Environmental Assessment Statement
and
Supplemental Report

for

23rd Avenue Rezoning
38-01 23rd Avenue
Astoria, NY

Prepared by:

Compliance Solutions Services, LLC
348 West 57th Street
New York, NY 10023

May, 2019

This Revised EAS supersedes the EAS issued in February 2019. The revised EAS incorporates a Technical Memorandum which discusses a City Planning Commission Modification which requests that Block 805, Lot 160 be removed from the rezoning boundary.

EAS FORM

City Environmental Quality Review
ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) SHORT FORM

FOR UNLISTED ACTIONS ONLY • *Please fill out and submit to the appropriate agency* (see instructions)

Part I: GENERAL INFORMATION

1. *Does the Action Exceed Any Type I Threshold in 6 NYCRR Part 617.4 or 43 RCNY §6-15(A) (Executive Order 91 of 1977, as amended)?* ☐ YES ☒ NO

If "yes," **STOP** and **complete the FULL EAS FORM**.

2. *Project Name* 38-01 23rd Avenue Rezoning

3. *Reference Numbers*

CEQR REFERENCE NUMBER (to be assigned by lead agency)	BSA REFERENCE NUMBER (if applicable)
18DCP137Q	
ULURP REFERENCE NUMBER (if applicable)	OTHER REFERENCE NUMBER(S) (if applicable) (*e.g.*, legislative intro, CAPA)
180315ZMQ	2017Q0194

4a. *Lead Agency Information*			**4b. *Applicant Information***		
NAME OF LEAD AGENCY			NAME OF APPLICANT		
NYC Department of City Planning			23rd Avenue Realty		
NAME OF LEAD AGENCY CONTACT PERSON			NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON		
Kate Glass			John J. Strauss, Compliance Solutions Services, LLC		
ADDRESS 120 Broadway, 31st floor			ADDRESS 348 West 57th Street, #214		
CITY New York	STATE NY	ZIP 10271	CITY New York	STATE NY	ZIP 10019
TELEPHONE 212-720-3425	EMAIL kglass@planning.nyc.gov		TELEPHONE 212-741-3432	EMAIL jstrauss.css@gmail.com	

5. *Project Description*

The Applicant, 23rd Avenue Realty, is seeking a Zoning Map Amendment to map a C2-3 commercial district overlay over an existing R5B/R5D residential district, to a depth of 150 feet from the north side of 23rd Avenue between 38th Street and Steinway Street, the Affected Area (Block 805, Lots 1, 61, 64, and 160), located in the Astoria neighborhood of Queens, Community District 1. The proposed action would facilitate a proposal by the Applicant to align the zoning of the Applicant property (Block 805, Lot 1) with the range of existing commercial uses on the parcel and to allow the owner to bring into compliance, through applications to the Board of Standards and Appeals, an existing yoga studio and a CrossFit establishment that service the surrounding community. The proposed rezoning would result in the existing non-conforming commercial uses within the Affected Area becoming conforming uses and would allow the addition of up to 3,050 gross square feet of commercial space to Lot 61. Existing manufacturing uses would remain non-conforming. See attached Project Description.

Project Location

BOROUGH Queens	COMMUNITY DISTRICT(S) 1	STREET ADDRESS 38-01 23rd Avenue
TAX BLOCK(S) AND LOT(S) Block 805, Lots 1, 61, 64, 160		ZIP CODE 11105
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS 23rd Avenue between Steinway and 38th Streets		
EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY R5B, R5D		ZONING SECTIONAL MAP NUMBER 9c

6. *Required Actions or Approvals* (check all that apply)

***City Planning Commission*:** ☒ YES ☐ NO ☒ UNIFORM LAND USE REVIEW PROCEDURE (ULURP)

☐ CITY MAP AMENDMENT	☐ ZONING CERTIFICATION	☐ CONCESSION
☒ ZONING MAP AMENDMENT	☐ ZONING AUTHORIZATION	☐ UDAAP
☐ ZONING TEXT AMENDMENT	☐ ACQUISITION—REAL PROPERTY	☐ REVOCABLE CONSENT
☐ SITE SELECTION—PUBLIC FACILITY	☐ DISPOSITION—REAL PROPERTY	☐ FRANCHISE
☐ HOUSING PLAN & PROJECT	☐ OTHER, explain:	

☐ SPECIAL PERMIT (if appropriate, specify type: ☐ modification; ☐ renewal; ☐ other); EXPIRATION DATE:

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

***Board of Standards and Appeals*:** ☐ YES ☒ NO

☐ VARIANCE (use)
☐ VARIANCE (bulk)
☐ SPECIAL PERMIT (if appropriate, specify type: ☐ modification; ☐ renewal; ☐ other); EXPIRATION DATE:
SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

***Department of Environmental Protection*:** ☐ YES ☒ NO If "yes," specify:

Other City Approvals Subject to CEQR (check all that apply)

☐ LEGISLATION
☐ RULEMAKING
☐ CONSTRUCTION OF PUBLIC FACILITIES
☐ 384(b)(4) APPROVAL
☐ OTHER, explain:
☐ FUNDING OF CONSTRUCTION, specify:
☐ POLICY OR PLAN, specify:
☐ FUNDING OF PROGRAMS, specify:
☐ PERMITS, specify:

Other City Approvals Not Subject to CEQR (check all that apply)

☐ PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC)
☐ LANDMARKS PRESERVATION COMMISSION APPROVAL
☐ OTHER, explain:

***State or Federal Actions/Approvals/Funding*:** ☐ YES ☒ NO If "yes," specify:

7. *Site Description:* *The directly affected area consists of the project site and the area subject to any change in regulatory controls. Except where otherwise indicated, provide the following information with regard to the directly affected area.*

***Graphics*:** *The following graphics must be attached and each box must be checked off before the EAS is complete. Each map must clearly depict the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. Maps may not exceed 11 x 17 inches in size and, for paper filings, must be folded to 8.5 x 11 inches.*

☒ SITE LOCATION MAP ☒ ZONING MAP ☒ SANBORN OR OTHER LAND USE MAP
☒ TAX MAP ☐ FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S)
☒ PHOTOGRAPHS OF THE PROJECT SITE TAKEN WITHIN 6 MONTHS OF EAS SUBMISSION AND KEYED TO THE SITE LOCATION MAP

Physical Setting (both developed and undeveloped areas)

Total directly affected area (sq. ft.): 32,464
Waterbody area (sq. ft) and type: 0
Roads, buildings, and other paved surfaces (sq. ft.): 32,464
Other, describe (sq. ft.): 0

8. *Physical Dimensions and Scale of Project* (if the project affects multiple sites, provide the total development facilitated by the action)

SIZE OF PROJECT TO BE DEVELOPED (gross square feet): 0
NUMBER OF BUILDINGS: 1
GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): 48,684
HEIGHT OF EACH BUILDING (ft.): 50
NUMBER OF STORIES OF EACH BUILDING: 4

Does the proposed project involve changes in zoning on one or more sites? ☒ YES ☐ NO
If "yes," specify: The total square feet owned or controlled by the applicant: 16,946
The total square feet not owned or controlled by the applicant: 15,518

Does the proposed project involve in-ground excavation or subsurface disturbance, including, but not limited to foundation work, pilings, utility lines, or grading? ☐ YES ☒ NO
If "yes," indicate the estimated area and volume dimensions of subsurface permanent and temporary disturbance (if known):
AREA OF TEMPORARY DISTURBANCE: sq. ft. (width x length) VOLUME OF DISTURBANCE: cubic ft. (width x length x depth)
AREA OF PERMANENT DISTURBANCE: sq. ft. (width x length)

Description of Proposed Uses (please complete the following information as appropriate)

	Residential	***Commercial***	***Community Facility***	***Industrial/Manufacturing***
Size (in gross sq. ft.)	6,500	36,669	1,395	4,120
Type (*e.g.,* retail, office, school)	3 units	commercial offices, music & art studios, PCEs	medical offices	warehouse

Does the proposed project increase the population of residents and/or on-site workers? ☐ YES ☒ NO
If "yes," please specify: NUMBER OF ADDITIONAL RESIDENTS: NUMBER OF ADDITIONAL WORKERS:
Provide a brief explanation of how these numbers were determined:

Does the proposed project create new open space? ☐ YES ☒ NO If "yes," specify size of project-created open space: sq. ft.

Has a No-Action scenario been defined for this project that differs from the existing condition? ☒ YES ☐ NO
If "yes," see Chapter 2, "Establishing the Analysis Framework" and describe briefly: Absent the rezoning, no new development would occur on the four lots within the Affected Area. All existing uses in the Affected Area would remain with the exception of

the yoga studio and the CrossFit establishment on Block 805, Lot 1 which would not be allowed to remain. It is assumed that the spaces the yoga studio and CrossFit establishment occupy would be occupied by permitted community facility uses.

9. *Analysis Year* CEQR Technical Manual Chapter 2

ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2023

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 18

WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? ☒ YES ☐ NO | IF MULTIPLE PHASES, HOW MANY?

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE:

10. *Predominant Land Use in the Vicinity of the Project* (check all that apply)

☒ RESIDENTIAL ☐ MANUFACTURING ☒ COMMERCIAL ☒ PARK/FOREST/OPEN SPACE ☒ OTHER, specify: parking

Part II: TECHNICAL ANALYSIS

INSTRUCTIONS: For each of the analysis categories listed in this section, assess the proposed project's impacts based on the thresholds and criteria presented in the CEQR Technical Manual. Check each box that applies.

- If the proposed project can be demonstrated not to meet or exceed the threshold, check the "no" box.
- If the proposed project will meet or exceed the threshold, or if this cannot be determined, check the "yes" box.
- For each "yes" response, provide additional analyses (and, if needed, attach supporting information) based on guidance in the CEQR Technical Manual to determine whether the potential for significant impacts exists. Please note that a "yes" answer does not mean that an EIS must be prepared—it means that more information may be required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant to provide additional information to support the Short EAS Form. For example, if a question is answered "no," an agency may request a short explanation for this response.

	YES	NO
1. *LAND USE, ZONING, AND PUBLIC POLICY*: CEQR Technical Manual Chapter 4		
(a) Would the proposed project result in a change in land use different from surrounding land uses?	☐	☒
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	☒	☐
(c) Is there the potential to affect an applicable public policy?	☐	☒
(d) If "yes," to (a), (b), and/or (c), complete a preliminary assessment and attach. See attached report.		
(e) Is the project a large, publicly sponsored project?	☐	☒
○ If "yes," complete a PlaNYC assessment and attach.		
(f) Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries?	☐	☒
○ If "yes," complete the Consistency Assessment Form.		
2. *SOCIOECONOMIC CONDITIONS*: CEQR Technical Manual Chapter 5		
(a) Would the proposed project:		
○ Generate a net increase of 200 or more residential units?	☐	☒
○ Generate a net increase of 200,000 or more square feet of commercial space?	☐	☒
○ Directly displace more than 500 residents?	☐	☒
○ Directly displace more than 100 employees?	☐	☒
○ Affect conditions in a specific industry?	☐	☒
3. *COMMUNITY FACILITIES*: CEQR Technical Manual Chapter 6		
(a) Direct Effects		
○ Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, hospitals and other health care facilities, day care centers, police stations, or fire stations?	☐	☒
(b) Indirect Effects		
○ **Child Care Centers:** Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in Chapter 6)	☐	☒
○ **Libraries:** Would the project result in a 5 percent or more increase in the ratio of residential units to library branches? (See Table 6-1 in Chapter 6)	☐	☒
○ **Public Schools:** Would the project result in 50 or more elementary or middle school students, or 150 or more high school students based on number of residential units? (See Table 6-1 in Chapter 6)	☐	☒
○ **Health Care Facilities and Fire/Police Protection:** Would the project result in the introduction of a sizeable new neighborhood?	☐	☒
4. *OPEN SPACE*: CEQR Technical Manual Chapter 7		
(a) Would the proposed project change or eliminate existing open space?	☐	☒
(b) Is the project located within an under-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	☐	☒
○ If "yes," would the proposed project generate more than 50 additional residents or 125 additional employees?	☐	☐
(c) Is the project located within a well-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	☐	☒
○ If "yes," would the proposed project generate more than 350 additional residents or 750 additional employees?	☐	☐
(d) If the project in located an area that is neither under-served nor well-served, would it generate more than 200 additional residents or 500 additional employees?	☐	☒

	YES	NO
5. *SHADOWS*: CEQR Technical Manual Chapter 8		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?	☐	☒
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?	☐	☒
6. *HISTORIC AND CULTURAL RESOURCES*: CEQR Technical Manual Chapter 9		
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the GIS System for Archaeology and National Register to confirm)	☐	☒
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	☐	☒
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological resources.		
7. *URBAN DESIGN AND VISUAL RESOURCES*: CEQR Technical Manual Chapter 10		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	☐	☒
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	☐	☒
8. *NATURAL RESOURCES*: CEQR Technical Manual Chapter 11		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of Chapter 11?	☐	☒
○ If "yes," list the resources and attach supporting information on whether the proposed project would affect any of these resources.		
(b) Is any part of the directly affected area within the Jamaica Bay Watershed?	☐	☒
○ If "yes," complete the Jamaica Bay Watershed Form, and submit according to its instructions.		
9. *HAZARDOUS MATERIALS*: CEQR Technical Manual Chapter 12		
(a) Would the proposed project allow commercial or residential uses in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	☐	☒
(b) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	☐	☒
(c) Would the project require soil disturbance in a manufacturing area or any development on or near a manufacturing area or existing/historic facilities listed in Appendix 1 (including nonconforming uses)?	☐	☒
(d) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin?	☒	☐
(e) Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (*e.g.*, gas stations, oil storage facilities, heating oil storage)?	☐	☒
(f) Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury or lead-based paint?	☐	☒
(g) Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators?	☐	☒
(h) Has a Phase I Environmental Site Assessment been performed for the site?	☐	☒
○ If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify:	☐	☐
10. *WATER AND SEWER INFRASTRUCTURE*: CEQR Technical Manual Chapter 13		
(a) Would the project result in water demand of more than one million gallons per day?	☐	☒
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?	☐	☒
(c) If the proposed project located in a separately sewered area, would it result in the same or greater development than the amounts listed in Table 13-1 in Chapter 13?	☐	☐
(d) Would the proposed project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	☐	☒
(e) If the project is located within the Jamaica Bay Watershed or in certain specific drainage areas, including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	☐	☐

	YES	NO
(f) Would the proposed project be located in an area that is partially sewered or currently unsewered?	☐	☒
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or generate contaminated stormwater in a separate storm sewer system?	☐	☒
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	☐	☒
11. *SOLID WASTE AND SANITATION SERVICES*: CEQR Technical Manual Chapter 14		
(a) Using Table 14-1 in Chapter 14, the project's projected operational solid waste generation is estimated to be (pounds per week): 1,742		
○ Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?	☐	☒
(b) Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City?	☐	☒
12. *ENERGY*: CEQR Technical Manual Chapter 15		
(a) Using energy modeling or Table 15-1 in Chapter 15, the project's projected energy use is estimated to be (annual BTUs): 11,191,415		
(b) Would the proposed project affect the transmission or generation of energy?	☐	☒
13. *TRANSPORTATION*: CEQR Technical Manual Chapter 16		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16?	☐	☒
(b) If "yes," conduct the screening analyses, attach appropriate back up data as needed for each stage and answer the following questions:		
○ Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour?	☐	☐
If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? ***It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 of Chapter 16 for more information.*	☐	☐
○ Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour?	☐	☐
If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction) or 200 subway trips per station or line?	☐	☐
○ Would the proposed project result in more than 200 pedestrian trips per project peak hour?	☐	☐
If "yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop?	☐	☐
14. *AIR QUALITY*: CEQR Technical Manual Chapter 17		
(a) *Mobile Sources*: Would the proposed project result in the conditions outlined in Section 210 in Chapter 17?	☐	☒
(b) *Stationary Sources*: Would the proposed project result in the conditions outlined in Section 220 in Chapter 17?	☒	☐
○ If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in Chapter 17? (Attach graph as needed) See attached report.	☐	☒
(c) Does the proposed project involve multiple buildings on the project site?	☐	☒
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	☐	☒
(e) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	☐	☒
15. *GREENHOUSE GAS EMISSIONS*: CEQR Technical Manual Chapter 18		
(a) Is the proposed project a city capital project or a power generation plant?	☐	☒
(b) Would the proposed project fundamentally change the City's solid waste management system?	☐	☒
(c) If "yes" to any of the above, would the project require a GHG emissions assessment based on the guidance in Chapter 18?	☐	☐
16. *NOISE*: CEQR Technical Manual Chapter 19		
(a) Would the proposed project generate or reroute vehicular traffic?	☒	☐
(b) Would the proposed project introduce new or additional receptors (see Section 124 in Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?	☐	☒
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?	☐	☒
(d) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	☐	☒
17. *PUBLIC HEALTH*: CEQR Technical Manual Chapter 20		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality;	☐	☒

	YES	NO
Hazardous Materials; Noise?		
(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in Chapter 20, "Public Health." Attach a preliminary analysis, if necessary.		
18. *NEIGHBORHOOD CHARACTER*: CEQR Technical Manual Chapter 21		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise?	☐	☒
(b) If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in Chapter 21, "Neighborhood Character." Attach a preliminary analysis, if necessary.		
19. *CONSTRUCTION*: CEQR Technical Manual Chapter 22		
(a) Would the project's construction activities involve:		
○ Construction activities lasting longer than two years?	☐	☒
○ Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	☐	☒
○ Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, *etc.*)?	☐	☒
○ Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	☐	☒
○ The operation of several pieces of diesel equipment in a single location at peak construction?	☐	☒
○ Closure of a community facility or disruption in its services?	☐	☒
○ Activities within 400 feet of a historic or cultural resource?	☐	☒
○ Disturbance of a site containing or adjacent to a site containing natural resources?	☐	☒
○ Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall?	☐	☒
(b) If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance in Chapter 22, "Construction." It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination.		

20. *APPLICANT'S CERTIFICATION*

I swear or affirm under oath and subject to the penalties for perjury that the information provided in this Environmental Assessment Statement (EAS) is true and accurate to the best of my knowledge and belief, based upon my personal knowledge and familiarity with the information described herein and after examination of the pertinent books and records and/or after inquiry of persons who have personal knowledge of such information or who have examined pertinent books and records.

Still under oath, I further swear or affirm that I make this statement in my capacity as the applicant or representative of the entity that seeks the permits, approvals, funding, or other governmental action(s) described in this EAS.

APPLICANT/REPRESENTATIVE NAME	DATE
John J. Strauss, Compliance Solutions Services, LLC	May 31, 2019

SIGNATURE John J. Strauss

PLEASE NOTE THAT APPLICANTS MAY BE REQUIRED TO SUBSTANTIATE RESPONSES IN THIS FORM AT THE DISCRETION OF THE LEAD AGENCY SO THAT IT MAY SUPPORT ITS DETERMINATION OF SIGNIFICANCE.

Part III: REVISED DETERMINATION OF SIGNIFICANCE (To Be Completed by Lead Agency)

INSTRUCTIONS: In completing Part III, the lead agency should consult 6 NYCRR 617.7 and 43 RCNY § 6-06 (Executive Order 91 or 1977, as amended), which contain the State and City criteria for determining significance.

1. For each of the impact categories listed below, consider whether the project may have a significant adverse effect on the environment, taking into account its (a) location; (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude.

IMPACT CATEGORY	Potentially Significant Adverse Impact YES	NO
Land Use, Zoning, and Public Policy	☐	☒
Socioeconomic Conditions	☐	☒
Community Facilities and Services	☐	☒
Open Space	☐	☒
Shadows	☐	☒
Historic and Cultural Resources	☐	☒
Urban Design/Visual Resources	☐	☒
Natural Resources	☐	☒
Hazardous Materials	☐	☒
Water and Sewer Infrastructure	☐	☒
Solid Waste and Sanitation Services	☐	☒
Energy	☐	☒
Transportation	☐	☒
Air Quality	☐	☒
Greenhouse Gas Emissions	☐	☒
Noise	☐	☒
Public Health	☐	☒
Neighborhood Character	☐	☒
Construction	☐	☒

2. Are there any aspects of the project relevant to the determination of whether the project may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials? ☐ ☒

If there are such impacts, attach an explanation stating whether, as a result of them, the project may have a significant impact on the environment.

3. Check determination to be issued by the lead agency:

☐ **Positive Declaration**: If the lead agency has determined that the project may have a significant impact on the environment, and if a Conditional Negative Declaration is not appropriate, then the lead agency issues a *Positive Declaration* and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).

☐ **Conditional Negative Declaration:** A *Conditional Negative Declaration* (CND) may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result. The CND is prepared as a separate document and is subject to the requirements of 6 NYCRR Part 617.

☒ **Negative Declaration:** If the lead agency has determined that the project would not result in potentially significant adverse environmental impacts, then the lead agency issues a *Negative Declaration*. The *Negative Declaration* may be prepared as a separate document (see template) or using the embedded Negative Declaration on the next page.

4. ***LEAD AGENCY'S CERTIFICATION***

TITLE Acting Director, Environmental Assessment and Review Division	LEAD AGENCY Department of City Planning, acting on behalf of the City Planning Commission
NAME Olga Abinader	DATE May 31, 2019
SIGNATURE	

REVISED NEGATIVE DECLARATION (Use of this form is optional)

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, assumed the role of lead agency for the environmental review of the proposed project. Based on a review of information about the project contained in this environmental assessment statement and any attachments hereto, which are incorporated by reference herein, the lead agency has determined that the proposed project would not have a significant adverse impact on the environment.

Reasons Supporting this Determination

The above determination is based on information contained in the EAS, which finds that the proposed project and related actions sought before the City Planning Commission would have no significant effect on the quality of the environment. Reasons supporting this Determination are noted below.

Air Quality

1. An (E) designation (E-524) for Air Quality has been incorporated into the proposed actions. Refer to "Determination of Significance Appendix: (E) Designation" for a list of sites affected by the (E) designation and applicable (E) designation requirements. The analyses conducted for air quality conclude that with the (E) Designation requirements in place, the proposed actions would not result in significant adverse impacts.

TITLE Acting Director, Environmental Assessment and Review Division	LEAD AGENCY Department of City Planning
NAME Olga Abinader	DATE May 31, 2019
SIGNATURE Olga Abinader	

TITLE Chair, Department of City Planning	
NAME Marisa Lago	DATE June 3, 2019
SIGNATURE	

* Following certification of this proposal on February 11, 2019 and issuance of the original EAS dated February 2019 and Negative Declaration dated February 8, 2019, the original EAS has been revised to reflect a zoning boundary that no longer includes the area bounded by a line located 75 feet from Steinway Street and 100 feet from 23rd Avenue (Queens Block 805, Lot 160). This Revised Negative Declaration supersedes the Negative Declaration issued February 8th, 2019 and reflects the Revised EAS Dated May 2019, which assesses this revision. This correction would not alter the conclusions of the original EAS, which found no significant adverse impacts.

