TECHNICAL MEMORANDUM 001
146-93 Guy R. Brewer Boulevard EAS
CEQR No. 20DCP163Q

May 20, 2022

I. INTRODUCTION

The Applicant, Ranbir LLC, requests approval of a zoning map amendment and a zoning text amendment to facilitate the development of Block 13354, Lot 12 (Projected Development Site 1) with an eight-story, 37,475-gross-square-foot (gsf) mixed commercial and residential building (the "Proposed Development") in the Springfield Gardens neighborhood of Queens, Community District 13.

The zoning map amendment would rezone Block 13354, Lots 12, 19, 21, 22, 23, p/o 10, and p/o 25 (the "Affected Area") from an R3-2 zoning district to an R6A/C2-2 zoning district. The zoning text amendment would establish an area coterminous with the Affected Area as a Mandatory Inclusionary Housing (MIH) area.

The Environmental Assessment Statement (EAS) for the Proposed Actions (CEQR No. 20DCP163Q) was accepted as complete and a Negative Declaration was issued on November 1, 2021 by the New York City Department of City Planning (DCP) acting on behalf of the City Planning Commission (CPC) as lead agency.

Following the publication of the EAS, modification to the proposed zoning map amendment and the withdrawal of the proposed zoning text amendment have been identified, at the request of the New York City Council (the "Council Modifications"). The modifications are described in details in Section II below.

This technical memorandum examines whether the Council Modifications would result in any new or different significant adverse environmental impacts not already identified in the October 2021 EAS.

II. DESCRIPTION OF THE COUNCIL MODIFICATIONS

The Zoning Map Amendment, as evaluated in the October 2021 EAS, proposed to rezone Queens Block 13354, Lots 12, 19, 21, 22, 23, p/o 10, and p/o 25 from the existing R3-2 zoning district to an R6A zoning district with a C2-2 commercial overlay (*See* **Figure 1** Previous Zoning Change Map). The Zoning Text Amendment, as evaluated in the October 2021 EAS, proposed to establish a Mandatory Inclusionary Housing (MIH) area within the Affected Area. The establishment of the MIH area would provide the Applicant with two affordable housing options – Option 1 would require 25% of the dwelling units to be set aside for the households with an average income of 60% of Area Median Income (AMI), with 10% to be affordable to households making an average of 40% of AMI, while Option 2 would require 30% of the dwelling units to be set aside for the households with an average income of 80% of AMI.

As listed below, under the Council Modifications, the proposed Zoning Map Amendment would be altered from the previous R6A/C2-2 to R5B/C2-2 over Block 13354, Lot 12 and from the previous R6A/C2-2 to R3-2/C2-2 over Block 13354, Lots 19, 21, 22, 23, p/o 10, and p/o 25 (*See* **Figure 2** Revised Zoning Change Map). In addition, the proposed Zoning Text Amendment to map MIH area over Block 13354, Lots 12, 19, 21, 22, 23, p/o 10, and p/o 25 would be withdrawn.

Council Proposed Zoning Map Amendment Change:

1. Changing from an R3-2 District to an R~~6A~~5B District property bounded by a line 100 feet southerly of 146th Terrace, a line 100 feet easterly of Guy R. Brewer Boulevard, 147th Avenue, and Guy R. Brewer Boulevard; and

2. Establishing within the proposed R~~6A~~5B District a C2-2 District bounded by 146th Terrace, a line 100 feet easterly of Guy R. Brewer Boulevard, 147th Avenue, and Guy R. Brewer Boulevard

*Note: strikethrough portions have been deleted by the City Council and underlined portions have been added by the City Council.

