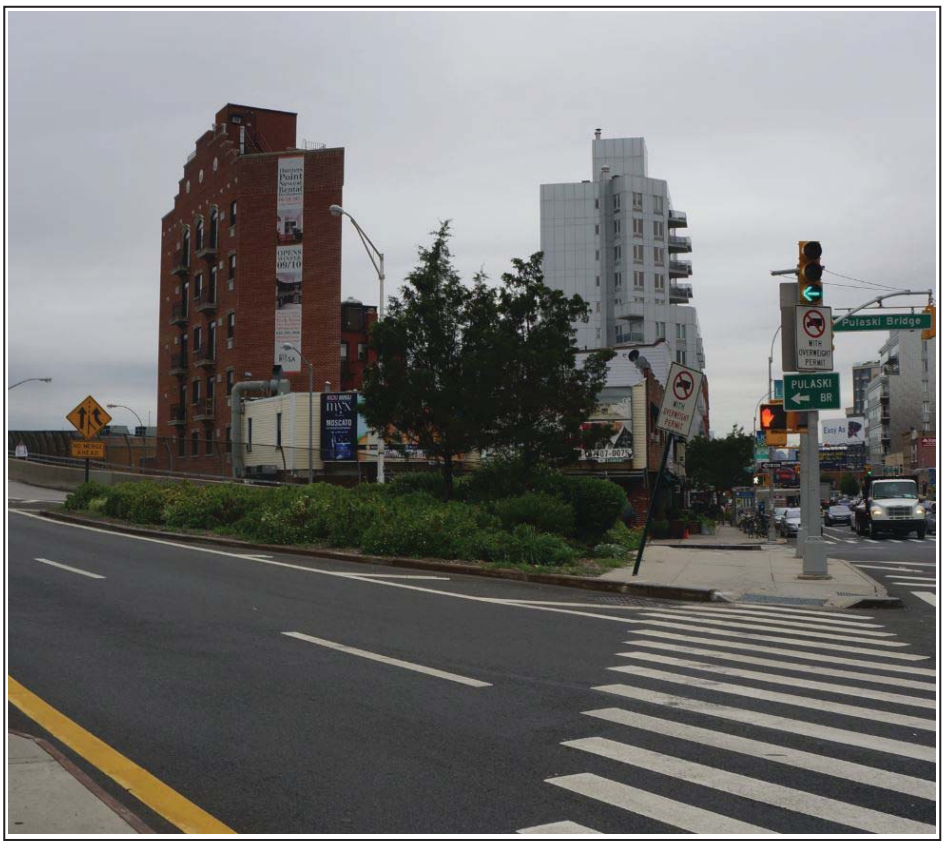
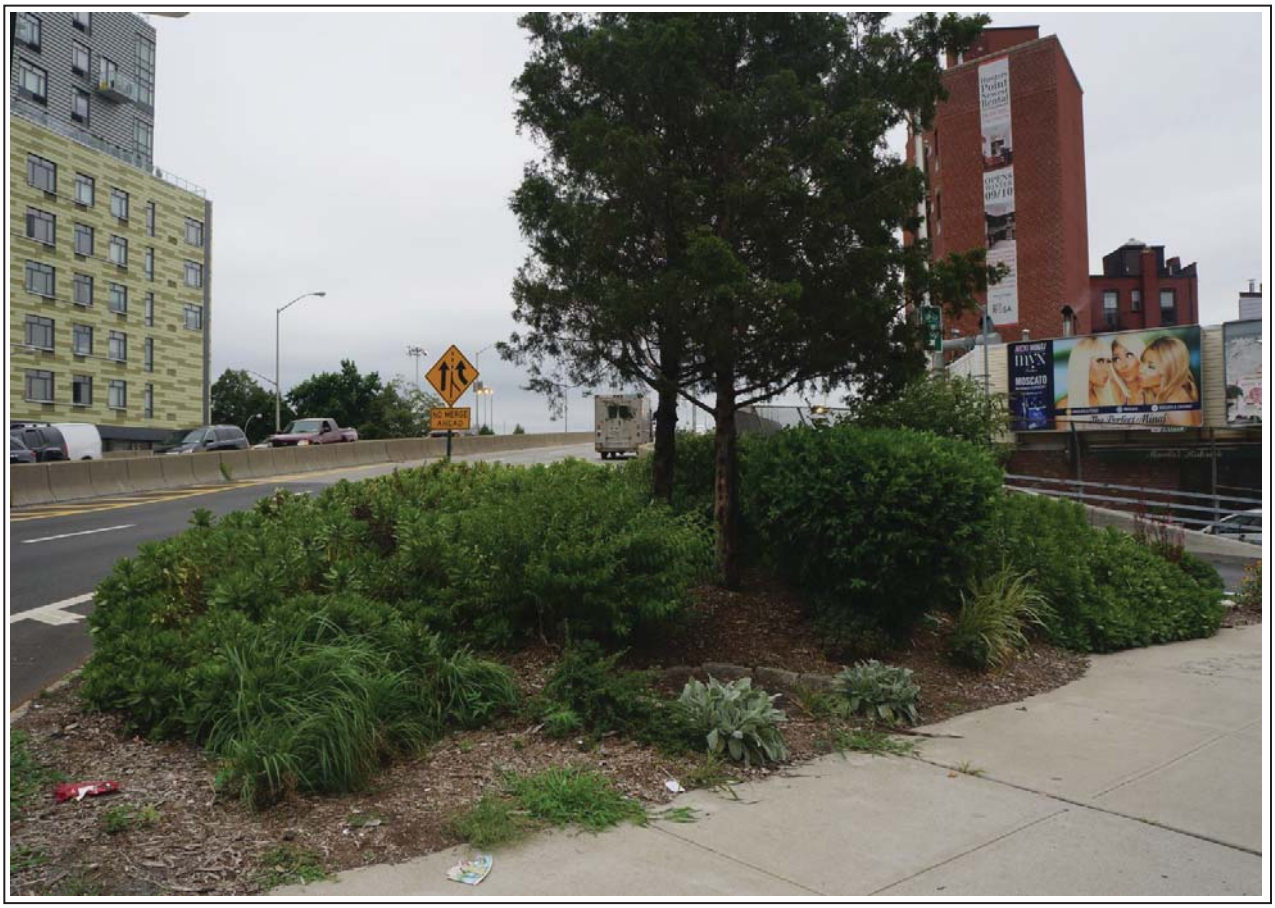




Resource of Concern: Greenstreets Island

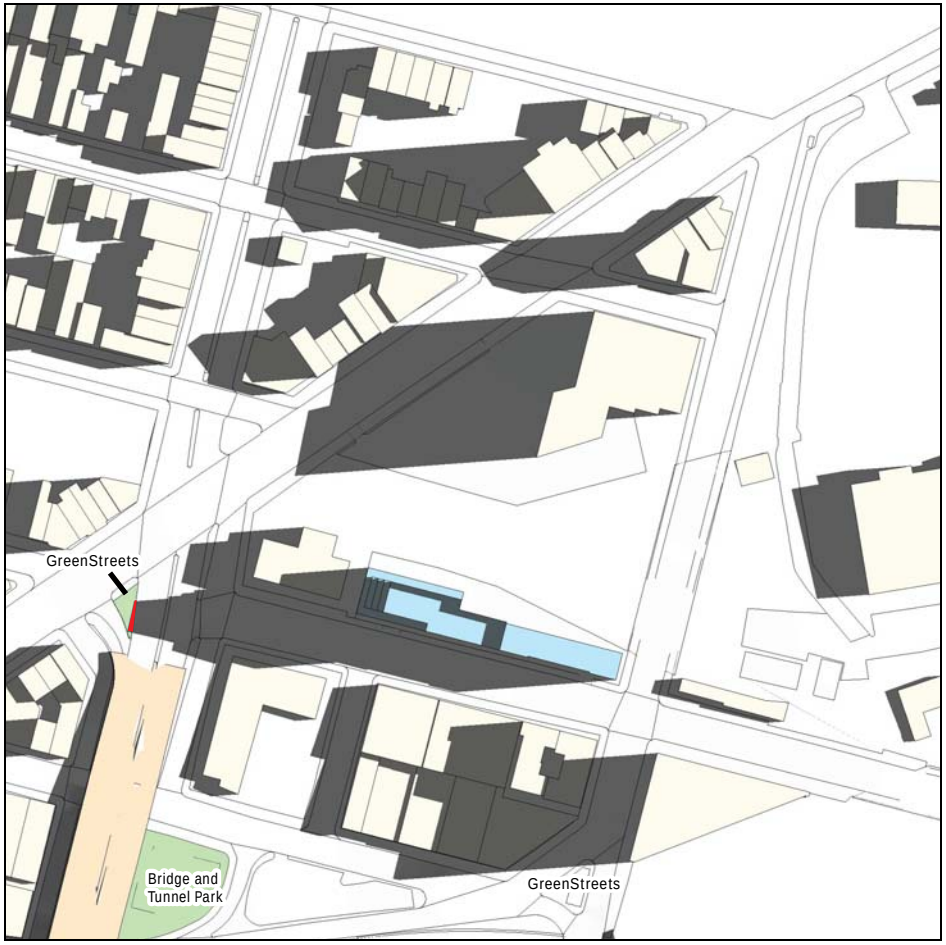
11-55 49TH AVENUE

Figure E-3

1.3.14



6:27 AM



6:47 AM

Publicly-Accessible Open Space

Incremental shadow on sunlight-sensitive features

Daylight Savings Time was not used, per *CEQR Technical Manual* guidelines.

May 6/August 6 - 6:27-6:47 AM

11-55 49TH AVENUE

Figure E-4

A. INTRODUCTION

This chapter assesses the potential of the proposed development to affect historic and cultural resources. Historic and cultural resources include both archaeological and architectural resources. The development site and rezoning area occupy the southeast portion of the block bounded by 21st Street, 49th Avenue, 11th Street, Jackson Avenue, and 47th Road in the Borough of Queens. The proposed actions would facilitate the construction of a residential and commercial development that would replace the existing paved parking area and attendant's booth with an 8- to 12-story residential and commercial building containing approximately 173,715 gross-square-foot (gsf), including a cellar level. As described in Attachment A, "Project Description," the proposed development would require a zoning map amendment and a zoning text amendment.

As described below, the proposed actions would not result in any significant adverse impacts on historic and cultural resources. There are no known historic or cultural resources on the development site or in the rezoning area. There are two State and National Registers of Historic Places (S/NR)-eligible resources in the study area: the Paragon Oil building and the former Blue Sky diner. These resources are located over 90 feet from the development site; therefore the development would not be expected to result in adverse physical impacts on these resources. Views to the Paragon Oil building and the former Blue Sky diner would not be obstructed. Additionally, these architectural resources exist in a mixed context of older structures and more recently constructed taller buildings in the study area. Therefore, the proposed development would not adversely alter the setting or historic context of these architectural resources.

METHODOLOGY

ANALYTICAL FRAMEWORK

As discussed in Attachment A, "Project Description," the analyses in this document compare conditions in the future without the proposed development (the No Action condition) to conditions in the future with the proposed development (the With Action condition). The future without the proposed development assumes that none of the discretionary actions now being sought by the applicant are approved. Absent those approvals, it is assumed that the development site will continue in its current use as a parking lot with an attendant's booth.

ARCHAEOLOGICAL RESOURCES

The study area for archaeological resources is the development site itself where disturbance from excavation and construction can be anticipated. In a comment letter dated July 30, 2013, the New York City Landmarks Preservation Commission (LPC) determined that the development site and rezoning area are not sensitive for archaeological resources (see **Appendix B**). Therefore, this analysis will focus on architectural resources.

ARCHITECTURAL RESOURCES

Study areas for architectural resources are determined based on an area of potential effect for construction-period impacts, such as ground-borne vibrations, as well as the larger area in which there may be visual or contextual impacts. The 2012 *New York City Environmental Quality Review* (*CEQR) Technical Manual* sets the guidelines for the study area as being typically within an approximately 400-foot radius of the project site. The study area for this development has been defined as the area within 400 feet of the development site and rezoning area (see **Figure F-1**).

To assess the potential impacts of the proposed actions, an inventory of architectural resources in the study area was compiled. In accordance with the *CEQR Technical Manual* guidelines, the inventory includes all officially recognized architectural resources. These resources ("known architectural resources") are defined as National Historic Landmarks (NHLs); properties or districts listed on the S/NR, or previously determined to be eligible for such listing; NYCLs and New York City Historic Districts (NYCHDs); and properties that have been considered for designation ("heard") by LPC at a public hearing, calendared for consideration at such a hearing ("pending NYCLs"), or found by LPC to appear eligible for designation. Based upon a review of this inventory, two officially recognized architectural resources were identified in the study area.

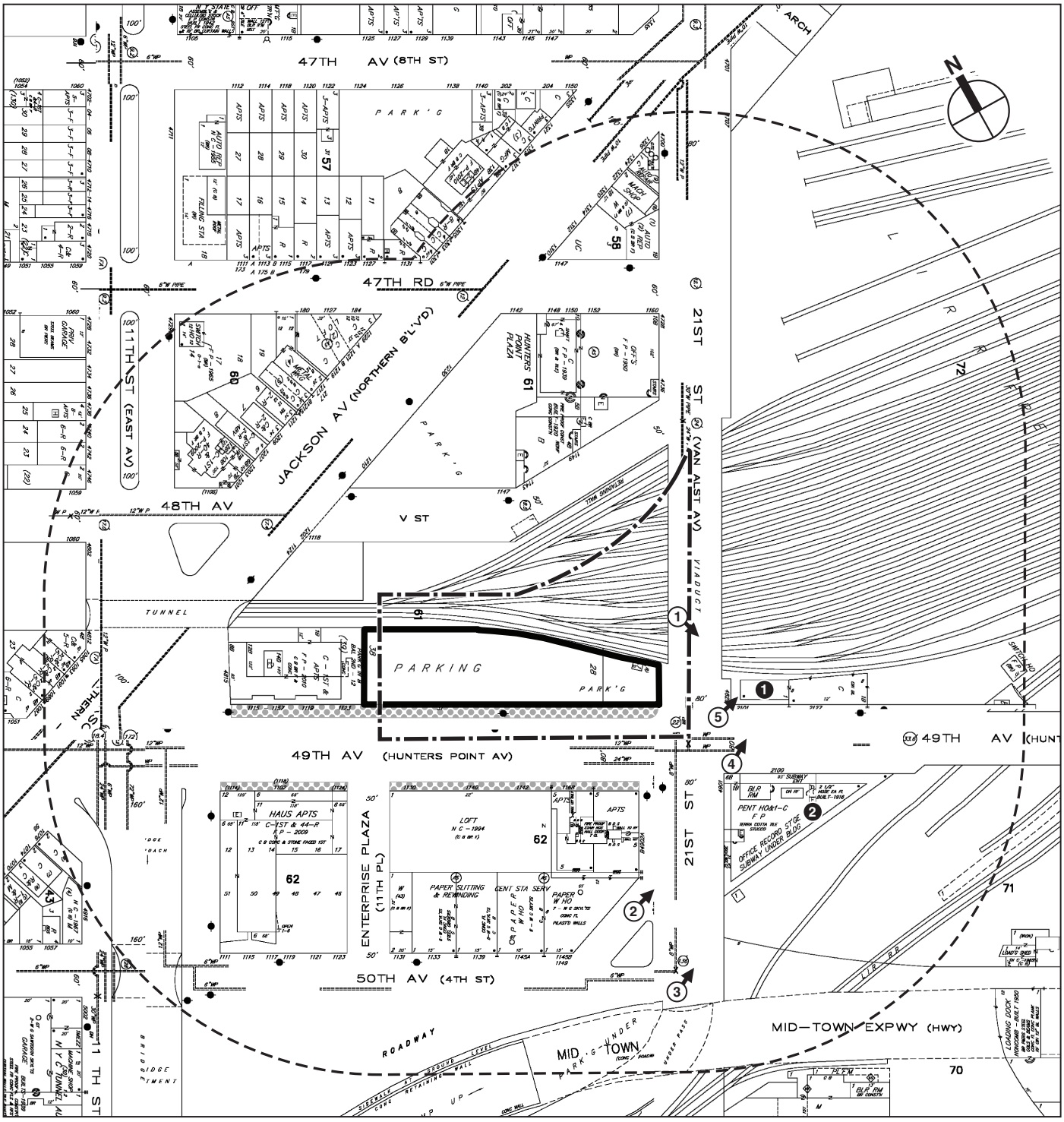
In addition to identifying known architectural resources, an evaluation of the study area was undertaken to identify any "potential architectural resources"; that is, other buildings in the study area that could warrant recognition as architectural resources (properties that could be eligible for S/NR listing or NYCL designation). Properties were evaluated based on site visits by an architectural historian and the review of prior studies of the study area.