PROJECT DESCRIPTION

23rd Avenue Rezoning Project Description

Introduction

The Applicant, 23rd Avenue Realty, is seeking a Zoning Map Amendment to map a C2-3 commercial district overlay over existing R5B and R5D residential districts, to a depth of 150 feet from the north side of 23rd Avenue between 38th Street and Steinway Street, the Affected Area (Block 805, Lots 1, 61, 64, and 160), located in the Astoria neighborhood of Queens, Community District 1. The Proposed Action would facilitate a proposal by the Applicant to align the zoning of the Applicant property (Block 805, Lot 1) with the range of existing commercial uses on the parcel and to allow the owner to bring into compliance, through applications to the Board of Standards and Appeals, an existing yoga studio and CrossFit establishment that service the surrounding community. Currently, only the existing yoga studio and CrossFit establishment are not legal, and all other commercial and manufacturing uses in the area proposed for rezoning are legal nonconforming uses. The proposed rezoning would result in the existing non-conforming commercial uses within the Affected Area becoming conforming uses. Existing manufacturing uses would remain non-conforming.

The area proposed to be rezoned measures 200 feet in width along the north side of 23rd Avenue between 38th Street and Steinway Street and extends to a depth of 150 feet along 38th and Steinway Streets. The Applicant property (Block 805, Lot 1), identified as Projected Development Site 1, has 75 feet of frontage along 23rd Avenue and extends to a depth of 166.75 feet along 38th Street. Projected Development Site 2 (Block 805, Lot 61) has 75 feet of frontage along Steinway Street, 25 feet of frontage along 23rd Avenue and extends to a depth of 125.01 feet into the block west of Steinway Street. Other Site 1 (Block 805, Lot 64) has 25 feet of frontage along Steinway Street and extends to a depth of 100 feet along 23rd Avenue. Other Site 2 (Block 805, Lot 160) has 58 feet of frontage along Steinway Street and extends to a depth of 52 feet.

Commercial uses are not permitted in R5B and R5D districts. The proposed C2-3 commercial overlay would allow commercial uses up to an FAR of 2.0 subject to certain limitations described further in this document. Once the C2-3 zoning is in effect, the owners of the four properties in the Affected Area will have the flexibility to change existing uses to any use permitted as-of-right in C2 districts and will not be limited to changing to Use Group 6 as when subject to the non-conforming use provisions of ZR 52-34 (Commercial Uses in Residence Districts).

Existing Conditions

The existing conditions on the Applicant controlled and the non-Applicant held sites in the Affected Area are described below. Table 1 presents a detailed breakdown of square footage by use on each of these sites.

Applicant Controlled Proposed Development Site (Projected Development Site 1)

The Applicant controlled Proposed Development Site (Projected Development Site 1), Block 805, Lot 1, is developed with a 4-story, approximately 48,684 gross square feet (gsf) industrial loft building, which has a 1998 CO listing commercial and manufacturing uses. The building contains 3 dwelling units and 33 commercial office, studio, manufacturing, and other units, three of which are vacant (see Building Occupancy Table below). All non-residential uses, with the exception of the yoga studio and the CrossFit establishment, occupying approximately 3,550 gsf of floor area, are legal non-conforming uses subject to the provisions of Article V, Chapter 2

of the Zoning Resolution. This loft building is overbuilt with respect to permitted floor area with an FAR of approximately 2.87 on the 16,946 sf lot.

Building Occupancy
38-01 23rd Avenue, Astoria

Space	Occupant	1st date	Use Group	Allowed by ZR 52-332	Allowed in C2
Cellar	Music Rehearsal Spaces	1/1/1998	UG 9	YES	YES
101	Tattoo Artist	3/1/2012	UG 6	YES	YES
101	Medical Office: Acupuncture	3/1/2012	UG 4	N/A	YES
103	Gym: CrossFit Establishment	3/1/2016	PCE	NO	YES, via BSA
104	Warehouse: Sign Storage	6/1/2013	UG 17	YES	NO
200	Dwelling Unit	1995	UG 2	N/A	YES
201	Bikram Yoga	8/1/2014	PCE	NO	YES, via BSA
203	Catering/Event Space	1/1/2016	UG 9	YES	YES
204	Public Utility: Cell Tower Electrical Room	9/1/1995	UG 6	YES	YES
301	Clothing Sales By Appointment: Mens Apparel	11/1/1999	UG 6	YES	YES
302	Dwelling Unit	1999	UG 2	N/A	YES
303	Studio: Music Recording	7/1/2006	UG 9	YES	YES
304	Audio Equipment Rental for Events	10/1/2007	UG 9	YES	YES
305	Studio: Music Production	6/1/2002	UG 9	YES	YES
306	Art Studio: Sculpting Teacher	10/15/2011	UG 9	YES	YES
307, 309	Office: Window Contractor	8/1/2002	UG 6	YES	YES
308	Office: CPR Training	2/1/2016	UG 6	YES	YES
310	Office	Vacant	UG 6	YES	YES
311	Office: Wedding Invitation Design	10/1/2005	UG 6	YES	YES
314	Studio: Music Production	10/1/2004	UG 9	YES	YES
315	Office: Mechanical Engineering	3/1/2009	UG 6	YES	YES
316	Office	Vacant	UG 6	YES	YES
400	Office	Vacant	UG 6	YES	YES
401	Studio: Podcast Studio	12/1/2017	UG 9	YES	YES
402	Dwelling Unit	2004	UG 2	N/A	YES
403	Office: Mechanical Consultant	4/1/2012	UG 6	YES	YES
405	Office: Psychotherapy	7/1/2016	UG 4/6	YES	YES
410	Office: Music Mastering	2/1/2018	UG 9	YES	YES
407, 409	Office: Online Police	2/1/2004	UG 6	YES	YES

	Equipment Supply				
411	Office: Online Hobby Retail - model cars	2/1/2004	UG 6	YES	YES
408	Office: Procurement Specialist	7/1/2012	UG 6	YES	YES
412	Office: Jewelry Design	10/1/2012	UG 6	YES	YES
413	Office: Studio Artist	8/1/2017	UG 9	YES	YES
414	Office: Veterans Organization	6/1/2016	UG 6	YES	YES
415	Office: Electrical Contractor	6/25/2015	UG 6	YES	YES
416	Office: General Contractor	7/5/2016	UG 6	YES	YES

Non-Applicant Controlled Sites

Projected Development Site 2 (Block 805, Lot 61) consists of a 10,002 sf lot developed with a 2-story residential, commercial, and manufacturing building totaling approximately 10,923 gsf with a built FAR of approximately 1.09. Based on the Building Occupancy table included below, the cellar of the building contains a UG 16 auto repair shop and a UG 17 light manufacturing use; the first floor contains a UG 6 tax preparation office and a UG 17 light manufacturing use; and the second floor contains UG 2 residential apartments. Based on a field survey conducted by Urban Cartographics on September 20, 2018, a paint spray booth appears to be part of Jan's Auto Body shop located on the site's 23rd Avenue frontage (38-03 23rd Avenue). Used car sales are being conducted in the driveway and parking lot of the autobody shop. Four dwelling units appear to be on the second floor of the building's Steinway Street frontage (22-78 Steinway Street). All non-residential uses on the lot are legal non-conforming uses subject to the provisions of Article V, Chapter 2 of the Zoning Resolution. A maximum of 3,050 gsf of additional commercial floor area would be permitted on Projected Development Site 2 under the Proposed Action as further explained below.

Other Site 1 (Block 805, Lot 64) consists of a 2,500 sf lot developed with a 3-story, approximately 5,250 gsf residential and commercial building with a built FAR of approximately 2.1. Based on the Building Occupancy table included below and the field survey noted above, the building contains two ground floor retail units, including a UG 6 eating and drinking establishment (café) and a UG 6 carpet and tiles sales store and showroom (together approximately 2,500 gsf); UG 6 accessory garage/storage on the building's first floor; and four UG 2 residential dwelling units on the second and third floors above (together approximately 2,750 gsf). Cellar uses are not known. All non-residential uses on the lot are legal non-conforming uses subject to the provisions of Article V, Chapter 2 of the Zoning Resolution. No additional development would occur on this lot under the Proposed Action as explained below.

Other Site 2 (Block 805, Lot 160) consists of a 3,016 sf lot occupied by a 3-story, approximately 2,895 gsf residential walk-up building containing three UG2 dwelling units with an FAR of approximately 0.96. Based on the Building Occupancy table included below and the field survey noted above, the building's cellar includes residential accessory uses; the first floor contains residential space and a garage; and residential apartments are located on the building's second and third floors. No additional development would occur on this lot under the Proposed Action as explained below.

Table 1

Existing Uses in the Affected Area

Lot	Lot Size (sf)	Total GSF	No. of DUs	Resid GSF	Com'l GSF	Com Facil GSF	Manuf GSF
1	16,946	48,684	3	6,500	36,669	1,395	4,120
61	10,002	10,923	4	3,973	0	0	6,950
64	2,500	5,250	4	2,750	2,500	0	0
160	3,016	2,895	3	2,895	0	0	0
Total	**32,464**	**67,752**	**14**	**16,118**	**39,169**	**1,395**	**11,070**

Description of the Proposed Development

The Proposed Action would map a C2-3 commercial district overlay over existing R5B and R5D residential districts, to a depth of 150 feet from the north side of 23rd Avenue between 38th Street and Steinway Street, the Affected Area. No new development or enlargement is proposed in connection with this land use action. Therefore, the existing uses described above are expected to remain. Once the C2-3 zoning is in effect, the owners of the four properties in the Affected Area will have the flexibility to change existing uses to any use permitted as-of-right in C2 districts. In the Applicant's loft building at 38-01 23rd Avenue, the owner will be able to bring into conformance, through applications to the Board of Standards and Appeals, an existing yoga studio and CrossFit establishment that service the surrounding community.

The rezoning would not be anticipated to induce significant new development within the Affected Area. The maximum FAR and the permitted uses are generally the same within the Affected Area, when considering the many existing non-conforming ground floor uses that currently exist pursuant to ZR 52-00. No additional floor area of any kind would be permitted on Projected Development Site 1 and Other Site 1, which are both overbuilt with respect to the total permitted floor area ratio of 1.75 and 2.0, respectively. The permitted development of up to approximately 2,051 gsf of commercial space on Other Site 2 is not expected to occur as existing ground floor residential use prevents the addition of commercial bulk to the rear (within the required residential rear yard) or in the front (obstructing legal windows or access to required parking). It is not anticipated that existing ground floor residential space would be displaced to accommodate new commercial floor space when the maximum FAR permitted would remain at 2.0. A maximum of 3,050 gsf of additional commercial floor area would be permitted on Projected Development Site 2 as further explained below.

Build Year

The Project Build Year is 2023. It is assumed that the proposed rezoning would be approved by 2019. No new construction would occur on the Applicant's Projected Development Site 1 or on Other Site 1 as they are both overbuilt. No new construction would occur on Other Site 2 as existing ground floor residential use prevents the addition of commercial bulk to the rear (within the required residential rear yard) or in the front (obstructing legal windows or access to required parking). A limited amount of new construction, comprised of a maximum of 3,050 gsf of additional commercial floor area, could occur on Projected Development Site 2. It is assumed that this development would occur by 2023.

Purpose and Need of the Proposed Action

The purpose of the proposed commercial overlay is to bring the existing illegal nonconforming uses into conformance on the Applicant-owned Projected Development Site 1, and to bring the existing legal nonconforming uses into conformance on Projected Development Site 2 and Other Site 1. Commercial uses are not permitted in R5B and R5D districts. The proposed rezoning would map a C2-3 commercial overlay over the entire Affected Area, which would allow the Applicant to align the zoning of the Applicant property (Projected Development Site 1) with the range of existing commercial uses on the parcel and to allow the owner to bring into conformance, through applications to the Board of Standards and Appeals, an existing yoga studio and CrossFit establishment that service the surrounding community. The proposed rezoning would bring existing non-conforming commercial uses on Projected Development Site 2 and Other Lot 1 into conformance with the proposed zoning district and would allow the addition of up to 3,050 gsf of legal commercial space to Lot 61. Existing manufacturing uses on Projected Site 2 would remain non-conforming. Once the C2-3 zoning is in effect, the owners of the four properties in the Affected Area will have the flexibility to change existing uses to any use permitted as-of-right in C2 districts and will not be limited to changing to Use Group 6 as when subject to the non-conforming use provisions of ZR 52-34 (Commercial Uses in Residence Districts).

All of Block 805 was mapped as an R5 district in 1961. At that time a C1-2 commercial overlay was mapped within 150 feet of Ditmars Boulevard at the opposite end of the block from the Affected Area. The Astoria Rezoning of 2010 (C100199ZMQ) changed the R5 districts on the block to a combination of R5B and R5D districts. While this rezoning established new commercial overlays in locations throughout the area to recognize existing commercial land use patterns and provide new business location opportunities, the Affected Area was not included in this action and remained subject to residential zoning only.

The mapping of a C2-3 commercial overlay to a depth of 150 feet from the north side of 23rd Avenue between 38th Street and Steinway Street would be consistent with the existing commercial overlays in the surrounding area. Specifically, there is a C2-3 commercial overlay along the west side of Steinway Street directly south of 23rd Avenue from the Affected Area. There is also a C2-3 commercial overlay mapped along the northern frontage of the block on which the Affected Area is located and along the eastern frontage of Steinway Street immediately east of this area.

The proposed commercial overlay is appropriate in this location because it will reflect the existing commercial character in terms of use and bulk within the Affected Area. This was also a stated goal of the 2010 Rezoning which mapped or extended commercial overlays along several segments of surrounding avenues. The C2-3 overlay was selected based on the standard depth to which such districts are mapped and because C2-3 overlays were deemed appropriate for this area when they were applied in the 2010 Rezoning on Blocks 793 and 803 directly to the south and at the opposite ends of Block 805 and the adjacent Blocks 795 and 806[1]. When C2-3 districts were mapped in the 2010 Rezoning, the primary planning rationale was to reduce the accessory off-street parking requirement. In order to limit commercial intrusion into the

[1] The commercial overlays on blocks 793 and 803 to the south are incorrectly shown as C2-2 overlays on ZoLa. The data properties on Zola also incorrectly state that they are C2-2 overlays. They are in fact C2-3 overlays as indicated on zoning map 9c. This error has been brought to the attention of City Planning staff.

residential narrow street portions of blocks to match the existing C2-2 overlay depths, the C2-3 overlays were mapped to a non-standard depth of 100 feet. The proposed C2-3 overlay would be mapped to the standard depth of 150 feet, as set forth in ZR 76-131, in order to sufficiently cover the Affected Area to reflect the existing conditions created by the presence of the Applicant's building in which the existing character does not reflect traditional narrow street midblock residential buildings.

The maximum commercial FAR permitted by the C2-3 commercial overlay is 2.0 in the R5D district. C2 districts allow for a slightly wider array of commercial uses than C1 districts, including bicycle rental and repair shops, automobile rental establishments, and physical culture or health establishments (pursuant to a Board of Standards and Appeals Special Permit).

Future No-Action Scenario

The future no-action scenario involves no changes to Projected Development Site 2, Other Site 1, or Other Site 2. It would involve the conversion of the illegal nonconforming uses on Projected Development Site 1 to conforming uses. In the future without the action, the Reasonable Worst Case Development Scenario (RWCDS) would reflect the following assumptions:

Without the Proposed Action, it is assumed the Affected Area's existing R5B and R5D zoning would remain and the proposed C2-3 commercial overlay would not be mapped over the Affected Area. No new development would occur on the four lots within the Affected Area. All existing uses in the Affected Area would remain with the exception of the yoga studio and the CrossFit establishment, occupying approximately 3,550 gsf of floor area on Block 805, Lot 1. These establishments would not be allowed to remain because it would not be possible to bring them into conformance through Physical Culture or Health Establishment Special Permits from the BSA, which require a commercial district of C2 or above. It is assumed that the spaces the yoga studio and CrossFit establishment occupy would be occupied by a permitted community facility use.

The following assumptions would apply to the four lots within the Affected Area:

Projected Development Site 1 – This parcel is zoned R5B/R5D. The R5B district permits a maximum residential FAR of 1.35 and a maximum community facility FAR of 2.0. The R5D district permits a maximum residential and community facility FAR of 2.0. The adjusted maximum FAR on this lot is 1.75. The existing building on this lot has an FAR of 2.87 and is therefore overbuilt with respect to the permitted R5B/R5D FAR. No new development would be allowed. All non-residential uses on the lot, with the exception of the yoga studio and the CrossFit establishment occupying approximately 3,550 gsf of floor area, are legal non-conforming uses. These non-conforming uses, together with the residential uses in the building are anticipated to remain. The yoga studio and the CrossFit establishment would not be allowed to remain. It is assumed that the spaces that the yoga studio and CrossFit establishment occupy would become community facility uses as the building is overwhelmingly commercially occupied and the location and layout of these spaces are not desirable for new residential occupancy.

Projected Development Site 2 – This parcel is zoned R5D which permits a maximum residential and community facility FAR of 2.0. The existing building on this lot has an FAR of 1.09. An additional 9,081 gsf of residential or community facility development would be allowed.

However, no new residential or community facility development is anticipated as the lot is developed in excess of 50% of the permitted FAR of 2.0, there are currently no plans for any development on this lot, and there is currently no potential for a merger with any adjacent lots in the Affected Area. Therefore, the existing 2-story residential, commercial, and manufacturing building containing auto body, light manufacturing uses, and 4 dwelling units and totaling approximately 10,923 gsf with a built FAR of approximately 1.09 is expected to remain.

Other Site 1 – This parcel is zoned R5D which permits a maximum residential and community facility FAR of 2.0. The existing building on this lot has an FAR of 2.1. Due to the existing floor area exceeding the total permitted FAR of 2.0, no new floor area of any use could be constructed. Therefore, the existing 3-story, mixed-use building containing two ground floor retail units and four residential dwelling units and totaling approximately 5,250 gsf with a built FAR of approximately 2.1 is expected to remain.

Other Site 2 – This parcel is zoned R5D which permits a maximum residential and community facility FAR of 2.0. The existing building on this lot has an FAR of 0.96. However, no new residential or community facility development is anticipated as the lot is small (less than 5,000 sf), there are currently no plans for any development on this lot, and there is currently no potential for a merger with any adjacent lots in the Affected Area. Therefore, the existing 3-story, approximately 2,895 gsf residential walk-up building containing three dwelling units with an FAR of approximately 0.96 is expected to remain.

Table 2 presents a detailed breakdown of square footage by use on each of these sites under the Future No-Action scenario.

Table 2

Future No-Action Uses in the Affected Area

Lot	Lot Size (sf)	Total GSF	No. of DUs	Resid GSF	Com'l GSF	Com Facil GSF	Manuf GSF
1	16,946	48,684	3	6,500	33,119	4,945	4,120
61	10,002	10,923	4	3,973	0	0	6,950
64	2,500	5,250	4	2,750	2,500	0	0
160	3,016	2,895	3	2,895	0	0	0
Total	**32,464**	**67,752**	**14**	**16,118**	**35,619**	**4,945**	**11,070**

Future With-Action Scenario

The future with-action scenario would result in no changes to Other Sites 1 and 2, but would result in the illegal nonconforming uses on Projected Development Site 1 being brought into compliance, and would result in the development of up to an additional 3,050 gsf of commercial space on Projected Development Site 2. The additional square footage on Projected Development Site 2 would be built as a new third floor added to the existing structure on the Site. In the future with the action, the RWCDS would reflect the following assumptions:

Under the With-Action Scenario, a C2-3 commercial district overlay would be mapped over existing R5B and R5D residential districts, to a depth of 150 feet from the north side of 23rd Avenue between 38th Street and Steinway Street, the Affected Area. However, no new development or enlargement is proposed or anticipated in connection with this land use action. Therefore, the existing uses in the Affected Area are expected to remain. The existing non-conforming commercial uses in the Affected Area would become conforming uses, and the owner of the Applicant property on Projected Development Site 1 would be eligible to be brought into conformance, through an application to the Board of Standards and Appeals, an existing yoga studio and CrossFit establishment occupying approximately 3,550 gsf of floor area in his building. Existing manufacturing uses on Projected Site 2 would remain non-conforming. All existing non-conforming uses on Projected Development Site 2 are legal because they existed on site prior to the previous rezoning. The With-Action RWCDS for the Proposed Development Site would be the same as the proposed development described above. Once the C2-3 zoning is in effect, the owners of the four properties in the Project Area will have the flexibility to change existing uses to any use permitted as-of-right in C2 districts and will not be limited to changing to Use Group 6 as when subject to the non-conforming use provisions of ZR 52-34 (Commercial Uses in Residence Districts).

The maximum commercial FAR of 2.0 allowed under the C2-3 commercial overlay would technically permit the development of up to 12,218 gsf of commercial floor area on Projected Development Site 2 and Other Site 2 in the Affected Area including 9,081 gsf on Projected Development Site 2 and 3,137 gsf on Other Site 2. However, for mixed buildings in R5 districts with commercial overlays, where no Article 1, Chapter 5 conversion is occurring, commercial uses are limited to the ground floor of the building. On this basis, it is assumed that the C2-3 commercial overlay would permit the development of up to 5,101 gsf of commercial floor area on Projected Development Site 2 and Other Site 2 in the Affected Area including 3,050 gsf on Projected Development Site 2 and 2,051 gsf on Other Site 2. However, no additional development would be anticipated on Other Site 2 as existing ground floor residential use prevents the addition of commercial bulk to the rear (within the required residential rear yard) or in the front (obstructing legal windows or access to required parking). No additional development would be anticipated on Other Site 1 which is overbuilt by 0.1 FAR with respect to the total floor area ratio of 2.0 permitted. Because it is unlikely that residential use will be eliminated in these buildings, development would not be anticipated to occur. No additional development would occur on Projected Development Site 1 which already exceeds the adjusted maximum permitted FAR of 1.75.

The With-Action Scenario for the Applicant property has been determined based on the provisions of the C2-3 commercial district overlay and the Applicant's stated intent to bring into conformance certain existing uses in his building on Projected Development Site 1. Although there are currently no plans for any development on Projected Development Site 2 and there is currently no plans for redevelopment on and therefore no potential for a merger with any adjacent lots in the Affected Area, the permitted development of up to approximately 3,050 gsf of new commercial space could occur on this lot. No additional commercial development would be permitted on Other Site 1, which is overbuilt by 0.1 FAR with respect to the total floor area ratio of 2.0 permitted. The permitted development of up to approximately 2,051 gsf of commercial space on Other Site 2 is not expected to occur as the lot is small (less than 5,000 sf), there are currently no plans for any development on this lot, there is currently no potential for a

merger with any adjacent lots in the Affected Area, and existing ground floor residential use prevents the addition of commercial bulk to the rear (within the required residential rear yard) or in the front (obstructing legal windows or access to required parking). There is no potential for a merger of any of the four parcels in the Affected Area due to the separate ownership of these parcels.

