NYC PLANNING

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Anita Laremont, *Director*
Department of City Planning

Agayev Holding, LLC
c/o Eric Palatnik
32 Broadway
New York, NY 10004

Re:	**35-01 Vernon Boulevard Rezoning**
CEQR No.	21DCP114Q
ULURP No(s).	220050ZMQ, 220051ZRQ
SEQRA Classification:	Unlisted
Queens Community District:	QN01

Dear Eric Palatnik,

Under City Environmental Quality Review, the lead agency is required to determine whether a proposed action may have a significant adverse impact on the environment. In accordance with this regulation, the City Planning Commission has determined that the proposed action would not have a significant adverse impact on the environment.

Enclosed is the Negative Declaration for CEQR No. 21DCP114Q, 35-01 Vernon Boulevard Rezoning, including supporting statements for the finding that the proposed actions would not have a significant adverse impact on the environment. The Negative Declaration was issued on January 3, 2022.

Sincerely,

Stephanie Shellooe, AICP, *Director*

January 3, 2022
Date

cc: Project File
Anita Laremont, Chair
City Planning Commissioners
Raju Mann, Director, City Council Land Use Division
Donovan Richards Jr., Queens Borough President
Queens Community Board QN01

Stephanie Shellooe, AICP, *Director,* (212) 720-3328 | sshellooe@planning.nyc.gov
120 Broadway, 31st Floor, New York, N.Y. 10271 | Fax: (212) 720-3488

NEGATIVE DECLARATION

Statement of No Significant Effect

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York and 6 NYCRR, Part 617, State Environmental Quality Review, the Department of City Planning acting on behalf of the City Planning Commission assumed the role of lead agency for the environmental review of the proposed actions. Based on a review of information about the project contained in this environmental assessment statement (EAS) and any attachments hereto, which are incorporated by reference herein, the lead agency has determined that the proposed actions would not have a significant adverse impact on the environment.

Reasons Supporting this Determination

The above determination is based on information contained in this EAS, which finds the proposed actions sought before the City Planning Commission would not have a significant adverse impact on the environment. Reasons supporting this determination are noted below.

Land Use, Zoning, and Public Policy

A detailed analysis of land use, zoning, and public policy is included in the EAS. The Applicant, Agayev Holding, LLC, seeks the following discretionary actions pertaining to the Project Area which consists of Block 328, Lots 20 and 23 and parts of Lots 16 and 33 in the Long Island City neighborhood area of Queens, Community District 1: 1) a Zoning Map Amendment to change the existing R5 zoning district mapped on the Project Area to an MX (R7A/M1-4) zoning district; and 2) a Zoning Text Amendment of Zoning Resolution ("ZR") Appendix F for Community District 1, Queens to establish the Project Area as a Mandatory Inclusionary Housing ("MIH") Area. The Proposed Actions would facilitate the development on the Applicant owned Projected Development Site 1 (Block 328, Lot 23) of a 9-story, sub-cellar, and cellar 209,538 gsf mixed-use building with approximately 32,157 gsf of commercial retail, office, and light manufacturing use on the first and second floors, 107 residential dwelling units on floors 3 through 9, and 77 accessory parking spaces. No new development would occur on the other lots within the Project Area. The Proposed Actions would permit a new development that would be compatible with the adjacent and nearby residential, commercial, and other uses. The Proposed Actions would permit the construction of housing, including affordable housing, in the area and provide locally oriented commercial retail and office space as well as light industrial floor area which would complement the surrounding neighborhood. The change in land use and zoning would not constitute a significant adverse impact.

Open Space

A detailed analysis related to Open Space is included in this EAS. The projected open space ratio in 2024 with the Proposed Actions would be 1.335 acres per 1,000 residents compared with the projected ratio of 1.361 acres in the study area in the future No Action condition. This represents a decrease of approximately 0.026 acres or 1.9 percent in the open space ratio. The open space project study area would have an active open space ratio of 0.449 acres per 1,000 residents with the Proposed Actions compared to 0.457 acres in the future No Action condition, a decrease of 0.008 acres. The study area would have a passive open space ratio of 0.887 acres per 1,000 residents with the Proposed Actions compared to 0.904 acres in the future No Action condition, a decrease of 0.017 acres. Relative to indirect impacts on open space resources, the proposed development would result in a decrease of 1.9 percent in the open space ratio in the project study area. At an open space ratio of 1.335 acres, the ratio in the project study area would be below the community district median of 1.5 acres per 1,000 population but would not be substantially below this ratio. The open space ratio would not decrease substantially relative to existing and Future No-Action conditions. Therefore, based on CEQR Technical Manual criteria, the proposed project would not result in a significant adverse impact on open space resources.