Figure 1: Previous Zoning Change Map

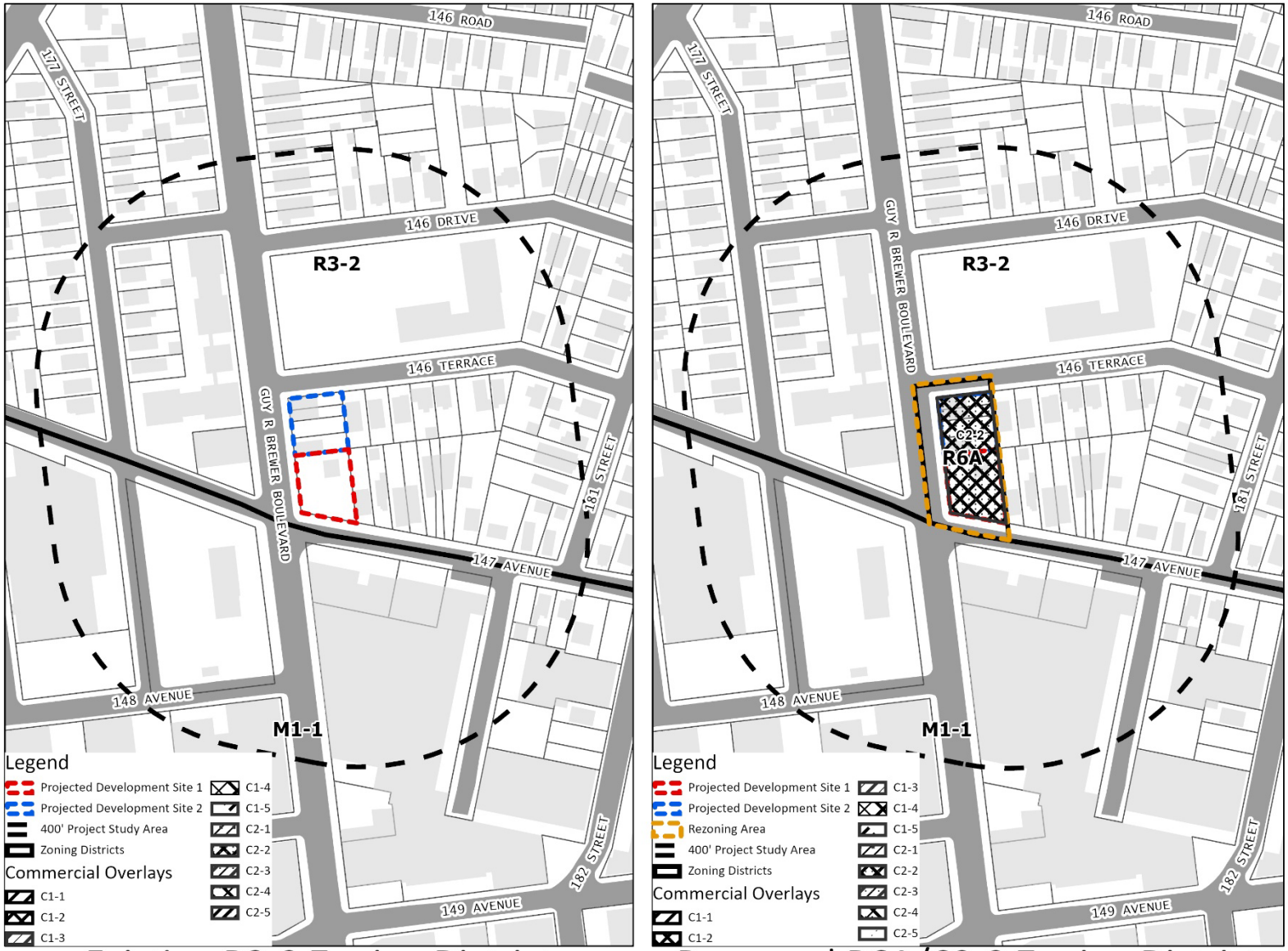