Once the architectural resources in the study area were identified, the proposed actions were assessed for their potential to have direct, physical impacts and/or indirect visual or contextual impacts on architectural resources. Direct impacts include damage from vibration (i.e., from construction blasting or pile driving) and additional damage from adjacent construction that could occur from falling objects, subsidence, collapse, or damage from construction machinery. Adjacent construction is defined as any construction activity that would occur within 90 feet of an architectural resource, as defined in the New York City Department of Buildings (DOB) *Technical Policy and Procedure Notice* (TPPN) #10/88.[1]

Indirect impacts on architectural resources are contextual or visual impacts that could result from project construction or operation. As described in the *CEQR Technical Manual*, indirect impacts could result from blocking significant public views of a resource; isolating a resource from its setting or relationship to the streetscape; altering the setting of a resource; introducing incompatible visual, audible, or atmospheric elements to a resource's setting; or introducing shadows over a historic landscape or an architectural resource with sun-sensitive features that contribute to that resource's significance (e.g., a church with stained-glass windows).

The setting of each architectural resource, including its visual prominence and significance in publicly accessible views, whether it has sun-sensitive features, and its visual and architectural relationship to other architectural resources, were all taken into consideration for this analysis.

[1] TPPN #10/88 was issued by DOB on June 6, 1988, to supplement Building Code regulations with regard to historic structures. TPPN #10/88 outlines procedures for the avoidance of damage to historic structures that are listed on the S/NR or NYCLs resulting from adjacent construction, defined as construction within a lateral distance of 90 feet from the historic resource.



Development Site Boundary

Rezoning Area Boundary

Proposed Sidewalk Cafe Area

Study Area Boundary (400-Foot Perimeter)

Photograph View Direction and Reference Number

❶ *Former Blue Sky Diner*

❷ *Paragon Oil Building*

Architectural Resources and Photograph Location Key

11-55 49TH AVENUE

Figure F-1

B. EXISTING CONDITIONS

DEVELOPMENT SITE/REZONING AREA

The development site is currently in use as a paved surface parking lot. A square, shed-like structure atop cinderblocks with metal siding and metal roofing houses the parking attendants. This structure is not historic or significant. No other standing structures are located on the development site. The rezoning area contains the development site and a LIRR spur that is part of the Arch Street Yard and Shop. There are no historic structures in the rezoning area.

STUDY AREA

In a letter dated December 2, 2013, LPC determined the Paragon Oil building and the former Blue Sky diner eligible for listing on the S/NR (see **Appendix C**).

The Paragon Oil building is also known in the area as the Queens Subway building. Constructed in 1916, the brick, seven-story structure has a triangular footprint and is located at the southeast corner of 49th Avenue and 21st Street. The No. 7 train's Hunter's Point Avenue station lies beneath the building. The subway entrance was originally part of the building's lobby. The subway entrance is now closed, although the building lobby still retains its original marble floors and burnished gold fixtures. The subway entrance is now located across 49th Avenue in front of the addition to the former Blue Sky diner (see **Figures F-2 to F-3**).

The Paragon Oil building is clad in limestone on the first two floors and brick for the upper four floors on the primary north and west facades. The first floor windows are topped with flat arches and a decorative string course above. The limestone cladding of the first floor continues to the second floor, ending at a plain cornice. The third to fifth floors are brick. The windows are industrial, square casement lights. The sixth floor windows are composed of glass block topped with a depressed arch and a scroll ornament as a keystone. A bracketed cornice adorns the top of the structure. The south façade, facing the Long Island Expressway (LIE), is adorned only with flat arches on the first floor. The sixth floor of the south façade is lit by windows of glass block framed by depressed arches. A seventh floor penthouse and mechanical bulkhead is visible atop the structure from a distance. A billboard facing the LIE sits atop the mechanical bulkhead.

The building features linear advertisements in faded, but still visible and legible yellow paint on all three sides. The side of the structure fronting 21st Street features the words "World's Most Modern Oil Burners … Paragon" between the fifth and sixth floors. A billboard, mounted onto this side of the building, blocks half the windows of the third and fourth floors. The facade fronting 49th Avenue features the words "For Modern Home Heating … Paragon Oils & Burners", also between the fifth and sixth floors. The advertisement on facade fronting the LIE is located between the fourth and fifth floors and reads "1st on Long Island – Paragon Oil Burners". Across the top of the building is a band of white paint with black letters that reads "Manhattan Office Record Storage – 535-9700." A billboard mounted to the upper left face of this side of the structure obstructs part of the record storage advertisement and the windows on the sixth floor.

The building was originally built for Paragon Oil Company and used for production, warehousing, and distribution of its products. Paragon Oil was purchased by Texaco in the 1960s. Since the 1960s the building has been used a warehouse facility. The structure is now in use as a mini-storage facility.



View of north façade of Paragon Oil building **1**



View of west façade of Paragon Oil building **2**

Potential Architectural Resources
Figure F-2



View of south façade of Paragon Oil building **3**



View of former Blue Sky Diner and addition **4**

The former Blue Sky diner, located at the northeast corner of 49th Avenue and 21st Street, was built in 1954 by the Mountain View Diner Company of Singac, New Jersey. Mountain View began operations in 1939 and closed its doors in 1957. The diner is, at the time of this EAS, currently undergoing renovations (see **Figures F-3 and F-4**).

The original one-story diner was 10 bays wide atop a brick foundation with a central projecting entrance accessible by a flight of steps on either side. The diner has recently undergone renovations inside and out. The exterior of the diner between the windows and brick foundation is covered with black panels. Stainless steel frames the black panels and windows. The stainless steel frames currently exhibit open electric outlets for future lighting. A band of ribbed steel adorns the area between the windows and the black striped panels framing the mechanical bulkhead. The black striped panels match the awnings above the three entrance doors. The western façade has a rounded window with a stainless steel panel above and below. A third entrance, also topped with an awning, is located in this façade. Views from 21st Street show the rear wall of the diner is composed of cinder block. Closer inspection of the north (rear) and east side of the diner and addition are inaccessible due to the location of the railroad tracks. The interior appears to retain original elements, including stainless steel panels and counter and stools.

A one-story addition has been added to the east side of the diner, removing or obscuring the original rounded end. The addition features a plain façade with six windows, a door and three windows clustered to the eastern end of the addition, near the subway entrance. The masonry building is painted beige with beige and black striped awnings above the windows and doors. This addition does not contribute to the significance of the former Blue Sky diner.

C. THE FUTURE WITHOUT THE PROPOSED PROJECT

DEVELOPMENT SITE/REZONING AREA

In the future without the proposed project, it is assumed that all structures within the rezoning area will not be altered and will remain in their current condition. The rezoning area is expected to remain occupied by the LIRR spur. Absent the proposed actions, the development site will not be redeveloped by the 2017 analysis year.

STUDY AREA

There is one development project expected to be completed within the study area by the 2017 analysis year. The development, located at 11-15 47th Road, is proposed to be a 45-foot tall, four-story residential building. Another development is located just outside the study area at 47-28 11th Street in the west corner of the 11th Street and 47th Road intersection. This development is proposed to be a 76-foot tall, seven-story apartment building with 21 dwelling units and commercial usage. The developments are consistent with both the scale of older residential buildings and new development in the study area.

D. THE FUTURE WITH THE PROPOSED PROJECT

DEVELOPMENT SITE/REZONING AREA

The applicant is proposing the construction of a mixed-use development on the development site. The proposed building would include 6,085 gsf of commercial space with frontages on 49th Avenue and 21st Street, 141,826 gsf of residential space, and 24,213 gsf of accessory parking



Detail of former Blue Sky Diner **5**



Interior of former Blue Sky Diner **6**

Potential Architectural Resources
Figure F-4

and ramp space. The proposed building would consist of a long, narrow, rectangular structure. The eastern half of the building would contain eight stories and rise to a height of 77.5 feet. The western portion of the building would contain 12-stories and rise to a maximum height of 125 feet, including mechanical bulkhead. The western portion of the building would have approximately 10-foot setbacks at every floor above the eighth floor.

As there are no architectural resources on the development site, the proposed development would have no significant adverse impact on such resources.

There are also no architectural resources within the rezoning area, thus the proposed rezoning would have no significant impact on such resources in this area.

STUDY AREA

As described above, there are two S/NR-eligible resources in the study area, the early-20th century Paragon Oil building and the mid-20th century former Blue Sky diner. The Paragon Oil building is located more than 90 feet from the development site, and, therefore, the proposed development would not be expected to result in adverse physical impacts to this resource. The former Blue Sky diner is located approximately 90 feet from the development site, across 21st Street. As this structure is separated from the development site by an active city street, and is not a masonry structure that depends on sub-grade structural foundations, it is not expected that construction of the proposed development would result in construction-related impacts, such as ground-borne vibration or settlement, to this structure.

The construction of the proposed development would also not be expected to significantly alter the context of the Paragon Oil building and the former Blue Sky diner. The maximum height of 125 feet for the new building would not impact the setting of these resources as they currently exist in a mixed context of older, low structures and recently constructed high-rise buildings.

The proposed development would not introduce incompatible visual, audible, or atmospheric elements to this resource's setting. The proposed development would be of a height, size, and use comparable to structures that compose the setting of the two architectural resources. Removal of the surface parking lot would not remove any elements that contribute to these resources' significance or setting. The proposed development would also not obstruct significant public views of the former Blue Sky diner or the Paragon Oil building. The primary views of the Paragon Oil building, along the LIE, 21st Street, and 49th Avenue, would be maintained as would views of the former Blue Sky diner from 49th Avenue and 21st Street.

Therefore the proposed development would not result in significant adverse direct or indirect impacts to architectural resources. ✷

Attachment G: Urban Design and Visual Resources

A. INTRODUCTION

This attachment considers the effects of the proposed development on urban design and visual resources. The proposed development would replace a public parking lot with an 8- to 12-story residential and commercial building, including a cellar level.

Based on the 2012 *City Environmental Quality Review (CEQR) Technical Manual*, urban design is defined as the totality of components that may affect a pedestrian's experience of public space. These components include streets, buildings, visual resources, open spaces, natural resources, and wind. An urban design assessment under CEQR must consider whether and how a project may change the experience of a pedestrian in a project area. The *CEQR Technical Manual* guidelines recommend the preparation of a preliminary assessment of urban design and visual resources, followed by a detailed analysis, if warranted based on the conclusions of the preliminary assessment. The analysis provided below addresses urban design characteristics and visual resources for existing conditions and the future without and with the proposed development. As detailed in this analysis, the proposed development would not have significant adverse impacts on urban design and visual resources.

B. METHODOLOGY

Based on the *City Environmental Quality Review (CEQR) Technical Manual*, a preliminary assessment of urban design and visual resources is appropriate when there is the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning. Examples include projects that permit the modification of yard, height, and setback requirements, and projects that result in an increase in built floor area beyond what would be allowed "as-of-right" or in the future without the proposed project.

The proposed development would result in the construction of an 8- to 12-story residential and commercial building containing approximately 173,715 gross square foot (gsf) of space. As the proposed development would result in a new residential and commercial building on the development site and an increase in the allowable floor area ratio (FAR), the proposed development meets the threshold for a preliminary assessment of potential impacts to urban design and visual resources.

According to the *CEQR Technical Manual*, the study area for urban design is the area where the project may influence land use patterns and the built environment, and is generally consistent with that used for the land use analysis. For visual resources, the view corridors within the study area from which such resources are publicly viewable should be identified. The land use study area may serve as the initial basis for analysis; however, in cases where significant visual resources exist, it may be appropriate to look beyond the land use study area to encompass views outside of this area, as is often the case with waterfront sites or sites within or near historic districts. The development site and rezoning area are not located on any waterfront and are not

located within or near a historic district. Therefore, the study area for this urban design and visual resources analysis has been defined as a 400-foot radius around the development site and the rezoning area, consistent with the land use, zoning, and public policy analysis (see **Figures G-1 and G-2**). The following preliminary assessment addresses urban design and visual resources for existing conditions and the future without and with the proposed project for the 2017 analysis year, when the proposed development is expected to be completed.

As described below, this preliminary assessment concludes that the proposed development would not result in any significant adverse impacts to urban design and visual resources from the pedestrian's perspective and no further analysis is warranted.

C. EXISTING CONDITIONS

URBAN DESIGN

DEVELOPMENT SITE

The development site is located on the southeastern portion of the block bounded by 49th Avenue, 21st Street, 47th Road, Jackson Avenue, and 11th Street. The development site contains a paved parking lot and a small, approximately 90-square-foot attendant's booth. A chain-link fence encloses the public parking lot, and the vehicular entrance to the parking lot is located on 49th Avenue (see view 1 of **Figure G-3**).

The topography of the development site slopes slightly downward approximately five feet from east to west. Overall, the lack of street trees on the sidewalks around the development site, the chain-link fence, and the parked cars do not contribute positively to the pedestrian experience.

REZONING AREA

The irregularly-shaped rezoning area extends to the north, east, and south of the development site. The portion of the rezoning area located outside of the development site is occupied by a Long Island Rail Road (LIRR) spur that is part of the Arch Street Yard and Shop, and portions of 21st Street and 49th Avenue (see view 2 of **Figure G-3**).

STUDY AREA

Jackson Avenue, a wide, prominent commercial corridor that runs diagonally through the northwest portion of the study area, converges with 21st Street and forms a triangular block in the northern portion of the study area (see **Figures G-1 and G-2**). Due to the diagonal direction of Jackson Avenue, 21st Street, the Long Island Expressway (LIE), and the LIRR spur, many of the blocks in the study area are irregularly shaped. The topography of the study area slopes gradually downward to the north, south, and west from 49th Avenue and 21st Street, limiting some views north of the development site and rezoning area from 50th Avenue. Overall, the urban design character of the study area is characterized by a mix of transportation uses, such as the LIRR tracks, the LIE, and the Pulaski Bridge ramp, and manufacturing, commercial, and residential buildings. The urban design character of the buildings in the study area generally consist of a mix of older low- to mid-rise commercial, manufacturing, and residential buildings with small- to medium-sized footprints, and more recently constructed mid-rise residential buildings also with medium-sized footprints that range from 7- to 12-stories in height. The mix of older, low-scale residential, commercial, and manufacturing buildings with newly constructed

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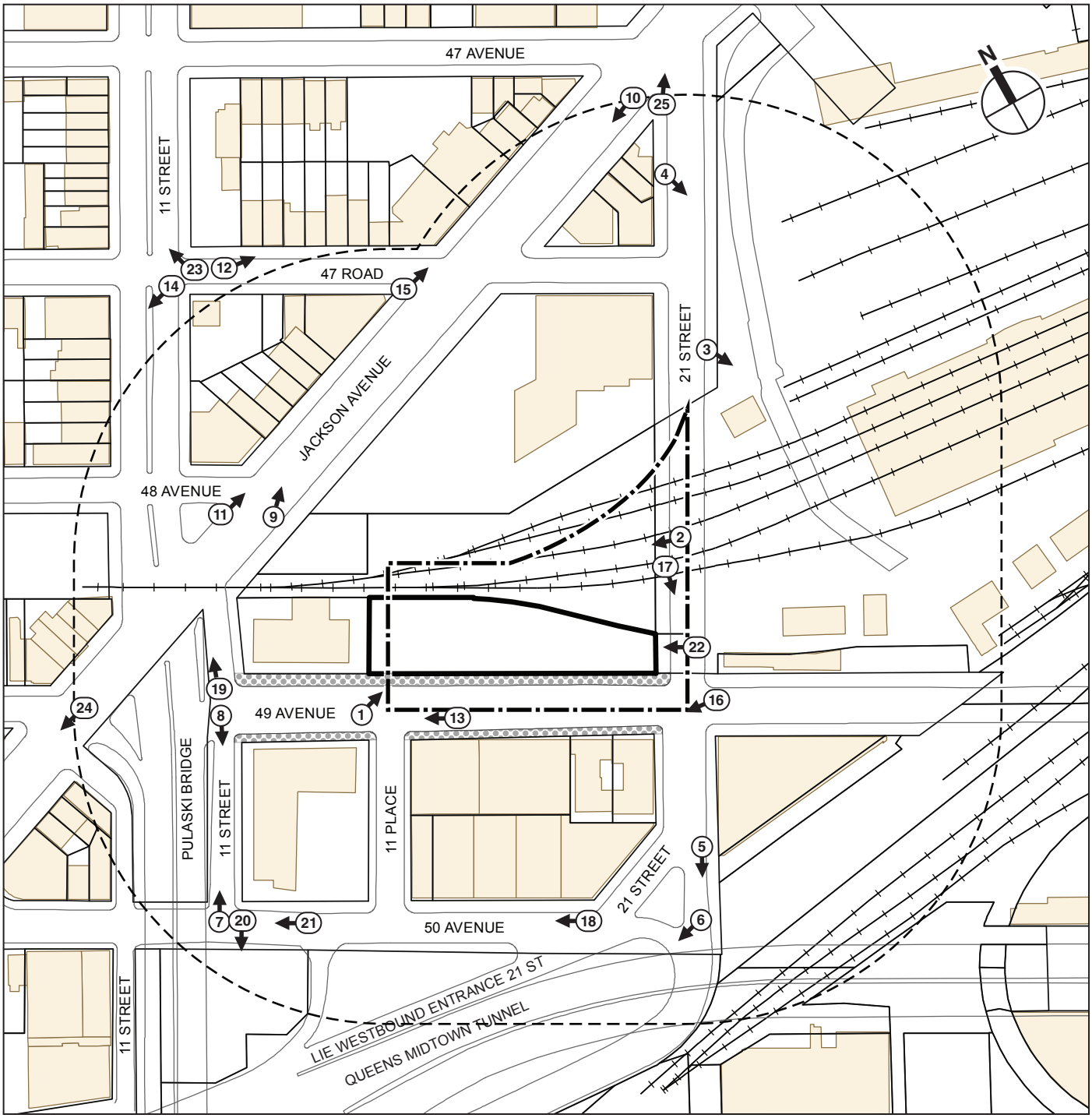

