CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

September 5, 2017

NEGATIVE DECLARATION

Project Identification
CEQR No. 17DCP175Q
ULURP Nos. 170299ZMQ, 170300ZRQ, N180061ZRQ
SEQRA Classification: Unlisted

Lead Agency
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271
Contact: Robert Dobruskin
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Name, Description and Location of Proposal:

35-10 Astoria Boulevard South Rezoning
The Applicants, the New York City Department of City Planning (DCP) and Astoria Boulevard LLC, are proposing a series of discretionary actions affecting an approximately 18,849 square-foot (sf) portion of a single block (Block 633, Lots 34, 35, 40, 41, 42, 134, 240, and p/o Lots 32, 33, and 43, the "Affected Area") located in the Astoria neighborhood of Queens Community District (CD) 1. Astoria Boulevard LLC proposes a Zoning Map Amendment to rezone the Affected Area from an R6B District to a C4-3 District, and a Zoning Text Amendment to Appendix F 'Inclusionary Housing Designated Areas' to establish a Mandatory Inclusionary Housing (MIH) Area coterminous with the Affected Area. Collectively, the proposed Zoning Map and Zoning Text Amendments (the "Proposed Actions") would facilitate a proposal by Astoria Boulevard LLC to develop a seven-story, mixed-use residential and commercial property (the "Proposed Development") at 35-10 Astoria Boulevard South (Block 633, Lot 35, the "Development Site"). The Proposed Development would comprise a combined approximately 52,720 gross square feet (gsf) of floor area, including approximately 35 dwelling units (11 affordable residential units pursuant to the MIH program, seven of which would be affordable to families earning incomes at or below 80% of the Area Median Income) within 49,920 gsf of floor area; 2,800 gsf of ground floor commercial floor area; and 13 accessory parking spaces accessed by two curb cuts on Astoria Boulevard South.

In addition, the Department of City Planning (DCP) is proposing a related Zoning Text Amendment concurrently with the above-referenced Proposed Actions. The Text Amendment proposed by DCP

would not affect the Proposed Development and will achieve the following: (1) establish a new Zoning District, R6-1; and (2) set forth that the new R6-1 Zoning District is the residential equivalent for C4-2 and C4-3 Districts within MIH areas (R6 remains the residential equivalent for C4-2 and C4-3 Districts outside of MIH areas). The proposed Text Amendment would modify Sections 11-122 (Districts established), 23-154 (Inclusionary Housing), 23-155 (Affordable independent residences for seniors), 34-112 (Residential bulk regulations in other C1 or C2 Districts or in C3, C4, C5 or C6 Districts), and 35-23 (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts). It should be noted that in the future with the approval of the Proposed Actions, the DCP-sponsored Text Amendment is not expected to have a substantive effect on the maximum allowable floor area ratio, bulk, permitted uses or other land use requirements within the Affected Area, or any other areas in the City of New York at this time. The purpose of the proposed Text Amendment is to create a zoning district option at R6 densities that would have the same lot coverage and maximum floor area ratio (FAR) regulations regardless of a site's location on a wide or narrow street. Similar options exist for non-contextual R8 and R9 districts, and is being created for R7 districts through other ongoing actions. In all other ways, R6-1 would follow the regulations of an R6 district. 35-10 Astoria Boulevard South (170299 ZMQ) would be the first area subject to the proposed regulations.