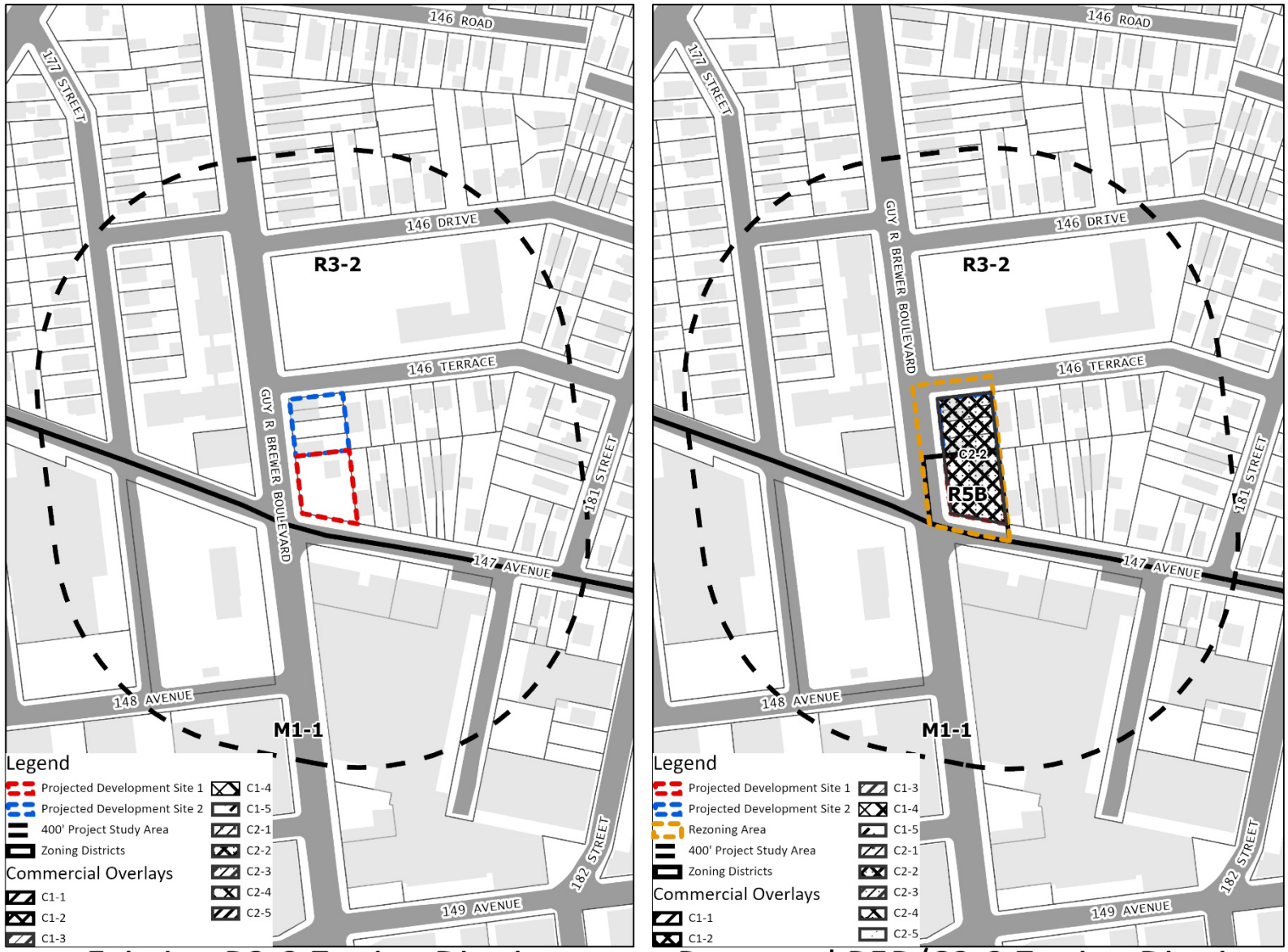