Development Site Boundary

Rezoning Area Boundary

Proposed Sidewalk Cafe Area

Study Area (400-Foot Perimeter)

Photograph View Direction and Reference Number

Photograph Key and Location Map
Urban Design and Visual Resources

11-55 49TH AVENUE

Figure G-1

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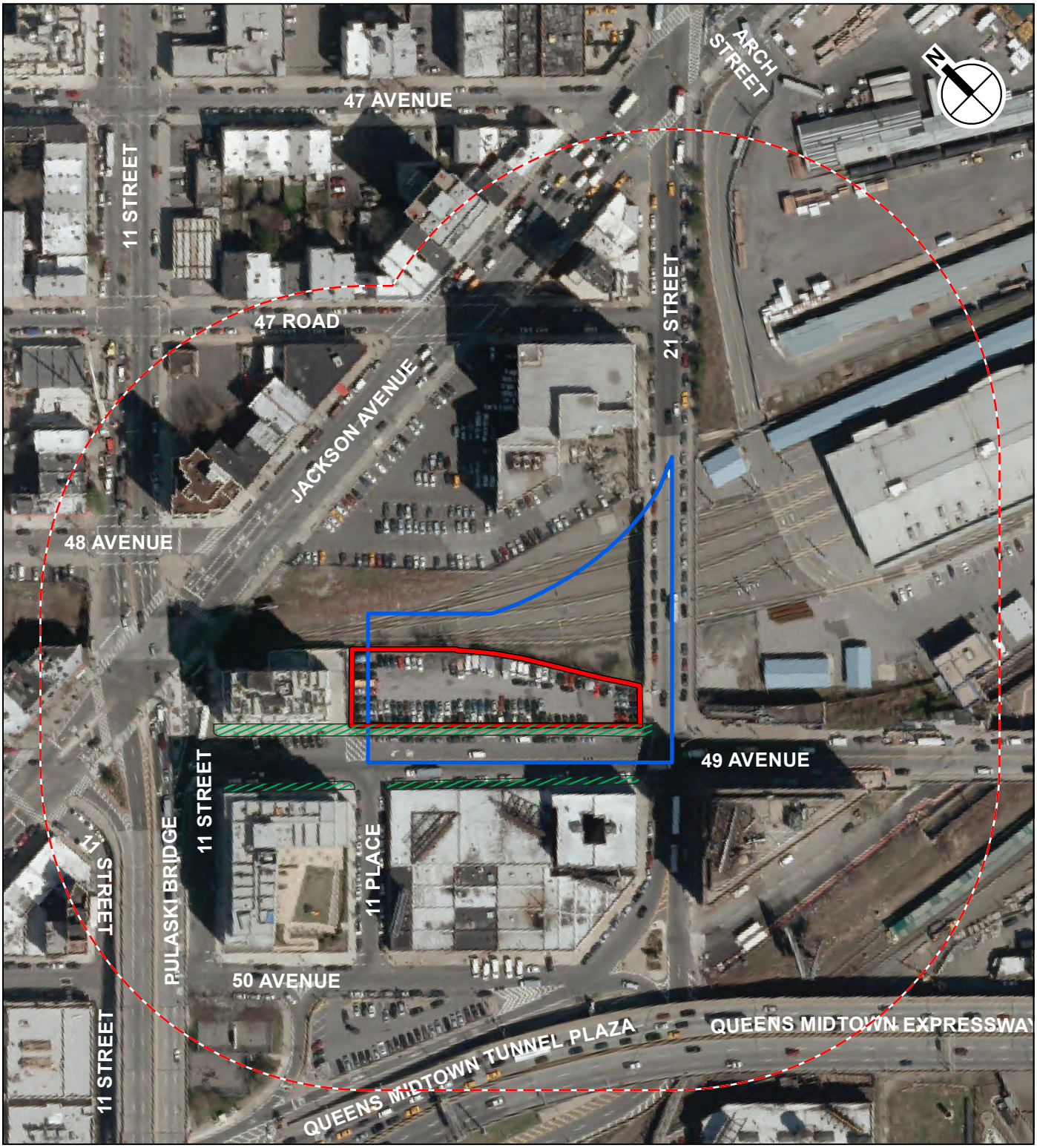


Development Site Boundary

Rezoning Area

Proposed Sidewalk Cafe Area

Study Area Boundary (400-Foot Perimeter)

Aerial Photograph
Urban Design and Visual Resources
Figure G-2



View northeast of the parking lot on the development site from 49th Avenue and 11th Place **1**



View west from 21st Street of the LIRR spur in the rezoning area and the Empire State Building and Manhattan skyline in the background **2**

Photographs:
Urban Design and Visual Resources

mid-rise residential buildings characterizes the current trend in this area of shifting from an historically manufacturing and industrial area with a small residential population to a more densely populated residential neighborhood with local retail uses. There are few street trees in the study area, and there is one publicly accessible park.

The portion of the study area east of 21st Street is dominated by railroad tracks for the LIRR spur that is part of the Arch Street Yard and Shop, which runs from east to west under 21st Street and terminates north of the development site in the rezoning area. Several low-rise shed structures are also located in this area, including one with a large footprint and four others with small footprints (see view 3 of **Figure G-4**). Although the LIRR tracks are a defining feature of the study area, they are not visibly prominent since they are located under 21st Street and below the grade of the surrounding streets (see view 4 of **Figure G-4**). A one-story, long, rectangular building, formerly a diner, is located on the same lot as the LIRR spur, but at the street level on 49th Avenue.

The LIE is a prominent feature defining the southern boundary of the study area (see view 5 of **Figure G-5**). The expressway is elevated above the street and forms a visual barrier in the study area, blocking views to the south from the pedestrian perspective (see view 6 of **Figure G-5**). Similarly, the elevated ramp of the Pulaski Bridge is a prominent feature that forms a physical and visual boundary in the southwest portion of the study area (see views 7 and 8 of **Figure G-6**).

Jackson Avenue is the primary commercial corridor in the study area. It is lined with a variety of old and new residential buildings that are typically clad in masonry and have small- to medium-sized footprints and ground-floor storefronts and restaurants (see view 9 of **Figure G-7**). In general, the older, low-rise buildings on Jackson Avenue have some decorative elements, such as cornices, round-arched lintels, and decorative brickwork. In contrast, more recent construction tends to have little or no decorative architectural features (see view 10 of **Figure G-7**). Lot coverage on Jackson Avenue is approximately 80 to 100 percent, and the buildings, although built to the sidewalk, range in height from 2 to 12 stories. Unlike most of the buildings on Jackson Avenue and in the study area in general, the boxy, concrete-and-metal clad, 10-story Hunters Point Plaza office building is set back from the street behind a large parking lot (see view 11 of **Figure G-8**). Due to the varying building heights and the large open parking lot area around the Hunters Point Plaza building, there are sections without a consistent streetwall on Jackson Avenue. Although there are very few street trees on Jackson Avenue, the commercial storefronts provide some visual interest for the pedestrian.

As noted above, the buildings in the study area consist of a mix of older low- to mid-rise commercial, manufacturing, and residential buildings, and more recently constructed mid-rise residential buildings with medium-sized footprints. In general, the older residential buildings, such as those along 11th Street and 47th Road, are two-to-four stories in height and tend to cover approximately 50 percent of their lots. They are also typically clad in either masonry or vinyl siding and have no setbacks (see view 12 of **Figure G-8**). In contrast, newer residential buildings, such as Hunters View, the 12-story, approximately 140-foot-tall (including mechanical), glass-enclosed rectangular residential building immediately west of the development site, typically range from 7- to 12-stories in height and cover approximately 80 percent of their lot size (see view 13 of **Figure G-9**). They are generally clad in masonry or glass and have narrow balconies and setbacks on the upper floors (see view 14 of **Figure G-9** and view 15 of **G-10**).



View of the LIRR spur and associated railroad buildings below 21st Street **3**



View southeast from 21st Street towards LIRR spur and associated railroad buildings below 21st Street **4**

Photographs:
Urban Design and Visual Resources



View south from 21st Street of the elevated Long Island Expressway (LIE) **5**



View southwest from 21st Street of the elevated LIE and a landscaped median **6**

Photographs:
Urban Design and Visual Resources



View north from 50th Avenue and 11th Street of the Pulaski Bridge ramp on the left and the L Haus, a new, mid-rise residential development on the right **7**



View south from 11th Street and 49th Avenue of the Pulaski Bridge ramp on the right **8**

Photographs:
Urban Design and Visual Resources



View north from 48th Avenue of both old and new residential and commercial buildings on the west side of Jackson Avenue **9**



View southwest from 47th Avenue of the residential and commercial buildings on the west side of Jackson Avenue **10**

Photographs:
Urban Design and Visual Resources



View northeast from 48th and Jackson Avenue of the Hunters Point Plaza building **11**



View northeast of the residential buildings on the north side of 47th Road **12**

Photographs:
Urban Design and Visual Resources



View west from 49th Avenue of Hunters View on the right and the L Haus on the left **13**



View southwest from 47th Road of newer and older residential buildings on the west side of 11th Street **14**

Photographs:
Urban Design and Visual Resources



View northeast from 47th Road of newer and older residential and commercial buildings on the east side of Jackson Avenue **15**



View southwest from 21st Street of the residential and light industrial buildings on the south side of 49th Avenue **16**

Photographs:
Urban Design and Visual Resources

The buildings south of 49th Avenue in the study area generally have larger footprints than the buildings north of 49th Avenue and consist of low- to mid-rise residential and light industrial buildings (see view 16 of **Figure G-10**). The seven-story triangular building with a rooftop penthouse on the southeast corner of 49th Avenue and 21st Street is an early twentieth-century former manufacturing building that is now used for mini-storage. The masonry- and limestone-clad building has large glass windows and a billboard set on scaffolding on the roof that is prominently visible from throughout the study area (see view 17 of **Figure G-11**). Other buildings on 49th Avenue consist of an older five-story, masonry-clad residential building built to the sidewalk with no setbacks, and a one-story, masonry-clad light industrial building with loading bays and retractable doors (see view 16 of **Figure G-10**). The L Haus, a new 12-story, approximately 128-foot-tall (including mechanical), L-shaped, masonry-and-metal-clad residential building with various setbacks and a media business on the ground floor is also located on 49th Avenue west of 11th Place (see view 13 of **Figure G-9**). The buildings on 50th Avenue between 11th Place and 21st Street consist of a series of connected one-story, masonry-clad, light industrial buildings with large windows and loading bays that cover 100 percent of their lots. A large billboard sits on the roof of the middle building, but is only visible from portions of the study area south of 49th Avenue (see view 18 of **Figure G-11**). As with the most streets in the study area, 49th and 50th Avenues are generally devoid of street trees. The lack of street trees on 50th Avenue, combined with the chain-link fencing surrounding an MTA employee parking lot and the cars parked on the sidewalk, do not create a particularly inviting pedestrian experience on this portion of the street in the study area.

Open spaces and greenery in the study area include a few landscaped medians on 11th and 21st Streets and a park in the southwest portion of the study area. The landscaped medians consist of newly planted trees, shrubbery, and flowers (see view 19 of **Figure G-12** and view 6 of **Figure G-5**). The Bridge and Tunnel Park on the southeast corner of 50th Avenue and 11th Street north of the LIE contains a seating area, handball courts, a basketball court, a playground, and a few trees (see view 20 of **Figure G-12**).

VISUAL RESOURCES AND VIEW CORRIDORS

DEVELOPMENT SITE

As defined in the *CEQR Technical Manual*, "a visual resource is the connection from the public realm to significant natural or built features, including views of the waterfront, public parks, landmark structures or districts, otherwise distinct buildings or groups of buildings, or natural resources (p. 10-1)." As the development site contains a public parking lot, there are no visual resources on the development site.

REZONING AREA

As the rezoning area contains a railroad spur for the LIRR, there are no visual resources in the rezoning area. Views west from the elevated portion of 21st Street located over the LIRR spur in the rezoning area include distant views of the visually prominent and historically significant Empire State Building (see view 2 of **Figure G-3**).

STUDY AREA

Views of visually prominent and historically significant buildings and structures located outside the study area are available from within the study area and are considered visual resources.



View southeast from 21st Street of the triangular seven-story former manufacturing building on 49th Avenue **17**



View west from 21st Street of the manufacturing and residential buildings on 50th Avenue on the right, and an MTA employee parking lot on the left **18**

Photographs:
Urban Design and Visual Resources



View north from 49th Avenue of a landscaped median on 11th Street **19**



View south of the Bridge and Tunnel Park from 50th Avenue **20**

Photographs:
Urban Design and Visual Resources

These include distant views of the Empire State Building, the Chrysler Building, and the Queensboro (59th Street) Bridge. Views of the upper portion of the Empire State Building from within the study area are possible from 49th and 50th Avenues, as well as from 21st Street (see view 21 of **Figure G-13**). Brief views of the top portion Chrysler Building from within the study area are possible from 21st Street and 49th Avenue (see view 22 of **Figure G-13**). Limited views north of the span, decorative trusswork, and tower of the Queensboro Bridge are possible from Jackson Avenue and 11th Street (see view 23 of **Figure G-14**).

Other views of interest in the study area include those southwest towards 1 World Trade Center (see view 24 of **Figure G-14**). The Citigroup Building is visually prominent in northeast views from Jackson Avenue, as are views of the distinct MoMA PS 1 building (see view 25 of **Figure G-15**). The four tall red and white smokestacks of the "Big Allis" Power Plant are visible in northeast views from Jackson Avenue and 11th Street (see view 23 of **Figure G-14**).

D. THE FUTURE WITHOUT THE PROPOSED PROJECT

DEVELOPMENT SITE/REZONING AREA

In the future without the proposed project, no new development is anticipated on the development site or in the rezoning area by the 2017 analysis year, and the public parking lot is expected to remain on the development site.

STUDY AREA

As discussed in Attachment B, "Land Use, Zoning, and Public Policy," there is one planned development in the 400-foot study area that is expected to be completed by the 2017 analysis year. The development is expected to be a four-story, approximately 45-foot-tall building containing five dwelling units. Another development is located just outside of the study area at 47-28 11th Street and is expected to be a seven-story, approximately 76-foot-tall apartment building containing 21 dwelling units. Both developments continue the trend of this neighborhood transitioning to a more densely populated residential area.

E. PROBABLE IMPACTS OF THE PROPOSED PROJECT

URBAN DESIGN

DEVELOPMENT SITE

The proposed development would replace the surface parking use on the site with an 8- to 12-story residential building with a commercial ground floor containing up to approximately 173,715 gsf, including a cellar level and an approximately 6,085 sf restaurant on the ground floor (see **Figures G-16 and G-17**). The proposed building would range in height from approximately 77.5 feet to 116 to 125 feet, including mechanical bulkhead. In addition, as per the New York City Parks Department of Parks and Recreation (DPR) and New York City Department of Transportation (DOT) tree planting regulations, 13 street trees are proposed adjacent to the site on 49th Avenue and 21st Street, with an additional 2 street trees proposed off site.

The proposed building would consist of a long, narrow, rectangular structure. The eastern portion of the building would contain eight stories and rise to a height of 77.5 feet. The western



View west from 50th Avenue of the upper portion of the Empire State Building **21**



View west from 21st Street and 49th Avenue of the upper portion of the Empire State Building and the top of the Chrysler Building **22**

Photographs:
Urban Design and Visual Resources



View northwest of the tower, span, and trusswork of the Queensboro (59th Street) Bridge and the smokestacks of the “Big Allis” Power Plant **23**



View southwest from Jackson and 49th Avenues of 1 World Trade Center **24**

Photographs:
Urban Design and Visual Resources



View north from Jackson and 47th Avenues of the Citigroup Building and the MoMA PS 1 building on the left **25**



Future Without the Proposed Project



NOTE: FOR ILLUSTRATIVE PURPOSES ONLY
STREET TREES TO BE SHOWN ONCE
LOCATIONS ARE CONFIRMED.

Future With the Proposed Project

Visual Simulation:
View West from 49th Avenue and 21st Street of the Proposed Development
Urban Design and Visual Resources



Future Without the Proposed Project



NOTE: FOR ILLUSTRATIVE PURPOSES ONLY.
STREET TREES TO BE SHOWN ONCE
LOCATIONS ARE CONFIRMED.