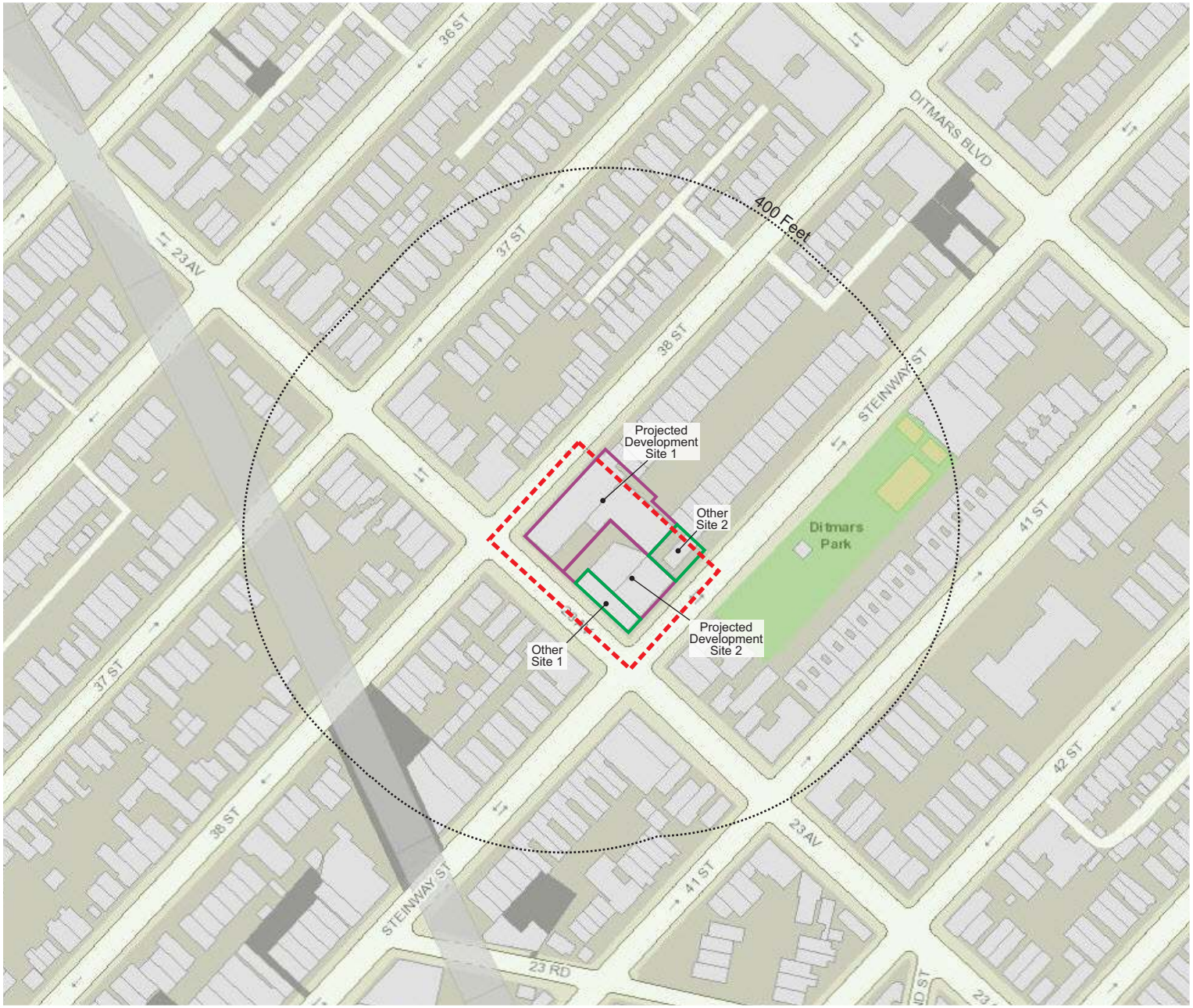
Table 3 presents a detailed breakdown of square footage by use on each of these sites under the Future With-Action scenario.

Table 3

Future With-Action Uses in the Affected Area

Lot	Lot Size (sf)	Total GSF	No. of DUs	Resid GSF	Com'l GSF	Com Facil GSF	Manuf GSF
1	16,946	48,684	3	6,500	36,669	1,395	4,120
61	10,002	13,973	4	3,973	3,050	0	6,950
64	2,500	5,250	4	2,750	2,500	0	0
160	3,016	2,895	3	2,895	0	0	0
Total	**32,464**	**70,802**	**14**	**16,118**	**42,219**	**1,395**	**11,070**

FIGURES & PHOTOGRAPHS


400 Feet
Projected Development Site 1
Other Site 2
Other Site 1
Projected Development Site 2
Ditmars Park
DITMARS BLVD
23 AV
36 ST
37 ST
38 ST
41 ST
42 ST
STEINWAY ST
23 RD
North



1. View of Projected Development Site 1 facing east from the intersection of 23rd Avenue and 38th Street.



2. View of 23rd Avenue facing southeast from 38th Street (Projected Development Site 1 at left).



3. View of Projected Development Site 1 facing southeast from 38th Street.





4. View of Projected Development Site 1 facing south from 38th Street.



5. View of 38th Street facing southwest (Projected Development Site 1 at left).



6. View of the west side of 38th Street facing north from Projected Development Site 1.



7. View of the sidewalk along the east side of 38th Street facing southwest (Projected Development Site 1 at right).



8. View of the sidewalk along the east side of 38th Street facing northeast from 23rd Avenue (Projected Development Site 1 at right).



9. View of the intersection of 23rd Avenue and 38th Street facing west from Projected Development Site 1.





10. View of the sidewalk along the north side of 23rd Avenue facing southeast from 38th Street (Projected Development Site 1 at left).



11. View of the sidewalk along the north side of 23rd Avenue facing northwest (Projected Development Site 2 at right).



12. View of the south side of 23rd Avenue facing south from the Projected Development Site 1.





13. View of 23rd Avenue facing northwest (Other Site 1 at right).



14. View of Projected Development Site 1 facing northeast from 23rd Avenue.



15. View of 38th Street facing northeast from 23rd Avenue (Projected Development Site 1 at right).





16. View of Projected Development Site 2 facing northwest from 23rd Avenue.



17. View of Projected Development Site 2 and Other Site 1 facing northeast from 23rd Avenue.



18. View of Projected Development Site 1 and Projected Development Site 2 facing north from 23rd Avenue.





19. View of Other Site 1 facing northeast from 23rd Street.



20. View of Steinway Street facing northeast from 23rd Avenue (Other Site 1 at left).



21. View of Other Site 1 facing north from the intersection of Steinway Street and 23rd Avenue.





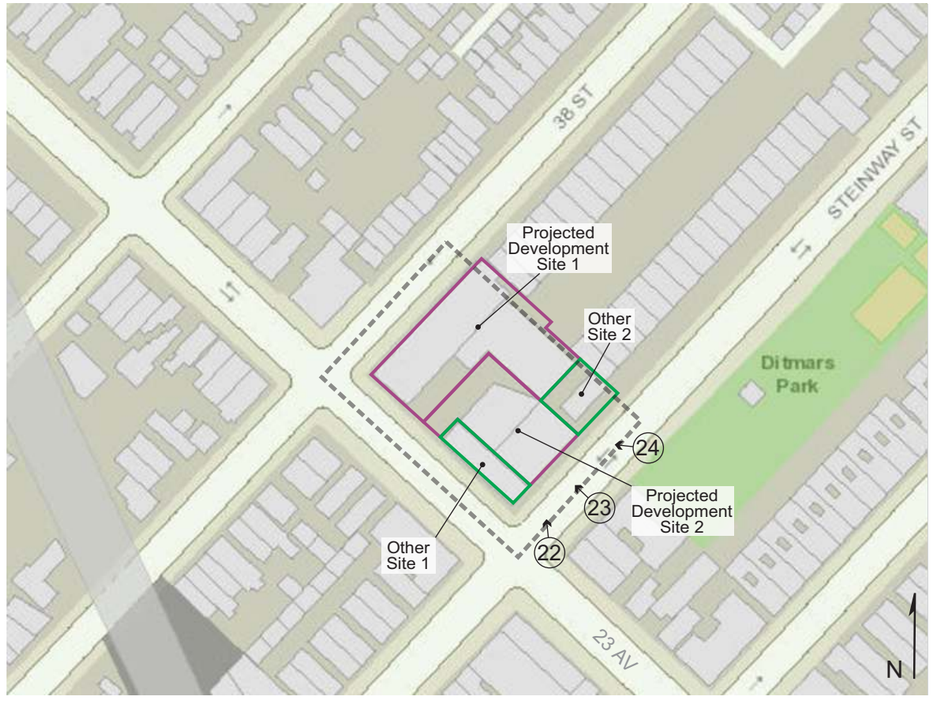
22. View of Projected Development Site 2 facing north from Steinway Street.



23. View of Projected Development Site 2 facing northwest from Steinway Street.



24. View of Projected Development Site 2 facing west from Steinway Street.





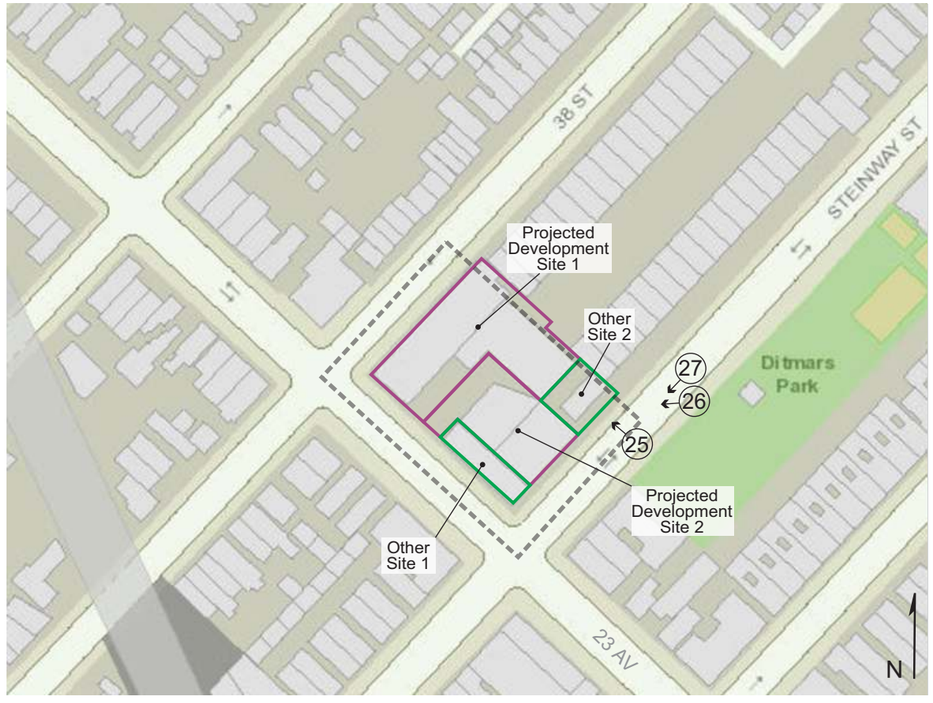
25. View of Other Site 2 facing northwest from Steinway Street.



26. View of Other Site 2 and Projected Development Site 2 facing west from Steinway Street.



27. View of Steinway Street facing southwest (Other Site 2 at right).





28. View of the sidewalk along the east side of Steinway Street facing southwest (Other Site 2 at right).



29. View of the west side of Steinway Street facing east from Other Site 2.



30. View of the sidewalk along the east side of Steinway Street facing southwest (Projected Development Site 2 at right).





31. View of the east side of Steinway Street facing east from Projected Development Site 2.



32. View of the sidewalk along the west side of Steinway Street facing northeast (Other Site 1 at right).



33. View of the intersection of 23rd Avenue and Steinway Street facing south from Other Site 1.





34. View of the sidewalk along the east side of 23rd Avenue facing northwest from Steinway Street (Other Site 1 at right).



35. View of the west side of 38th Street facing northwest from Projected Development Site 1.



Site Information

Block 805, Lot 1

Zoning Map: 9c

Zoning District: R5D & R5B

Special District: n/a

Lot and Building Information

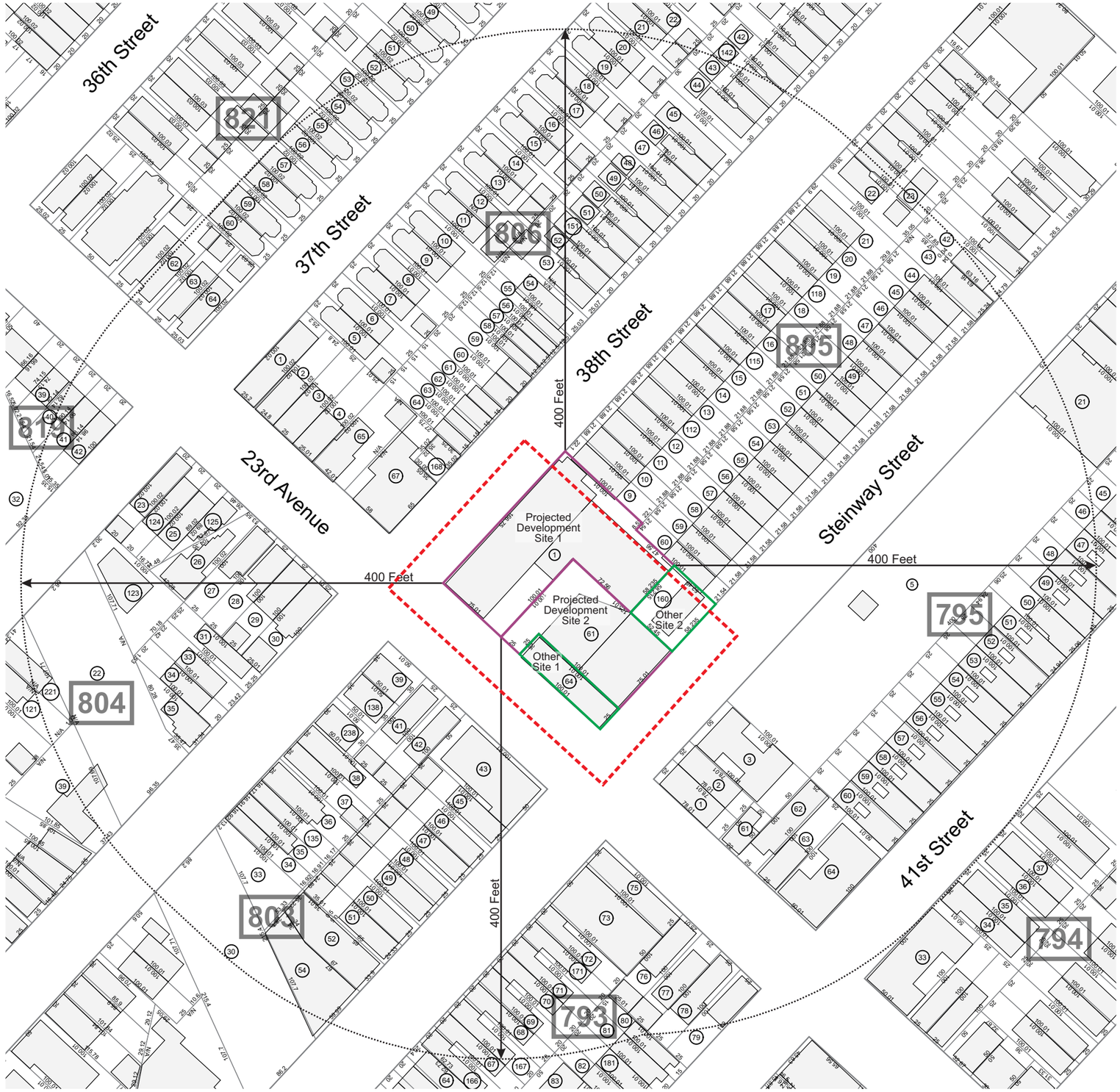
(#) - Lot Numbers (within radius)

- Block Numbers

Proposed Rezoning Area

Projected Development Sites

Other Sites



38-01 23rd Avenue, Queens

Land Use Map

Site Information

Block 805, Lot 1

Zoning Map: 9c

Zoning District: R5D & R5B

Special District: n/a

Lot and Building Information

(#) - Lot Numbers (within radius)

- Block Numbers

I, II, III - Story Height

MD - Multiple Dwelling

D - Dwelling

R - Retail

G - Garage

C - Commercial

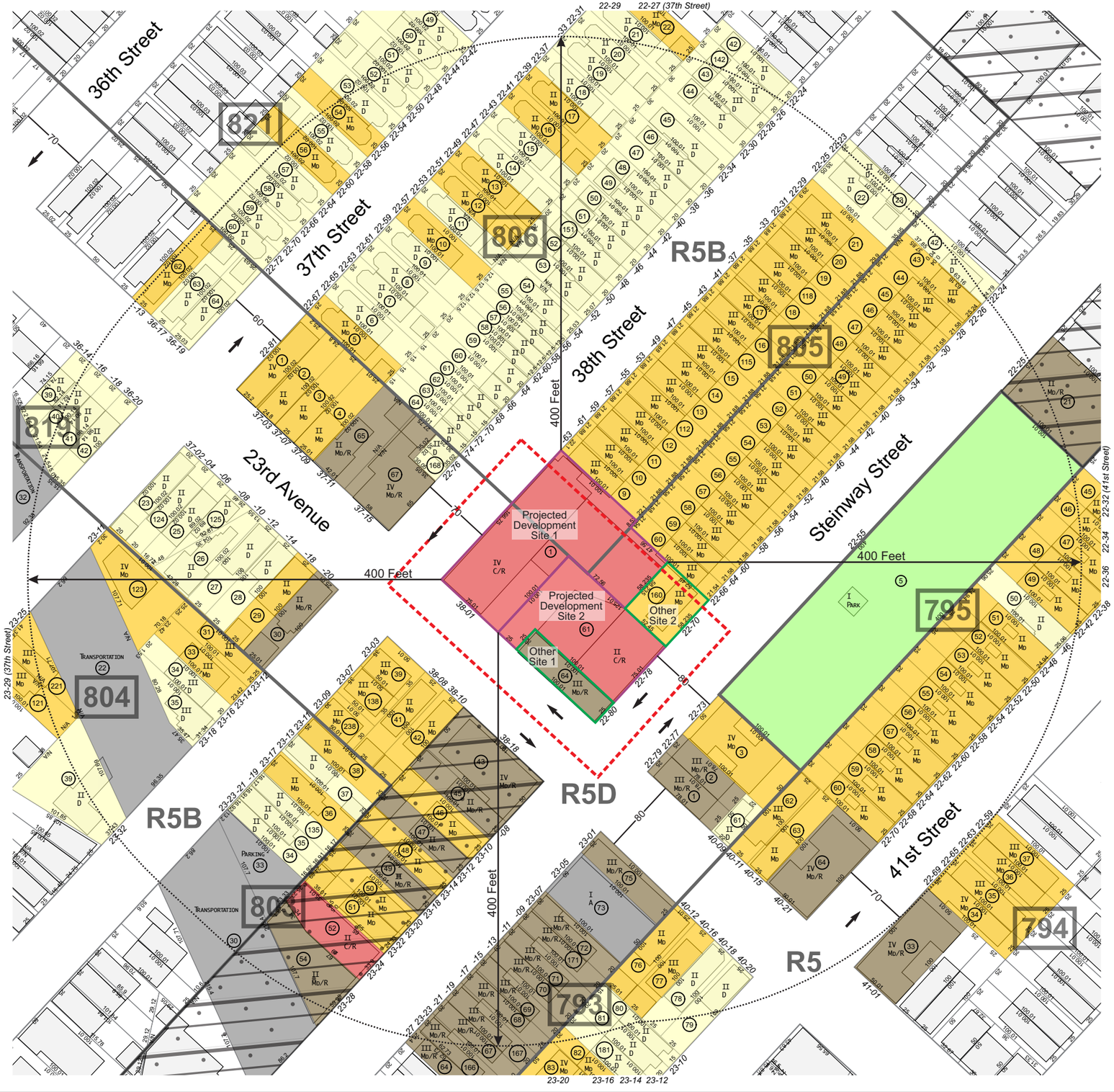
I - Industrial

M - Manufacturing

W - Warehouse

A - Auto

CF - Community Facility



Scale: 0.95" = 100'

North 0 20 50 100

Zoning Districts and Commercial Overlays

C1-1 C2-1

C1-2 C2-2

C1-3 C2-3

C1-4 C2-4

C1-5 C2-5

Zoning District Boundary

Special District Boundary

R7A Zoning District Labels

Land Uses

One and Two-Family Homes

Multiple Dwelling

Commercial

Mixed Use (Residential/Commercial)

Manufacturing

Open Space / Park Land

Institutional / Community Facility

Parking / Automotive

Vacant

Proposed Rezoning Area

Projected Development Sites

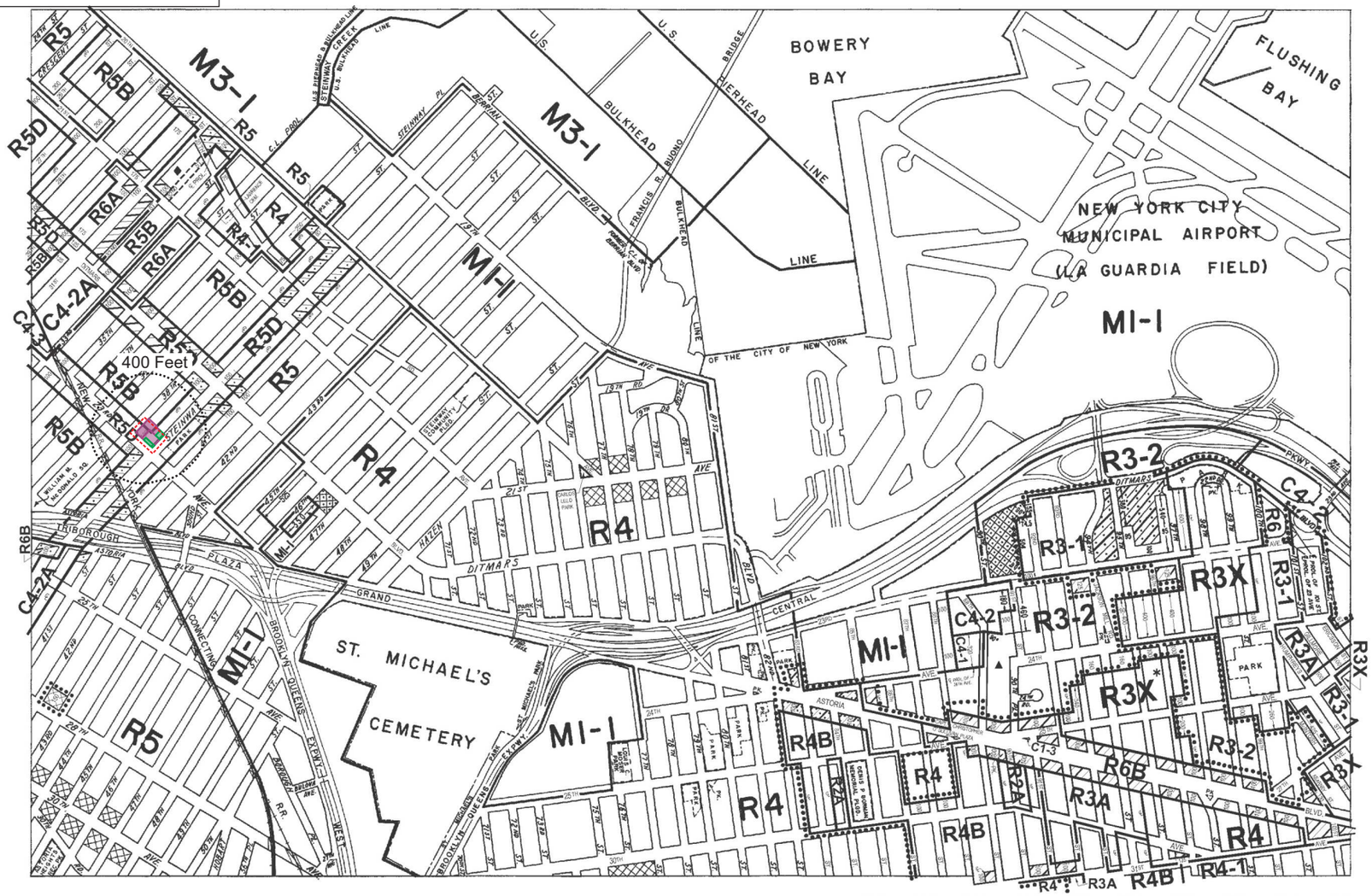
Other Sites

Urban Cartographics 112 West 34th Street 18th Floor New York, NY 10120 718.427.5299 urbancartographics@gmail.com www.urbancartographics.com

Proposed Rezoning Area

Projected Development Sites

Other Sites



C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution.

ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

Major Zoning Classifications:

The number(s) and/or letter(s) that follows an **R**, **C** or **M** District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.

R – RESIDENTIAL DISTRICT

C – COMMERCIAL DISTRICT

M – MANUFACTURING DISTRICT

SPECIAL PURPOSE DISTRICT
The letter(s) within the shaded area designates the special purpose district as described in the text of the Zoning Resolution.

AREA(S) REZONED

Effective Date(s) of Rezoning:

*10-30-2013 C 130344 ZMQ
06-12-2013 C 110398 ZMQ

Special Requirements:

For a list of lots subject to CEQR environmental requirements, see APPENDIX C.

For a list of lots subject to "D" restrictive declarations, see APPENDIX D.

For Inclusionary Housing designated areas on this map, see APPENDIX F.

CITY MAP CHANGES:
▲ 11-15-2013 C 060466 MMQ
◆ AS CORRECTED 06-13-13

N

MAP KEY

6b	6d	7b
9a	**9c**	10a
9b	9d	10b

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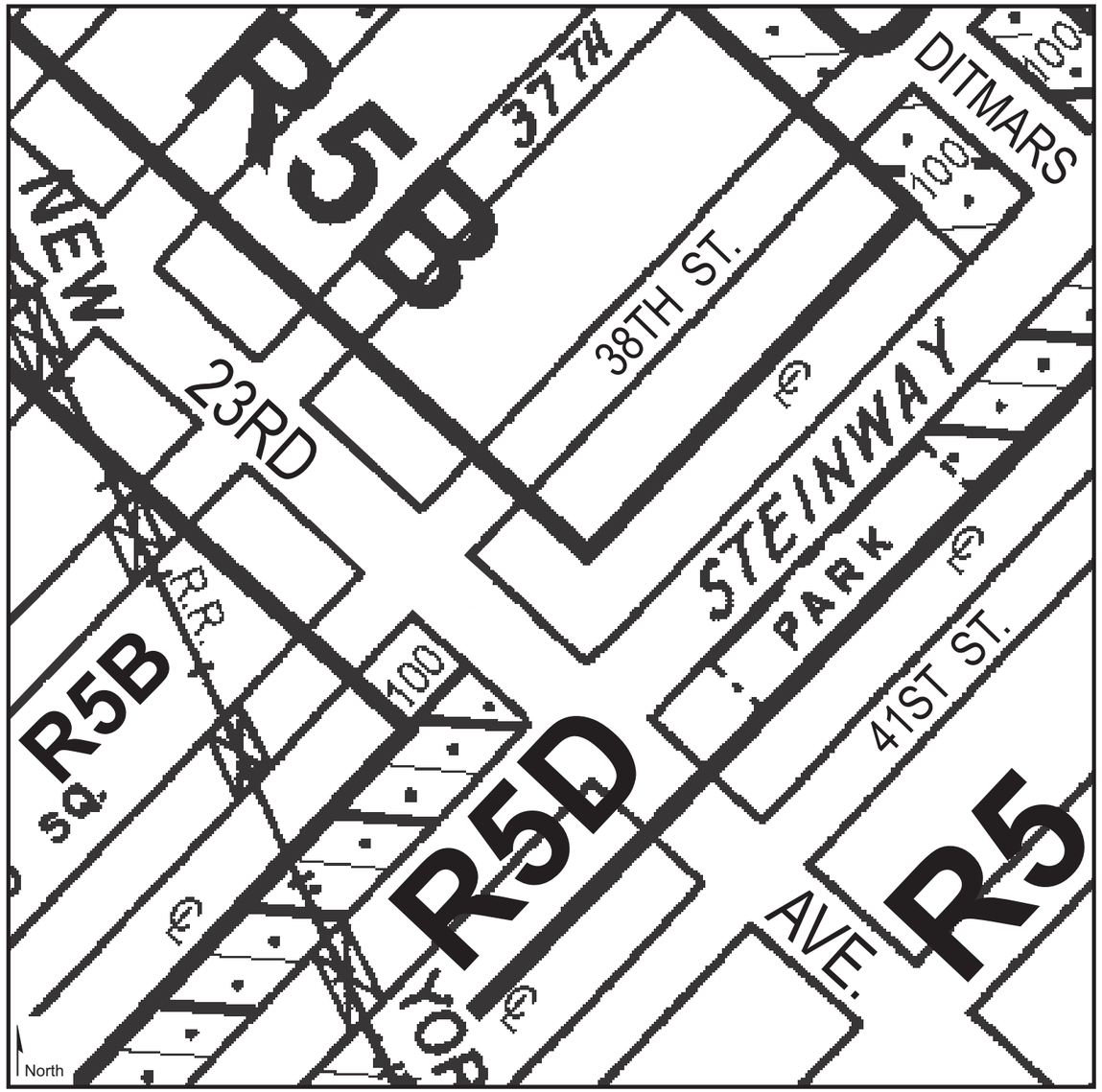
ZONING MAP **9c**

NOTE: Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map, visit the Zoning section of the Department of City Planning website: **www.nyc.gov/planning** or contact the Zoning Information Desk at (212) 720-3291.

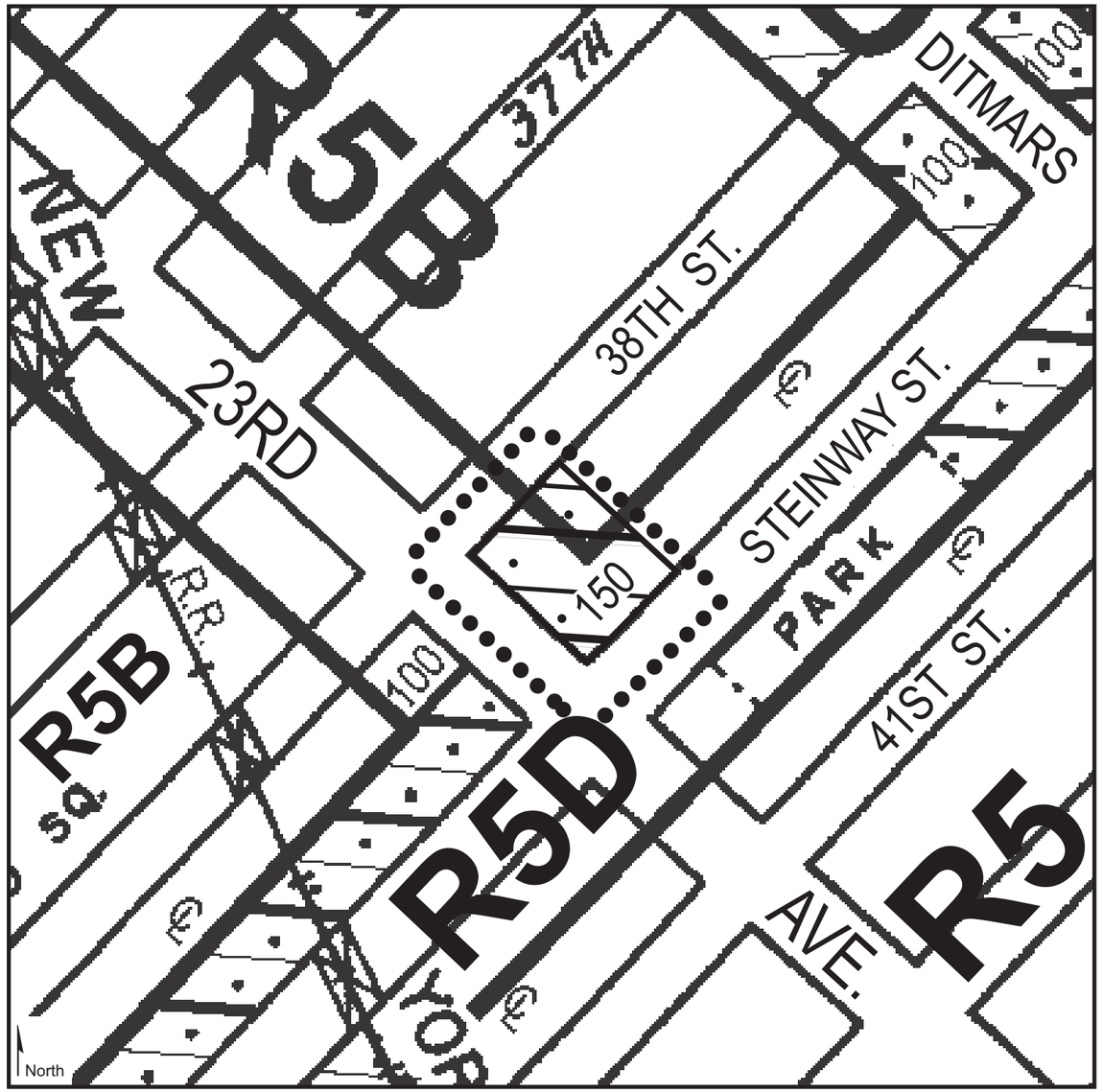

35th Street
36th Street
37th Street
38th Street
400 Feet
Ditmars Boulevard
23rd Avenue
Steinway Street
41st Street
Projected Development Site 1
Other Site 2
Other Site 1
Projected Development Site 2
Proposed Rezoning Area
Projected Development Sites
Other Sites
North

Zoning Change Map

For Illustrative Purposes Only



Current Zoning Map (9c)



Proposed Zoning Map (9c) - Area being rezoned is outlined with dotted lines

Rezoning from R5D to R5D/C2-3
Rezoning from R5B to R5B/C2-3

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

SUPPLEMENTAL REPORT

EAS NARRATIVE ATTACHMENT

23RD AVENUE REZONING

ENVIRONMENTAL ASSESSMENT STATEMENT

INTRODUCTION

Based on the analysis and the screens contained in the Environmental Assessment Statement Form, the analysis areas that require further explanation include land use, zoning, and public policy, air quality, and noise as further detailed below. Urban design and visual resources, hazardous materials, and transportation are also addressed below to provide information about the potential of the project to affect these areas of concern. The section numbers below correspond to the relevant chapters of the 2014 *CEQR Technical Manual.*

4. LAND USE, ZONING, AND PUBLIC POLICY

INTRODUCTION

The Proposed Action could reasonably be assumed to result in 6,600 gross square feet (gsf) of new local retail space in the Affected Area, including 3,050 gsf of floor area added to the existing building on Projected Development Site 2. This scenario is the basis for the lack of anticipated impacts or analysis needed for land use, zoning, and public policy.

EXISTING CONDITIONS

Land Use

Affected Area

The proposed Affected Area (the area subject to the proposed Zoning Map Amendment) is located on Tax Block 805, Lots 1, 61, 64, and 160 in the Astoria neighborhood of Queens, Community District 1.

The existing conditions on the Applicant controlled and the non-Applicant held sites in the Affected Area are described below. Table 4-1 presents a detailed breakdown of square footage by use on each of these sites.

Applicant Controlled Proposed Development Site (Projected Development Site 1)

The Applicant controlled Proposed Development Site (Projected Development Site 1), Block 805, Lot 1, is developed with a 4-story, approximately 48,684 gsf industrial loft building, which has a 1998 CO listing commercial and manufacturing uses. The building contains 3 dwelling units and 33 commercial office, studio, manufacturing, and other units, three of which are vacant (see Building Occupancy Table below). All non-residential uses, with the exception of the yoga studio and the CrossFit establishment occupying approximately 3,550 gsf of floor area in the building, are legal non-conforming uses subject to the provisions of Article V, Chapter 2 of the Zoning Resolution. This loft building is overbuilt with respect to permitted floor area with an FAR of approximately 2.87 on the 16,946 sf lot.

The Development Site has approximately 75 feet of frontage along 23rd Avenue and approximately 167 feet of frontage along 38th Street. A curb cut on 23rd Avenue provides access to a non-required loading berth at the cellar level, used primarily by customers of the music

recording studio, Astoria Sound Works. A second curb cut fronting on 38th Street toward the northern end of the building provides access to a loading dock at the level of the raised first floor that is accessible by all ground floor tenants in the building, but is used primarily by the sign storage tenant in the eastern single-story portion of the building.

38-01 23rd Avenue, Astoria

Building Occupancy

Space	Occupant	1st date	Use Group	Allowed by ZR 52-332	Allowed in C2
Cellar	Music Rehearsal Spaces	1/1/1998	UG 9	YES	YES
101	Tattoo Artist	3/1/2012	UG 6	YES	YES
101	Medical Office: Acupuncture	3/1/2012	UG 4	N/A	YES
103	Gym: CrossFit Establishment	3/1/2016	PCE	NO	YES, via BSA
104	Warehouse: Sign Storage	6/1/2013	UG 17	YES	NO
200	Dwelling Unit	1995	UG 2	N/A	YES
201	Bikram Yoga	8/1/2014	PCE	NO	YES, via BSA
203	Catering/Event Space	1/1/2016	UG 9	YES	YES
204	Public Utility: Cell Tower Electrical Room	9/1/1995	UG 6	YES	YES
301	Clothing Sales By Appointment: Mens Apparel	11/1/1999	UG 6	YES	YES
302	Dwelling Unit	1999	UG 2	N/A	YES
303	Studio: Music Recording	7/1/2006	UG 9	YES	YES
304	Audio Equipment Rental for Events	10/1/2007	UG 9	YES	YES
305	Studio: Music Production	6/1/2002	UG 9	YES	YES
306	Art Studio: Sculpting Teacher	10/15/2011	UG 9	YES	YES
307, 309	Office: Window Contractor	8/1/2002	UG 6	YES	YES
308	Office: CPR Training	2/1/2016	UG 6	YES	YES
310	Office	Vacant	UG 6	YES	YES
311	Office: Wedding Invitation Design	10/1/2005	UG 6	YES	YES
314	Studio: Music Production	10/1/2004	UG 9	YES	YES
315	Office: Mechanical Engineering	3/1/2009	UG 6	YES	YES
316	Office	Vacant	UG 6	YES	YES
400	Office	Vacant	UG 6	YES	YES
401	Studio: Podcast Studio	12/1/2017	UG 9	YES	YES
402	Dwelling Unit	2004	UG 2	N/A	YES
403	Office: Mechanical Consultant	4/1/2012	UG 6	YES	YES
405	Office: Psychotherapy	7/1/2016	UG 4/6	YES	YES

410	Office: Music Mastering	2/1/2018	UG 9	YES	YES
407, 409	Office: Online Police Equipment Supply	2/1/2004	UG 6	YES	YES
411	Office: Online Hobby Retail - model cars	2/1/2004	UG 6	YES	YES
408	Office: Procurement Specialist	7/1/2012	UG 6	YES	YES
412	Office: Jewelry Design	10/1/2012	UG 6	YES	YES
413	Office: Studio Artist	8/1/2017	UG 9	YES	YES
414	Office: Veterans Organization	6/1/2016	UG 6	YES	YES
415	Office: Electrical Contractor	6/25/2015	UG 6	YES	YES
416	Office: General Contractor	7/5/2016	UG 6	YES	YES

Non-Applicant Controlled Sites

Projected Development Site 2 (Block 805, Lot 61) consists of a 10,002 sf lot developed with a 2-story residential, commercial, and manufacturing building totaling approximately 10,923 gsf with a built FAR of approximately 1.09. Based on the Building Occupancy table included below, the cellar of the building contains a UG 16 auto repair shop and a UG 17 light manufacturing use; the first floor contains a UG 6 tax preparation office and a UG 17 light manufacturing use; and the second floor contains UG 2 residential apartments. Based on a field survey conducted by Urban Cartographics on September 20, 2018, a paint spray booth appears to be part of Jan's Auto Body shop located on the site's 23rd Avenue frontage (38-03 23rd Avenue). Used car sales are being conducted in the driveway and parking lot of the autobody shop. Four dwelling units appear to be on the second floor of the building's Steinway Street frontage (22-78 Steinway Street). All non-residential uses on the lot are legal non-conforming uses subject to the provisions of Article V, Chapter 2 of the Zoning Resolution.

Other Site 1 (Block 805, Lot 64) consists of a 2,500 sf lot developed with a 3-story, approximately 5,250 gsf residential and commercial building with a built FAR of approximately 2.1. Based on the Building Occupancy table included below and the field survey noted above, the building contains two ground floor retail units, including a UG 6 eating and drinking establishment (café) and a UG 6 carpet and tiles sales store and showroom (together approximately 2,500 gsf); UG 6 accessory garage/storage on the building's first floor; and four UG 2 residential dwelling units on the second and third floors above (together approximately 2,750 gsf). Cellar uses are not known. All non-residential uses on the lot are legal non-conforming uses subject to the provisions of Article V, Chapter 2 of the Zoning Resolution.

Other Site 2 (Block 805, Lot 160) consists of a 3,016 sf lot occupied by a 3-story, approximately 2,895 gsf residential walk-up building containing 3 dwelling units with an FAR of approximately 0.96. Based on the Building Occupancy table included below and the field survey noted above, the building's cellar includes residential accessory uses; the first floor contains residential space and a garage; and residential apartments are located on the building's second and third floors.

Table 4-1
Existing Uses in the Affected Area

Lot	Lot Size (sf)	Total GSF	No. of DUs	Resid GSF	Com'l GSF	Com Facil GSF	Manuf GSF
1	16,946	48,684	3	6,500	36,669	1,395	4,120
61	10,002	10,923	4	3,973	0	0	6,950
64	2,500	5,250	4	2,750	2,500	0	0
160	3,016	2,895	3	2,895	0	0	0
Total	**32,464**	**67,752**	**14**	**16,118**	**39,169**	**1,395**	**11,070**

Study Area

The primary study area extends approximately 400 feet in all directions from the boundaries of the Affected Area. The study area is roughly bounded by an area between 23rd Avenue and Ditmars Boulevard on the north, an area between 23rd Avenue and 23rd Road on the south, 41st Street to the east, and an area between 36th and 37th Streets to the west. Information was obtained from the NYC PLUTO database and from a field survey conducted by Urban Cartographics on September 20, 2018. The results of the field survey are described under the discussion of Projected Development Site 2 above.

The area surrounding the Affected Area is primarily characterized by a mixture of two- to three-story, one-, two-, and multi-family dwellings, a number of which contain ground floor retail uses. The Affected Area is bordered by 23rd Avenue to the south, 38th Street to the west, Steinway Street to the east, and three lots developed with 3-story multiple dwellings to the north on Block 805. The only other uses within the 400-foot radius project study area include Ditmars Park, a roughly 1-acre public park on Block 795 to the east along Steinway Street mid-block between 23rd Avenue and Ditmars Boulevard; a parking lot on Block 793 to the south; and a railroad right-of-way that cuts diagonally through Blocks 803, 804, and 819 to the south of the Affected Area. The Affected Area is the only location within the project study area that is primarily developed with commercial and manufacturing uses.

Zoning

Affected Area

Projected Development Site 1, with a lot area of approximately 16,946 square feet, includes approximately 10,273 square feet zoned R5D and approximately 6,675 square feet zoned R5B. Projected Development Site 2 and Other Sites 1 and 2 within the Affected Area are zoned R5D.

The R5D contextual zoning district is designed to encourage new development along major streets in auto-dependent areas of the city. R5D districts serve as a transition between lower-density districts and moderate-density districts by incorporating the lot area, lot width and building envelope of R5B districts with certain aspects of the Quality Housing Program available in R6 through R10 districts relating to interior building amenities, planting and the location of accessory parking. Lot coverage requirements are the same as for R6B districts. The R5D district is characterized by moderate density, multi-family housing and

allows a residential FAR of 2.0 and a community facility FAR of 2.0. The district limits building heights to 40 feet and requires parking for two-thirds of all dwelling units. The R5D zoning district regulations also require the provisions of one parking space per 500 square feet of floor area for Use Group 4 ambulatory diagnostic or treatment health care facilities.

The R5B zoning district is primarily a three-story rowhouse district. The R5B district also permits detached and semi-detached buildings. The R5B district permits a maximum FAR of 1.35 with a maximum building height of 33 feet. The R5B district permits a maximum residential FAR of 1.35 and a community facility FAR of 2.0. Parking is waived for one- and two-family dwellings but is required for two-thirds of the dwelling units in multi-family developments.