Figure 2: Revised Zoning Change Map



III. ANALYSIS FRAMEWORK

Pursuant to the Reasonable Worst-Case Development Scenario (RWCDS) analyzed for the Proposed Actions, the 2021 EAS did not identify any significant adverse impacts. The RWCDS analyzed in the 2021 EAS consisted of the following:

Future Without the Proposed Actions (No-Action Scenario)

The No-Action Scenario for the Affected Area would be the same as existing conditions. Under the Affected Area's existing R3-2 zoning, development of residential uses would be permitted at 0.50 FAR and development of community facility uses would be permitted at 1.00 FAR. For residential uses, 1 parking space per dwelling unit is required.

Based on current neighborhood trends and long-tenanted uses of the existing buildings, no development is expected to occur. All buildings within the Affected Area are non-conforming, however, due to the absence of certificates of occupancy, it is not known whether the uses are legal. For this reason, existing conditions are expected to remain.

Future With the Proposed Actions (With-Action Scenario)

In the future with the Proposed Actions, the Affected Area would be rezoned R6A with a C2-2 commercial overlay. The Applicant's Proposed Development on Projected Development Site 1 (Block 13354, Lot 12) would not maximize bulk within the proposed rezoning district. Therefore, for the purposes of a more conservative analysis under CEQR, an RWCDS where Lot 12 is built to the maximum bulk was considered. The Applicant is proposing ground floor retail use and an average dwelling unit size of 796 GSF, both of which will be included in the RWCDS.

As a result of the Proposed Actions, the assemblage and redevelopment of Block 13354, Lots 19, 21, 22, and 23 (Projected Development Site 2) is also considered likely. The redevelopment of these lots under a With-Action condition is assumed as each lot would be significantly underdeveloped within the new R6A/C2-2 zoning district. It is assumed Projected Development Site 2 would max out permitted bulk and height.

Projected Development Site 1 (Block 13354, Lot 12; Applicant-Owned Lots)

The Applicant-Owned lot, located at 146-93 Guy Brewer Boulevard, would be developed with a 41,693 GSF (3.60 FAR), 8-story, 85-foot-tall mixed residential and commercial building. 33,447 GSF of residential floor area (2.86 FAR) and 8,246 GSF of ground floor commercial (0.76 FAR) would be included. There would be 42 total dwelling units, 11-13 of which would be affordable at or below 80% AMI. There would be 46 total parking spaces required, 19 residential and 27 commercial.

Projected Development Site 2 (Block 13354, Lots 19, 21, 22, and 23; Non-Applicant Lots)

The lots would assemble with a merged lot area of 9,240 sf and be developed with an eight-story, 85-foot-tall, 35,556 GSF (33,264 ZSF; 3.60 FAR) mixed residential and commercial building. The building would contain 25,946 GSF of residential floor area (24,024 ZSF; 2.60 FAR) and 9,610 GSF of ground floor commercial floor area (9,240 ZSF; 1.00 FAR). There would be 26 total dwelling units, 7-8 of which would be permanently affordable at or below 80% AMI. There would be 44 total parking spaces required, 12 residential and 32 commercial.

It is assumed under the Future With-Action Condition that the ground floor commercial uses for all Projected Development Sites would be local retail.

As discussed above, under the Council Modifications, the proposed Zoning Map Amendment would be brought down from the previous R6A/C2-2 to R5B/C2-2 over Projected Development Site 1 (Block 13354, Lot 12) and from the previous R6A/C2-2 to R3-2/C2-2 over Projected Development Site 2 (Block 13354, Lots 19, 21, 22, 23). In addition, the proposed Zoning Text Amendment to map MIH area over the Affected Area would be withdrawn.

For environmental analysis purposes, this Technical Memorandum will compare the RWCDS program analyzed for the Projected Development Sites in the October 2021 EAS with the future conditions under the Council Modifications. **Table 1** provides a comparison of the RWCDS development programs currently proposed in the EAS and the development programs under the Council Modifications. It is assumed that Projected Development Site 2 would not be redeveloped and the existing buildings on the site would remain, given that the lots are owned by different parties and the proposed Zoning Map Amendment with the Council Modifications would only add C2-2 commercial overlay to the underlying R3-2 zoning district. The establishment of the C2-2 overlay would bring the existing illegal commercial uses on Projected Development Site 2 into conformation.