Future With the Proposed Project

Visual Simulation:
View Northwest from 49th Avenue of the Proposed Development
Urban Design and Visual Resources

portion of the building would contain 12-stories and rise to a maximum height of 125 feet, including mechanical bulkhead. The western portion of the building would have approximately 10-foot setbacks at every floor above the eighth floor. The residential lobby entrance would be located in the middle of the western portion of the building on 49th Avenue, and two entrances to the commercial space would be located on the eastern portion of the building on 49th Avenue. The entrance to the accessory parking would be located on the western end of the building facing 49th Avenue.

REZONING AREA

The proposed rezoning would not result in alterations to the street pattern or topography of the rezoning area. As no changes are proposed in the rezoning area outside of the development site, the proposed rezoning would not have an adverse impact on pedestrians in the rezoning area.

STUDY AREA

The proposed development would be constructed on an existing block and would not alter street orientation or street patterns in the study area. The proposed building would have a footprint comparable in size to other more recently constructed residential and mixed-use buildings in the study area. The proposed building also would be lower in height than other newer buildings in the study area, including Hunters View, the 12-story, 140-foot-tall, residential building adjacent to the development site, and the L Haus, the 12-story, 128-foot-tall, residential building with commercial space on the ground floor located southwest of the development site. The design of the building also would be consistent with other new development in the study area, in that it would have setbacks on the upper floors (see **Figure G-17**). Similar to many buildings in the study area, the proposed building would cover the entire lot, but would have a narrow rectangular shape (see **Figure G-16**). Additionally, the tallest portion of the building would be located on the western end of the development site adjacent to Hunters View, which would reduce the height of the building from the pedestrian perspective as the building height would be lower on 21st Street (see **Figure G-17).** Similar to Hunters View, the proposed building also would be built to the sidewalk and would have setbacks above the eighth floor. Therefore, the proposed building would create a consistent streetwall where none currently exists on the north side of 49th Avenue between 11th and 21st Streets (see **Figure G-17)**. Overall, the site plan, massing, and design would be consistent with other buildings in the study area, particularly newer residential and commercial buildings.

The proposed development also would improve the streetscape in the study area, and thus the pedestrian experience, particularly along 49th Avenue, by replacing an underutilized site with a new mixed-use building with commercial space on the ground floor and street trees around the development site. The commercial ground floor and new street trees on 49th Avenue would provide visual interest at the street level and would enliven this portion of the study area from the pedestrian perspective.

As noted above, the proposed building would be of a contemporary design and consistent with newer construction in the study area, including Hunters View and The L Haus, as well as other recent residential development on 11th Street and Jackson Avenue. Overall, the proposed development would be compatible with the urban design character of the study area and would not adversely affect the pedestrian experience.

VISUAL RESOURCES AND VIEW CORRIDORS

DEVELOPMENT SITE/REZONING AREA

As there are no visual resources on the development site or in the rezoning area, there would be no adverse impacts on visual resources in the future with the proposed development.

STUDY AREA

The proposed development would not alter important view corridors. Although the proposed development may obscure views of the top portion of the Chrysler Building from 21st Street and 49th Avenue (see **Figure G-16**), the views across the parking lot are not significant public views of the Chrysler Building, and the building would remain visible from other streets in the area and from greater distances. Views west from 49th and 50th Avenues and 21st Street of the Empire State Building would remain in the future with the proposed project, as would views north of the Queensboro Bridge from Jackson Avenue and 11th Street. Views south of 1 World Trade Center from Jackson Avenue also would remain. Therefore, the proposed development would not adversely impact the pedestrian's view of visual resources in the study area.

This preliminary assessment concludes that the proposed development would not result in any significant adverse impacts to urban design and visual resources, or the pedestrian's experience of these characteristics. ✷

A. INTRODUCTION

This attachment addresses the potential for the presence of hazardous materials resulting from previous and existing uses both on-site and in the surrounding area, and potential risks related to the proposed 11-55 49th Avenue development with respect to any such hazardous materials. The proposed development would consist of a new residential and commercial building, and would entail excavation to approximately 20 feet below grade for one basement level occupying the entire development site footprint. This assessment was based on: *Phase I Environmental Site Assessments* (ESAs) prepared by EnviroTrac Ltd. (EnviroTrac) in January 2007 and Brinkerhoff Environmental Services (Brinkerhoff) in April 2013, an underground storage tank (UST) removal and spill closure report prepared by EnviroTrac in October 2007, and a *Subsurface (Phase II) Investigation* conducted by AKRF, Inc. (AKRF) in August 2013.

B. EXISTING CONDITIONS

SUBSURFACE CONDITIONS

The development site is approximately 23 feet above mean sea level, with regional topography sloping slightly down toward the southwest. Previous studies, including a geotechnical investigation (Bryan E. Flynn, P.E., P.C., May 2013), indicate that the development site is underlain by an approximately 10 to 20 foot layer of urban fill materials (sand, gravel, silt, coal, brick, ash, and/or slag), which are underlain by apparent native soils (sand, gravel, silt, peat and organic material). Bedrock was encountered approximately 54 to 65 feet below grade. Groundwater was first encountered at depths ranging from 17 to 20 feet below grade and most likely flows in a generally southerly direction toward Newtown Creek, approximately 0.3 miles south of the development site. Actual groundwater flow beneath the development site may be affected by many factors including dewatering for the East Side Access project and subway tunnels, historical filling, underground utilities, and other subsurface openings or obstructions. Groundwater in this portion of Queens is not used as a source of potable water.

HAZARDOUS MATERIALS ASSESSMENT

The previous studies indicated:

- The development site historically included a filling station and automobile repair shop. Two 550-gallon underground storage tanks (USTs) containing gasoline and diesel, an underground hydraulic piston, and petroleum-contaminated soil were excavated and removed in 2007. Soil and groundwater sampling in the vicinity of the USTs prior to removal identified soil concentrations of semi-volatile organic compounds (SVOCs) in soil that exceeded New York State Department of Environmental Conservation (NYSDEC) guidelines used at that time (TAGM 4046). No elevated volatile organic compound (VOC) concentrations were detected in soil or groundwater. Based on the elevated SVOC concentrations, Spill No. 0705509 was reported to NYSDEC. Post-excavation soil sampling

still indicated somewhat elevated SVOC concentrations, but these were attributed to fill materials, not petroleum contamination, and the spill listing was closed by NYSDEC.

- A geophysical survey conducted as part of the 2013 Phase II investigation identified no evidence of USTs remaining at the development site.
- The 2013 Phase II investigation included the advancement of 7 borings and 3 soil gas sampling points, with the collection of 14 soil samples, 4 groundwater samples and 3 soil gas samples. Laboratory analysis of these samples indicated:
  - Several SVOCs, metals, PCBs, and pesticides were detected in the soil samples in exceedance of their NYSDEC Part 375 Unrestricted Use Cleanup Objective (USCOs). Several SVOCs and metals also exceeded Part 375 Restricted Residential Use Cleanup Objectives (RRSCOs). No VOCs were detected in soil samples in exceedance of USCOs or RRSCOs. In general, the detected concentrations were likely attributable to fill materials rather than indicative of a spill or release.
  - Several VOCs, SVOCs and metals were detected in the groundwater samples above NYSDEC Class GA standards (drinking water standards). No PCBs or pesticides were detected. These findings were likely attributable to some combination of the site's prior automotive use, entrained fill materials, and migration from off-site sources.
  - VOCs typically associated with petroleum or solvents were detected in the soil gas samples. These may be attributable to some combination of the site's prior automotive use, the fill materials, and migration from off-site sources. No VOCs were in exceedance of the State's Air Guidance Values (AGVs), though some exceeded background levels typically found in indoor air.
- Land uses in the surrounding area included the north-adjacent Sunnyside rail yard and nearby automobile-related and manufacturing facilities.
- Although the Phase I ESAs identified no suspect asbestos-containing materials (ACM), lead-based paint, or polychlorinated biphenyl (PCB) containing equipment (e.g., electrical equipment or fluorescent lighting fixtures), such materials may be associated with a guard shack and an outdoor electrical panel located on the development site. If present, fluorescent lights may also contain mercury.

The Phase I ESA and Phase II were reviewed by the New York City Department of Environmental Protection (DEP) in a letter dated October 9, 2013, which required the preparation of a Remedial Action Plan (RAP) and Construction Safety Plan (CHASP) to be implemented during the proposed development (see **Appendix D**). The letter also recommended assigning E designations to non-applicant owned rezoning lots (Block 61, Lot 50 and portions of Lots 5 and 55, and Block 72, portion of Lot 1); however, as no development is proposed on these lots, the New York City Department of City Planning (DCP) indicated that no E designations are required.

The RAP and CHASP (AKRF, October 2013) were submitted to DEP for review and approval. The RAP addresses requirements for items such as: soil stockpiling, soil disposal and transportation; dust control; quality assurance; and contingency measures should petroleum storage tanks or contamination be encountered. The RAP includes vapor control measures for the new building (a Vaporblock Plus 20-mil vapor barrier beneath the foundations and separate ventilation of the basement area) and indicates that the entire project site would be capped by new building foundations. At the completion of the project, a Professional Engineer-certified Remedial Closure Report (RCR) would be prepared and submitted to DEP for review and

approval. The CHASP includes measures for worker and community protection during construction, including personal protective equipment, dust control and air monitoring. In a letter dated November 25, 2013, DEP approved the RAP and CHASP, and requested that the names of the construction supervisor and alternates be included in the CHASP (see **Appendix E**).

C. THE FUTURE WITHOUT THE PROPOSED PROJECT

In the future without the proposed development, the development site would remain in its current condition. Currently, there are no known significant health risks associated with the development site. Likewise, there would be no significant health risks at the development site in the future without the proposed development. Legal requirements (including NYSDEC and United States Environmental Protection Agency [EPA] regulations) pertaining to any ACM, lead-based paint and potentially PCB-containing equipment would need to be followed.

D. THE FUTURE WITH THE PROPOSED PROJECT

The proposed development would entail excavation to approximately 20 feet for the foundations and basement of a new mixed-use building. Previous studies have identified soil containing elevated concentrations of certain metals and SVOCs, groundwater containing somewhat elevated VOCs, and VOCs in soil gas. Suspect ACM, PCB-containing materials and/or lead-based paint may be present in the on-site guard shack and an outdoor electrical panel. Although development site redevelopment could increase pathways for human exposure (due to excavation of the soils), impacts would be avoided by performing the redevelopment in accordance with the following:

- The DEP-approved RAP and associated CHASP would be implemented during construction. The RAP addresses requirements for items such as: soil stockpiling, soil disposal and transportation; dust control; quality assurance; and contingency measures should petroleum storage tanks or contamination be encountered. The RAP also includes vapor control measures for the new building (a Vaporblock Plus 20-mil vapor barrier beneath the foundations and separate ventilation of the basement area) and indicated that the entire project site would be capped by new building foundations. At the completion of the project, a Professional Engineer-certified Remedial Closure Report (RCR) would be prepared and submitted to DEP for review and approval. The CHASP includes measures for worker and community protection during construction, including personal protective equipment, dust control and air monitoring.
- If dewatering is necessary for the proposed construction, water would be discharged to sewers in accordance with DEP requirements.
- Any suspect ACM that would be disturbed by construction of the proposed development would be surveyed for asbestos by a NYC-certified asbestos investigator. All ACM would be removed and disposed of prior to the disturbance in accordance with local, state and federal requirements.
- Any activities with the potential to disturb lead-based paint would be performed in accordance with applicable requirements (including federal Occupational Safety and Health Administration regulation 29 CFR 1926.62 - *Lead Exposure in Construction*).
- Unless there is labeling or test data indicating that any suspect PCB-containing electrical equipment and fluorescent lighting fixtures do not contain PCBs, and that any fluorescent

lighting bulbs do not contain mercury, if disposal is required, it would be conducted in accordance with applicable federal, state and local requirements.

With these measures, the proposed development would not result in any significant adverse impacts related to hazardous materials. ✷

A. INTRODUCTION

As described in Attachment A, "Project Description," the proposed development would involve the construction of a new, approximately 8- to 12-story commercial and residential building with approximately 140 residential units (including approximately 112 market-rate units and 28 affordable units), 6,085 gross square feet (gsf) of restaurant space, and approximately 100 accessory parking spaces.

B. CEQR SCREENING METHODOLOGY AND ANALYSES

The *CEQR Technical Manual* identifies procedures for evaluating a proposed project's potential impacts on traffic, parking, transit, and pedestrian conditions. This methodology begins with the preparation of a trip generation analysis to determine the volume of trips associated with the proposed project (see Section C, "Project Trip Generation"). The results are then compared to *CEQR Technical Manual*-specified thresholds (Level 1 screening analysis) to determine whether additional quantified analyses are warranted (see Section D, "Level 1 Screening Analysis Results"). If the proposed project would result in 50 or more peak hour vehicle trips or 200 or more peak hour transit or pedestrian trips, a Level 2 screening analysis would be undertaken. As demonstrated below, the proposed project would not exceed these thresholds, and a Level 2 screening assessment is not warranted.

C. PROJECT TRIP GENERATION

TRAVEL DEMAND FACTORS

Trip estimates for the proposed development were prepared based on the travel demand assumptions presented in **Table I-1**.

TRIP ESTIMATES

Travel demand assumptions presented in **Table I-1** were applied to the proposed development to develop the weekday peak hour trip estimates. As summarized in **Table I-2**, the proposed development would generate a total of approximately 120, 167, and 185 person trips and 20, 29, and 27 vehicle trips during the weekday AM, midday, and PM peak hours, respectively.

Table I-1
Travel Demand Assumptions

Use	Residential			Restaurant		
Daily Person Trip Generation Rate	(1) 8.075 Person Trips / DU			(4) 173 Person Trips / KSF		
Trip Linkage	0%			25%		
Person Trip	(1)	(1)	(1)	(4)	(4)	(4)
Temporal	AM	MD	PM	AM	MD	PM
Distribution	10%	5%	11%	1.0%	13.7%	7.7%
Directional Distribution	(2)	(2)	(2)	(4)	(4)	(4)
In	20%	51%	65%	94%	65%	65%
Out	80%	49%	35%	6%	35%	35%
Total	100%	100%	100%	100%	100%	100%
Modal Split	(3)	(3)	(3)	(4)	(4)	(4)
Auto	15%	15%	15%	30%	30%	30%
Taxi	0%	0%	0%	5%	5%	5%
Subway	77%	77%	77%	5%	5%	5%
Bus	2%	2%	2%	5%	5%	5%
Railroad	3%	3%	3%	0%	0%	0%
Walk	3%	3%	3%	55%	55%	55%
Total	100%	100%	100%	100%	100%	100%
Vehicle Occupancy	(2)(3)			(4)		
Auto	1.14			2.20		
Taxi	1.50			2.30		
Daily Delivery Trip Generation Rate	(1) 0.06 Trips / Dwelling Unit			(4) 3.6 Trips / KSF		
Delivery Trip	(1)	(1)	(1)	(4)	(4)	(4)
Temporal	AM	MD	PM	AM	MD	PM
Distribution	12%	9%	2%	6%	6%	1%
Directional Distribution	(1)	(1)	(1)	(4)	(4)	(4)
In	50%	50%	50%	50%	50%	50%
Out	50%	50%	50%	50%	50%	50%
Total	100%	100%	100%	100%	100%	100%

Sources:
(1) 2012 *City Environmental Quality Review (CEQR) Technical Manual*
(2) *Dutch Kills Rezoning and Related Actions FEIS* (2008)
(3) US Census Bureau 2007-2011 American Community Survey 5-Year Estimates for Census tracts 1, 7, and 19
(4) *Brooklyn Bridge Park FEIS* (2005)

Table I-2
Trip Generation Estimates

Peak Hour	In/Out	Person Trip							Vehicle Trip			
		Auto	Taxi	Subway	Bus	Railroad	Walk	Total	Auto	Taxi	Delivery	Total
AM	In	5	0	17	0	1	5	28	4	0	2	6
	Out	14	0	70	2	3	3	92	12	0	2	14
	Total	19	0	87	2	4	8	120	16	0	4	20
MD	In	25	4	26	5	1	40	101	14	2	1	17
	Out	15	2	23	3	1	22	66	9	2	1	12
	Total	40	6	49	8	2	62	167	23	4	2	29
PM	In	24	2	64	4	2	24	120	16	1	0	17
	Out	13	1	35	2	1	13	65	9	1	0	10
	Total	37	3	99	6	3	37	185	25	2	0	27

D. LEVEL 1 SCREENING ANALYSIS RESULTS

TRAFFIC

The *CEQR Technical Manual* states that if a proposed project is expected to generate fewer than 50 peak-hour vehicle trips, it is unlikely to result in significant adverse traffic impacts and further analyses would not be warranted. As summarized in **Table I-2**, the peak vehicle trip estimates for the proposed development are less than 50 vehicles during all peak periods, thus the *CEQR Technical Manual* analysis thresholds would not be exceeded. Therefore, a detailed traffic analysis is not warranted and the proposed project is not expected to result in any significant adverse traffic impacts.