The Development Site (Block 633, Lot 35, "Projected Development Site 1"), which is under the control of Astoria Boulevard LLC, is developed with a legally nonconforming two-story, 12,500 gsf commercial building. In order to facilitate the Applicant's Proposed Development, in the future with the Proposed Actions, the existing building on Lot 35 would be demolished. The remaining lots within the Affected Area are developed with: a two-story, 1,984 gsf residential property (Lot 34); a two and a half story, 1,947 gsf, mixed-use commercial and residential property (the commercial use is non-conforming with the current zoning) (Lot 134); a six-story, 3,418 gsf mixed-use commercial and community facility property (Lot 40); a two-story, 2,796 gsf mixed-use commercial and residential property (the commercial use is non-conforming with the current zoning) (Lot 41); a two-family, two-story, 1,068 gsf, residential property (Lot 240); a three-story, 5,280 gsf residential property (legally non-complying in bulk) with seven dwelling units (Lot 42), a three-story, 3,364 gsf residential property with three dwelling units (Lot 32); a two-story 2,000 gsf residential property; and a three-story 4,500 gsf residential property with three dwelling units (Lot 43).

The Affected Area is currently zoned R6B. A maximum FAR of 2.0 and Quality Housing regulations accommodate apartment buildings at a four to five-story scale, with a maximum permitted height of 50 feet. Permitted Use Groups include 1 through 4. Off-street parking is required for 50 percent of dwelling units. Under the proposed rezoning to C4-3, a commercial FAR of up to 3.4 would be permitted, a residential FAR of between 0.78 and 2.43 and up to 3.0 on wide streets outside the Manhattan core would be permitted (under the Quality Housing Program), and a community facility FAR of up to 4.8 would be permitted. The residential district equivalent to the C4-3 District is R6. Parking requirements vary by use within the C4-3 District, with one parking space required for each 400 square feet of retail, commercial office, or medical office floor area.

As previously noted, Astoria Boulevard LLC proposes a Zoning Text Amendment that would map MIH Option 1 and 2 areas conterminous with the Affected Area. MIH Option 1 requires that at least 25% of future residential floor area be set aside for families with incomes averaging 60% Area Median Income (AMI) (including 10% of residential units intended for families with incomes averaging 40% AMI). MIH Option 2 requires that 30% of residential floor area be set aside for families with incomes averaging 80% AMI. For analysis purposes, it is assumed that 20% of the residential floor area will be affordable at 80% of AMI and below.

As mentioned above, the Department of City Planning proposes a Zoning Text Amendment to establish an R6-1 District, a new medium density non-contextual residence district. The text amendment would also make R6-1 the residential equivalent for C4-2 and C4-3 districts mapped within MIH areas. It should be noted that R6-1 and R6 Districts are exactly the same in MIH areas situated within 100' of a wide street – both have a maximum FAR of 3.6 and a lot coverage maximum of 65%. Beyond 100' of a wide street, R6 districts within MIH areas have a maximum FAR of 2.42 and a maximum lot coverage of 60%. Because the Affected Area is entirely within 100' of a wide street, the proposed R6-1 District will not materially affect the development potential within the Affected Area. Aside from the sites located within the Affected Area, no areas are currently mapped C4-2 with MIH or C4-3 with MIH, and therefore this proposed Zoning Text Amendment has no applicability outside of the Affected Area at this time. No known future applications or current applications are expected to be affected by the proposed Text Amendment.

The Environmental Assessment Statement (EAS) prepared in connection with the Proposed Actions analyzed a development similar to Astoria Boulevard LLC's intended development on Block 633, Lot 35, Projected Development Site 1: which is a seven-story mixed-use commercial and residential building with 52,720 gsf of floor area (3.31 FAR). It was assumed for analysis purposes, that the development would contain approximately 36 dwelling units (one additional unit than the intended development, with approximately 7 units affordable at 80% of AMI and below), within 49,920 gsf of floor area, 2,800 gsf of ground floor commercial floor area, and 13 accessory parking spaces; the development would reach a maximum overall height of 85 feet.

The EAS also considered future development on soft sites included within the Affected Area that are not under Astoria Boulevard LLC's control. For analysis purposes, a projected development site - Projected Development Site 2 (Block 633, Lot 41) – would be converted into a mixed-use commercial and residential building with 2,796 gsf of floor area. The development would consist of 1,398 gsf of commercial retail floor area on the ground floor and 1,398 gsf of residential floor area on the upper floor (two dwelling units).