As shown in **Table 1**, under the Council Modifications, the changes to the Proposed Development on both Projected Development Site 1 and 2 include the following:

(1) Decrease of residential and commercial floor area, dwelling unit count, and parking spaces as a result of the changes in Zoning Map Amendment from R6A/C2-2 to R5B/C2-2 over Projected Development Site 1 and from R6A/C2-2 to R3-2/C2-2 over Projected Development Site 2;
(2) Elimination of affordable units as a result of the withdrawal of the Zoning Text Amendment to establish MIH area over the Affected Area; and
(3) Decrease of the maximum building height from 85 feet under the previous R6A/C2-2 zoning district to 33 feet under the revised R5B/C2-2 zoning district and 35 feet under the revised R3-2/C2-2 zoning district.

While the 2021 EAS previously screened 20% of total DU's as affordable at or below 80% AMI on Projected Development Sites 1 and 2, this screening assumes no affordable units would be set aside in the Proposed Developments. This would result in changes to the number of affordable units screened under CEQR. However, since the 2021 EAS did not exceed the screening thresholds for community facility and socioeconomics, which are closely related to the number of affordable units, there would not be any changes to the 2021 EAS analysis results because of the elimination of the affordable units.

Since the number of incremental dwelling units and commercial floor area would drop with the Council Modifications, which would introduce less residents and workers into the area, the analysis in the 2021 EAS would be more conservative and no change to any density related impact categories (e.g., open space and transportation) is expected, and therefore the Council Modifications would not result in any new impacts in those technical areas.

For site specific impacts related to hazardous materials and noise, the same (E) designation requirements identified for Projected Development Site 1 would be warranted. And since Projected Development Site 2 is not expected to be redeveloped under the revised Zoning Map Amendment (R3-2/C2-2), the (E) designation requirements should remove the site.

As the maximum building height would be reduced from 85 feet under the previous proposed R6A/C2-2

district to 33 feet under the revised R5B/C2-2 district and 35 feet under the revised R3-2/C2-2 district, changes are expected in the building height related impact categories, such as shadows, urban design, and air quality (HVAC).

Since the Proposed Developments on the Projected Development Sites would have a shorter building height, the analysis in the 2021 EAS would be more conservative in shadows and urban design sections. As for air quality, the Proposed Development on Projected Development Site 1 would have a maximum building height of 33 feet and the existing buildings on Projected Development Site 2 is expected to remain, the maximum building height of which is 30 feet on Block 13354 Lot 19, right at the northern boundary of Projected Development Site 1. The changes to the potential HVAC emission impacts would be analyzed in Section IV below.

Table 1: Comparison of Projected Development Sites – Proposed in EAS vs. Council Modifications

LAND USE	WITH ACTION PROPOSED IN EAS	COUNCIL MODIFICATIONS	NET DIFFERENCE
Projected Development Site 1			
Residential (Total)	42 DUs (33,447 gsf)	16 DUs (12,539 gsf)	**-26 DUs (-20,908 gsf)**
Market-Rate	31 DUs	16 DUs	**-15 DUs**
Affordable	11 DUs[2]	NA[3]	**-11 DUs**
Commercial	8,246 gsf	3,019 gsf	**-5,227 gsf**
Parking	46 spaces	18 spaces	**-28 spaces**
Projected Development Site 2[1]			
Residential (Total)	26 DUs (25,946 gsf)	1 DUs (600 gsf)	**-25 DUs (-25,346 gsf)**
Market-Rate	19 DUs	1 DUs	**-18 DUs**
Affordable	7 DUs[2]	NA[3]	**-7 DUs**
Commercial	9,610 gsf	2,600 gsf	**-7,010 gsf**
Parking	44 spaces	0 spaces	**-44 spaces**
Total Projected Development Site 1 and 2			
Residential (Total)	68 DUs (59,393 gsf)	17 DUs (13,139 gsf)	**-51 DUs (-46,254 gsf)**
Market-Rate	50 DUs	27 DUs	**-23 DUs**
Affordable	18 DUs[2]	NA[3]	**-18 DUs**
Commercial	17,856 gsf	5,619 gsf	**-12,237 gsf**
Parking	90 spaces	18 spaces	**-72 spaces**

Note: All the numbers are rounded.