PARKING

The proposed development would provide an approximately 100-space accessory parking garage with its entrance and exit on 49th Avenue between 11th and 21st Streets. Based on the Level 1 traffic screening assessment presented above, parking availability would not be surpassed as the proposed development would generate less than 50 peak vehicle trips and the corresponding parking demand would be accommodated by the on-site accessory parking garage. Therefore, a detailed assessment of parking conditions is not warranted.

TRANSIT

As summarized in **Table I-2**, the proposed development would generate less than 200 subway trips during all peak periods. Since the peak hour subway trip estimates do not exceed the 200 peak hour subway trip threshold, a detailed analysis of subway facilities is not warranted and the proposed development is not expected to result in any significant adverse subway impacts.

As summarized in **Table I-2**, the proposed development would generate less than 50 peak hour bus trips in one direction along a bus route during all peak periods. Since the proposed development would not result in an increase of 50 or more peak hour bus riders in a single direction, the peak hour bus trips would not exceed the *CEQR Technical Manual* analysis thresholds, and a detailed bus-line haul analysis is not warranted.

Therefore, the proposed development is not expected to result in any significant adverse transit impacts.

PEDESTRIAN

As summarized in **Table I-2**, the proposed development would generate less than 200 pedestrian trips during all peak periods, thus the *CEQR Technical Manual* analysis thresholds would not be exceeded. Therefore, a quantified pedestrian analysis is not warranted and the proposed development is not expected to result in any significant adverse pedestrian impacts. ✷

A. INTRODUCTION

This analysis examines the potential for air quality impacts associated with the development of the proposed building at 11-55 49th Avenue, located in Queens, NY. Air quality impacts can be either direct or indirect. Direct impacts stem from emissions generated by stationary sources at a projected development site, such as emissions from fuel burned on-site for heating and hot water systems. Indirect impacts include emissions from motor vehicles ("mobile sources") traveling to and from a project, or from existing pollutant emission sources impacting air quality on the proposed project.

The proposed building would be located in close proximity to a 12-story residential building at 48-15 11th Street (Block 61, Lot 7501). Therefore, a stationary source analysis was conducted to evaluate potential future pollutant concentrations from the proposed project's boilers on the neighboring building.

For the proposed development the maximum predicted number of vehicle trips would be below the 2012 *City Environmental Quality Review (CEQR) Technical Manual* threshold (170 per peak hour). In addition, the proposed development would not exceed the particulate matter (PM) emission screening threshold discussed in Chapter 17, Sections 210 and 311 of the *CEQR Technical Manual*. Therefore, the proposed development is not expected to significantly alter traffic conditions, and a quantified assessment of on-street mobile source emissions is not warranted.

A quantified analysis was conducted to evaluate potential future CO concentrations in the vicinity of the proposed mechanically ventilated garage.

Since the development site is located within a manufacturing zone, the potential for air quality impacts from industrial emissions on the proposed development was analyzed.

As described below, the proposed development would not result in significant adverse air quality impacts.

B. METHODOLOGY FOR PREDICTING POLLUTANT CONCENTRATIONS

HEATING AND HOT WATER SYSTEMS

A screening analysis was performed using the methodology described in Chapter 17 of the *CEQR Technical Manual* to assess air quality impacts associated with emissions from the proposed development's heat and hot water systems. The *CEQR* screening methodology for heating, ventilation and air conditioning (HVAC) systems determines the threshold of development size below which there is no potential for significant adverse impact. The screening procedure uses information regarding the type of fuel used, the maximum development size or

estimated emissions, the HVAC exhaust stack height, and the distance to the nearest building of similar or greater height to evaluate whether a significant adverse impact is likely.

The proposed building would be mostly residential and would use exclusively natural gas as fuel for heating and hot water systems. Therefore, Figure 17-7 in the *CEQR Technical Manual* was used to determine if there would be the potential for significant air quality impacts due to emissions of nitrogen oxides (NO_x). The pollutant of analysis, nitrogen dioxide (nitric oxide, NO, and nitrogen dioxide, NO_2, collectively referred to as NO_x), is emitted from the use of natural gas in stationary sources. The figure determines a minimum allowable distance to the nearest building that the proposed development's exhaust stack must exceed. If the distance to the nearest building of similar or greater height is lower than the minimum, the screening will fail, and restrictions must be put on the location of the stack. Otherwise, the source passes the screening analysis and no further analysis is required.

INDUSTRIAL SOURCE ANALYSIS

To assess air quality impacts on the proposed development associated with emissions from nearby industrial sources, an investigation of industrial sources was conducted. Initially, land use and Sanborn maps were reviewed to identify potential sources of emissions from manufacturing/industrial operations. Next, a field survey was conducted to identify buildings within 400 feet of the development site that have the potential to emit air pollutants. The survey was conducted on June 5, 2013.

A list of the identified businesses was then submitted to the New York City Department of Environmental Protection's Bureau of Environmental Compliance, to obtain the available certificates of operation for these locations and to determine whether manufacturing or industrial emissions occur. In addition, a search of federal and state-permitted facilities within the study area was conducted using EPA's Envirofacts database.[1] The sources identified within the 400-foot study area had no permits listed by the Bureau of Environmental Compliance. Therefore, no further analysis is warranted.

PARKING ANALYSIS

The 100-space garage associated with the proposed project was analyzed to assess the potential for impact on air quality from the garage ventilation system. The analysis of emissions from the proposed parking facility was performed using the methodology set forth in the *CEQR Technical Manual*. Emissions from vehicles entering, parking, and exiting the parking structures were estimated using the USEPA MOVES mobile source emission model. For all arriving and departing vehicles, an average speed of 5 miles per hour was conservatively assumed for travel within the parking structure. In addition, all departing vehicles were assumed to idle for 1 minute before proceeding to the exit. The concentration of CO within the parking structure was calculated assuming a minimum ventilation rate, based on New York City Building Code requirements, of 1 cubic foot per minute of fresh air per gross square foot of garage area.

To determine pollutant levels in the vicinity of the vents, the exhaust from the parking garages was analyzed as a "virtual point source" using the methodology in USEPA's *Workbook of Atmospheric Dispersion Estimates, AP-26.* This methodology estimates CO concentrations at various distances from the vents by assuming that the concentration in the garage is equal to the concentration leaving the exhaust, and determining the appropriate initial horizontal and vertical

[1] http://oaspub.epa.gov/enviro/ef_home2.air

dispersion coefficients at the vent faces. Background and on-street CO concentrations were then added to the modeling results to obtain the total ambient levels at each receptor location. The CO concentrations were determined for the time periods when overall garage usage would be the greatest. The weekday AM and PM peak periods were therefore analyzed. The on-street CO concentration was determined using the methodology in Air Quality Appendix 1 of the *CEQR Technical Manual.* On street traffic volumes along 49th Avenue were used from *Hunter's Point South Rezoning FEIS* for the 2017 Build Peak Year.

It was assumed that the exhaust from the parking garage would be vented through a single outlet vent with a height of 10 feet. The vent was assumed to exhaust directly onto the street, and a "near" receptor was placed along the sidewalks at a pedestrian height of six feet and at a distance of 4 feet from the vent. A "far" receptor was placed directly across the street from the assumed vent location, at a distance of 64 feet for the proposed site. The garage vent was also analyzed assuming a sensitive receptor on the building façade located at a height of 10 feet and a distance of 15 feet from the vent.

A persistence factor of 0.70 was used to convert the calculated 1-hour average maximum concentrations to 8-hour averages, accounting for meteorological variability over the average 8-hour period. Background CO concentrations and concentrations from on-street traffic were added to the parking garage modeling results to obtain the total ambient CO levels. The 8-hour average background concentration used in the analysis was 1.7 ppm, which is based on the highest second-highest 8-hour measurements over the most recent five-year period for which complete monitoring data are available (2008-2012). The 1-hour CO background used in the analysis was 3.4 ppm and was obtained using the same procedure as the 8-hour average background. The monitored values were obtained at the Queens College 2 monitoring station, which is the currently operating monitoring station nearest to the proposed project.

C. THE FUTURE WITH THE PROPOSED PROJECT

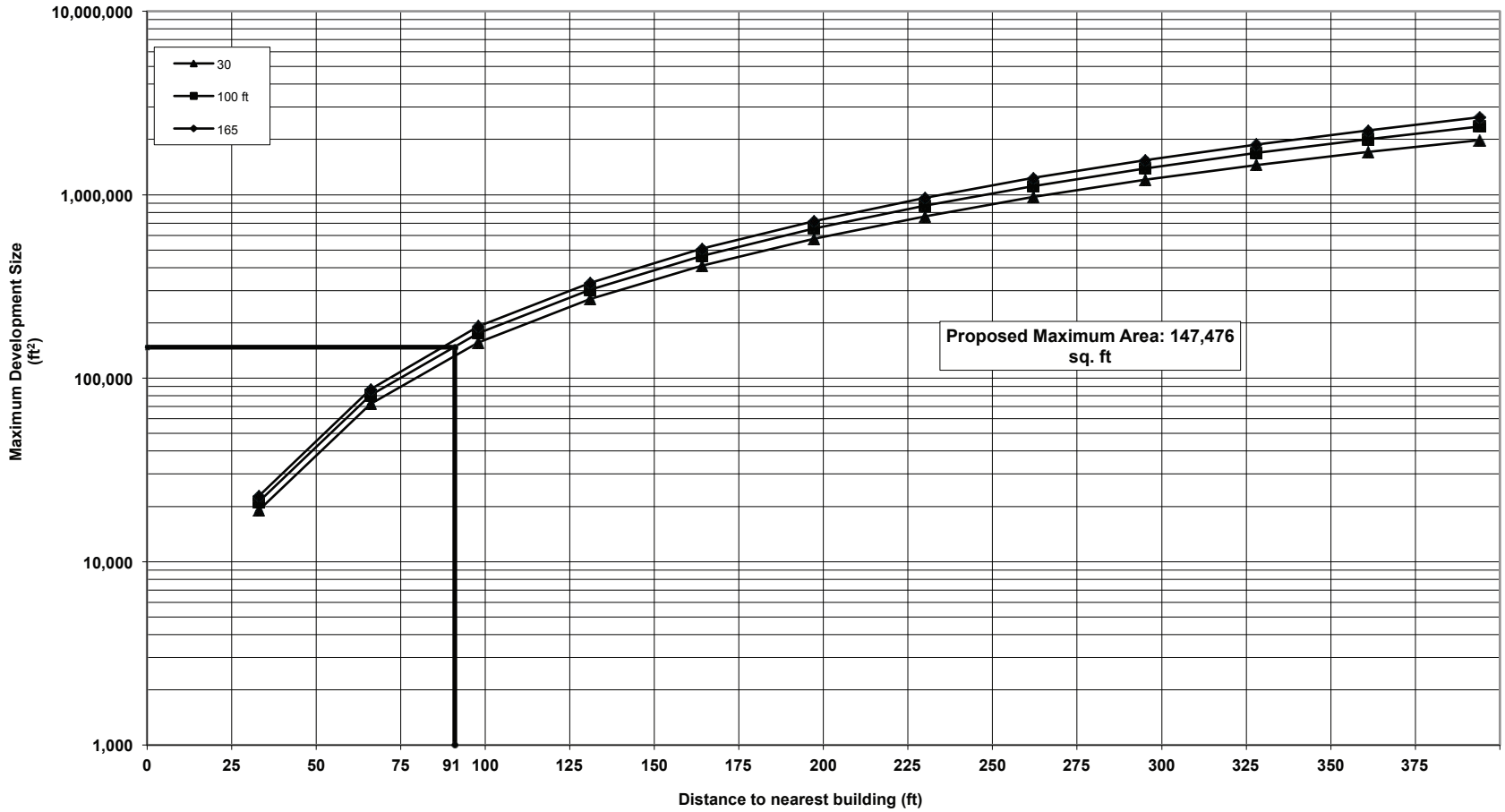
STATIONARY SOURCES

HEAT AND HOT WATER SYSTEMS

Screening Analysis

The building floor area that would be heated, totaling 147,911 gross square feet (gsf) was used in the screening analysis; this area includes the residential space of 141,826 gross square feet (gsf) and the restaurant space of 6,085 gross square feet (gsf). The exhaust stack was assumed to be 128 (i.e., 3 feet above the proposed building's rooftop). As shown in **Figure J-1**, which is based on Figure 17-7 in the *CEQR Technical Manual Air Quality Appendix*, the minimum distance beyond which there would be no potential for significant air quality impact from NO_2 emissions would be 91 feet.

To preclude the potential for air quality impacts on the existing 48-15 11th Street (Block 61, Lot 7501) building, which would be approximately 24.5 feet away from the proposed building, the proposed development's heating and hot water system exhaust stack would be located at the highest building rooftop, at least 67 feet away from the lot line, facing 11th Street, as shown in **Figure J-2**. The commitment to measures required to preclude the potential for a significant impact on air quality will be specified in an E-designation (E-335) with the following text:



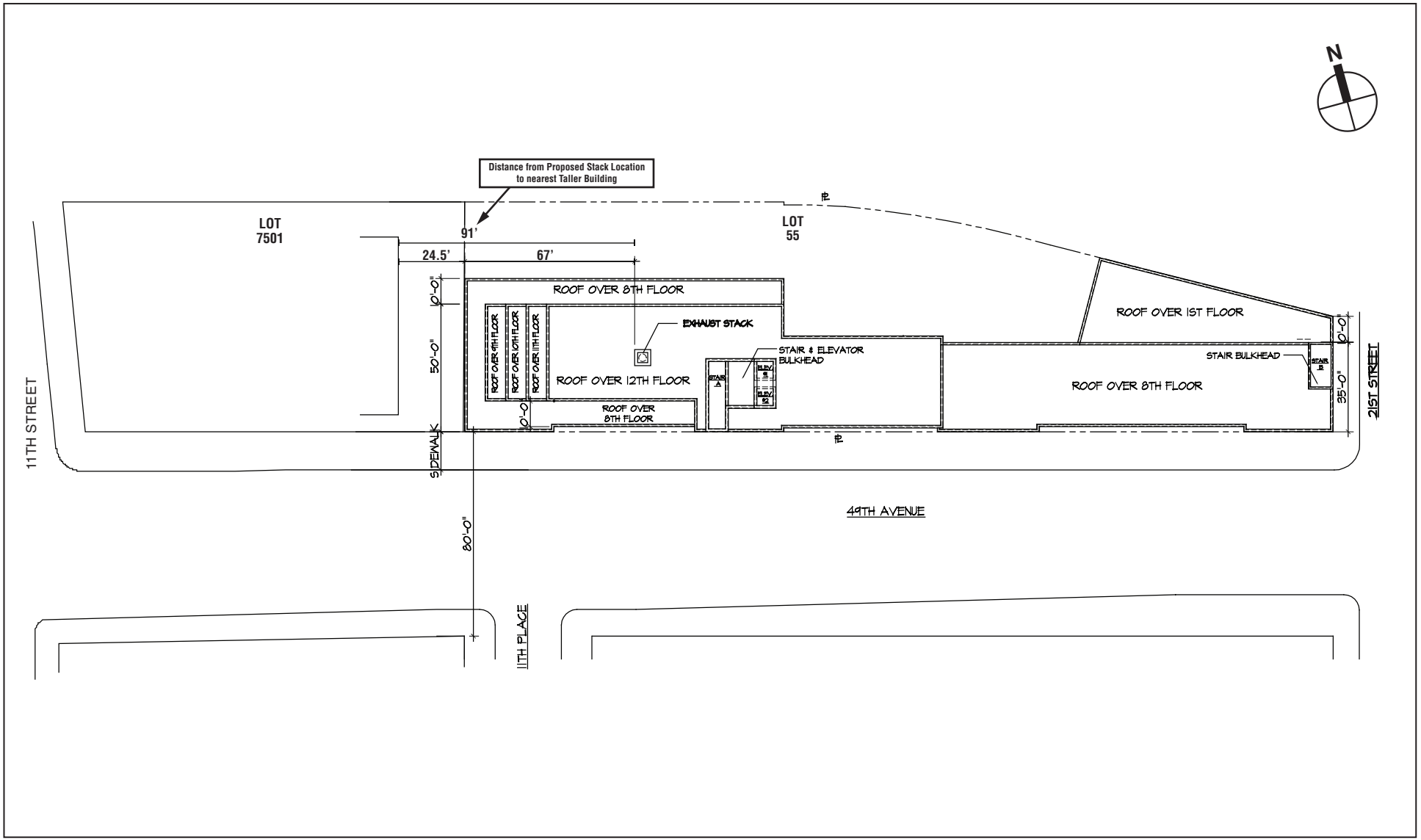
Stack Height: 128 ft

Minimum Distance from the Proposed Stack Location to Nearest Building of Similar or Greater Height: 91 ft

Proposed Maximum SQFA: 147,476 sq. ft

Minimum Allowable Distance to Nearest Building: 91 ft

SOURCE: 2012 CEQR Technical Manual Appendix, Figure 17-7



Proposed Stack Location and Setback

11-55 49TH AVENUE

Figure J-2

Block 61, Lot 55

Any new residential/commercial development on the above referenced properties must ensure that fossil fuel-fired heating and hot water system(s) utilize only natural gas, and that the heating and hot water system(s) exhaust stack(s) are located at least 67 feet from the lot line facing 11th Street, to avoid any potential significant air quality impacts.