Study Area

Most of the area within 400 feet of the Affected Area is similarly zoned R5D and R5B which are described above. Most of the 400-foot radius project study area to the north and west of the mid-block of Block 805 on which the Affected Area is located is zoned R5B while the project study area to the east of the mid-block is zoned R5D. The blockfronts to a depth of approximately 100 feet along both sides of 23rd Avenue are also zoned R5D. Other zoning districts within the project study area include an R5 district mapped east of the mid-block of Blocks 793 and 795 to the east of the Affected Area and C2-3 commercial overlays mapped on portions of Blocks 793 and 803 directly to the south and at the opposite ends of Block 805 and the adjacent Blocks 795 and 806[1].

The R5 zoning district allows all housing types including detached, semi-detached, attached and multi-family residences as well as community facility uses. The maximum FAR for all housing types is 1.25 with a community facility FAR of 2.0 and the maximum street wall and total building heights are 30 and 40 feet, respectively. Detached houses must have two side yards that total at least 13 feet, each with a minimum width of five feet. Semi-detached houses need one eight-foot wide side yard. Multi-family buildings need two side yards, each at least eight feet wide. Off-street parking is required for 85% of the dwelling units in a building.

The C2-3 overlay is intended to accommodate the retail and personal service shops needed in residential neighborhoods, and is intended to permit a wider range of local retail and service establishments and to serve a wider neighborhood than C1 districts. Residential uses are permitted within these overlays with residential bulk being governed by the provisions of the surrounding residential district. Parking requirements vary by use within the C2-3 district.

Public Policy

Affected Area/Study Area

The Affected Area and the 400-foot radius project study area are not located within any designated Historic Districts and do not contain any individually designated historic resources. The Areas are therefore not subject to any New York City or New York State landmarks

[1] The commercial overlays on blocks 793 and 803 to the south are incorrectly shown as C2-2 overlays on ZoLa. The data properties on Zola also incorrectly state that they are C2-2 overlays. They are in fact C2-3 overlays as indicated on zoning map 9c. This error has been brought to the attention of City Planning staff.

preservation regulations. The Areas are not located within the City's Coastal Zone Boundary and are therefore not subject to the provisions of the New York City Waterfront Revitalization Program. The Areas are not covered by any 197-a or other community plans, and are not within an urban renewal area and are therefore not subject to the provisions of an urban renewal plan. Therefore, no public policies would apply to the Affected Area or the Study Area.

THE FUTURE WITHOUT THE PROJECT

Land Use, Zoning and Public Policy

Affected Area

In the future without the action, the Reasonable Worst Case Development Scenario (RWCDS) would reflect the following assumptions:

Without the Proposed Action, it is assumed the Affected Area's existing R5B and R5D zoning would remain and the proposed C2-3 commercial overlay would not be mapped over the Affected Area. No new development would occur on the four lots within the Affected Area. All existing uses in the Affected Area would remain with the exception of the yoga studio and the CrossFit establishment occupying approximately 3,550 gsf of floor area on Block 805, Lot 1. These establishments would not be allowed to remain because it would not be possible to bring these uses into compliance through Physical Culture Establishment Special Permits from the BSA, which require a commercial district of C2 or above. It is assumed that the spaces the yoga studio and CrossFit establishment occupy would be occupied by permitted community facility uses.

The following assumptions would apply to the four lots within the Affected Area:

Projected Development Site 1 – This parcel is zoned R5B/R5D. The R5B district permits a maximum residential FAR of 1.35 and a maximum community facility FAR of 2.0. The R5D district permits a maximum residential and community facility FAR of 2.0. The adjusted maximum FAR on this lot is 1.75. The existing building on this lot has an FAR of 2.87 and is therefore overbuilt with respect to the permitted R5B/R5D FAR. No new development would be allowed. All non-residential uses on the lot, with the exception of the yoga studio and the CrossFit establishment occupying approximately 3,550 gsf of floor area, are legal non-conforming uses. These non-conforming uses, together with the residential uses in the building are anticipated to remain. The yoga studio and the CrossFit establishment would not be allowed to remain. It is assumed that the spaces that the yoga studio and CrossFit establishment occupy would become community facility uses as the building is overwhelmingly commercially occupied and the location and layout of these spaces are not desirable for new residential occupancy.

Projected Development Site 2 – This parcel is zoned R5D which permits a maximum residential and community facility FAR of 2.0. The existing building on this lot has an FAR of 1.09. An additional 9,081 gsf of residential or community facility development would be allowed. However, no new residential or community facility development is anticipated as the lot is developed in excess of 50% of the permitted FAR of 2.0, there are currently no plans for any development on this lot, and there is currently no potential for a merger with any adjacent lots in the Affected Area. Therefore, the existing 2-story residential, commercial, and manufacturing building containing an auto paint spray booth, a used auto sales establishment, a firearms sales

establishment, and 4 dwelling units and totaling approximately 10,923 gsf with a built FAR of approximately 1.09 is expected to remain.

Other Site 1 – This parcel is zoned R5D which permits a maximum residential and community facility FAR of 2.0. The existing building on this lot has an FAR of 2.1. Due to the existing floor area exceeding the total permitted FAR of 2.0, no new floor area of any use could be constructed. Therefore, the existing 3-story, mixed-use building containing two ground floor retail units and four residential dwelling units and totaling approximately 5,250 gsf with a built FAR of approximately 2.1 is expected to remain. Existing non-conforming commercial uses are legal, and would be expected to remain on the Site under the Future No-Action scenario.

Other Site 2 – This parcel is zoned R5D which permits a maximum residential and community facility FAR of 2.0. The existing building on this lot has an FAR of 0.96. However, no new residential or community facility development is anticipated as the lot is small (less than 5,000 sf), there are currently no plans for any development on this lot, and there is currently no potential for a merger with any adjacent lots in the Affected Area. Therefore, the existing 3-story, approximately 2,895 gsf residential walk-up building containing three dwelling units with an FAR of approximately 0.96 is expected to remain.

Table 4-2 presents a detailed breakdown of square footage by use on each of these sites under the Future No-Action scenario.

Table 4-2

Future No-Action Uses in the Affected Area

Lot	Lot Size (sf)	Total GSF	No. of DUs	Resid GSF	Com'l GSF	Com Facil GSF	Manuf GSF
1	16,946	48,684	3	6,500	33,119	4,945	4,120
61	10,002	10,923	4	3,973	0	0	6,950
64	2,500	5,250	4	2,750	2,500	0	0
160	3,016	2,895	3	2,895	0	0	0
Total	**32,464**	**67,752**	**14**	**16,118**	**35,619**	**4,945**	**11,070**

Study Area

No development plans are known to exist for the 400-foot radius project study area by the project build year of 2023. No new development projects have been identified for the 400-foot radius project study area based on a review of the CEQR listings of the NYC Department of City Planning's (DCP) Land Use & CEQR Application Tracking System (LUCATS) back to 2010 for Queens Community District 1.

Based on a review of the CEQR listings of the DCP's LUCATS list for Queens Community District 1, no rezonings are proposed for the 400-foot radius project study area by the project build year of 2023. In addition, the DCP website does not indicate any proposed changes to the zoning districts and zoning regulations or to any public policy documents relating to the project site or the surrounding study area in the near future.

THE FUTURE WITH THE PROJECT

Land Use

In the future with the action, the RWCDS would reflect the following assumptions:

Under the With-Action Scenario, a C2-3 commercial district overlay would be mapped over an existing R5B/R5D residential district, to a depth of 150 feet from the north side of 23rd Avenue between 38th Street and Steinway Street, the Affected Area. However, no new development or enlargement is proposed or anticipated in connection with this land use action. Therefore, the existing uses in the Affected Area are expected to remain. The existing non-conforming commercial uses in the Affected Area would become conforming uses, and the owner of the Applicant property on Projected Development Site 1 would be eligible to be brought into compliance, through an application to the Board of Standards and Appeals, an existing yoga studio and CrossFit establishment occupying approximately 3,550 gsf of floor area in his building. Existing manufacturing uses on Projected Site 2 would remain legally non-conforming. The With-Action RWCDS for the Proposed Development Site would be the same as the proposed development described above. Once the C2-3 zoning is in effect, the owners of the four properties in the Project Area will have the flexibility to change existing uses to any use permitted as-of-right in C2 districts and will not be limited to changing to Use Group 6 as when subject to the non-conforming use provisions of ZR 52-34 (Commercial Uses in Residence Districts).

The maximum commercial FAR of 2.0 allowed under the C2-3 commercial overlay in the R5D district would technically permit the development of up to 12,218 gsf of commercial floor area on Projected Development Site 2 and Other Site 2 in the Affected Area including 9,081 gsf on Projected Development Site 2 and 3,137 gsf on Other Site 2. However, for mixed buildings in R5 districts with commercial overlays, where no Article 1, Chapter 5 conversion is occurring, commercial uses are limited to the ground floor of the building. On this basis, it is assumed that the C2-3 commercial overlay would permit the development of up to 5,101 gsf of commercial floor area on Projected Development Site 2 and Other Site 2 in the Affected Area including 3,050 gsf on Projected Development Site 2 and 2,051 gsf on Other Site 2. However, no additional development would be anticipated on Other Site 2 as existing ground floor residential use prevents the addition of commercial bulk to the rear (within the required residential rear yard) or in the front (obstructing legal windows or access to required parking). No additional development would be anticipated on Other Site 1 which is overbuilt by 0.1 FAR with respect to the total floor area ratio of 2.0 permitted. All non-conforming uses on Other Site 1 are currently legal; no changes in existing uses are anticipated between the no action and with-action scenarios. Because it is unlikely that residential use will be eliminated in these buildings, development would not be anticipated to occur as further explained below. No additional development would occur on Projected Development Site 1 which already exceeds the adjusted maximum permitted FAR of 1.75.

The With-Action Scenario for the Applicant property has been determined based on the provisions of the C2-3 commercial district overlay and the Applicant's stated intent to bring into compliance certain existing uses in the building on Projected Development Site 1. Although there are currently no plans for any development on Projected Development Site 2 and there is currently no potential for a merger with any adjacent lots in the Affected Area, the permitted development of up to approximately 3,050 gsf of new commercial space could occur on this lot.

The proposed additional square footage has the potential to result in additional build out of the existing building on the Site. No additional development would be permitted on Other Site 1 which is overbuilt by 0.1 FAR with respect to the total floor area ratio of 2.0 permitted. The permitted development of up to approximately 2,051 gsf of commercial space on Other Site 2 is not expected to occur as the lot is small (less than 5,000 sf), there are no plans for any development on this lot, there is no potential for a merger with any adjacent lots in the Affected Area, and existing ground floor residential use prevents the addition of commercial bulk to the rear (within the required residential rear yard) or in the front (obstructing legal windows or access to required parking).

Table 4-3 presents a detailed breakdown of square footage by use on each of these sites under the Future With-Action scenario.

The Project Build Year is 2023. It is assumed that the proposed rezoning would be approved by 2019. No new construction would occur on the Applicant's Projected Development Site 1 or on Other Site 1 as they are both overbuilt. No new construction would occur on Other Site 2 as existing ground floor residential use prevents the addition of commercial bulk to the rear (within the required residential rear yard) or in the front (obstructing legal windows or access to required parking). A limited amount of new construction could occur on Projected Development Site 2 as explained above.

The existing/proposed uses are similar to and compatible with the existing uses located in the surrounding area. No adverse impact to land use patterns in the area is expected to arise as a result of the proposed project, and further assessment of land use is not warranted.

Table 4-3
Future With-Action Uses in the Affected Area

Lot	Lot Size (sf)	Total GSF	No. of DUs	Resid GSF	Com'l GSF	Com Facil GSF	Manuf GSF
1	16,946	48,684	3	6,500	36,669	1,395	4,120
61	10,002	13,973	4	3,973	3,050	0	6,950
64	2,500	5,250	4	2,750	2,500	0	0
160	3,016	2,895	3	2,895	0	0	0
Total	**32,464**	**70,802**	**14**	**16,118**	**42,219**	**1,395**	**11,070**

ZONING

The Proposed Action includes a Zoning Map Amendment to Sectional Map # 9c to establish a C2-3 commercial district overlay over an existing R5B/R5D residential district, to a depth of 150 feet from the north side of 23rd Avenue between 38th Street and Steinway Street, the Affected Area. Commercial uses are not permitted in R5B and R5D districts. No new development or enlargement is proposed in connection with this land use action. The proposed rezoning would allow the Applicant to align the zoning of the Applicant property (Projected Development Site 1) with the range of existing commercial uses on the parcel and to allow the owner to bring into compliance, through an application to the Board of Standards and Appeals, an existing yoga

studio and CrossFit establishment that service the surrounding community. The proposed rezoning would also result in the existing legal non-conforming commercial uses on Projected Site 2 and Other Lot 1 becoming conforming uses. Existing manufacturing uses on Projected Site 2 would remain non-conforming. Once the C2-3 zoning is in effect, the owners of the four properties in the Affected Area will have the flexibility to change existing uses to any use permitted as-of-right in C2 districts and would not be bound by the limitations of Article V, Chapter 2 (Non-Conforming Uses).

All of Block 805, on which the Affected Area is located, was mapped as an R5 district in 1961. At that time a C1-2 commercial overlay was mapped within 150 feet of Ditmars Boulevard at the opposite end of the block from the Affected Area. The Astoria Rezoning of 2010 (C100199ZMQ) changed the R5 districts on the block to a combination of R5B and R5D districts. However, the Applicant property, occupied predominantly by pre-existing commercial and manufacturing uses, remained subject to residential zoning. While the rezoning established new commercial overlays in adjacent locations to recognize existing commercial land use patterns and provide new business location opportunities, the Affected Area was not included in this action.

The mapping of a C2-3 commercial overlay to a depth of 150 feet from the north side of 23rd Avenue between 38th Street and Steinway Street would be consistent with the existing commercial overlays in the surrounding area. Specifically, there is a C2-3 commercial overlay along the west side of Steinway Street directly south of 23rd Avenue from the Affected Area. There is also a C2-3 commercial overlay mapped along the northern frontage of the block on which the Affected Area is located and along the eastern frontage of Steinway Street immediately east of this area.

The proposed commercial overlay is appropriate in this location because it will reflect the existing commercial character in terms of use and bulk within the Affected Area. This was also a stated goal of the 2010 Rezoning which mapped or extended commercial overlays along several segments of surrounding avenues. The C2-3 overlay was selected based on the standard depth to which such districts are mapped and because C2-3 overlays were deemed appropriate for this area when they were applied in the 2010 Rezoning on Blocks 793 and 803 directly to the south and at the opposite ends of Block 805 and the adjacent Blocks 795 and 806[2]. When C2-3 districts were mapped in the 2010 Rezoning, the primary planning rationale was to reduce the accessory off-street parking requirement. In order to limit commercial intrusion into the residential narrow street portions of blocks to match the existing C2-2 overlay depths, the C2-3 overlays were mapped to a non-standard depth of 100 feet. The proposed C2-3 overlay would be mapped to the standard depth of 150 feet, as set forth in ZR 76-131, in order to sufficiently cover the Affected Area to reflect the existing conditions created by the presence of the Applicant's building in which the existing character does not reflect traditional narrow street midblock residential buildings.

The maximum commercial FAR permitted by the C2-3 commercial overlay is 2.0 in the R5D district. C2 districts allow for a slightly wider array of commercial uses than C1 districts,

[2] The commercial overlays on blocks 793 and 803 to the south are incorrectly shown as C2-2 overlays on ZoLa. The data properties on Zola also incorrectly state that they are C2-2 overlays. They are in fact C2-3 overlays as indicated on zoning map 9c. This error has been brought to the attention of City Planning staff.

including bicycle rental and repair shops, automobile rental establishments, and physical culture or health establishments (pursuant to a Board of Standards and Appeals Special Permit).

The Proposed Action would not result in significant adverse zoning impacts. The Proposed Action would not have a significant impact on the extent of conformity with the current zoning in the surrounding area, and it would not adversely affect the viability of conforming uses on nearby properties.

Potentially significant adverse impacts related to zoning are not expected to occur as a result of the Proposed Action, and further assessment of zoning is not warranted.

Public Policy

No adverse impacts to public policies would occur as a result of the Proposed Action. As explained above, no public policies pertain to the Affected Area.

No potentially significant adverse impacts related to public policy are anticipated to occur as a result of the Proposed Action, and further assessment of public policy is not warranted.

10. URBAN DESIGN AND VISUAL RESOURCES

Introduction

The Affected Area would not experience any urban design or visual resource impacts under the proposed rezoning. An assessment of urban design and visual resources is needed when a project may have effects on any of the elements that contribute to the pedestrian experience of public space. A preliminary assessment is appropriate when there is the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning, including the following:

1. Projects that permit the modification of yard, height, and setback requirements;

2. Projects that result in an increase in built floor area beyond what would be allowed 'as-of-right' or in the future without the proposed project.

An urban design assessment would not be required for the Proposed Action as the proposed development does not request the modification of yard, height, and setback requirements nor would it result in an increase in built floor area beyond what would be allowed 'as-of-right' or in the future without the proposed project as further discussed below.

No new development or enlargement is proposed in connection with this land use action and the existing uses in the Affected Area are expected to remain. The Proposed Action solely seeks to map a C2-3 commercial district overlay over an existing R5B/R5D residential district, to a depth of 150 feet from the north side of 23rd Avenue between 38th Street and Steinway Street, the Affected Area. Once the C2-3 zoning is in effect, the owners of the four properties in the Affected Area will have the flexibility to change existing uses to any use permitted as-of-right in C2 districts, and additional commercial floor area would be permitted on Projected Development Site 2.

The rezoning would not be anticipated to induce significant new development within the Affected Area as further discussed below.

- No additional floor area of any kind would be permitted on Projected Development Site 1 and Other Site 1 which are both overbuilt with respect to the total permitted floor area ratio of 1.75 and 2.0, respectively.

- The maximum commercial FAR of 2.0 allowed under the C2-3 commercial overlay would technically permit the development of up to 12,218 gsf of commercial floor area on Projected Development Site 2 and Other Site 2 in the Affected Area including 9,081 gsf on Projected Development Site 2 and 3,137 gsf on Other Site 2. However, for mixed buildings in R5 districts with commercial overlays, where no Article 1, Chapter 5 conversion is occurring, commercial uses are limited to the ground floor of the building. On this basis, it is assumed that the C2-3 commercial overlay would permit the development of up to 5,101 gsf of commercial floor area on Projected Development Site 2 and Other Site 2 in the Affected Area including 3,050 gsf on Projected Development Site 2 and 2,051 gsf on Other Site 2. No additional development would be anticipated on Other Site 2 as existing ground floor residential use prevents the addition of commercial bulk to the rear (within the required residential rear yard) or in the front (obstructing legal windows or access to required parking). It is not anticipated that existing ground floor residential space would be displaced to accommodate new commercial floor space when the maximum FAR permitted would remain at 2.0. The potential development of 3,050

gsf of commercial space on Projected Development Site 2 would be located on a new third floor along the Steinway Street frontage of the lot (see Site Plan and Axonometric Diagrams in the Architectural Plans Appendix to this report).

In summary, the Proposed Action would result in a maximum potential new development of 3,050 gsf of commercial space on Projected Development Site 2. This potential development would be located on a new third floor added to the existing building on this property along the Steinway Street frontage of the lot. The development of any additional square footage on this Site would be constructed in conformance with yard, height, and setback requirements pursuant to zoning and would not result in an increase in built floor area beyond what is currently allowed as-of-right as the total permitted FAR on the lot would remain at 2.0.

There is one visual resource near the Affected Area, that being Ditmars Park, a roughly 1-acre public park on Block 795 to the east of the Affected Area along Steinway Street mid-block between 23rd Avenue and Ditmars Boulevard. The Proposed Action would not affect this visual resource. The change in permitted uses on any of the four properties in the Affected Area facilitated by the proposed mapping of the C2-3 commercial overlay would not constitute an impact relative to urban design or visual resources.

The Proposed Action would only result in potential new development on Projected Development Site 2 which would be limited to a new third floor added to the existing building on this property along the Steinway Street frontage of the lot. As stated above, the development of any additional square footage on this Site would be constructed in conformance with yard, height, and setback requirements pursuant to zoning and would not result in an increase in built floor area beyond what would be allowed as-of-right as the total permitted FAR on the lot would remain at 2.0. Therefore, the action would not result in the obstruction of any publicly accessible views to visual resources.

Preliminary Assessment

Although the Proposed Action would not change the allowed bulk, the project could result in a change in the street level design. Therefore, the following preliminary screening has been prepared.

Existing Conditions

The Affected Area is located on Tax Block 805, Lots 1, 61, 64, and 160 in the Astoria neighborhood of Queens, Community District 1.

The Applicant controlled Proposed Development Site (Projected Development Site 1), Block 805, Lot 1, is developed with a 4-story, approximately 48,684 gsf industrial loft building on a 16,946 sf lot. The building contains 3 dwelling units and 33 commercial office, studio, manufacturing, and other units, three of which are vacant. The Development Site has approximately 75 feet of frontage along 23rd Avenue and approximately 167 feet of frontage along 38th Street. A curb cut on 23rd Avenue provides access to a loading berth at the cellar level. A second curb cut fronting on 38th Street toward the northern end of the building provides access to a loading dock at the level of the raised first floor.

Projected Development Site 2 (Block 805, Lot 61) consists of a 10,002 sf lot developed with a 2-story residential, commercial, and manufacturing building totaling approximately 10,923 gsf. The cellar of the building contains an auto repair shop and a light manufacturing use; the first

floor contains a tax preparation office and a light manufacturing use; and the second floor contains four residential apartments. Used car sales are being conducted in the driveway and parking lot of the autobody shop.

Other Site 1 (Block 805, Lot 64) consists of a 2,500 sf lot developed with a 3-story, approximately 5,250 gsf residential and commercial building. The building contains two ground floor retail units, including a café and a carpet and tiles sales store and showroom; accessory garage/storage on the building's first floor; and four residential dwelling units on the second and third floors above.

Other Site 2 (Block 805, Lot 160) consists of a 3,016 sf lot occupied by a 3-story, approximately 2,895 gsf residential walk-up building containing 3 dwelling units and accessory garage and storage.

The area within a 400-foot radius of the Affected Area is primarily characterized by a mixture of two- to three-story, one-, two-, and multi-family dwellings, a number of which contain ground floor retail uses. The Affected Area is bordered by 23rd Avenue to the south, 38th Street to the west, Steinway Street to the east, and three lots developed with 3-story multiple dwellings to the north on Block 805. The only other uses within the 400-foot radius project study area include Ditmars Park, a roughly 1-acre public park and visual resource on Block 795 to the east along Steinway Street mid-block between 23rd Avenue and Ditmars Boulevard; a parking lot on Block 793 to the south; and a railroad right-of-way that cuts diagonally through Blocks 803, 804, and 819 to the south of the Affected Area. The Affected Area is the only location within the project study area that is primarily developed with commercial and manufacturing uses.