Future development was also considered on a potential development site, which is less likely to be developed in the future with the proposed action than the projected development site. Potential Development Site 1 (Block 633, Lots 34 and 134) would be redeveloped with a four-story mixed-use commercial and residential property, totaling 13,241 gsf of floor area. The building would contain 2,500 gsf of commercial retail floor area on the ground floor and 10,741 gsf of residential floor area

on the upper floors.

Within the Affected Area, six lots (Lots 32, 33, 40, 42, 43 and 240) would not be expected to be developed or enlarged. Lots 32, 33 and 43 would be partially mapped with the proposed C4-3 District, and would predominantly remain zoned R6B. Lots 40 and 42 are not anticipated to be developed or enlarged since these lots are built at or above the maximum permitted FAR under the proposed zoning, and would therefore be brought into compliance with current zoning in the future with the Proposed Action. Lot 240 is irregularly shaped to the extent that additional floor area could not be accommodated on the site given zoning lot coverage and setback requirements.

Absent the Proposed Actions, Projected Development Site 1 would remain in its current condition. Projected Development Site 2 (Block 633, Lot 41) would be reoccupied with a two-story residential building with 2,796 gsf of floor area and two dwelling units (2.38 FAR). As for Potential Development Site 1 (Block 633, Lots 34 and 134), the ground floor nonconforming commercial uses on Lot 134 would be eliminated and reoccupied with conforming residential uses.

The analysis year for the Proposed Actions is 2020.

To avoid the potential for significant adverse impacts related to air quality and noise, an (E) designation (E-446) has been incorporated into the Proposed Actions, as described below.

The (E) designation requirements related to air quality and noise would apply to the following sites:

Projected Development Sites:
Block 633, Lot 35 (Projected Development Site 1)
Block 633, Lot 41 (Projected Development Site 2)

Potential Development Site:
Block 633, Lots 34 and 134 (Potential Development Site 1)

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

Projected Development Sites:
Block 633, Lot 35 (Projected Development Site 1)
Any new residential or commercial development on the above-referenced property must insure that the stack shall be located at the highest tier, or at a minimum of 88 feet above grade to avoid any potential significant adverse air quality impact.

Block 633, Lot 41 (Projected Development Site 2)
Any new residential or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC) and hot water systems to avoid any potential significant adverse air quality

impacts. Stack shall be located at the highest tier, or at a minimum of 23 feet above grade, to avoid any potential significant adverse air quality impact.
Potential Development Site:

Block 633, Lots 34 and 134 (Potential Development Site 1)
Any new residential or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC) and hot water systems to avoid any potential significant adverse air quality impacts. Stack shall be located at the highest tier, or at a minimum of 43 feet above grade, and at least 25 feet from the lot line facing 36th Street and 240 feet from 36th Street to avoid any potential significant adverse air quality impact.

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

Projected Development Sites:
Block 633, Lot 35 (Projected Development Site 1) and Block 633, Lot 41 (Projected Development Site 2)
To ensure an acceptable interior noise environment, future residential or commercial uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation to maintain an interior noise level of 45 dBA. To maintain a closed window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.

Potential Development Site:
Block 633, Lots 34 and 134 (Potential Development Site 1)
To ensure an acceptable interior noise environment, future residential or commercial uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation to maintain an interior noise level of 45 dBA. To maintain a closed window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.

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 September 1, 2017, prepared in connection with the ULURP Application (Nos. 170299ZMQ, 170300ZRQ, N180061ZRQ). 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 (E) designations for air quality and noise (E-446) would ensure that the proposed actions would not result in significant adverse impacts.

2. No other significant effects on the environment which would require an Environmental Impact Statement are foreseeable.

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

Should you have any questions pertaining to this Negative Declaration, you may contact Samuel Nourieli at (212) 720-3425.

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

Date: September 1, 2017

Marisa Lago, Chair
City Planning Commission

Date: September 5, 2017