With the placement of the stack at this location, a minimum distance of 91 feet would be achieved between the proposed development's exhaust stack and the neighboring residential building and there would be no potential for significant adverse impacts on air quality from the proposed development's heating and hot water system emissions.

MOBILE SOURCES

PARKING ANALYSIS

Using the methodology set forth in the *CEQR Technical Manual*, the CO concentrations from the proposed 11-55 49th Street parking facility were predicted. Based on the projected parking demand developed for the proposed project, the number of vehicles entering and exiting the garages would be greatest during the weekday AM (8 to 9) and PM (5 to 6) peak hour. Over the peak weekday 8-hours of garage usage, for the 8 AM to 4 PM period, an average of 7 vehicles per hour would enter the parking garage, while an average of 9 vehicles per hour would exit. For the 12 PM to 8 PM period, an average of 12 vehicles per hour would enter and 9 vehicles per hour would leave the garage.

The garage vent was modeled at a height of 10 feet above ground level, along 49th Avenue. Pollutant levels were predicted at the height of the vent at a distance of 15 feet, accounting for the minimum vent to window distance requirements specified by the New York City Mechanical Code. Receptors (locations where CO levels were predicted) were also modeled along the 49th Avenue sidewalks.

The maximum CO concentrations from the parking facility, including ambient background levels and contributions from on-street traffic at sensitive receptors closest to the exhaust would be 3.6 ppm for the 1-hour period and 1.8 ppm for the 8-hour period. These maximum predicted CO levels would be in compliance with the applicable CO federal ambient air quality standards. The maximum CO concentrations for the 1-hour and 8-hour averaging period for the 11-55 49th Avenue parking without the background and on-street contributions (i.e., the concentration increments) would be 0.18 ppm and 0.11 ppm, respectively. The 8-hour average change in CO concentration of 1.8 ppm would be less than the *de minimis* value of 3.7 ppm.[1] The proposed 11-55 49th Avenue parking facility would not exceed the NAAQS or the *de minimis criteria*, and would therefore not result in significant air quality impacts. ✷

[1] The baseline concentration used to compute the *de minimis* value was assumed to be the background CO concentration.

Attachment K: Noise

A. INTRODUCTION

This attachment assesses the potential for the proposed development to result in significant adverse noise impacts. The potential for the proposed development to generate sufficient traffic to have the potential to cause a significant noise impact due to mobile source noise (i.e., to result in a doubling of Noise passenger car equivalents [Noise PCEs] that would be necessary to cause a 3 dB(A) increase in noise levels) was assessed and ambient noise levels adjacent to the development site were considered in order to address City Environmental Quality Review (CEQR) noise abatement requirements for the proposed buildings.

B. ACOUSTICS FUNDAMENTALS

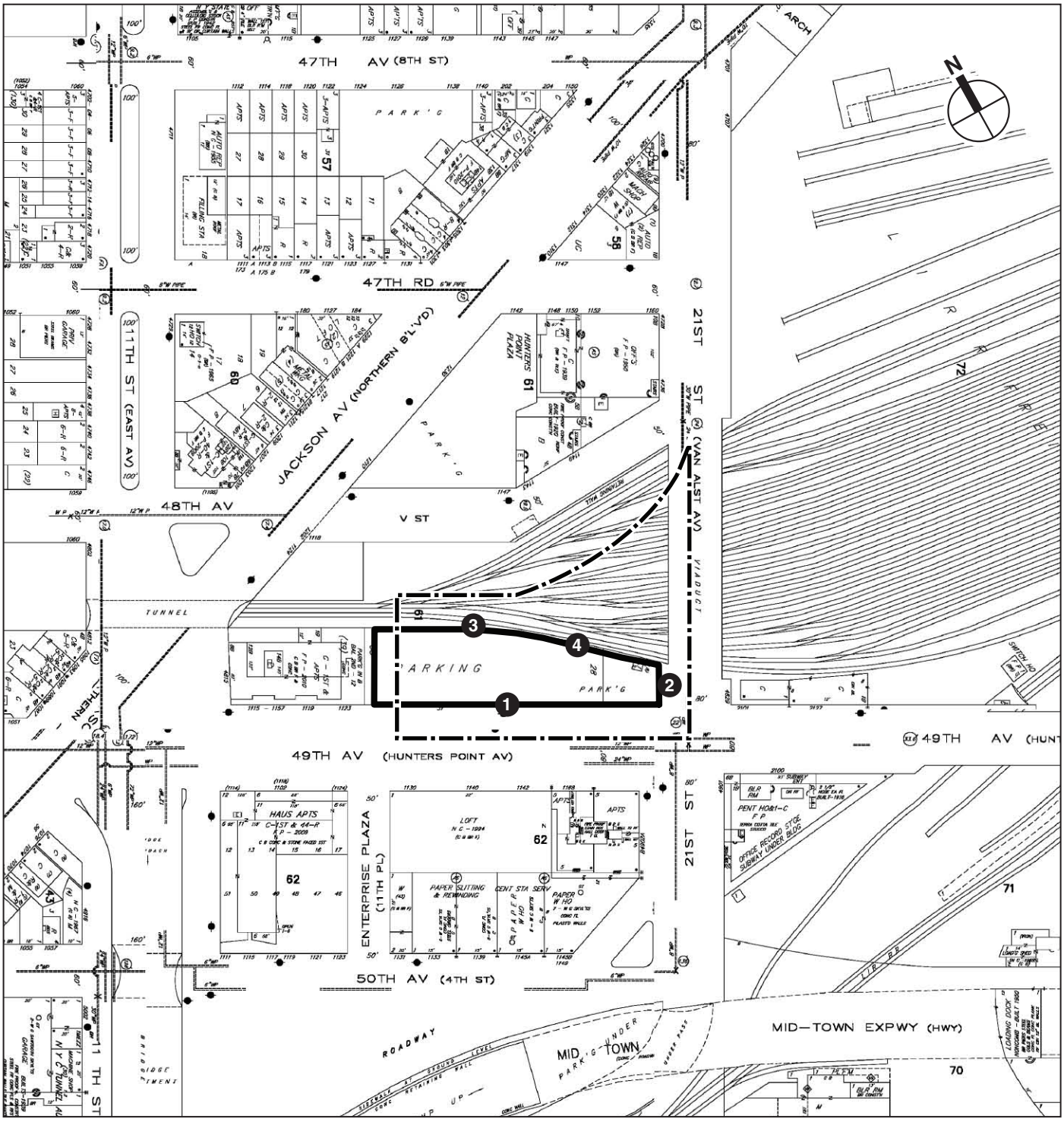
Sound is a fluctuation in air pressure. Sound pressure levels are measured in units called "decibels" ("dB"). The particular character of the sound that we hear (a whistle compared with a French horn, for example) is determined by the speed, or "frequency," at which the air pressure fluctuates, or "oscillates." Frequency defines the oscillation of sound pressure in terms of cycles per second. One cycle per second is known as 1 Hertz ("Hz"). People can hear over a relatively limited range of sound frequencies, generally between 20 Hz and 20,000 Hz, and the human ear does not perceive all frequencies equally well. High frequencies (e.g., a whistle) are more easily discernable and therefore more intrusive than many of the lower frequencies (e.g., the lower notes on the French horn).

"A"-WEIGHTED SOUND LEVEL (DB(A))

In order to establish a uniform noise measurement that simulates people's perception of loudness and annoyance, the decibel measurement is weighted to account for those frequencies most audible to the human ear. This is known as the A-weighted sound level, or "dB(A)," and it is the descriptor of noise levels most often used for community noise. As shown in **Table K-1**, the threshold of human hearing is defined as 0 dB(A); quiet conditions (as in a library, for example) are approximately 40 dB(A); levels between 50 dB(A) and 70 dB(A) define the range of noise levels generated by normal daily activity; levels above 70 dB(A) would be considered noisy, and then loud, intrusive, and deafening as the scale approaches 130 dB(A).

In considering these values, it is important to note that the dB(A) scale is logarithmic, meaning that each increase of 10 dB(A) describes a doubling of perceived loudness. Thus, the background noise in an office, at 50 dB(A), is perceived as twice as loud as a library at 40 dB(A). For most people to perceive an increase in noise, it must be at least 3 dB(A). At 5 dB(A), the change will be readily noticeable.

1.14.14



Development Site Boundary

Rezoning Area Boundary

1 *Noise Receptor Location*

Noise Receptor Locations

Figure K-1

Table K-1
Common Noise Levels

Sound Source	(dB(A))
Military jet, air raid siren	130
Amplified rock music	110
Jet takeoff at 500 meters	100
Freight train at 30 meters	95
Train horn at 30 meters	90
Heavy truck at 15 meters	80–90
Busy city street, loud shout	80
Busy traffic intersection	70–80
Highway traffic at 15 meters, train	70
Predominantly industrial area	60
Light car traffic at 15 meters, city or commercial areas, or residential areas close to industry	50–60
Background noise in an office	50
Suburban areas with medium-density transportation	40–50
Public library	40
Soft whisper at 5 meters	30
Threshold of hearing	0

Note: A 10 dB(A) increase in level appears to double the loudness, and a 10 dB(A) decrease halves the apparent loudness.
Sources: Cowan, James P. *Handbook of Environmental Acoustics,* Van Nostrand Reinhold, New York, 1994. Egan, M. David, Architectural Acoustics. McGraw-Hill Book Company, 1988.

SOUND LEVEL DESCRIPTORS

Because the sound pressure level unit of dB(A) describes a noise level at just one moment and few noises are constant, other ways of describing noise that fluctuates over extended periods have been developed. One way is to describe the fluctuating sound heard over a specific time period as if it had been a steady, unchanging sound. For this condition, a descriptor called the "equivalent sound level," L_{eq}, can be computed. L_{eq} is the constant sound level that, in a given situation and time period (e.g., 1 hour, denoted by $L_{eq(1)}$, or 24 hours, denoted by $L_{eq(24)}$), conveys the same sound energy as the actual time-varying sound. Statistical sound level descriptors such as L_1, L_{10}, L_{50}, L_{90}, and L_x, are used to indicate noise levels that are exceeded 1, 10, 50, 90, and x percent of the time, respectively.

The relationship between L_{eq} and levels of exceedance is worth noting. Because L_{eq} is defined in energy rather than straight numerical terms, it is not simply related to the levels of exceedance. If the noise fluctuates little, L_{eq} will approximate L_{50} or the median level. If the noise fluctuates broadly, the L_{eq} will be approximately equal to the L_{10} value. If extreme fluctuations are present, the L_{eq} will exceed L_{90} or the background level by 10 or more decibels. Thus the relationship between L_{eq} and the levels of exceedance will depend on the character of the noise. In community noise measurements, it has been observed that the L_{eq} is generally between L_{10} and L_{50}.

For purposes of the proposed development, the 1-hour L_{10} descriptor ($L_{10(1)}$) has been selected as the noise descriptors to be used in this noise impact evaluation. The 1-hour L_{10} is the noise descriptor used in the 2012 *CEQR Technical Manual* noise exposure guidelines for City environmental impact review classification.

C. NEW YORK CEQR NOISE CRITERIA

The *CEQR Technical Manual* defines attenuation requirements for buildings based on exterior noise levels (see **Table K-2**). Recommended noise attenuation values for buildings are designed to maintain interior noise levels of 45 dB(A) or lower for residential uses and interior noise levels of 50 dB(A) or lower for commercial uses and are determined based on exterior $L_{10(1)}$ noise levels.

Table K-2
Required Attenuation Values to Achieve Acceptable Interior Noise Levels

	Marginally Unacceptable				Clearly Unacceptable
Noise Level With Proposed Project	$70 < L_{10} \leq 73$	$73 < L_{10} \leq 76$	$76 < L_{10} \leq 78$	$78 < L_{10} \leq 80$	$80 < L_{10}$
Attenuation[A]	(I) 28 dB(A)	(II) 31 dB(A)	(III) 33 dB(A)	(IV) 35 dB(A)	$36 + (L_{10} - 80)$[B] dB(A)

Notes:
[A] The above composite window-wall attenuation values are for residential development. Commercial uses would be 5 dB(A) less in each category. All the above categories require a closed window situation and hence an alternate means of ventilation.
[B] Required attenuation values increase by 1 dB(A) increments for L_{10} values greater than 80 dB(A).
Source: New York City Department of Environmental Protection.

Additionally, the project site would be subject to the New York City Zoning Resolution Special Mixed-Use District (ZR 123-32) requirements, including the provision of at least 35 dB(A) of window/wall attenuation to ensure interior noise levels of 45 dB(A) or less, and an alternate means of ventilation for all residential dwelling units. Based on the ZR 123-32 requirements, the minimum 35 dB(A) level of window/wall attenuation is sufficient for exterior $L_{10(1)}$ values up to 80 dB(A).

D. EXISTING NOISE LEVELS

Existing noise levels were measured at four (4) locations adjacent to the development site. Site 1 was located on 49th Avenue between 21st Street and 11th Place, Site 2 was located on 21st Street between 49th Avenue and 47th Road, Site 3 was located on the northwestern portion of the existing parking lot, and Site 4 was located on the northeastern portion of the existing parking lot (see **Figure K-1**). At Sites 1 and 2, existing noise levels were measured for 1-hour periods during AM, MD (mid-day), and PM peak traffic hours on Thursday May 30, 2013. At Sites 3 and 4, existing noise levels were measured over a continuous 24-hour period from Thursday May 30, through Friday May 31, 2013 and the 1-hour measurements were used from the peak traffic hours listed above.

EQUIPMENT USED DURING NOISE MONITORING

Measurements were performed using Brüel & Kjær Sound Level Meters (SLMs) Types 2260 and 2250, Brüel & Kjær ½-inch microphones Type 4189, and Brüel & Kjær Sound Level Calibrators Type 4231. The SLMs have a laboratory calibration date within one year of use. The Brüel & Kjær SLM are each a Type 1 instrument according to ANSI Standard S1.4-1983 (R2006). The microphones were mounted at a height of approximately 5 feet above ground. The SLMs were field calibrated before and after readings with a Brüel & Kjær Type 4231 Sound Level Calibrator using the appropriate adaptor. Measurements at each location were made on the

A-scale (dB(A)). The data were digitally recorded by the sound level meter and displayed at the end of the measurement period in units of dB(A). Measured quantities included L_{eq}, L_1, L_{10}, L_{50}, L_{90}, and 1/3 octave band levels. A windscreen was used during all sound measurements except for calibration. All measurement procedures were based on the guidelines outlined in ANSI Standard S1.13-2005.

The results of the existing noise level measurements are summarized in **Table K-3**.

Table K-3
Existing Noise Levels (in dBA)

Receptor Site	Measurement Location	Time	L_{eq}	L_1	L_{10}	L_{50}	L_{90}
1	49th Avenue between 21st Street and 11th Place	AM	62.6	70.9	64.9	60.7	58.3
		MD	63.2	70.7	62.3	57.8	55.5
		PM	60.9	69.2	63.8	58.6	55.9
2	21st Street between 49th Avenue and 47th Road	AM	71.8	81.4	75.5	67.9	63.8
		MD	71.5	81.1	74.9	67.8	63.0
		PM	70.4	80.0	73.4	67.1	62.6
3	Northwestern Portion of Existing Parking Lot	AM	63.5	75.8	63.4	59.7	58.0
		MD	58.6	66.0	59.6	57.0	55.4
		PM	59.6	67.5	61.8	57.8	55.8
4	Northeastern Portion of Existing Parking Lot	AM	66.7	77.1	65.2	61.2	58.9
		MD	60.1	68.0	61.9	58.7	56.8
		PM	60.6	68.1	62.7	59.0	57.0

At each of the receptor sites, vehicular traffic was the dominant noise source. Measured noise levels were low to moderately high and reflected the level of vehicular activity on the adjacent roadways. In terms of the CEQR criteria, the existing noise levels at Sites 1 and 3 would be in the "acceptable" category, existing noise levels at Site 4 would be in the "marginally acceptable" category and existing noise levels at Site 2 would be in the "marginally unacceptable" category.

E. NOISE PREDICTION METHODOLOGY

Future noise levels resulting from traffic were calculated with a proportional modeling technique used as a screening tool to estimate changes in noise levels. The proportional modeling technique is an analysis methodology recommended for analysis purposes in the *CEQR Technical Manual*. The noise analysis examined the weekday AM, MD, and PM peak hours. The analysis conservatively estimated the number of auto and truck trips for the AM time period (i.e., the time period expected to have the most trips) and conservatively applied the number of auto and truck trips to all time periods and all roadways and therefore resulted in the maximum potential for significant adverse noise impacts. Noise levels resulting from operation of the Arch Street Rail shop located northeast of the project site across 21st Street were estimated based on methodologies set forth in the Federal Transit Administration (FTA) *Transit Noise and Vibration Impact Assessment* (May, 2006) guidance manual.