An aerial photograph of the project study area and ground level photographs of the Affected Area and the immediate context are attached illustrating existing streetscape conditions. Zoning calculations of the existing conditions on the site, including floor area calculations, lot coverage, and building heights, are shown in Table 10-1 below.

No-Action Scenario

Under the No-Action Scenario for the Project Build Year of 2023, it is assumed that there would be no changes to Projected Development Site 2, Other Site 1, or Other Site 2. The No-Action Scenario would involve the conversion of the illegal nonconforming uses on Projected Development Site 1 (yoga studio and CrossFit establishment) to conforming uses. As these uses would be within the existing building on Projected Development Site 1, they would not affect the exterior appearance of the building.

The future No-Action Development Scenario would not result in any changes to the existing urban design and visual character of the Project Area and would not result in any impacts to the visual resources in the vicinity of the site.

Zoning calculations of future No-Action conditions in the Affected Area, including floor area calculations, lot coverage, and building heights, are shown in Table 10-1 below.

Future With-Action Scenario

The future With-Action scenario would result in the illegal nonconforming uses on Projected Development Site 1 (yoga studio and CrossFit establishment) being brought into compliance. As

these uses would be within the existing building on Projected Development Site 1, they would not affect the exterior appearance of the building. The future With-Action scenario could result in the development of up to an additional 3,050 gsf of commercial space on Projected Development Site 2. The additional square footage on Projected Development Site 2 would be built as a new third floor added to the existing structure on the Site along the Steinway Street frontage of the lot. The future With-Action scenario would not result in any changes to Other Sites 1 and 2.

Zoning calculations of future With-Action conditions in the Affected Area, including floor area calculations, lot coverage, and building heights, are shown in Table 10-1 below. A three-dimensional representation of the future With-Action condition streetscape is also attached.

Table 10-1
Zoning Calculations Relevant to Urban Design Analysis

Item	Existing Conditions	No-Action Conditions	With-Action Conditions
Development Scenario	14 DUs (in 4 bldgs), 39,169 gsf comm'l (in 2 bldgs), 11,070 gsf indust (in 2 bldgs), 1,395 comm facil (in 1 bldg)	14 DUs (in 4 bldgs), 35,619 gsf comm'l (in 2 bldgs), 11,070 gsf indust (in 2 bldgs), 4,945 comm facil (in 1 bldg)	14 DUs (in 4 bldgs), 42,219 gsf comm'l (in 2 bldgs), 11,070 gsf indust (in 2 bldgs), 1,395 comm facil (in 1 bldg)
Building Floor Area	67,752 gsf	67,752 gsf	70,802 gsf
Lot Coverage	25,971 sf (80%)	25,971 sf (80%)	25,971 sf (80%)
Building Heights	1 two-story (30'), 2 three-story (35'), 1 four-story (50') bldgs	1 two-story (30'), 2 three-story (35'), 1 four-story (50') bldgs	1 two-story (30'), 3 three-story (35'), 1 four-story (50') bldgs

The Proposed Action would only result in potential new development on Projected Development Site 2, which would be limited to a new third floor added to the existing building on this property along the Steinway Street frontage of the lot. As stated above, the development of any additional square footage on this Site would be constructed in conformance with yard, height, and setback requirements pursuant to zoning and would not result in an increase in built floor area beyond what would be allowed as-of-right as the total permitted FAR on the lot would remain at 2.0. The action would not result in the obstruction of any publicly accessible views to Ditmars Park to the east of the Affected Area along Steinway Street mid-block between 23rd Avenue and Ditmars Boulevard.

Conclusion

Under the Proposed Action, there would be no potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning relative to yard, height, and setback requirements as well as total permitted floor area that would not currently be permitted as-of-right or under the no-action scenario. The change in permitted uses on the four properties in the Affected Area and the potential development of up to 3,050 gsf of new floor area on Projected Development Site 2 that would be facilitated by the proposed mapping of the C2-3 commercial overlay would not constitute a significant adverse impact relative to urban

design or visual resources and a detailed urban design and visual resource analysis would not be required.


35th Street
36th Street
37th Street
38th Street
400 Feet
Ditmars Boulevard
23rd Avenue
Steinway Street
41st Street
Projected Development Site 1
Other Site 2
Other Site 1
Projected Development Site 2
Proposed Rezoning Area
Projected Development Sites
Other Sites
North



1. View of Projected Development Site 1 facing east from the intersection of 23rd Avenue and 38th Street.



2. View of 23rd Avenue facing southeast from 38th Street (Projected Development Site 1 at left).



3. View of Projected Development Site 1 facing southeast from 38th Street.





4. View of Projected Development Site 1 facing south from 38th Street.



5. View of 38th Street facing southwest (Projected Development Site 1 at left).



6. View of the west side of 38th Street facing north from Projected Development Site 1.



7. View of the sidewalk along the east side of 38th Street facing southwest (Projected Development Site 1 at right).



8. View of the sidewalk along the east side of 38th Street facing northeast from 23rd Avenue (Projected Development Site 1 at right).



9. View of the intersection of 23rd Avenue and 38th Street facing west from Projected Development Site 1.





10. View of the sidewalk along the north side of 23rd Avenue facing southeast from 38th Street (Projected Development Site 1 at left).



11. View of the sidewalk along the north side of 23rd Avenue facing northwest (Projected Development Site 2 at right).



12. View of the south side of 23rd Avenue facing south from the Projected Development Site 1.





13. View of 23rd Avenue facing northwest (Other Site 1 at right).



14. View of Projected Development Site 1 facing northeast from 23rd Avenue.



15. View of 38th Street facing northeast from 23rd Avenue (Projected Development Site 1 at right).





16. View of Projected Development Site 2 facing northwest from 23rd Avenue.



17. View of Projected Development Site 2 and Other Site 1 facing northeast from 23rd Avenue.



18. View of Projected Development Site 1 and Projected Development Site 2 facing north from 23rd Avenue.





19. View of Other Site 1 facing northeast from 23rd Street.



20. View of Steinway Street facing northeast from 23rd Avenue (Other Site 1 at left).



21. View of Other Site 1 facing north from the intersection of Steinway Street and 23rd Avenue.





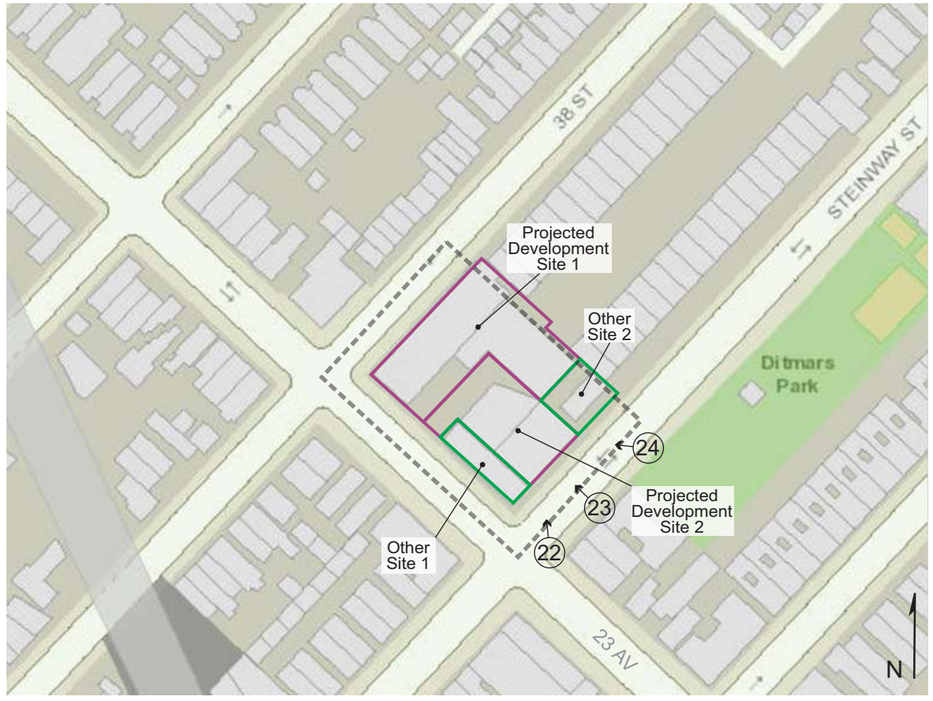
22. View of Projected Development Site 2 facing north from Steinway Street.



23. View of Projected Development Site 2 facing northwest from Steinway Street.



24. View of Projected Development Site 2 facing west from Steinway Street.





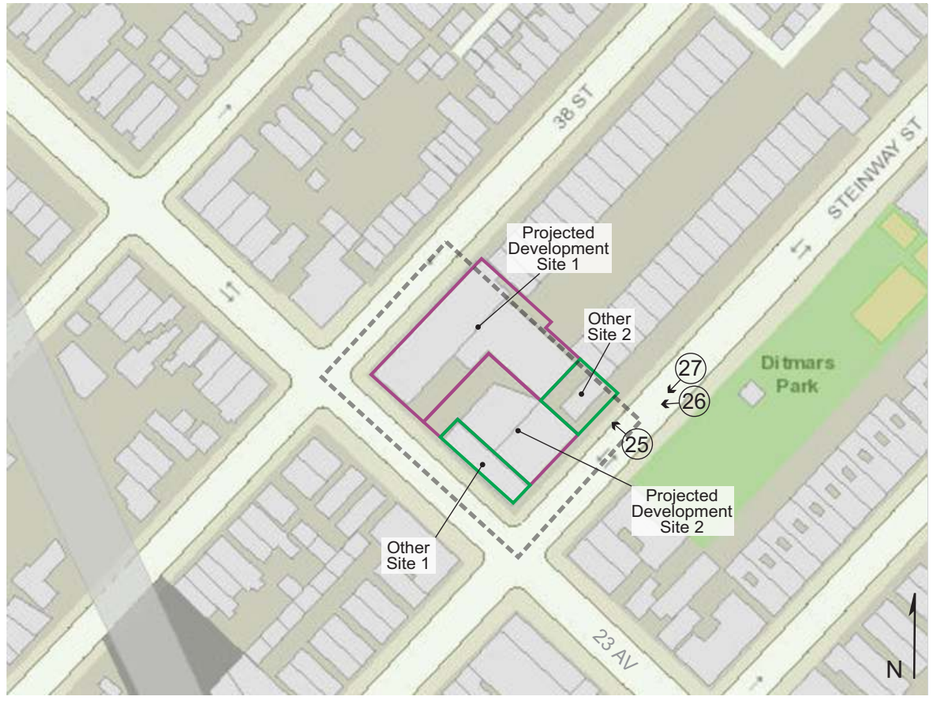
25. View of Other Site 2 facing northwest from Steinway Street.



26. View of Other Site 2 and Projected Development Site 2 facing west from Steinway Street.



27. View of Steinway Street facing southwest (Other Site 2 at right).





28. View of the sidewalk along the east side of Steinway Street facing southwest (Other Site 2 at right).



29. View of the west side of Steinway Street facing east from Other Site 2.



30. View of the sidewalk along the east side of Steinway Street facing southwest (Projected Development Site 2 at right).





31. View of the east side of Steinway Street facing east from Projected Development Site 2.



32. View of the sidewalk along the west side of Steinway Street facing northeast (Other Site 1 at right).



33. View of the intersection of 23rd Avenue and Steinway Street facing south from Other Site 1.





34. View of the sidewalk along the east side of 23rd Avenue facing northwest from Steinway Street (Other Site 1 at right).



35. View of the west side of 38th Street facing northwest from Projected Development Site 1.



12. HAZARDOUS MATERIALS

As described above, Projected Development Site 2 is the only parcel within the Affected Area that has the potential to experience additional development under the Proposed Action. The use of auto repair on Projected Development Site 2 indicates the possibility of contamination on site. Under the Proposed Action, Projected Development Site 2 could be enlarged with up to 3,050 gsf of new commercial floor area. As illustrated on the Site Plan and Axonometric Diagrams in the Architectural Plans Appendix to this report, a new 3,050 gsf third floor could be added to the existing building on this property in the future. It is not likely that this would result in any additional soils disturbance on this Site. Although these construction/renovation activities could increase pathways for human exposure to asbestos containing materials (ACM), lead based paint (LBP) or any subsurface contamination, impacts would be avoided by compliance with applicable regulatory requirements relating to ACM (all ACM to be disturbed by the construction/renovation work would need to be properly removed in advance of that work), LBP (regulatory requirements relate both to the construction workers and to maintenance and notification requirements to new tenants should any LBP remain), petroleum (reporting to NYSDEC any encountered underground tanks or evidence of a petroleum spill), and soil disposal (the soil would be sent to an appropriately licensed facility).

Therefore, there is no potential for the Proposed Action to result in significant adverse impacts related to hazardous materials, and no further analysis is warranted.

16. TRANSPORTATION

The Proposed Action does not warrant a transportation analysis based on the CEQR screening threshold. Based on Table 16-1 of the Transportation chapter of the *CEQR Technical Manual,* the Affected Area is located in Zone 3 (areas located within 0.5 miles of subway stations) where 15,000 gsf of additional local retail space would typically trigger the need for a transportation assessment.

The maximum commercial FAR of 2.0 allowed under the C2-3 commercial overlay in the R5D district would technically permit the development of up to 12,218 gsf of commercial floor area on Projected Development Site 2 and Other Site 2 (Block 805, Lots 61 and 160, respectively) in the Affected Area including 9,081 gsf on Projected Development Site 2 and 3,137 gsf on Other Site 2. However, as explained in the Urban Design section above, no additional development would realistically be developed on Other Site 2, and a maximum of only 3,050 gsf of commercial space could realistically be constructed on Projected Development Site 2. No additional floor area of any kind would be permitted on Projected Development Site 1 and Other Site 1 which are both overbuilt with respect to the total permitted floor area ratio of 1.75 and 2.0, respectively.

The Proposed Action would result in the legalization, through applications to the Board of Standards and Appeals, of an existing yoga studio and a CrossFit establishment in the existing building on Projected Development Site 1. The space occupied by the yoga and CrossFit studios on Projected Development Site 1 totals approximately 3,550 gsf. Under the No-Action scenario, this space would be occupied by permitted community facility uses.

The realistic potential new development of 3,050 gsf of local retail space and the conversion of 3,550 gsf of permitted community facility space under the No-Action scenario to a yoga studio and a CrossFit establishment would result in a total of 6,600 gsf of new local retail space in the Affected Area under the Proposed Action. This falls below the City's threshold level of concern noted above and it would not be expected to generate 50 or more peak hour vehicle trips. Therefore, it is not anticipated that the project would have any significant impacts on transportation and a transportation analysis would not be required.

17. AIR QUALITY

Introduction

Under CEQR, two potential types of air quality impacts are examined. These are mobile and stationary source impacts. Potential mobile source impacts are those that could result from an increase in traffic in the area, resulting in greater congestion and higher levels of carbon monoxide (CO). Potential stationary source impacts are those that could occur from stationary sources of air pollution, such as the heat and hot water boiler of a proposed development which could adversely affect other buildings in proximity to the proposed project.

Mobile Source

The Proposed Action is anticipated to generate a maximum of 6,600 gsf of new commercial (local retail) space in the Affected Area consisting of a realistic potential new development of 3,050 gsf of local retail space on Projected Development Site 2 and the conversion of 3,550 gsf of permitted community facility space to a yoga studio and a CrossFit establishment on Projected Development Site 1. The action would also result in the loss of 3,550 gsf of community facility space between the No-Action and With-Action condition. As explained in the Transportation section above, the 6,600 gsf of new local retail space that would be generated in the Affected Area under the Proposed Action falls below the City's threshold level of concern in Zone 3 (areas located within 0.5 miles of subway stations).

It is therefore concluded that no significant adverse mobile source impacts would be generated by the project.

Stationary Source

The Proposed Action would primarily introduce a change in uses on Projected Development Site 1 from permitted community facility space under the No-Action scenario to a yoga studio and a CrossFit establishment in the With-Action scenario. The currently existing yoga studio and CrossFit establishment would be brought into compliance, through an application to the Board of Standards and Appeals. The action could also result in a realistic potential development of up to 3,050 sf of new commercial space on Projected Development Site 2.

Boiler Emissions Analysis for Projected Development Site 1

Under the Proposed Action, 3,550 gsf of permitted community facility space in the existing building on Projected Development Site 1 under the No-Action scenario would be converted to a yoga studio and a CrossFit establishment in the With-Action scenario. No new square footage would be added to the existing building on Projected Development Site 1. Although no additional stationary source emissions would result from the Proposed Action, for the purposes of a conservative air quality analysis, a screening assessment was performed for the Site, using the methodology described in the *CEQR Technical Manual*. The screening analysis determines if the heat and hot water systems of the building would result in potential air quality impacts to any other buildings in the vicinity. This methodology determines the threshold of development size below which the action would not have a significant impact. The results of this analysis found that there would be no significant air quality impacts from the proposed development's heating, ventilation, and air conditioning (HVAC) systems.

Impacts from boiler emissions associated with a proposed development are a function of fuel type, stack height, minimum distance from the source to the nearest building of similar or greater height, and square footage of the proposed development. The analysis was based on the existing 4-story, 48,684 gsf building. The *CEQR Technical Manual* Stationary Source Screen graph (Figure 17-3) was used for the analysis. The nearest structure of similar or greater height than the existing 4-story building on Projected Development Site 1 is the 4-story residential building with ground floor commercial space at 37-15 23rd Avenue (Block 806, Lot 67) located directly across 38th Street from the Site. The boiler flue for the Projected Development Site 1 building is approximately 96'-6" above grade, and is located approximately 195.5 feet from the receptor building at its closest point (see Site Plan, Roof Plan, and a facade drawing labelling the existing flue and showing the height above grade in the Air Quality Appendix). The graph indicates that the plotted point at the intersection of the maximum development size and the distance to the nearest building of similar height is below the 30-foot curve. Therefore, boiler emissions from Projected Development Site 1 would not have a stationary source impact on the inhabitants of the building at 37-15 23rd Avenue.

In conclusion, the building on Projected Development Site 1 would not result in a significant adverse stationary source air quality impact on any buildings in the vicinity of the Site. Therefore, the potential for significant adverse impacts due to boiler stack emissions from the proposed development is unlikely, and a detailed analysis of stationary source impacts is not required.

Boiler Emissions Analysis for Projected Development Site 2

Under the Proposed Action, Projected Development Site 2 could be enlarged with up to 3,050 gsf of new commercial floor area. As illustrated on the Site Plan and Axonometric Diagrams in the Architectural Plans Appendix to this report, a new 3,050 gsf third floor could added to the existing building on this property in the future.

As the top of the boiler stack for the enlarged building on Projected Development Site 2 would be lower in height than the nearby existing building on Projected Development Site 1, a project-on-project analysis is required. Based on the Site Plan Diagram and Axonometric Diagram for the enlarged building, the new 3,050 square foot 3rd floor of the building would be set along the 75-foot Steinway Street frontage of the site and would extend into the site to a depth of approximately 40.67 feet (75' x 40.67' = 3,050 sf). Based on the *CEQR Technical Manual* Stationary Source Screen graph (Figure 17-3), the boiler stack on the roof of the enlarged 13,973 gsf building on Projected Development Site 2 would need to be set back approximately 35 feet from the existing building on Projected Development Site 1 in order to avoid any potentially significant stationary source impacts. It is therefore proposed that the an E-designation (E-524) be mapped on Projected Development Site 2 in the event that any new development were to occur on this Site in the future.

The (E) Designation language is provided in the conclusion of the Air Quality Section.