1. Projected Development Site 2 is expected to remain the existing condition.
2. The 2021 EAS assumes 20% of total DU under MIH Affordable Option for purposes of screening.
3. Under Council Modifications, MIH Area would not be mapped over the Affected Area. As a result, there would not be affordable units with the modifications.

The assessment in Section IV below focuses on the technical areas with the greatest potential for new impacts or changes as a result of the Council Modifications.

IV. ASSESSMENT OF POTENTIAL IMPACTS

As described below, the Council Modifications would not result in any significant adverse impacts beyond those disclosed in the EAS. Nor have any circumstances changed since publication of the EAS, such as proposed background developments, that would create the potential for additional significant impacts as a result of the Proposed Actions that were not previously identified.

The RWCDS was assessed for the massing-related technical areas of shadows, urban design and visual resources, and air quality. As outlined in the 2021 EAS, no significant adverse impacts were anticipated in these technical areas as a result of the Proposed Development; however, for the Proposed Development, an (E) designation (E-646) would be assigned to Projected Development Site 1 (Block 13354, Lot 12) and Projected Development Site 2 (Block 13354, Lots 19, 21, 22 and 23), which would mandate the fuel type and stack location for heating, ventilation, and air conditioning (HVAC) systems, noise attenuation requirements, and hazardous materials requirements. Under the Council Modifications, the E-Designations in the 2021 EAS for hazardous materials, air quality, or noise would remain the same.

Shadows

The shadows analysis in the October 2021 EAS analyzed Projected Development Site 1 and 2. With the Council Modifications, the building height of the Proposed Development on Projected Development Site 1 would be reduced from 85 feet to 33 feet. Meanwhile, the existing buildings on Projected Development Site 2 would remain, the maximum building height of which is 30 feet on Block 13354 Lot 19. Accordingly, the modifications would not result in a greater impact to shadows when compared to the October 2021 EAS. Therefore, the conclusions presented in the October 2021 EAS remain unchanged.

Urban Design and Visual Resources

The urban design and visual resources assessment in the October 2021 EAS analyzed Projected Development Site 1 and 2. With the Council Modifications, the building height of the Proposed Development on Projected Development Site 1 would be reduced from 85 feet to 33 feet. Meanwhile, the existing buildings on Projected Development Site 2 would remain, the maximum building height of which is 30 feet on Block 13354 Lot 19. Accordingly, the modifications would not result in a greater impact to urban design or visual resources when compared to the October 2021 EAS. Therefore, the conclusions presented in the October 2021 EAS remain unchanged.

Hazardous Materials

The hazardous materials analysis concluded that an E-Designation (E-646) would be required for Projected Development Site 1 and 2. With the Council Modifications, Projected Development Site 2 is no longer considered as a site where development would potentially be induced pursuant to the Proposed Actions given that the lots are owned by different parties and the proposed Zoning Map Amendment with the Council Modifications would only add C2-2 commercial overlay to the underlying R3-2 zoning district over Projected Development Site 2.

Accordingly, the revised E-Designation language related to Hazardous Materials is as follows:

E-Designation (E-646)

Block 13354, Lot 12

Task 1-Sampling Protocol

The applicant submits to OER, for review and approval, a Phase I and Phase II 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.

