

E-362



CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIRMAN

April 20, 2015

NEGATIVE DECLARATION

Project Identification

CEQR No. 15DCP123Q
ULURP No. N150141ZRQ
SEQRA Classification: Unlisted

Lead Agency

City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal:

Bright Horizons

The applicant, Bright Horizons Children's Center, LLC, is seeking a zoning text amendment to modify the use provisions of the New York City Zoning Resolution (ZR) Section 117-03, "Queens Plaza Subdistrict" of the Special Long Island City Mixed Use District "LIC District." The affected area includes: the southern blockfront of Queens Plaza South between Jackson Avenue and a line 100 feet east of 28th Street (Block 420, Lot 7501, the "project site¹," and Block 420, Lot 1); and the northern and southern blockfronts of Queens Boulevard between Jackson Avenue and "Sunnyside Yard" (Block 263, Lots 1 and 9, and Block 239, Lots 6 and 7²). The affected area is located in the Queens Plaza Subdistrict within the LIC District of Queens, Community Districts 1 and 2. The proposed action would facilitate a proposal by the applicant to operate an approximately 8,200 gross square foot (gsf) Use Group 3A community facility on a portion of the ground floor of a 21-story, approximately 544,000 gsf mixed-use building located at 1 Gotham Center, the project site. Should the action be adopted, ground floor uses allowed at the aforementioned blockfronts within the affected area will be consistent with ground floor uses allowed throughout the subdistrict.

¹ In connection of the Long Island City Rezoning (CEQR No. 00DCP055Q), the affected area was rezoned from M1-5 to M1-6/R10 (LIC). An (E) Designation (E-104) related to hazardous materials and noise was issued to Block 420, Lot 1 (which is now Lot 7501, the project site), as well as Block 263, Lots 1 and 9. It should be noted that, consistent with ZR Section 11-15, E-104 applies to Lot 7501. The noise-related requirements set forth by E-104 would need to be addressed by the applicant, pursuant to Office of Environmental Remediation OER approval, prior to obtaining a Certificate of Occupancy for the proposed ground floor community facility uses. The hazardous materials-related requirements have been addressed at this site in coordination with OER.

² Block 239, Lots 6 and 7 were not identified as development sites in connection with the LIC Rezoning, and thus they were not subject to E-104; an (E) Designation is assigned to these sites in connection with the current proposal, as explained in this document.

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In 2001, in connection with the Long Island City Rezoning (CEQR No. 00DCP055Q), the affected area was subject to zoning map and text amendments and other related actions, including the establishment of the LIC District. The Queens Plaza Subdistrict, established within the LIC District, set forth ground floor use provisions for all of the blocks within the subdistrict. These provisions allow community facility or commercial uses on the ground floor of the first 100 feet of the project site's frontage between 29th Street and Jackson Avenue, and allow commercial uses only on the ground floor of the balance of the project site's Queens Plaza South frontage. Uses on the ground floors of buildings on the remaining three blocks of the intersection of Jackson Avenue, Queens Plaza South, and Queens Boulevard were also restricted to commercial use. At the time of the Long Island City Rezoning, retail uses were projected to occupy the entire ground floor of the project site, as allowed by the provisions of the Queens Plaza Subdistrict.

Since 2002, plans for the ground floor uses at the project site have changed. The project site has since been developed with an approximately 544,000 gsf commercial building, which is currently occupied with approximately 465,500 gsf of office uses on its upper stories, and approximately 25,000 gsf of ground floor space, including 8,200 gsf of vacant space, and 16,800 gsf of retail, lobby and mechanical uses. In connection with the current proposed action, the applicant seeks to occupy the vacant, 8,200 gsf ground floor space with a child care facility (Use Group 3A community facility use). The proposed child care facility would be partially located within the site's 39-foot easterly blockfront along Queens Plaza South, where community facilities are not currently permitted. The proposed action would eliminate the ground floor use restriction, and thus facilitate the applicant's proposal. Absent the proposed action, it is expected that the 8,200 gsf ground floor area would be occupied with retail uses, which are allowed per the existing provisions of the Queens Plaza Subdistrict.

In addition to facilitating the proposed project at 1 Gotham Center, the proposed action would also allow community facility uses on the ground floors of three non-applicant controlled parcels where these uses are not currently allowed: Block 420, Lot 1 (potential development site 1); Block 263, Lots 1 and 9 (potential development site 2); and Block 239, Lots 6 and 7 (potential development site 3). Potential development sites 1 and 3 are currently vacant, while potential development site 2 is being developed with an approximately 1.2 million gsf mixed-use building pursuant to Department of Building (DOB) approved plans. For the purposes of a conservative analysis, the Environmental Assessment Statement (EAS) assumed that ground floor development on these three sites could include a total of 21,210 gsf of community facility uses in the future with the proposed action. Absent the proposed action, it was assumed that these three sites would be developed per the existing provisions of the Queens Plaza Subdistrict, which could result in 21,210 gsf of ground floor commercial uses.

As indicated in the EAS, consistent with the guidelines of the *2014 CEQR Technical Manual* and in order to avoid the potential for significant adverse impacts related to noise and hazardous materials, an (E) Designation (E-362) has been assigned to potential development site 3 (Block 239, Lots 6 and 7).

The text for the (E) Designation related to hazardous materials is as follows:

Task 1-Sampling Protocol

The applicant submits to the Office of Environmental Remediation (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 be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

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

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

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

In order to ensure an acceptable interior noise environment, future community facility must provide a closed window condition with a minimum of 41 dBA window/wall attenuation in order to maintain an interior noise level of 45 dBA. To achieve 41 dBA of building attenuation, special design features that go beyond the normal double-glazed windows are necessary and may include using specially designed windows (i.e., windows with small sizes, windows with air gaps, windows with thicker glazing, etc.), and additional building attenuation. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning.

The analysis year for the proposed action is 2020.

Statement of No Significant Effect:

The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the

Environmental Assessment Statement, dated April 17, 2015, prepared in connection with the ULURP Application (No. N150141ZRQ). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

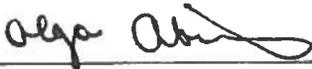
Supporting Statement:

The above determination is based on an environmental assessment which finds that:

1. The requirements set forth by the (E) Designation (E-104) previously issued in connection with the Long Island City Rezoning (see footnote 1 above) would continue to apply to the project site and potential development sites 1 and 2, pursuant to review by the New York City Office of Environmental Remediation (OER).
2. The (E) Designation (E-362) for hazardous materials and noise, applicable to potential development site 3, would ensure that the proposed action would not result in significant adverse impacts.
3. No significant effect on the environment which would require an Environmental Impact Statement is foreseeable.

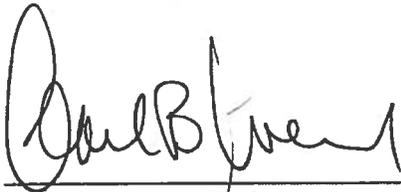
This Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

Should you have any questions pertaining to this Negative Declaration, you may contact Ronald Ying at (212) 720-3528.



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

Date: April 17, 2015



Carl Weisbrod, Chairman
City Planning Commission

Date: April 20, 2015