The proportional modeling procedure used for the traffic noise analysis is described in additional detail below.

PROPORTIONAL MODELING

Proportional modeling was used to determine locations with the potential for having significant noise impacts. Proportional modeling is one of the techniques recommended in the *CEQR Technical Manual* for mobile source analysis.

Using this technique, the prediction of future noise levels, where traffic is the dominant noise source, is based on a calculation using measured existing noise levels and predicted changes in traffic volumes to determine No Action and With Action levels. Vehicular traffic volumes are converted into Passenger Car Equivalent (PCE) values, for which one medium-duty truck (having a gross weight between 9,900 and 26,400 pounds) is assumed to generate the noise equivalent of 13 cars, and one heavy-duty truck (having a gross weight of more than 26,400 pounds) is assumed to generate the noise equivalent of 47 cars, and one bus (vehicles designed to carry more than nine passengers) is assumed to generate the noise equivalent of 18 cars. Future noise levels are calculated using the following equation:

$F\ NL - E\ NL = 10 * \log_{10} (F\ PCE / E\ PCE)$

where:

F NL = Future Noise Level

E NL = Existing Noise Level

F PCE = Future PCEs

E PCE = Existing PCEs

Sound levels are measured in decibels and therefore increase logarithmically with sound source strength. In this case, the sound source is traffic volumes measured in PCEs. For example, assume that traffic is the dominant noise source at a particular location. If the existing traffic volume on a street is 100 PCE and if the future traffic volume were increased by 50 PCE to a total of 150 PCE, the noise level would increase by 1.8 dBA. Similarly, if the future traffic were increased by 100 PCE, or doubled to a total of 200 PCE, the noise level would increase by 3.0 dBA.

ANALYSIS PROCEDURE

The following procedure was used in performing the noise analysis:

- Noise monitoring locations were selected adjacent to the proposed development area to determine the appropriate level of building attenuation required to satisfy CEQR interior noise level criteria.
- Existing noise levels were determined at each of the four receptor sites listed above, for each analysis time period, by performing field measurements.
- Lastly, the level of building attenuation to satisfy CEQR requirements was determined for the proposed development based on the noise monitoring and noise level calculation results.

F. NOISE ANALYSIS RESULTS

MOBILE NOISE SOURCE SCREENING ANALYSIS

Using the methodology described above, a screening analysis was performed to determine whether project-generated traffic would have the potential for significantly increasing noise levels. The analysis examined the change in noise levels that would occur at the four receptor locations identified above. These locations are immediately adjacent to the development site and are locations where the largest increases in project-generated traffic would be expected to occur. As shown in **Table K-4** the maximum increase in noise levels with the proposed development is predicted to be 1.1 dBA at Site 1. Noise levels at Sites 3 and 4, which are not immediately

adjacent to an existing or future roadway, were assumed to remain the same as the existing condition. At all receptor sites the increases in noise levels would not be perceptible, and no significant adverse noise impacts would be expected.

Table K-4
Noise Screening Analysis Results

Receptor Site	Location	Maximum Increase in $L_{eq(1)}$ (dBA)
1	49th Avenue between 21st Street and 11th Place	1.1
2	21st Street between 49th Avenue and 47th Road	0.3

BUILDING ATTENUATION REQUIREMENTS

As shown in **Table K-2**, the *CEQR Technical Manual* has set noise attenuation quantities for buildings based on exterior $L_{10(1)}$ noise levels in order to maintain interior noise levels of 45 dB(A) or lower for residential uses and interior noise levels of 50 dB(A) or lower for commercial uses. Additionally, ZR 123-32 requires at least 35 dB(A) of window/wall attenuation to ensure an interior noise level of 45 dB(A) or less for residential dwelling units. The results of the building attenuation analysis are summarized in **Table K-5**.

Table K-5
Building Attenuation Requirements

Façade	Applicable Receptor Site	Maximum Predicted L_{10} (in dB(A))[1]	Attenuation Required (in dB(A))[1]	
			Residential Use	Commercial Use
South	1	66.0	35	N/A[2]
East	2	78.7	35	28
North	3, 4	76.0	35	23
West	1	66.0	35	N/A[2]

Notes:

(1) Maximum Predicted L_{10} levels reflect the predicted changes in traffic and increased noise levels from the Arch Street Rail Shop and associated tracks expected to occur upon the completion of the MTA's East Side Access project.

(2) "N/A" indicates that the L_{10} value is less than 70 dB(A). *The CEQR Technical Manual* does not address noise levels this low, therefore there is no minimum attenuation guidance.

Based on the values shown in **Table K-5**, required attenuation levels were determined for the project site. Residential dwelling units included in the proposed project would be subject to the requirements of ZR 123-32 to provide at least 35 dB(A) of window/wall attenuation and an alternate means of ventilation.

The attenuation of a composite structure is a function of the attenuation provided by each of its component parts and how much of the area is made up of each part. Normally, a building façade consists of wall, glazing, and any vents or louvers associated with the building mechanical systems in various ratios of area. Currently, the design for the proposed development includes acoustically rated windows and air conditioning (a means of alternate ventilation). The proposed building's façades, including these elements, would be designed to provide composite Outdoor-Indoor Transmission Class[1] (OITC) ratings equal to or above the levels shown in **Table K-5**.

[1] The OITC classification is defined by ASTM International (ASTM E1332-10a) and provides a single-number rating that is used for designing a building façade including walls, doors, glazing, and

This level of window/wall attenuation would be sufficient according to provide acceptable interior noise levels according to CEQR criteria.

In addition, the building mechanical system (i.e., heating, ventilation, and air conditioning systems) would be designed to meet all applicable noise regulations (i.e., Subchapter 5, §24-227 of the New York City Noise Control Code and the New York City Department of Buildings Code) and to avoid producing levels that would result in any significant increase in ambient noise levels.

G. RAIL VIBRATION AT THE DEVELOPMENT SITE

The *CEQR Technical Manual* does not require an analysis of ambient vibration exposure at a site where new receptors would be introduced and does not provide criteria by which to evaluate the vibration exposure at newly introduced receptors. However, because the proposed development site is adjacent to a rail spur associated with the Arch Street Rail Shop, an analysis of vibration at the project site was conducted. The general assessment methodology set forth in the FTA *Transit Noise and Vibration Impact Assessment* (May, 2006) was used to determine and evaluate vibration at the development site.

The rail spur, although not currently used frequently, is expected to be used more frequently upon the completion of the MTA's East Side Access project; however, the exact number of trains that will use the spur is not currently known. Therefore, a conservative estimate based on the FTA's vibration criteria for "Frequent Events" (i.e., more than 70 events per day) of 72 VdB was used to determine whether residents of the proposed project would be adversely affected by vibration from the rail spur.

The rail spur's track that pass by the site of the proposed project are not through-tracks, but rather are used only for train storage and turn-around. Consequently, trains on these tracks were estimated to move at 5 mph. The nearest distance between the proposed development and the tracks is approximately 30 feet. In addition, the location of the tracks in a cut and the construction of the proposed development on piles would affect the propagation of vibration to the building. Based on these factors, vibration associated with the rail spur is not expected to exceed 55 VdB, which is well below the 72 VdB threshold noted above. Therefore, vibration from the adjacent rail spur is not expected to have any adverse impacts on the proposed development. ✷

combinations thereof. The OITC rating is designed to evaluate building elements by their ability to reduce the overall loudness of ground and air transportation noise.

Appendix A

For Internal Use Only:	WRP no._____
Date Received:_____	DOS no._____

NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM
Consistency Assessment Form

Proposed action subject to CEQR, ULURP, or other Local, State or Federal Agency Discretionary Actions that are situated within New York City's designated Coastal Zone Boundary must be reviewed and assessed for their consistency with the *New York City Waterfront Revitalization Program (WRP)*. The WRP was adopted as a 197-a Plan by the Council of the City of New York on October 13, 1999, and approved in coordination with local, state and Federal laws and regulations, including the State's Coastal Management Program (Executive Law, Article 42) and the Federal Coastal Zone Management Act of 1972 (P.L. 92-583). As a result of these approvals, state and federal discretionary actions within the city's coastal zone must be consistent to the maximum extent practicable with the WRP policies and the city must be given the opportunity to comment on all state and federal projects within its coastal zone.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, other State Agency or the New York City Department of City Planning in its review of the applicant's certification of consistency.

A. APPLICANT

1. Name:
William Bollinger, Spectrum Development

Address:
15 Verbena Avenue, Floral Park, NY 11001

3. Telephone: **(516) 821-2040** Fax: **(718) 343-6767**

E-mail Address:
bill@jacksondevelopment.com

4. Project site owner:
Hunters Point 49, LLC

B. PROPOSED ACTIVITY

1. Brief description of activity:
The applicant, Hunters Point 49, LLC, is seeking discretionary approvals, including zoning map and text amendments, to facilitate the construction of a new residential and commercial building on the development site.

2. Purpose of activity:
To create a new mixed-use building in the Hunters Point neighborhood and to foster economic development.

3. Location of activity: **Hunters Point** Borough: **Queens**

Street Address or Site Description:
11-55 49th Avenue (Queens Block 61, Lots 50 and 55, and a portion of Lot 5; Block 72, portion of Lot 1)

Proposed Activity Cont'd

4. If a federal or state permit or license was issued or is required for the proposed activity, identify the permit type(s), the authorizing agency and provide the application or permit number(s), if known:

   No federal or state licenses or permits are required for the proposed project.

5. Is federal or state funding being used to finance the project? If so, please identify the funding source(s).

   No.

		Yes	No
6.	Will the proposed project result in any large physical change to a site within the coastal area that will require the preparation of an environmental impact statement?		
	If yes, identify Lead Agency:		**X**

7. Identify **City** discretionary actions, such as **zoning amendment or adoption of an urban renewal plan**, required for the proposed project.

   Zoning text amendment modifying ZR Section 117, Appendix A, Special Long Island City Mixed Use District, Hunter's Point Subdistrict to include the proposed rezoning area and to include 49th Avenue as a street where sidewalk cafes are permitted; and zoning map amendment to change the proposed rezoning area from M1-4 to M1-5/R7X and to establish the Special Long Island City Mixed Use District over the same area.

C. COASTAL ASSESSMENT

The following questions represent, in a broad sense, the policy of the WRP. The number in the parentheses after each question indicated the policy or policies that are the focus of the question. A detailed explanation of the Waterfront Revitalization Program and its policies are contained in the publication the *New York City Waterfront Revitalization Program.*

Check either "Yes" or "No" for each of the following questions. Once the checklist is completed, assess how the proposed project affects the policy or standards indicated in "( )" after each question with a Yes response. Explain how the action is consistent with the goals of the policy or standard.

Location Questions:		**Yes**	**No**
1.	Is the project site on the waterfront or at the water's edge?		**X**
2.	Does the proposed project require a waterfront site?		**X**
3.	Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land underwater, or coastal waters?		**X**

Policy Questions:		**Yes**	**No**
	The following questions represent, in a broad sense, the policies of the WRP. Numbers in parentheses after each question indicates the policy or policies addressed by the question. The new Waterfront Revitalization Program offers detailed explanations of the policies, including criteria for consistency determinations.		
	Check either "Yes" or "No" for each of the following questions. For all "yes" responses, provide an attachment assessing the effects of the proposed activity on the relevant policies or standards. Explain how the action would be consistent with the goals of those policies and standards.		
4.	Will the proposed project result in revitalization or redevelopment of a deteriorated or under- used waterfront site? (1)		**X**
5.	Is the project site appropriate for residential or commercial redevelopment? (1.1)	**X**	
6.	Will the action result in a change in scale or character of a neighborhood? (1.2)		**X**
7.	Will the proposed activity require provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (1.3)		**X**

Policy Questions cont'd:		Yes	No
8.	Is the action located in one of the designated Significant Maritime and Industrial Areas (SMIA): South Bronx, Newtown Creek, Brooklyn Navy Yard, Red Hook, Sunset Park, or Staten Island? (2)		X
9.	Are there any waterfront structures, such as piers, docks, bulkheads or wharves, located on the project sites? (2)		X
10.	Would the action involve the siting or construction of a facility essential to the generation or transmission of energy, or a natural gas facility, or would it develop new energy resources? (2.1)		X
11.	Does the action involve the siting of a working waterfront use outside of a SMIA? (2.2)		X
12.	Does the proposed project involve infrastructure improvement, such as construction or repair of piers, docks, or bulkheads? (2.3, 3.2)		X
13.	Would the action involve mining, dredging, or dredge disposal, or placement of dredged or fill materials in coastal waters? (2.3, 3.1, 4, 5.3, 6.3)		X
14.	Would the action be located in a commercial or recreational boating center, such as City Island, Sheepshead Bay or Great Kills or an area devoted to water-dependent transportation? (3)		X
15.	Would the proposed project have an adverse effect upon the land or water uses within a commercial or recreation boating center or water-dependent transportation center? (3.1)		X
16.	Would the proposed project create any conflicts between commercial and recreational boating? (3.2)		X
17.	Does the proposed project involve any boating activity that would have an impact on the aquatic environment or surrounding land and water uses? (3.3)		X
18.	Is the action located in one of the designated Special Natural Waterfront Areas (SNWA): Long Island Sound-East River, Jamaica Bay, or Northwest Staten Island? (4 and 9.2)		X
19.	Is the project site in or adjacent to a Significant Coastal Fish and Wildlife Habitats? (4.1)		X
20.	Is the site located within or adjacent to a Recognized Ecological Complex: South Shore of Staten Island or Riverdale Natural Area District? (4.1and 9.2)		X
21.	Would the action involve any activity in or near a tidal or freshwater wetland? (4.2)		X
22.	Does the project site contain a rare ecological community or would the proposed project affect a vulnerable plant, fish, or wildlife species? (4.3)		X
23.	Would the action have any effects on commercial or recreational use of fish resources? (4.4)		X
24.	Would the proposed project in any way affect the water quality classification of nearby waters or be unable to be consistent with that classification? (5)		X
25.	Would the action result in any direct or indirect discharges, including toxins, hazardous substances, or other pollutants, effluent, or waste, into any waterbody? (5.1)		X
26.	Would the action result in the draining of stormwater runoff or sewer overflows into coastal waters? (5.1)		X
27.	Will any activity associated with the project generate nonpoint source pollution? (5.2)		X

Policy Questions cont'd:		Yes	No
28.	Would the action cause violations of the National or State air quality standards? (5.2)		X
29.	Would the action result in significant amounts of acid rain precursors (nitrates and sulfates)? (5.2C)		X
30.	Will the project involve the excavation or placing of fill in or near navigable waters, marshes, estuaries, tidal marshes or other wetlands? (5.3)		X
31.	Would the proposed action have any effects on surface or ground water supplies? (5.4)		X
32.	Would the action result in any activities within a Federally designated flood hazard area or State designated erosion hazards area? (6)	X	
33.	Would the action result in any construction activities that would lead to erosion? (6)		X
34.	Would the action involve construction or reconstruction of a flood or erosion control structure? (6.1)		X
35.	Would the action involve any new or increased activity on or near any beach, dune, barrier island, or bluff? (6.1)		X
36.	Does the proposed project involve use of public funds for flood prevention or erosion control? (6.2)		X
37.	Would the proposed project affect a non-renewable source of sand? (6.3)		X
38.	Would the action result in shipping, handling, or storing of solid wastes; hazardous materials, or other pollutants? (7)		X
39.	Would the action affect any sites that have been used as landfills? (7.1)		X
40.	Would the action result in development of a site that may contain contamination or has a history of underground fuel tanks, oil spills, or other form or petroleum product use or storage? (7.2)	X	
41.	Will the proposed activity result in any transport, storage, treatment, or disposal of solid wastes or hazardous materials, or the siting of a solid or hazardous waste facility? (7.3)		X
42.	Would the action result in a reduction of existing or required access to or along coastal waters, public access areas, or public parks or open spaces? (8)		X
43.	Will the proposed project affect or be located in, on, or adjacent to any federal, state, or city park or other land in public ownership protected for open space preservation? (8)		X
44.	Would the action result in the provision of open space without the provision for its maintenance? (8.1)		X
45.	Would the action result in any development along the shoreline but NOT include new water enhanced or water dependent recreational space? (8.2)		X
46.	Will the proposed project impede visual access to coastal lands, waters and open space? (8.3)		X
47.	Does the proposed project involve publically owned or acquired land that could accommodate waterfront open space or recreation? (8.4)		X
48.	Does the project site involve lands or waters held in public trust by the state or city? (8.5)		X

Policy Questions cont'd:		Yes	No
49.	Would the action affect natural or built resources that contribute to the scenic quality of a coastal area? (9)		X
50.	Does the site currently include elements that degrade the area's scenic quality or block views to the water? (9.1)		X
51.	Would the proposed action have a significant adverse impact on historic, archeological, or cultural resources? (10)		X
52.	Will the proposed activity affect or be located in, on, or adjacent to an historic resource listed on the National or State Register of Historic Places, or designated as a landmark by the City of New York? (10)		X

D. CERTIFICATION

The applicant must certify that the proposed activity is consistent with New York City's Waterfront Revitalization Program, pursuant to the New York State Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If the certification can be made, complete this section.