Hazardous Materials, Air Quality, and Noise

An (E) designation (E-645) related to hazardous materials, air quality, and noise would be established as part of the approval of the proposed actions. Refer to "Determination of Significance Appendix: (E) designation" for the applicable (E) designation requirements. The hazardous materials, air quality, and noise analyses conclude that with the (E) designation in place, the proposed actions would not result in a significant adverse impact related to hazardous materials, air quality, or noise.

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA). Should you have any questions pertaining to this Negative Declaration, you may contact Stephanie Shellooe at 212-720-3328.

TITLE	LEAD AGENCY
Director, Environmental Assessment and Review Division	Department of City Planning on behalf of the City Planning Commission 120 Broadway, 31st Fl. New York, NY 10271 | 212.720.3328
NAME Stephanie Shellooe, AICP	DATE December 30, 2021
SIGNATURE	

TITLE	
Chair, City Planning Commission	
NAME Anita Laremont	DATE January 3, 2022
SIGNATURE	

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Determination of Significance Appendix

The Proposed Action(s) were determined to have the potential to result in changes to development on the following site(s):

Development Site	Borough	Block and Lot
Projected Development Site 1	Queens	Block 328, Lot 23

(E) Designation Requirements

To ensure that the proposed actions would not result in significant adverse impacts related to hazardous materials, air quality, and noise an (E) designation (**E-645**) would be established as part of approval of the proposed actions on **Projected Development Site 1** as described below:

Development Site	Hazardous Materials	Air Quality	Noise
Projected Development Site 1	X	X	X

Hazardous Materials

The (E) designation requirements applicable to **Projected Development Site 1** for hazardous materials would apply as follows:

Task 1-Sampling Protocol

The applicant submits to OER, for review and approval, a Phase I of the site along with a soil, groundwater and soil vapor testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented. If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of samples should be selected to adequately characterize the site, specific sources of suspected contamination (i.e., petroleum based contamination and non-petroleum based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2-Remediation Determination and Protocol

A written report with findings and a summary of the data must he submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is indicated from test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant should then provide proper documentation that the work has been satisfactorily completed.

A construction-related health and safety plan should be submitted to OER and would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil, groundwater and/or soil vapor. This plan would be submitted to OER prior to implementation.

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Air Quality

The (E) designation requirements for air quality would apply as follows:

Block 328, Lot 23 (Projected Development Site 1): *To preclude any potential significant adverse air quality impacts from custom woodworking or art frame industrial development pursuant to Section 74-962 of the Zoning Resolution of the City of New York, the emission stack must be located at the building's highest tier and at least 109 feet above grade, at least 152 feet from the eastern lot line facing 9th Street, 59 feet from the southern lot line abuts Lot 20 and facing 36th Ave, 46 feet from the western lot line facing Vernon Blvd, and 53 feet from the northern lot line facing 35th Ave. Prior to receipt of a temporary and/or final certificate of occupancy for the building areas targeted for industrial uses, in addition to the submission of an Air Quality Installation Report, a Site Management Plan shall be submitted to OER and included in a declaration of covenants and restrictions, recorded against the subject property, governing ongoing site management requirements. The Site Management Plan shall set forth the maximum emission rates for PM2.5, consistent with those for three custom woodworking facilities presented in Table 17-5 in Section 17 - Air Quality of the EAS, and shall require annual reporting to OER on compliance with such rates. Any other processes that require an New York City Department of Environmental Protection Certificate of Operation (C of O) must provide an air quality analysis to OER prior to obtaining a Notice of Satisfaction in order to demonstrate that such process would not cause a significant adverse air quality impact.*

In addition, a licensed architect or engineer must certify with the Department of Buildings that the manufacturing use on the above-referenced property will adhere to the following restrictions:

(a) The manufacturing use in the building does not have a New York City or New York State environmental rating of "A", "B" or "C" under Section 24–153 of the New York City Administrative Code for any process equipment requiring a New York City Department of Environmental Protection C of O or New York State Department of Environmental Conservation state facility air permit; and
(b) is not required, under the City Right-to-Know Law, to file a Risk Management Plan for Extremely Hazardous Substances.

Odor/vapor barrier and prevention: a mechanical ventilation system separate from the residential and commercial building will provide fresh air to and exhaust from the ground-floor and the second floor, with vents running above the roof line of the residential and commercial towers. An odor/vapor barrier would also be applied to the structural slab separating the manufacturing, residential and commercial spaces.

Noise

The (E) designation requirements for noise would apply as follows:

Block 328, Lot 23 (Projected Development Site 1): *To ensure an acceptable interior noise environment, future commercial office uses must provide a closed-window condition with a minimum of 26 dBA window/wall attenuation on the facades facing Vernon Boulevard and the facades facing 35th Avenue within 50 feet of Vernon Boulevard and the facades facing 36th Avenue within 50 feet of Vernon Boulevard to maintain an interior noise level not greater than 50 dBA for commercial office uses as illustrated in the EAS. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.*