CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

REVISED NEGATIVE DECLARATION July 24, 2017
Supersedes the Negative Declaration Issued on May 8, 2017 [1]

Project Identification
CEQR No. 17DCP143Q
ULURP Nos. C 170180ZMQ, N170181ZRQ,
170180(A)ZMQ
SEQRA Classification: Unlisted

Lead Agency
City Planning Commission
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Name, Description and Location of Proposal:

135-01 35th Avenue Rezoning

The Applicant, Stenmax Realty Inc., is seeking two concurrent proposals affecting Queens Block 4950, Lots 1, 7 and 103 (the "Proposed Rezoning Area"), located at 135-01 35th Avenue in the Flushing neighborhood of Queens Community District 7. Under the first proposal (C 170180ZMQ), the Applicant seeks a zoning map amendment from an M1-1 district to an R7A/C2-3. Under the second proposal, pursuant to a filed modified application (170180(A)ZMQ) that eliminates the proposed C2-3 commercial overlay, the proposed zoning map amendment would change the underlying zoning district from M1-1 district to R7A. In addition, under both proposals the Applicant is requesting a zoning text amendment pursuant to New York City Zoning Resolution (ZR) Appendix F to map a Mandatory Inclusionary Housing (MIH) area coterminous with the Proposed Rezoning Area. The MIH area would be mapped with MIH Option 2, which requires that 30% of the residential floor area be affordable at an average of 80% of the Area Median Income (AMI), with no units exceeding 130% AMI. Under the first proposal (C 170180ZMQ), the proposed actions would facilitate a proposal by the Applicant to construct an eight-story, approximately 111,312 gross square feet (gsf) mixed-use building on Lot 1 ("the Project Site"), containing 76 residential dwelling units, 22 of which would be affordable pursuant to MIH. Under the second proposal (170180(A)ZMQ), no commercial uses would be permitted.

[1] Since the issuance of the Negative Declaration on May 8, 2017, the Applicant filed a modified Application (170180(A)ZMQ) that eliminates the proposed C2-3 commercial overlay, for a rezoning proposal from M1-1 to R7A, with no commercial overlay. This Revised Negative Declaration reflects both the original and new applications, as described in the Supporting Statement of this document.

The proposed actions would facilitate a proposal by the Applicant to construct a nine-story, approximately 110,086 gross square feet (gsf) Use Group 2 residential building on Lot 1 ("the Project Site"), containing 93 dwelling units, 27 of which would be affordable pursuant to MIH. A total of 52 parking spaces would be provided in the cellar and sub-cellar of the proposed building, accessible via a new, 22 foot wide curb cut on Farrington Street.

The Proposed Rezoning Area is located at the southern portion of Queens Block 4950 in an M1-1 zoning district. It is bounded by Block 4950, Lots 10 and 101 to the north, Linden Place to the east, 35th Avenue to the south, and the Farrington Street the west. Lot 1 is developed with a single-story, approximately 15,750 gsf building occupied with Use Group 6 local retail uses; Lot 7 contains a one-story, approximately 4,000 gsf warehouse; and Lot 103 is improved with an approximately 2,550 gsf City-owned parking lot under the jurisdiction of the Department of Cultural Affairs, and is accessory to the nearby Flushing Town Hall.

The Proposed Rezoning Area is currently mapped with an M1-1 light manufacturing district that permits most commercial uses, light manufacturing uses listed in Use Group 17, and certain community facility uses. The maximum permitted floor area ratio (FAR) is 1.0 for commercial or manufacturing uses and 2.4 for community facility uses. Height regulations in M1-1 districts require that the building not penetrate a sky exposure plane that begins at 30 feet above the front lot line and slopes upwards and rearwards at a 45 degree angle.