As all future development anticipated pursuant to the Proposed Actions would be required to comply with the revised (E) designation above, no significant adverse hazardous materials impacts would result, and the conclusions of the October 2021 EAS would otherwise remain unchanged.

Air Quality

The air quality analysis provided in the October 2021 EAS analyzed the potential for significant adverse HVAC emissions impact related to Projected Development Sites 1 and 2 on existing buildings. The EAS determined that the Projected Development Sites would not result in significant adverse impacts associated with building HVAC emissions on existing land uses.

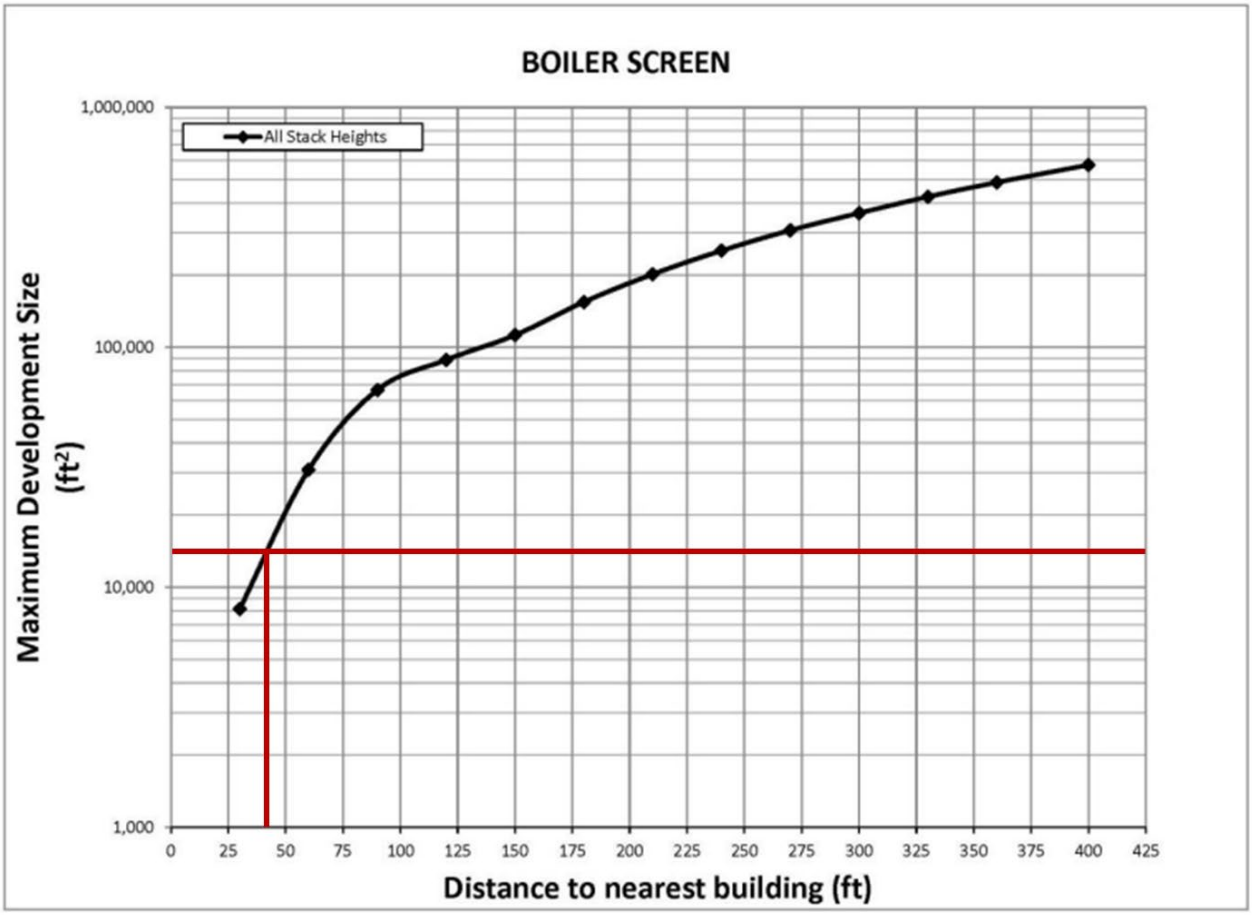
The HVAC analysis also considered the potential for significant adverse impacts related to the Projected Development Sites on each other. As such, a detailed analysis was conducted for the Projected Development Sites and an (E) designation that required a minimum stack height in the HVAC systems was imposed on the Projected Development Sites.