"The proposed activity complies with New York State's Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent Name: **Neil Weissman**

Address: **15 Verbena Avenue**
Floral Park, New York 11001 **(516) 984-4952**
Telephone

Applicant/Agent Signature: Neil Weissman Date: 2-10-2014

Appendix B

Landmarks Preservation Commission

1 Centre Street
9th Floor North
New York, NY 10007

Voice (212)-669-7700
Fax (212)-669-7960
http://nyc.gov/landmarks

ENVIRONMENTAL REVIEW

Project number: DEPARTMENT OF CITY PLANNING / LA-CEQR-Q
Project:
Address: 11-55 49 AVENUE, **BBL:** 4000610055
Date Received: 7/29/2013

[] No architectural significance

[X] No archaeological significance

[ ] Designated New York City Landmark or Within Designated Historic District

[ ] Listed on National Register of Historic Places

[ ] Appears to be eligible for National Register Listing and/or New York City Landmark Designation

[ ] May be archaeologically significant; requesting additional materials

Comments: ARCHAEOLOGY REVIEW ONLY.

Gina Santucci 7/30/2013

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 28721_FSO_GS_07302013.doc

Appendix C

NYC Landmarks Preservation Commission

1 Centre Street
9th Floor North
New York, NY 10007

Voice (212)-669-7700
Fax (212)-669-7960
http://nyc.gov/landmarks

ENVIRONMENTAL REVIEW

Project number: DEPARTMENT OF CITY PLANNING / LA-CEQR-Q
Project:
Address: 11-55 49 AVENUE, **BBL:** 4000610055
Date Received: 11/18/2013

---

[x] No architectural significance

[X**] No archaeological significance**

[ ] Designated New York City Landmark or Within Designated Historic District

[ ] Listed on National Register of Historic Places

[x] Appears to be eligible for National Register Listing (in study area)

[ ] May be archaeologically significant; requesting additional materials

Comments: The LPC is in receipt of the Historic and Cultural Resources chapter dated 11/7/13. The Paragon Oil Building and the Blue Sky Diner appear S/NR eligible only. There are no further concerns.

Gina Santucci

12/2/2013

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 28721_FSO_GS_12022013.doc

Appendix D

NYC Environmental Protection

Carter H. Strickland, Jr.
Commissioner

Angela Licata
Deputy Commissioner
of Sustainability
alicata@dep.nyc.gov

59-17 Junction Boulevard
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October 9, 2013

Mr. Robert Dobruskin
Director, Environmental Assessment and Review Division
New York City Department of City Planning
22 Reade Street, Room 4E
New York, New York 10007-1216

Re: 11-55 49th Avenue Rezoning
Development Site: Block 61, Lot 55
Rezoning Area: Block 61, Lot 50, and p/o Lots 5 and 55; and Block 72, p/o of Lot 1
DEP # 14DEPTECH020Q / CEQR # 77DCP128Q
Queens, New York

Dear Mr. Dobruskin:

The New York City Department of Environmental Protection, Bureau of Environmental Planning and Analysis (DEP) has reviewed the September 2013 Environmental Assessment Statement, the April 2013 Phase I Environmental Site Assessment (Phase I) prepared by Brinkerhoff Environmental Services, Inc., and the August 2013 Phase II Environmental Site Investigation (Phase II) for Block 61, Lot 55 prepared by AKRF, Inc. (AKRF) on behalf of Hunters Point 49, LLC (applicant). It is our understanding that the applicant is seeking zoning map and zoning text amendments from the New York City Department of City Planning (DCP) to rezone a portion of a development site at 11-55 49th Avenue (Block 61, Lot 55) (the "development site"), as well as Block 61, Lot 50 and portions of Block 61, Lot 5 and Block 72, Lot 1. The development site and the additional lots constitute the Rezoning Area. The Rezoning Area would be rezoned from M1-4 to M1-5/R7X and the Special Long Island City Mixed Use District would be extended to the Rezoning Area. With the proposed development, the existing public parking lot use on the development site would be replaced by an eight- to 12-story commercial and residential building containing up to approximately 173,552 gross square feet (gsf), including a cellar level. The proposed project would contain approximately 139,876 gsf of residential space, approximately 19,400 gsf of accessory parking space and approximately 6,676 gsf of mechanical space located on the cellar level, and approximately 7,600 gsf of commercial space. The cellar level and ground floor would be occupied by mechanical rooms, accessory parking space, a commercial use, and a lobby and amenities for residential use, and floors two through twelve would be occupied by residential uses. A zoning text amendment is also proposed to allow unenclosed sidewalk cafes on 49th Avenue between 11th Street and 21st Street. The proposed development site and rezoning area is bounded by 49th Avenue, 21st Street, 47th Road, and Jackson Avenue in the Hunter's Point neighborhood of Queens Community District 2.

Site under the control or ownership of the applicant – Development site (Block 61, Lot 55)

The April 2013 Phase I report revealed that historical on-site and surrounding area land uses consisted of a variety of commercial and industrial uses including a stable carriage, storage, railroad tracks, a garage, parking lots, and a realty corporation. The New York State Department of Environmental Conservation (NYSDEC) SPILLS database identified 33 closed spills within a 1/8-mile radius of the project site.

During the July 2013 fieldwork, AKRF, Enviroprobe Service, Inc. of Moorestown, NJ, and Aquifer Drilling and Testing, Inc. of Mineola, NY advanced seven soil borings (SB-1 through SB-7) to a depth of approximately 20 feet below grade surface (bgs). Two soil samples were collected from each boring: one from the top two feet below asphalt, and one from either the two-foot interval above groundwater or from the two foot interval exhibiting the greatest degree of contamination (e.g., elevated photoionization detector readings). Fourteen soil samples were collected and analyzed for volatile organic compounds (VOCs) by United States Environmental Protection Agency (EPA) Method 8260, semi-volatile organic compounds (SVOCs) by EPA Method 8270, pesticides by EPA Method 8081, polychlorinated biphenyls (PCBs) by EPA Method 8082, and Target Analyte List (TAL) metals. Groundwater was encountered at depths ranging between 17 and 20 feet bgs. Four groundwater samples were collected from temporary well points TW-1, TW-3, TW-5, and TW-6 installed in borings SB-1, SB-3, SB-5, and SB-6 and analyzed for VOCs by EPA Method 8260, SVOCs by EPA Method 8270, pesticides by EPA Method 8081, PCBs by EPA Method 8082, and TAL metals (total and dissolved). Three soil gas samples (SG-1, SG-2, and SG-3) were collected from locations immediately adjacent to soil borings SB-1, SB-3, and SB-5 respectively and analyzed for VOCs by EPA Method TO-15.

The soil analytical results revealed VOC concentrations were either non-detect (ND) or below their respective NYSDEC 6 NYCRR Part 375 Unrestricted Use Soil Cleanup Objectives (SCOs) and SCOs for Restricted Residential Use. Several SVOCs (benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(ghi)perylene, benzo(k)fluoranthene, chrysene, dibenzo(a,h)anthracene, and indeno(1,2,3-cd)pyrene), several metals (arsenic, barium, cadmium, chromium, copper, lead, mercury, nickel, and zinc), one pesticide (4,4'-DDD), and one PCB (aroclor 1260) were detected above their respective NYSDEC Unrestricted Use SCO and/or Restricted Residential Use SCOs.

The groundwater analytical results revealed pesticide and PCB concentrations were either ND or below their respective NYSDEC Class GA Water Quality Standards. Several VOCs (cis-1,2-dichloroethene, naphthalene, and isopropyltoluene), several SVOCs (benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, and indeno(1,2,3-cd)pyrene), several metals (antimony, iron, lead, magnesium, manganese, and sodium), and several pesticides (alpha-BHC, beta-BHC, and dieldrin) were detected above their respective NYSDEC Class GA Water Quality Standards.

The soil vapor analytical results revealed several VOCs (1,3-butadiene, 2-butanone, acetone, benzene, carbon disulfide, chloroform, cyclohexane, ethylbenzene, heptane, n-hexane, m/p-xylene, o-xylene, PCE, and toluene) exceeded the background indoor air values used for

comparison in New York State Department of Health's (NYSDOH's) October 2006 Guidance for Evaluating Soil Vapor Intrusion in the State of New York, specifically to NYSDOH Air Guideline Values (AGVs) and to background levels of VOCs in indoor air in Appendix C of the document, including: Upper Fence Limit indoor air values from "Table C-1. NYSDOH 2003: Study of Volatile Organic Chemicals in Air of Fuel Oil Heated Homes," 90th Percentile indoor air values from "Table C-2. EPA 2001: Building Assessment and Survey Evaluation (BASE) Database, SUMMA canister method," and 95th Percentile Indoor Air Values from "Table C-5. Health Effects Institute (HEI) 2005: Relationship of Indoor, Outdoor and Personal Air." Based on the detected concentration of PCE, the decision matrices recommended either "no further action" or "reasonable and practical actions to identify source(s) and reduce exposures".

Based upon our review of the submitted documentation, we have the following comments and recommendations to DCP:

- DCP should instruct the applicant to develop and submit a Remedial Action Plan (RAP) for the proposed construction project for review and approval. The RAP should delineate that contaminated soils should be properly disposed of in accordance with the applicable NYSDEC regulations. Additional testing of the soils may be required by the disposal and/or recycling facility.

- DCP should instruct the applicant to submit a site-specific Construction Health and Safety Plan (CHASP) on the basis of workers exposure to contaminants for the proposed construction project. The CHASP should be submitted to DEP for review and approval. Soil disturbance should not occur without DEP's written approval of the CHASP.

- DEP concurs with AKRF's recommendation to include vapor control measures such as a vapor barrier beneath the proposed building.

- DCP should inform the applicant that a passive sub-slab depressurization system (SSDS) with the capability of being converted to an active SSDS if warranted based on future conditions should be incorporated into the design plan of the proposed construction project.

- DCP should instruct the applicant that for all areas, which will either be landscaped or covered with grass (not capped), a minimum of two (2) feet of clean fill/top soil must be imported from an approved facility/source and graded across all landscaped/grass covered areas of the sites not capped with concrete/asphalt. The clean fill/top soil must be segregated at the source/facility, have qualified environmental personnel collect representative samples at a frequency of one (1) sample for every 250 cubic yards, analyze the samples for Target Compound List (TCL) VOCs, SVOCs, pesticides, PCBs, and TAL metals by a New York State Department of Health Environmental Laboratory Approval Program certified laboratory, compared to NYSDEC Part 375 Environmental Remediation Programs.

- DCP should instruct the applicant that excavated soils, which are temporarily stockpiled on-site, must be covered with polyethylene sheeting while disposal options are determined. Additional testing may be required by the disposal/recycling facility. Excavated soil should not be reused for grading purposes.

- DCP should instruct the applicant that if any petroleum-impacted soils (which display petroleum odors and/or staining) are encountered during the excavation/grading activities, the impacted soils should be removed and properly disposed of in accordance with all NYSDEC regulations.
- DCP should instruct the applicant that dust suppression must be maintained by the contractor during the excavating and grading activities at the site.

- DCP should instruct the applicant that all known or found underground storage tanks (including dispensers, piping, and fill-ports) must be properly removed/closed in accordance with all applicable NYSDEC regulations.

- DCP should instruct the applicant that if de-watering into New York City storm/sewer drains will occur during the proposed construction, a New York City Department of Environmental Protection Sewer Discharge Permit must be obtained prior to the start of any de-watering activities at the site.

Sites not under the control or ownership of the applicant – Rezoning area (Block 61, Lot 50, and p/o Lots 5 and 55; and Block 72, p/o of Lot 1)

- Since these sites are not under the control or ownership of the applicant, DEP recommends that an "E" designation for hazardous materials should be placed on the zoning map pursuant to Section 11-15 of the New York City Zoning Resolution for any projected and/or potential development sites. The "E" designation will ensure that testing and mitigation will be provided as necessary before any future development.

Future correspondence and submittals to DEP related to this project should include the following tracking number **14DEPTECH020Q**. If you have any questions, you may contact Mr. Wei Yu at (718) 595-4358.

Sincerely,

Maurice S. Winter
Deputy Director, Site Assessment

c: E. Mahoney; M. Winter; W. Yu; T. Estesen; M. Wimbish; C. Evans – DCP; J. Keller – DCP; M. Bertini – OER; File

Appendix E

Environmental Protection

Carter H. Strickland, Jr.
Commissioner

Angela Licata
Deputy Commissioner
of Sustainability
alicata@dep.nyc.gov

59-17 Junction Boulevard
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November 25, 2013

Mr. Robert Dobruskin
Director, Environmental Assessment and Review Division
New York City Department of City Planning
22 Reade Street, Room 4E
New York, New York 10007-1216

Re: 11-55 49th Avenue Rezoning
Development Site: Block 61, Lot 55
Rezoning Area: Block 61, Lot 50, and p/o Lots 5 and 55; and Block 72, p/o of Lot 1
DEP # 14DEPTECH020Q / CEQR # 77DCP128Q
Queens, New York

Dear Mr. Dobruskin:

The New York City Department of Environmental Protection, Bureau of Environmental Planning and Analysis (DEP) has reviewed the October 2013 Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP) for Block 61, Lot 55 (development site) prepared by AKRF, Inc. on behalf of Hunters Point 49, LLC (applicant). It is our understanding that the applicant is seeking zoning map and zoning text amendments from the New York City Department of City Planning (DCP) to rezone a portion of a development site at 11-55 49th Avenue (Block 61, Lot 55) (the "development site"), as well as Block 61, Lot 50 and portions of Block 61, Lot 5 and Block 72, Lot 1. The development site and the additional lots constitute the Rezoning Area. The Rezoning Area would be rezoned from M1-4 to M1-5/R7X and the Special Long Island City Mixed Use District would be extended to the Rezoning Area. With the proposed development, the existing public parking lot use on the development site would be replaced by an eight- to 12-story commercial and residential building containing up to approximately 173,552 gross square feet (gsf), including a cellar level. The proposed project would contain approximately 139,876 gsf of residential space, approximately 19,400 gsf of accessory parking space and approximately 6,676 gsf of mechanical space located on the cellar level, and approximately 7,600 gsf of commercial space. The cellar level and ground floor would be occupied by mechanical rooms, accessory parking space, a commercial use, and a lobby and amenities for residential use, and floors two through twelve would be occupied by residential uses. A zoning text amendment is also proposed to allow unenclosed sidewalk cafes on 49th Avenue between 11th Street and 21st Street. The proposed development site and rezoning area is bounded by 49th Avenue, 21st Street, 47th Road, and Jackson Avenue in the Hunter's Point neighborhood of Queens Community District 2.

Development Site (Block 61, Lot 55)

The October 2013 RAP proposes the installation of a Vaporblock Plus 20-mil vapor barrier or a New York City Department of Environmental Protection (NYCDEP)-approved equivalent, which will be applied to the underside of the foundation slab and sub-grade walls; proper handling, transportation, and disposal of contaminated soil in accordance with applicable New York State Department of Environmental Conservation (NYSDEC) regulations; proper removal/closing of underground storage tanks in accordance with applicable NYSDEC regulations; de-watering into storm/sewer drains in accordance with applicable NYCDEP requirements; dust monitoring; on-site soil will be stockpiled and covered with polyethylene sheeting. It should be noted that the entire site will be capped with new building foundations and the proposed building's basement would be occupied by non-residential uses (parking, mechanical rooms, and a laundry room) that would be ventilated separately from the upper floors. The proposed combination of vapor barrier and the separate basement ventilation would be adequate to reduce the potential for vapor intrusion into residential space, and as such, no sub-slab depressurization system is proposed for the new building. The October 2013 CHASP addresses worker and community health and safety during redevelopment.

Based upon our review of the submitted documentation, we have the following comments and recommendations to DCP:

- DCP should instruct the applicant to include the names and phone numbers of the Site Supervisor and Alternates in the CHASP.

DEP finds the October 2013 RAP and CHASP for the proposed project acceptable as long as the aforementioned information is incorporated into the CHASP. DCP should instruct the applicant that at the completion of the project, a Professional Engineer (P.E.) certified Remedial Closure Report should be submitted to DEP for review and approval for the proposed project. The P.E. certified Remedial Closure Report should indicate that all remedial requirements have been properly implemented (i.e., proof of installation of vapor barrier and separate basement ventilation system; and proper transportation/disposal manifests and certificates from impacted soils removed and properly disposed of in accordance with all NYSDEC regulations, etc.).

Future correspondence and submittals to DEP related to this project should include the following tracking number **14DEPTECH020Q**. If you have any questions, you may contact Mr. Wei Yu at (718) 595-4358.

Sincerely,

Wei Yu For

Maurice S. Winter
Deputy Director, Site Assessment

c: E. Mahoney; M. Winter; W. Yu; T. Estesen; M. Wimbish; C. Evans – DCP; J. Keller – DCP; File