R7A districts are medium density contextual residential districts that permit residential uses at an FAR of 4.0, or 4.6 when mapped as a Mandatory Inclusionary Housing area. Community Facility uses are permitted at an FAR of 4.0. Commercial and manufacturing uses are not permitted. In R7A districts within an MIH area, a maximum building height of 95 feet is permitted for residential or mixed-use buildings containing affordable housing, and a qualifying ground floor of at least 13 feet. Accessory off-street parking spaces must be provided for 50 percent of market-rate dwelling units. No parking spaces are required for income-restricted dwelling units for areas within the Transit Zone.

Under the first proposal, the proposed actions would facilitate a proposal by the Applicant to construct an eight-story, approximately 111,312 gsf mixed-use building on the Project Site, containing 91,983 gsf of residential floor area (76 dwelling units, of which 22 would be affordable pursuant to MIH Option 2) and 19,329 gsf of commercial floor area. An accessory parking facility containing 68 spaces, accessible via a curb cut along Farrington Street, would be included in the cellar and sub-cellar of the building. The proposed building would maximize the permitted FAR of 4.6 and reach a height of 95 feet.

Under the second proposal, the proposed actions would facilitate a proposal by the Applicant to construct a nine-story, approximately 110,086 gsf residential building on the Project Site, containing 93 dwelling units, of which 27 would be affordable pursuant to MIH Option 2. An accessory parking facility containing 52 spaces, accessible via a curb cut along Farrington Street, would be included in the cellar and sub-cellar of the building. The proposed building would maximize the permitted FAR of 4.6 and reach a height of 95 feet.

For the purpose of presenting a conservative analysis, the Revised Environmental Assessment Statement (EAS) for the proposal analyzes a Reasonable Worst Case Development Scenario (RWCDS) With-Action scenario that assumes the following program for the Project Site: under the first proposal, an eight-story, approximately 111,312 gsf mixed-use building on the Project Site, containing 91,983 gsf of residential floor area (76 dwelling units, of which 22 would be affordable pursuant to MIH Option 2) and 19,329 gsf of commercial floor area, for a total FAR of 4.6 and a height of 95'. The RWCDS With-Action scenario also assumes that Lot 7, which is not part of the Project Site but is within the Proposed Rezoning Area, would also be redeveloped with a nine-story, approximately 22,400 gsf mixed-use building with 16,400 gsf of residential floor area (15 dwelling units, of which 4 would be affordable pursuant to MIH Option 2) and 6,000 gsf of commercial floor area. This building would maximize the permitted FAR of 4.6 and have a maximum building height of 95 feet.

Under the second proposal, the RWCDS With-Action scenario assumes a nine-story, approximately 110,086 gsf residential building on the Project Site, containing 93 dwelling units, of which 27 would be affordable pursuant to MIH Option 2. An accessory parking facility containing 52 spaces, accessible via a curb cut along Farrington Street, would be included in the cellar and sub-cellar of the building. The proposed building would maximize the permitted FAR of 4.6 and reach a height of 95 feet. The RWCDS With-Action scenario also assumes that Lot 7, which is not part of the Project Site but is within the Proposed Rezoning Area, would also be redeveloped with a nine-story, approximately 22,400 gsf residential building containing 18 dwelling units, of which 4 would be affordable pursuant to MIH Option 2. This building would also maximize the permitted FAR of 4.6 and have a maximum building height of 95 feet.

While Lot 103 is within the Proposed Rezoning Area, it is a City-owned lot and is not considered a projected site for analysis, as it is expected that its current use would remain.

Absent the proposed actions, it is assumed that the sites within the Proposed Rezoning Area would remain in their existing conditions.

The analysis year for the proposed project is 2020.

In order to preclude significant adverse impacts related to hazardous materials, air quality and noise, under both proposals, the Proposed Actions include the assignment of an (E) designation (E-424).

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

Block 4950, Lots 1, 7

The (E) designation text related to hazardous materials is 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.