However, with the Council Modifications, the building height of the Proposed Development on Projected Development Site 1 would be reduced from 85 feet to 33 feet. Meanwhile, Projected Development Site 2 is no longer considered as a site where development would potentially be induced pursuant to the Proposed Actions given that the lots are owned by different parties and the proposed Zoning Map Amendment with the Council Modifications would only add C2-2 commercial overlay to the underlying R3-2 zoning district over Projected Development Site 2. As a result, the existing buildings on Projected Development Site 2 would remain, the maximum building height of which is 30 feet on Block 13354 Lot 19.

With the Council Modifications, the Proposed Development on Projected Development Site 1 would be a 3-story, 33-foot-tall, mixed residential and commercial building of 15,557 GSF (14,513 ZSF, 1.35 FAR), which would include 12,539 GSF (11,610 ZSF, 1.08 FAR) of residential uses and 3,019 GSF (2,903 ZSF, 1.08 FAR) of ground floor commercial uses. As shown in **Figure 3** below, the screening indicates that a detailed analysis would be required for any existing or planned land uses that are 33 feet or higher and at less than 40 feet from Projected Development Site 1. No building is 33 feet or higher in height within 40 feet of Projected Development Site 1, and an analysis of the buildings' HVAC impacts is not warranted.

Figure 3: HVAC Screening Nomograph

Figure 17-3
Stationary Source Screen- Heat and Hot Water System



Since Projected Development Site 2 is no longer considered as a site where development would potentially be induced pursuant to the Proposed Actions under the Council Modifications, the detailed HVAC project-on-project analysis is not required. As a result, there would not be any potential significant adverse HVAC impacts as a result of the Proposed Actions and the (E) designation will be required to include restrictions on the location of stacks and minimum stack heights for Projected Development Site 1.

The revised language of the (E) designation is as follows:

(E) Designation (E-646)

Block 13354, Lot 12 (Projected Development Site 1): Any new residential/commercial development on the above-referenced property must ensure that the heating, ventilation, and air conditioning (HVAC) system and hot water equipment stack is located at the building's highest level and at a minimum of 33 feet above grade to avoid any potential significant adverse air quality impacts.

As all future development anticipated pursuant to the Proposed Actions would be required to comply with the revised (E) designation above, no significant adverse air quality impacts would result, and the conclusions of the October 2021 EAS would otherwise remain unchanged.

Noise

The noise analysis prepared in the October 2021 EAS analyzed the potential for significant adverse noise impacts on Projected Development Sites 1 and 2 as a result of ambient external noise exposure. Based on the noise monitoring completed at the Affected Area as part of the October 2021 EAS, the noise analysis specified the required building attenuation to achieve marginally acceptable interior noise levels at the Projected Development Sites. As the Council Modifications would result in Projected Development Site 2 no longer being considered as a site for redevelopment, the (E) designation specifying the required noise attenuation will no longer include Projected Development Site 2.

E-646

Projected Development Site 1 (Block 13354 / Lot 12): In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed-window condition with a minimum of 31 dB(A) window/wall attenuation on all facades in order to maintain an interior L10 noise level not greater than 45 dBA for residential uses or not greater than 50 dBA for commercial uses. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners.

As all future development anticipated pursuant to the Proposed Actions would be required to comply with the revised (E) designation above, no significant adverse noise impacts would result, and the conclusions of the October 2021 EAS would otherwise remain unchanged.