Industrial Source Analysis

Introduction

As outlined in the *CEQR Technical Manual*, projects that would introduce new uses near industrial sources may result in potentially significant adverse air quality impacts. The study

PROJECTED DEVELOPMENT SITE 1

Figure 17-3:
Stationary Source Screen

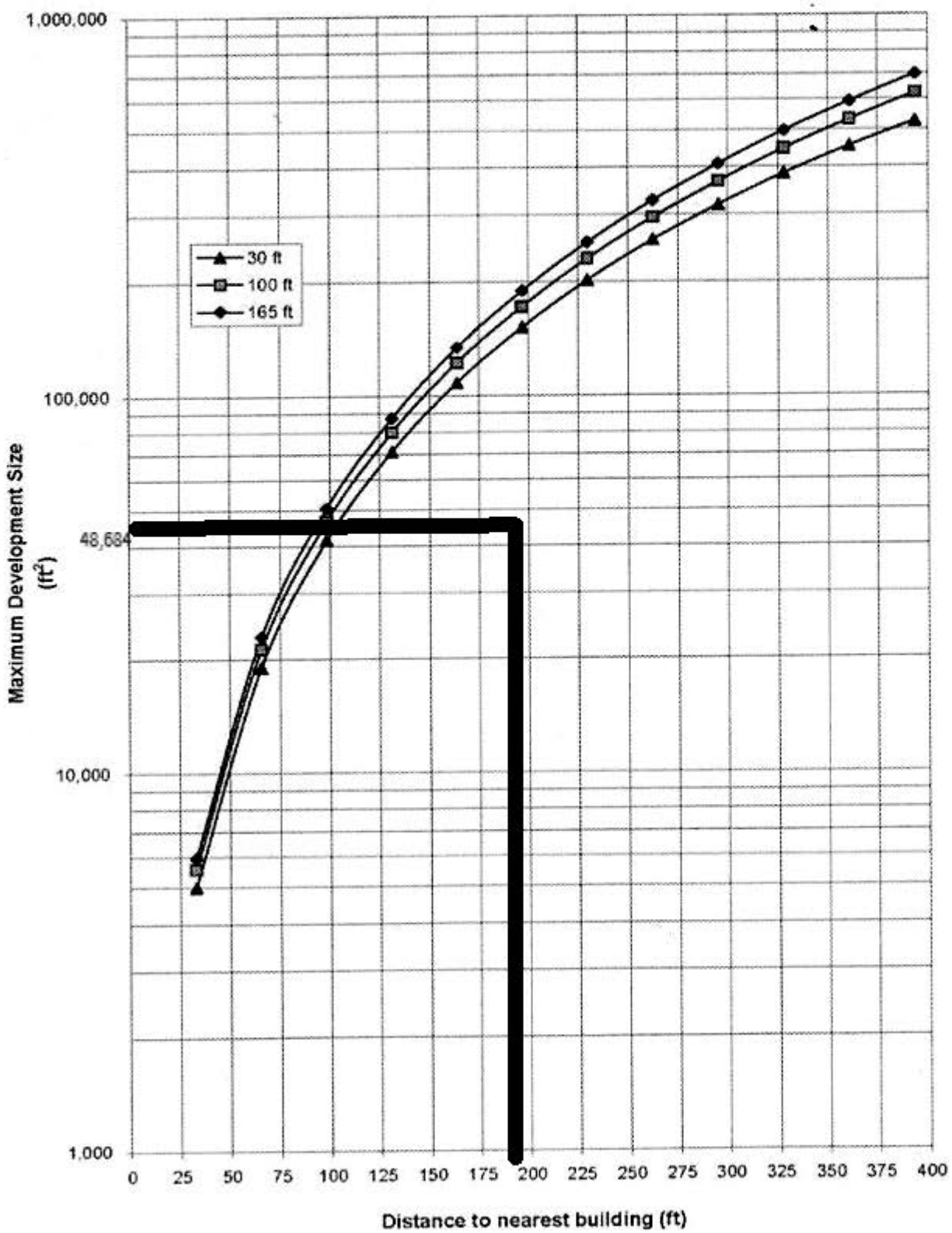
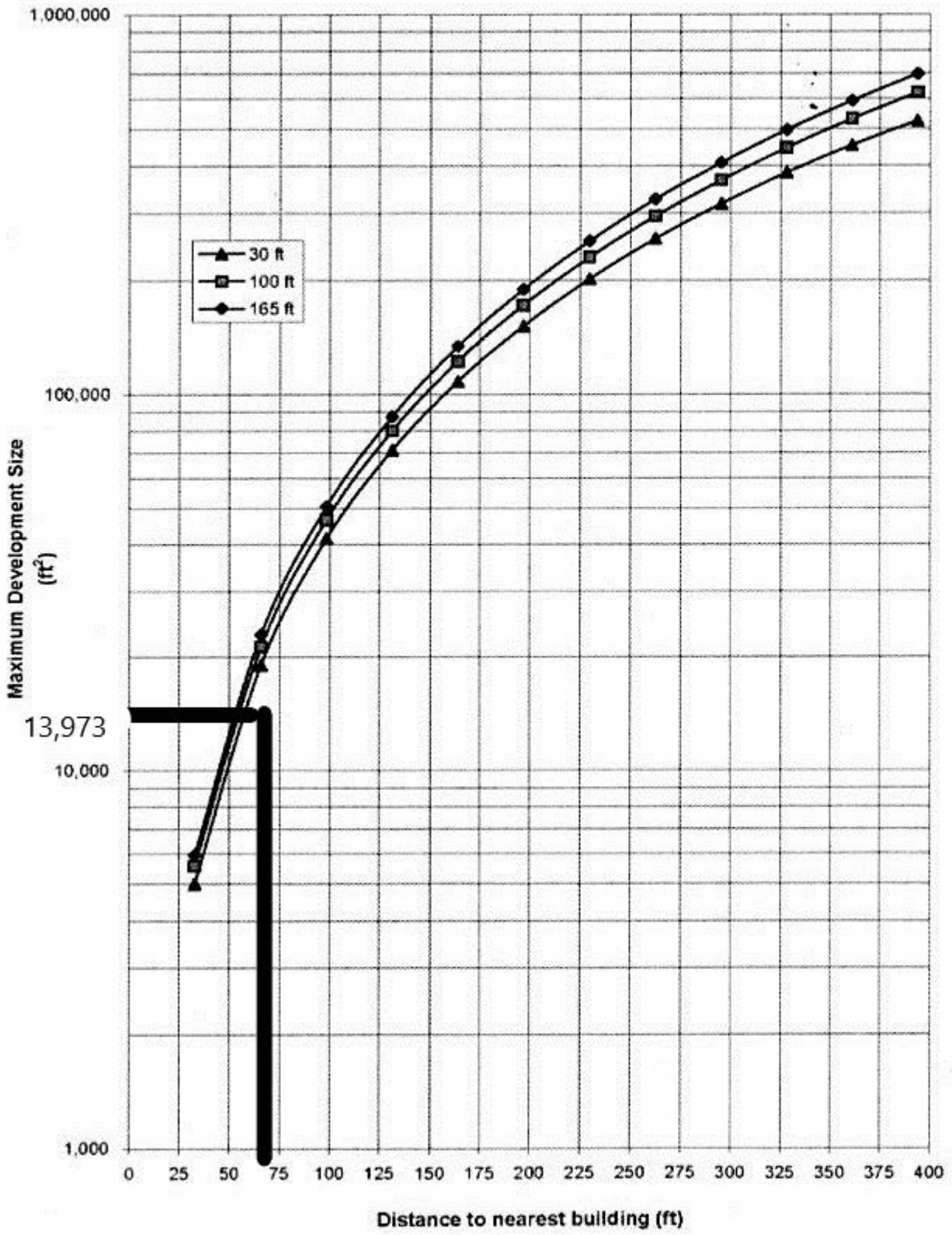


Figure 17-3:
Stationary Source Screen

PROJECTED DEVELOPMENT SITE 2



area considers industrial sources within 400 feet of the proposed project. Industrial sources are categorized as the operation of manufacturing or processing facilities, or medical, chemical, or research labs. The analysis first determines if there are any existing industrial sources located in the study area. An air dispersion analysis is then performed for any existing industrial source that is in the study area.

Jan's Auto Body facility, located at 38-03 23rd Avenue (Block 850, Lot 61), was identified as an industrial source. The facility is an existing use on Projected Development Site 2. Jan's Auto Body has a current NYC Department of Environmental Protection (NYCDEP) permit application. The activity associated with the Jan's Auto Body permit PB034306 (the "Permit") is an auto body spray booth operation.

The permit situates the stack 23 feet above the facility's roof at the southeast corner of the building. The building roof height of 13.74 feet was obtained from the NYC Open Data Building Footprints shapefile.[3] The 36" by 36" stack (3.4 feet diameter), volumetric flow rate of 4,000 cubic foot per minute, and exit temperature of 70-degrees Fahrenheit were obtained from the DEP certificate.

According to the Permit, the industrial spray booth operates a maximum of 8 hours per day, 250 days per year. The contaminants listed in the certificate are solids (NY identification number NY079-00-0) and solvents (NY identification number NY998-00-0). The mixture that is collectively identified as volatile organic compounds (VOCs) was not provided in the certificate. **Table 17-1** shows the spray booth emission rates.

Table 17-1. Jan's Auto Body PB034306 - Spray Booth Emission Rates by Group

Contaminant	Daily Activity Rate (hr/day)	Emission Rate (lb/hr)	Emission Rate (lb/yr)
Solids (NY079-00-0)	8	0.013	23.4
Solvents (NY998-00-0)		0.124	223.2

Emission Rates - Particulate and VOC

Conventional coatings—paints, varnishes, lacquers, sealers, stains, and water thinned paints—are comprised of compounds grouped into solids and VOCs, which are mostly solvents. The coatings contain 30 to 85 percent solvents by volume and this amount is regulated by the U.S. Environmental Protection Agency (EPA) and the New York State Department of Environmental Conservation (NYSDEC). Per NYCDEP guidance and as outlined in the EPA AP-42 (Compilation of Air Pollutant Emission Factors, the primary compilation of EPA's emission factor information), the analysis assumes that all VOCs are emitted, and as shown in the certificates (the VOC has no emission control; the emission is not reduced by a filter or other control measure). Each VOC contaminant is analyzed with the SGC/AGC guideline concentration (Acceptable air concentrations for annual emission rates (called Annual Guideline Concentrations (AGC)) and for hourly emission rates (called Short-Term Guideline Concentrations (SGC)). Particulates are fluid or solids particles grouped together. Per NYSDEC

[3] https://data.cityofnewyork.us/Housing-Development/Building-Footprints/nqwf-w8eh/data.

DAR-1 (DAR-1 provides guidance to DEC permitting staff, the public, and the regulated community on the requirements of the air toxics program per 6 NYCRR Part 212), particulates are collectively analyzed with the more stringent concentration guideline (the NYC de minimis $PM_{2.5}$ guideline discussed below). These two groups, VOC and particulates, are discussed here:

In accordance with DEP standards, emissions of solids are analyzed as respirable particulate matter less than or equal to 10 micrometers (PM_{10}) and respirable particulate matter less than or equal to 2.5 micrometers ($PM_{2.5}$). The particle size distribution was obtained from the EPA AP-42, *Appendix B1, Page B.1-12, Particle Size Distribution Data and Sized Emission Factors for Selected Sources, Table 4.2.2.8 Automobile and Light-Duty Track Surface Coating Operations, Automobile Spray Booths*. The short-term emissions of each facility were adjusted to 24-hour by using the number of hours per day the spray booth is active. **Table 17-2** shows the PM_{10} and $PM_{2.5}$ emission rates.

Table 17-2. PM_{10}/$PM_{2.5}$ Emission Rates Associated with Jan's Auto Body Facility

Contaminant	Permitted Emission Rate		Fraction of Particle Size	Emission Rate			
				Short-term		Annual	
	lb/hr	lb/yr	Percent	lb/hr	g/s	lb/yr	g/s
$PM_{2.5}$	0.013	23.45	28.6	1.24E-03	0.00016	6.69E+00	9.63E-05
PM_{10}			46.7	2.02E-03	0.00025	1.09E+01	1.57E-04

The mixture of different compounds, identified collectively as VOCs, have no guideline values in the NYSDEC DAR-1 database. The mixture is comprised of compounds of varying toxicities. As the composition of the coating substance was not included in the operational permit, a representative composition by percent weight was obtained from the approved CEQR action Solow Centers Air Toxics Analysis – March 25, 2010 (hereinafter "Solow Report"). The Solow Report analyzed the emissions of auto body facilities operating without a NYCDEP permit. Table 3 of the Solow Report shows the VOC chemicals that make up the representative paint, and each chemical quantity in percentage weight. The Solow Report VOC by percentage weight and the Jan's Auto Body 1-hour and annual VOC emissions were used to calculate the chemical's emission rates. The ingredients that make up the representative paint, along with their Chemical Abstract Service (CAS) number, by percent weight, and the hourly and annual emission rates are presented in **Table 17-3**.

Table 17-3. The Jan's Auto Body Facility VOC Short-term and Annual Emission Rates from the Spray Booth Operation (Chemicals and their Percentage Weight from the Solow Report, Table 3)

Contaminant name	CAS No.	Percent Weight	1-Hour		Annual	
			lb/hr	g/s	lb/yr	g/s
Acetone	67-64-1	43%	0.0533	6.72E-03	96.0	1.38E-03
Aromatic Petroleum Distillate	64742-94-5	10%	0.0124	1.56E-03	22.3	3.21E-04
Butane	106-97-8	11%	0.0136	1.72E-03	24.6	3.53E-04
Ethanol	64-17-5	2%	0.0025	3.12E-04	4.5	6.42E-05
Ethyl 3-Ethoxypropionate	763-69-9	9%	0.0112	1.41E-03	20.1	2.89E-04

Ethylbenzene	100-41-4	5%	0.0062	7.81E-04	11.2	1.61E-04
Methyl Ethyl Ketone	78-93-3	8%	0.0099	1.25E-03	17.9	2.57E-04
N-Butyl Acetate	123-86-4	5%	0.0062	7.81E-04	11.2	1.61E-04
Propane	74-98-6	11%	0.0136	1.72E-03	24.6	3.53E-04
Stoddard Solvent	8052-41-3	10%	0.0124	1.56E-03	22.3	3.21E-04
Toluene	108-88-3	10%	0.0124	1.56E-03	22.3	3.21E-04
Xylene	1330-20-7	10%	0.0124	1.56E-03	22.3	3.21E-04

Air Dispersion Analysis

Screening Analysis

For estimating potential impacts from a single industrial emission source of toxic air pollutants, the *CEQR Technical Manual* recommends using a screening procedure as a first step in the analysis. For impacts from multiple sources, the impact concentrations from each source are added. This procedure uses pre-tabulated pollutant concentration values based on a generic emission rate of 1 gram per second from *CEQR Technical Manual* Table 17-3, "Industrial Source Screen," for the applicable averaging time periods. This approach, which can be used to estimate maximum short-term and annual average concentrations values at various distances (from 30 to 400 feet) from an emission source, was utilized as a first step to assess potential impacts on surrounding land uses. A detailed analysis was then performed for land uses that failed the screening analysis.

Based on the CEQR pre-tabulated concentrations corresponding to distances less than or equal to 65 feet and the VOC and particulate emission rates specified in PB034306, land uses located at least 65 feet from the stack were screened out. The CEQR pre-tabulated concentrations corresponding to 65 feet distance from an emission source are shown in **Table 17-4**.

Table 17-4. CEQR Technical Manual Table 17-3 Industrial Source Screen Pre-Tabulated Concentrations

Facility Name	Distance from the Stack (ft)	1-Hour ($\mu g/m^3$)	24-Hour ($\mu g/m^3$)	Annual ($\mu g/m^3$)
Jan's Auto Body	65	27,787	8,841	1,368

Air Pollutants and Applicable Standards and Guidelines

The EPA has identified six pollutants, known as criteria pollutants which are of concern nationwide, and established threshold concentrations for these pollutants based upon their adverse effects on human health. As required by the Clean Air Act, National Ambient Air Quality Standards (NAAQS) have been established for the criteria pollutants by EPA, and New York State has adopted the NAAQS as the State ambient air quality standards. The pollutants for which a detailed analysis was conducted, together with their health-related averaging periods, are presented in **Table 17-5**.

In addition, the NYSDEC has established guidelines for maximum allowable concentration of "noncriteria pollutants," which are potentially toxic or carcinogenic pollutants. The maximum allowable guidelines set a maximum 1-hour and annual averaging time concentrations and are

published in the DAR-1 AGC/SGC Table, where AGC/SGC refers to Annual and Short-term Guideline Concentrations. The most recent DAR-1 guidelines were created on August 10, 2016. NYSDEC also regulates pollutants that produce discomfort due to odors, where significant discomfort is evaluated on quantity, characteristic, or duration.

In addition to the NAAQS, the *CEQR Technical Manual* requires that projects subject to CEQR apply a $PM_{2.5}$ and CO 8-hour averaging time significant impact criteria (based on concentration increments). These criteria are called *de minimis* and they are more stringent than the NAAQS and the state standards, as the criteria set a maximum increase of pollutant concentration that is below the national standard. If the estimated impacts of a proposed project are less than the *de minimis* criteria, the impacts are not considered to be significant. $PM_{2.5}$ significant impact concentrations for stationary sources are evaluated as follows:

- Predicted 24-hour maximum $PM_{2.5}$ concentration increase of more than half the difference between the 24-hour background concentration and the 24-hour standard; or
- Predicted annual average $PM_{2.5}$ concentration increments greater than 0.3 $\mu g/m^3$ at any receptor location for stationary sources.

Determination of significant impact criteria is evaluated by adding the background concentrations at the nearest NYSDEC monitoring station to the concentrations of criteria pollutants in the ambient air of the existing and planned land uses. Background concentrations of the criteria pollutants emitted by Jan's Auto Body were obtained from the NYSDEC's annual report for 2017 at the IS 52 monitoring station (the nearest monitoring station). **Table 17-5** shows the background concentrations, NAAQS, and the concentration increments associated with the NYC Guidelines.

Table 17-5. The NAAQS & Background Concentrations at NYSDEC Monitoring Station IS52

Pollutant	Averaging Period	National and State Standards	Background Concentration	NYC Guidelines (*de minimis*)
$PM_{2.5}$	24-Hour concentration	35 $\mu g/m^3$	19.6 $\mu g/m^3$	7.70 $\mu g/m^3$
	Average of 3 consecutive annual means	12 $\mu g/m^3$	8.0 $\mu g/m^3$	0.3 $\mu g/m^3$ (for stationary source)
PM_{10}	24-hour concentration	150 $\mu g/m^3$	34 $\mu g/m^3$	N.A.

Results of Screening Analysis at 65 feet from the Source

The *CEQR Technical Manual* Table 17-3 Industrial Source Screen short-term and annual maximum predicted concentrations of the 1 gram per second dispersion analyses were multiplied by the emission rates, and the predicted concentrations compared with the respective threshold criterions. The results of the air dispersion analysis for the criteria pollutants are displayed in **Table 17-6**.

Table 17-6. Criteria Pollutants – CEQR Dispersion Analysis Results for Distance of at least 65 feet from the Stack

Criteria Pollutant	Threshold Standard	Predicted Concentration (μg/m³)	Background Concentration (μg/m³)	Total Concentration (μg/m³)	Threshold Criteria (μg/m³)
PM_{10} 24-Hour	NAAQS	2.25	34	**36**	**150**
$PM_{2.5}$ 24-Hour	*de minimis*	1.38	N.A.	**1.38**	**7.70**
$PM_{2.5}$ Annual	*de minimis*	0.13	N.A.	**0.1**	**0.3**

As displayed in **Table 17-6**, the $PM_{2.5}$ predicted concentrations do not exceed the *de minimis* threshold criterions, and the PM_{10} predicted concentration with the background concentration added is less than the NAAQS.

The VOC predicted concentrations were compared with the NYSDEC SGC/AGC guidelines. The results of the non-criteria pollutants air dispersion analysis are displayed in **Table 17-7**.

Table 17-7. Non- Criteria Pollutants – CEQR Dispersion Analysis Results for Distance of at least 65 feet from the Stack

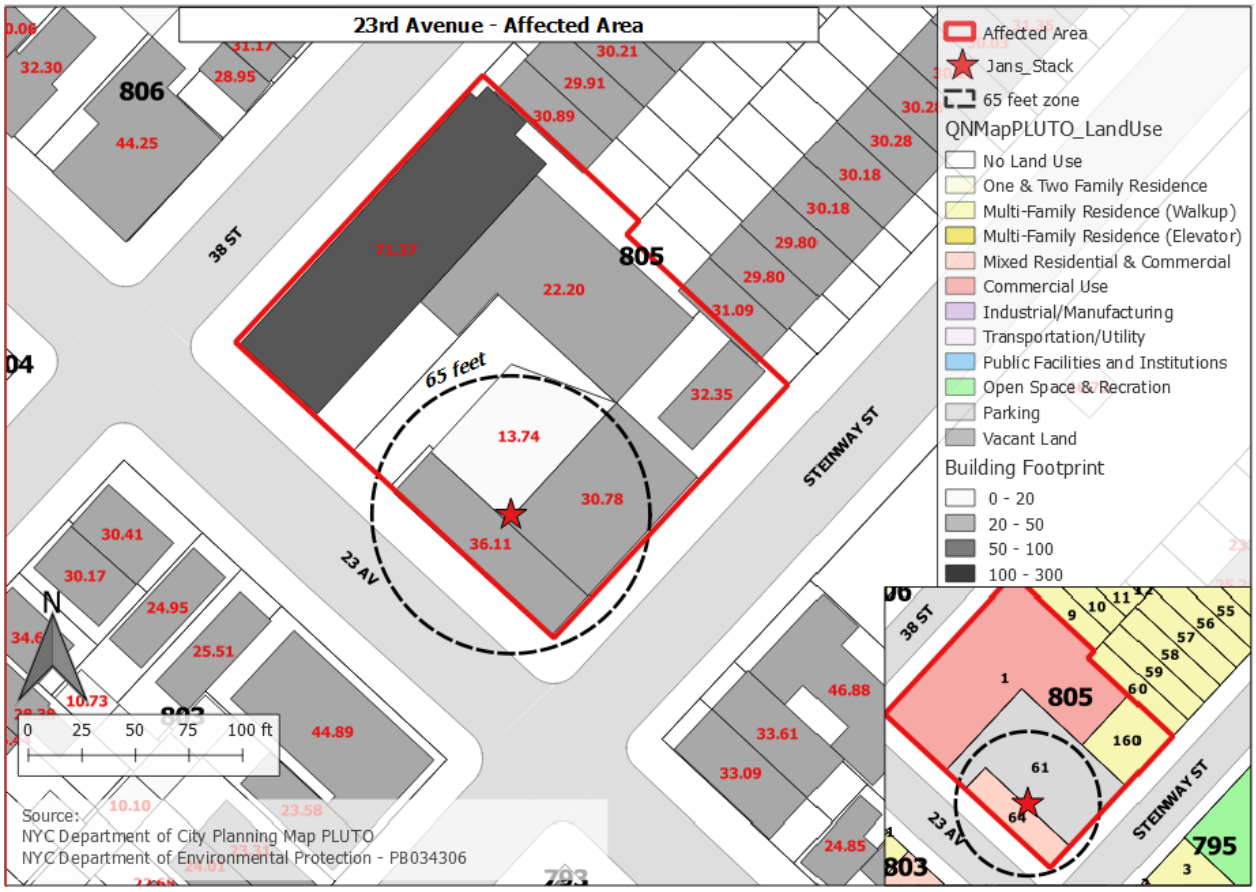
Contaminant name	CAS No.	1-Hour	SGC	Annual	AGC
		μg/m³	μg/m³	μg/m³	μg/m³
Acetone	67-64-1	186.68	180000.0	1.89	30000.0
Aromatic Petroleum Distillate	64742-94-5	43.41	N.A.	0.44	100.0
Butane	106-97-8	47.76	238000.0	0.48	N.A.
Ethanol	64-17-5	8.68	N.A.	0.09	45000.0
Ethyl 3-Ethoxypropionate	763-69-9	39.07	140.0	0.40	64.0
Ethylbenzene	100-41-4	21.71	N.A.	0.22	1000.0
Methyl Ethyl Ketone	78-93-3	34.73	13000.0	0.35	5000.0
N-Butyl Acetate	123-86-4	21.71	95000.0	0.22	17000.0
Propane	74-98-6	47.76	N.A.	0.48	43000.0
Stoddard Solvent	8052-41-3	43.41	N.A.	0.44	900.0
Toluene	108-88-3	43.41	37000.0	0.44	5000.0
Xylene	1330-20-7	186.68	22000.0	0.44	100.0

As seen in **Table 17-7**, the predicted 1-hour and annual concentrations are less than the SGA/AGC guideline criterions.

Figure 17-1 shows the Affected Area and the location of the Jan's Auto Body stack plotted on the NYC Building Footprint map. The building footprint geo metadata was obtained from the NYC Open Data Building Footprints shapefile.[4] Figure 17-1 also shows the Jan's Auto Body stack located on the NYC Department of City Planning Map PLUTO in the lower right corner of the figure.

[4] https://data.cityofnewyork.us/Housing-Development/Building-Footprints/nqwf-w8eh/data.

Figure 17-1: Building Footprint in the Surrounding Area and the Jan's Auto Body Stack Location



As seen in Figure 17-1, the building on Block 805, Lot 64 (Other Site 1) is within 65 feet of the stack. The other building in the 65 feet zone is Block 805, Lot 61 (Projected Development Site 2). As such, a detailed analysis was performed for the buildings on Other Site 1 and Projected Development Site 2, and all other land uses screened out.

AERMOD Detailed Analysis

AERMOD dispersion modeling analysis was conducted to estimate the potential impact on receptors located at a distance less than 65 feet from the stack. The EPA's AERMOD dispersion model version 18081 was used. In accordance with CEQR guidance, these analyses were conducted assuming stack tip downwash, urban dispersion surface roughness length of 1.0 meter, elimination of calms, and with and without downwash effect on plume dispersion. The models specified flat terrain and population of 2,000,000. In addition, all analyses were run with a generic 1 gram per second emission for all averaging times.