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

Block 4950, Lot 1 (the Project Site): 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. The stack shall be located at the highest tier, or at a minimum of 98 feet above grade to avoid any potential significant adverse air quality impact.

Block 4950, Lot 7 (the Lot 7 Site): 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. The stack shall be located at the highest tier, or at a minimum of 98 feet above grade, and at least 25 from the lot line facing Farrington Avenue to avoid any potential significant adverse air quality impact.

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

> **In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed-window condition with a minimum of 31dB(A) window/wall attenuation on all building's facades in order to maintain an interior noise level of 45 dB(A). 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.**

With the measures specified above, the Proposed Actions would not result in any significant adverse impacts related to hazardous materials, air quality or noise.

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 Revised Environmental Assessment Statement and Technical Memorandum, dated July 21, 2017, prepared in connection with the ULURP Application (Nos. C 170180ZMQ, N170181ZRQ, and 170180(A)ZMQ). The City Planning Commission has determined that the Proposed Actions 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. An Environmental Assessment Statement (EAS) was completed on May 5, 2017 and a Negative Declaration was issued on May 8, 2017 for the Applicant's original application. The original application included the mapping of a R7A zoning district with a C2-3 commercial overlay, and a zoning text amendment to establish a Mandatory Inclusionary Housing (MIH) area coterminous with the boundaries of the rezoning area. The proposed actions would facilitate a proposal by the Applicant to construct an eight-story, approximately 111,312 gross square feet (gsf) mixed-use building on Lot 1 ("the Project Site"), containing 76 residential dwelling units, 22 of which would be affordable pursuant to MIH, at a max FAR of 4.6 and building height of 95'. The future With-Action scenario analyzed also assumes that Lot 7, which is not part of the Project Site but is within the Proposed Rezoning Area, would also be redeveloped with a nine-story, approximately 22,400 gsf mixed-use building with 16,400 gsf of residential floor area (15 dwelling units, of which 4 would be affordable pursuant to MIH Option 2) and 6,000 gsf of commercial floor area. This building would maximize the permitted FAR of 4.6 and have a maximum building height of 95 feet. The environmental review concluded that the proposed actions, including the commercial overlay and resulting commercial uses, would not result in significant adverse impacts.

Subsequent to the issuance of the Negative Declaration, the Applicant filed a zoning map amendment (a modified Application (170180(A)ZMQ)) that includes a rezoning proposal from M1-1 to R7A, with no commercial overlay. A Revised EAS was prepared that incorporates a Technical Memorandum that considers the modified Application. Under the modified Application, the proposed actions would facilitate a proposal by the Applicant to construct a nine-story, approximately 110,086 gsf residential building on the Project Site, containing 93 dwelling units, of which 27 would be affordable pursuant to MIH Option 2, at a max FAR of 4.6 and building height of 95'. The Applicant's proposal was considered as the future With-Action scenario in the Revised EAS. The future With-Action scenario analyzed in the Revised EAS also assumes that Lot 7, which is not part of the Project Site but is within the Proposed Rezoning Area, would also be redeveloped with a nine-story, approximately 22,400 gsf residential building containing 18 dwelling units, of which 4 would be affordable pursuant to MIH Option 2. This building would also maximize the permitted FAR of 4.6 and have a maximum building height of 95 feet. Compared to the original applications, the revised With-Action scenario does not include ground floor commercial uses, and instead assumes residential uses on the ground floors of both of the projected sites. As discussed in the Revised EAS, the modified Application is not expected to result in any significant adverse impacts as a result of the increase in proposed residential uses, and would not alter the conclusions of the previous environmental review.

2. The (E) designation for hazardous materials, air quality and noise would ensure that the Proposed Actions would not result in significant adverse impacts.

3. 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.

Please contact Annabelle Meunier of the Department of City Planning at (212) 720-3426 if you have any questions regarding the application.

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

Date: July 21, 2017

Marisa Lago, Chair
City Planning Commission

Date: July 24, 2017