Jan's Auto Body stack's location and stack's parameters were obtained from the Permit. Footprint and roof heights of buildings, including Jan's Auto Body roof height (the interpolated stack height is 36.74 feet above grade), were obtained from the NYC Open Data Building Footprints shapefile[5]. Satellite imagery was used to distinguish between different tier heights of

[5] https://data.cityofnewyork.us/Housing-Development/Building-Footprints/nqwf-w8eh/data.

buildings. Buildings that may affect the downwash effect on plume dispersion were specified in the model. For the impact on the Projected Development Site 2 third floor level, the building footprint was obtained from the building architect for this project.

Receptors on the Other Site 1 (Block 805, Lot 64) were inputted at heights of 6, 18, and 30 feet above grade. Receptors on Projected Development Site 2 (Block 805, Lot 61) were inputted at heights of 6, 18, and 30 feet above grade. These heights represent receptors 6 feet above floor levels.

Because impacts were predicted at the existing stack height, the analysis explored at what stack height no impact would be predicted. The analysis showed that no impact would be predicted at 40 feet height.

The analysis was conducted using the latest five consecutive years of meteorological data (2013-2017). Surface data was obtained from La Guardia Airport and upper air data was obtained from Brookhaven station, New York. These meteorological data provide hour-by-hour wind speeds and directions, stability states, and temperature inversion elevations over the 5-year period. Meteorological data were combined to develop a 5-year set of meteorological conditions, which was used for the AERMOD modeling runs and Anemometer height of 9.4 meters was specified per Lakes Environmental Software Inc.

Air Dispersion Results

The AERMOD short-term and annual maximum predicted concentrations of the 1 gram per second dispersion analyses (the maximum predicted concentrations of the two building downwash effects options) were multiplied by the emission rates, and the predicted concentrations compared with the respective threshold criterions. The results of the air dispersion analysis for the criteria pollutants are displayed in **Table 17-8**.

Table 17-8. Criteria Pollutants Dispersion Analysis Results

Criteria Pollutant	Threshold Standard	Predicted Concentration ($\mu g/m^3$)	Background Concentration ($\mu g/m^3$)	Total Concentration ($\mu g/m^3$)	Threshold Criteria ($\mu g/m^3$)
Stack at Existing Height of 36.74 feet Above Grade					
PM_{10} 24-Hour	NAAQS	36.6	34	**71**	**150**
$PM_{2.5}$ 24-Hour	*de minimis*	22.43	N.A.	**22.43**	**7.70**
$PM_{2.5}$ Annual	*de minimis*	0.49	N.A.	**0.5**	**0.3**
Stack at Height of 40 feet Above Grade – Impact on Other Site 1					
PM_{10} 24-Hour	NAAQS	1.11	34	**35**	**150**
$PM_{2.5}$ 24-Hour	*de minimis*	0.68	N.A.	**0.68**	**7.70**
$PM_{2.5}$ Annual	*de minimis*	0.017	N.A.	**0.0**	**0.3**
Stack at Height of 40 feet Above Grade – Impact on Projected Development Site 2					
PM_{10} 24-Hour	NAAQS	0.90	34	**35**	**150**
$PM_{2.5}$ 24-Hour	*de minimis*	0.55	N.A.	**0.55**	**7.70**
$PM_{2.5}$ Annual	*de minimis*	0.018	N.A.	**0.0**	**0.3**

As displayed in **Table 17-8**, at a stack height of 40 feet above grade the $PM_{2.5}$ predicted concentrations do not exceed the *de minimis* threshold criterions, and the PM_{10} predicted concentration with the background concentration added is less than the NAAQS.

The VOC predicted concentrations were compared with the NYSDEC SGC/AGC guidelines. The results of the non-criteria pollutants air dispersion analysis are displayed in **Table 17-9**.

Table 17-9. Non-Criteria Pollutants Dispersion Analysis Results

Contaminant name	CAS No.	1-Hour	SGC	Annual	AGC
		µg/m³	µg/m³	µg/m³	µg/m³
Stack at Existing Height of 36.74 feet Above Grade					
Acetone	67-64-1	6435.03	180000.0	6.95	30000.0
Aromatic Petroleum Distillate	64742-94-5	1496.52	N.A.	1.62	100.0
Butane	106-97-8	1646.17	238000.0	1.78	N.A.
Ethanol	64-17-5	299.30	N.A.	0.32	45000.0
Ethyl 3-Ethoxypropionate	763-69-9	1346.87	140.0	1.45	64.0
Ethylbenzene	100-41-4	748.26	N.A.	0.81	1000.0
Methyl Ethyl Ketone	78-93-3	1197.21	13000.0	1.29	5000.0
N-Butyl Acetate	123-86-4	748.26	95000.0	0.81	17000.0
Propane	74-98-6	1646.17	N.A.	1.78	43000.0
Stoddard Solvent	8052-41-3	1496.52	N.A.	1.62	900.0
Toluene	108-88-3	1496.52	37000.0	1.62	5000.0
Xylene	1330-20-7	1496.52	22000.0	1.62	100.0
Stack at Height of 40 feet Above Grade – Impact on Projected Development Site 2					
Acetone	67-64-1	140.83	180000.0	0.26	30000.0
Aromatic Petroleum Distillate	64742-94-5	32.75	N.A.	0.06	100.0
Butane	106-97-8	36.03	238000.0	0.07	N.A.
Ethanol	64-17-5	6.55	N.A.	0.01	45000.0
Ethyl 3-Ethoxypropionate	763-69-9	29.48	140.0	0.05	64.0
Ethylbenzene	100-41-4	16.38	N.A.	0.03	1000.0
Methyl Ethyl Ketone	78-93-3	26.20	13000.0	0.05	5000.0
N-Butyl Acetate	123-86-4	16.38	95000.0	0.03	17000.0
Propane	74-98-6	36.03	N.A.	0.07	43000.0
Stoddard Solvent	8052-41-3	32.75	N.A.	0.06	900.0
Toluene	108-88-3	32.75	37000.0	0.06	5000.0
Xylene	1330-20-7	32.75	22000.0	0.06	100.0

As seen in **Table 17-9**, at a stack height of 40 feet above grade the predicted 1-hour and annual concentrations are less than the SGA/AGC guideline criterions.

Conclusion

As presented in the analysis, with the stack of the Jan's Auto Body facility (stack associated with PB034306) raised to a height of 40 feet above grade (no change in horizontal location) no impact would be predicted to surrounding land uses, including the third floor level on Projected Development Site 2.

Conclusion

Based on the analysis presented, the (E) Designation (E-524) language associated with this analysis is as follows:

> Block 805, Lot 61 (Projected Development Site 2): *Any new development or enlargement on the above-referenced property must ensure that the stack of the heating, ventilating, and air*

conditioning (HVAC) system is located at the highest tier, and is at least 35 feet from the northern lot line between Block 805, Lot 1 and Block 805, Lot 61 to avoid any potential significant adverse air quality impacts.

Any new development or enlargement on the above-referenced property must ensure that the auto spray booth exhaust stack of the Auto Body Shop on Block 805, Lot 61 be raised to 40 feet above grade to avoid any potential significant adverse air quality impacts.

Conditions associated with the project would not result in any violations of the ambient air quality standards, with the assignment of the above E-designation. Therefore, the action would not result in any potentially significant adverse stationary or mobile source air quality impacts, and further assessment is not warranted.

19. NOISE

Introduction

Two types of potential noise impacts are considered under CEQR. These are potential mobile source and stationary source noise impacts. Mobile source impacts are those which could result from a proposed project adding a substantial amount of traffic to an area. Potential stationary source noise impacts are considered when a Proposed Action would cause a stationary noise source to be operating within 1,500 feet of a receptor, with a direct line of sight to that receptor, if the project would include unenclosed mechanical equipment for building ventilation purposes, or if the project would introduce receptors into an area with high ambient noise levels.

Mobile Source

Relative to mobile source impacts, a noise analysis would only be required if a proposed project would at least double existing passenger car equivalent (PCE) traffic volumes along a street on which a sensitive noise receptor (such as a residence, a park, a school, etc.) was located. Residential uses are located along 38th and Steinway Streets and along 23rd Avenue which would provide vehicular access to the Affected Area. Ditmars Park is also located along Steinway Street across the street from the Affected Area. Traffic generated by the project along 38th and Steinway Streets and along 23rd Avenue would therefore be of concern relative to mobile source noise impacts.

A detailed mobile source analysis is typically conducted when PCE values are at least doubled between the no-action and the with-action conditions during the peak hour at receptors most likely to be affected by the Proposed Action. The action isn't expected to double PCEs compared to the no action scenario. As explained in the Transportation section above, the Proposed Action would generate less than 50 peak hour vehicle trips. 38th and Steinway Streets and 23rd Avenue are major streets in the Astoria neighborhood of Queens extending for many blocks and are lined with many dwellings and commercial uses generating substantial traffic volumes from their residents, patrons, and employees. Therefore, PCE values along 38th and Steinway Streets and 23rd Avenue would not be doubled by the increase in peak hour vehicle trips generated by the Proposed Action, and a detailed mobile source analysis is therefore not warranted.

No significant adverse mobile source noise impacts would be generated by the project.

Stationary Source

The Proposed Action would introduce a change in uses on Projected Development Site 1 from permitted community facility space under the No-Action scenario to a yoga studio and a CrossFit establishment in the With-Action scenario. The action would also potentially result in the development of up to 3,050 gsf of new commercial space on Projected Development Site 2. The yoga studio, CrossFit establishment, and new commercial space would not be considered to be sensitive noise receptors. However, the Proposed Action introduces commercial use to a residential area, and further analysis is required.

Introduction

The Applicant, 23rd Avenue Realty, is seeking a Zoning Map Amendment to map a C2-3 commercial district overlay over existing R5B and R5D residential districts, to a depth of 150 feet from the north side of 23rd Avenue between 38th Street and Steinway Street, the Affected Area (Block 805, Lots 1, 61, 64, and 160), located in the Astoria neighborhood of Queens, Community District 1. The Proposed Action would facilitate a proposal by the Applicant to align the zoning of the Applicant property (Block 805, Lot 1) with the range of existing commercial uses on the parcel and to allow the owner to bring into compliance, through applications to the Board of Standards and Appeals, an existing yoga studio and CrossFit establishment that service the surrounding community. Currently, only the existing yoga studio and CrossFit establishment are not legal, and all other commercial and manufacturing uses in the area proposed for rezoning are legal nonconforming uses. The proposed rezoning would result in the existing non-conforming commercial uses within the Affected Area becoming conforming uses. Existing manufacturing uses would remain non-conforming.

Equity Environmental Engineering, LCC (Equity) conducted noise monitoring on October 10th, 2018 to assess the potential impact of the Proposed Action to introduce a "permitted" noise source to the surrounding area. There are two uses of concern relative to noise generation within the Affected Area including the CrossFit gym on the Applicant property (Block 805, Lot 1), and the autobody shop on Block 805, Lot 61. The Department of City Planning's Environmental Assessment Review Division (EARD) requested that noise readings be conducted to record the potential noise impacts of the Proposed Action. EARD requested that noise monitoring be conducted in front of the CrossFit gym (Block 805, Lot 1), **Location 1,** and outside of the autobody shop fronting 23rd Ave at (Block 805, Lot 61), **Location 2**. In addition, monitoring was performed to establish a "no-action" or "existing condition" baseline by monitoring noise at a location specified by EARD that fronts an "as-of-right" set of uses. This monitoring location, **Location 3,** is in front of a commercial office on Steinway Street and is also part of Block 805, Lot 61. A comparative assessment of the noise readings at the above monitoring locations was performed to determine whether the non-compliant uses present under the existing zoning would pose a potential impact compared to current as-of-right uses present in the study area.

Framework of Noise Analysis

Noise is defined as any unwanted sound, and sound is defined as any pressure variation that the human ear can detect. Humans can detect a large range of sound pressures, from 20 to 20 million micropascals, but only those air pressure variations occurring within a particular set of frequencies are experienced as sound. Air pressure changes that occur between 20 and 20,000 times a second, stated as units of Hertz (Hz), are registered as sound.

Because the human ear can detect such a wide range of sound pressures, sound pressure is converted to sound pressure level (SPL), which is measured in units called decibels (dB). The decibel is a relative measure of the sound pressure with respect to a standardized reference quantity. Because the dB scale is logarithmic, a relative increase of 10 dB represents a sound pressure that is 10 times higher. However, humans do not perceive a 10-dB increase as 10 times louder. Instead, they perceive it as twice as loud.

Sound is often measured and described in terms of its overall energy, taking all frequencies into account. However, the human hearing process is not the same at all frequencies. Humans are

less sensitive to low frequencies (less than 250 Hz) than mid-frequencies (500 Hz to 1,000 Hz) and are most sensitive to frequencies in the 1,000- to 5,000-Hz range. Therefore, noise measurements are often adjusted, or weighted, as a function of frequency to account for human perception and sensitivities. The most common frequency weightings used are the A- and C-weightings. These weight scales were developed to allow sound level meters, which use filter networks to approximate the characteristic of the human hearing mechanism, to simulate the frequency sensitivity of human hearing. The A-weighting is the most commonly used for environmental measurements, and sound levels measured using this weighting are denoted as dBA. The letter "A" indicates that the sound has been filtered to reduce the strength of very low and very high frequency sounds, much as the human ear does. C-weighting gives nearly equal emphasis to sounds of most frequencies. Mid-range frequencies approximate the actual (unweighted) sound level, while the very low and very high frequency bands are significantly affected by C-weighting.

Table Noise-1: Noise Levels of Common Sources

Sound Source	SPL (dB(A))
Air Raid Siren at 50 feet	120
Maximum Levels at Rock Concerts (Rear Seats)	110
On Platform by Passing Subway Train	100
On Sidewalk by Passing Heavy Truck or Bus	90
On Sidewalk by Typical Highway	80
On Sidewalk by Passing Automobiles with Mufflers	70
Typical Urban Area	60-70
Typical Suburban Area	50-60
Quiet Suburban Area at Night	40-50
Typical Rural Area at Night	30-40
Isolated Broadcast Studio	20
Audiometric (Hearing Testing) Booth	10
Threshold of Hearing	0
Notes: A change in 3dB(A) is a just noticeable change in SPL. A change in 10 dB(A)Is perceived as a doubling or halving in SPL.	
Source: 2014 CEQR Technical Manual	

The following is typical of human response to relative changes in noise level:

- 3-dBA change is the threshold of change detectable by the human ear;
- 5-dBA change is readily noticeable; and
- 10-dBA change is perceived as a doubling or halving of the noise level.

The SPL that humans experience typically varies from moment to moment. Therefore, various descriptors are used to evaluate noise levels over time. Some typical descriptors are defined below.

- L_{eq} is the continuous equivalent sound level. The sound energy from the fluctuating SPLs is averaged over time to create a single number to describe the mean energy, or intensity, level. High noise levels during a measurement period will have a greater effect on the L_{eq} than low noise levels. L_{eq} has an advantage over other descriptors because L_{eq} values from various noise sources can be added and subtracted to determine cumulative noise levels.
- $L_{eq(24)}$ is the continuous equivalent sound level over a 24-hour time period.

The sound level exceeded during a given percentage of a measurement period is the percentile-exceeded sound level (L_X). Examples include L_{10}, L_{50}, and L_{90}. L_{10} is the A-weighted sound level that is exceeded 10% of the measurement period.

The decrease in sound level caused by the distance from any single noise source normally follows the inverse square law (i.e., the SPL changes in inverse proportion to the square of the distance from the sound source). In a large open area with no obstructive or reflective surfaces, it is a general rule that at distances greater than 50 feet, the SPL from a point source of noise drops off at a rate of 6 dB with each doubling of distance away from the source. For "line" sources, such as vehicles on a street, the SPL drops off at a rate of 3 dBA with each doubling of the distance from the source. Sound energy is absorbed in the air as a function of temperature, humidity, and the frequency of the sound. This attenuation can be up to 2 dB over 1,000 feet. The drop-off rate also will vary with both terrain conditions and the presence of obstructions in the sound propagation path.

Measurement Location and Equipment
Noise monitoring was conducted during peak vehicular travel periods (AM, Midday, PM). Pursuant to *CEQR Technical Manual* methodology, measurement periods of 1-hour were conducted during each of the AM, Midday, and PM peak hours. Location One (1) was conducted for 1-hour periods on the sidewalk at the 38th Street frontage; Location Two (2) was conducted for 1-hour periods on the sidewalk on the 23rd Avenue frontage; Location Three (3) was conducted for 1-hour periods on the sidewalk on the Steinway Street frontage. The monitoring locations are identified in Figure 1. Noise monitoring was conducted using a Type 1 Casella CEL-633C sound meter with wind screen. The monitors were placed on a tripod at a height of approximately three feet above the ground, away from any other noise-reflective surfaces. The monitors were calibrated prior to and following each monitoring session. Periods of peak vehicular traffic around the Affected Area constitute a worst-case condition for noise at the Area. Noise meter calibration certification and back up data are provided in Appendix A.

Figure 1: Noise Monitoring Locations

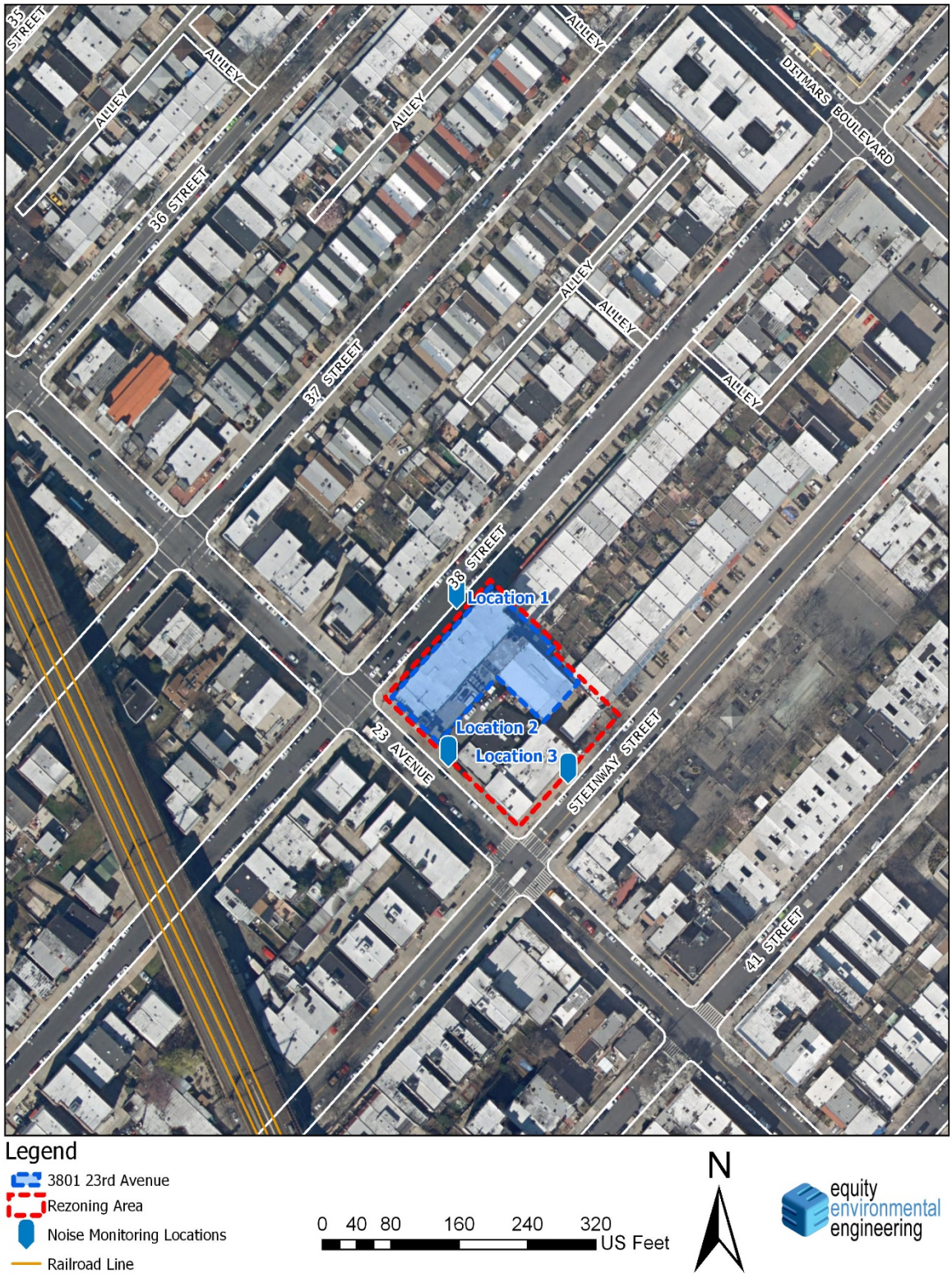


Photo 1: *Noise Monitoring Location One (1) at the Street Frontage of 38th Street*



Photo 2: *Noise Monitoring Location Two (2) at the Street Frontage of 23rd Avenue*



Photo 3: *Noise Monitoring Location Three (3) at the Street Frontage of Steinway Street*



Measurement Conditions
Monitoring was conducted during typical midweek conditions, on Wednesday, October 10th, 2018. The weather was dry and wind speeds were moderate during all monitoring periods. The sound meters were calibrated before and after each monitoring session.

Existing Conditions
Based on the noise measurements taken within Affected Area, the predominant source of noise is vehicular traffic at all three locations. Traffic on 38th Street was low at Location One (1), and traffic at Locations Two (2) and three (3) was equally moderate.

Tables 1.1 – 1.3 *below contain the results for the measurements taken at the* Affected Area:

Note: **Bold** denotes L_{10} noise level exceedances, according to Table 19-2 of the *CEQR Technical Manual*

Table 1.1: Noise Levels (dB)

Location 1: *Noise Levels at the Street Frontage of 38th Street*

Wednesday, October 10, 2018			
Time	7:32 – 8:32 am	12:01 – 1:01 pm	4:30 – 5:31 pm
L_{max}	90.4	88.2	89.6
L_{10}	**62**	**62**	**62**
L_{eq}	60.5	59.7	62.5
L_{50}	55.5	55.5	55
L_{90}	52.5	53	53
L_{min}	50.6	50.8	50.9

Table 1.2: Noise Levels (dB)

Location 2: *Noise Levels at the Street Frontage of 23rd Avenue*

Wednesday, October 10, 2018			
Time	7:31 – 8:32 am	12:05 – 1:05 pm	4:31 – 5:32 pm
L_{max}	96.3	96.2	107.9
L_{10}	**70**	**67**	**71**
L_{eq}	69.3	66.8	76.1
L_{50}	64	61	64
L_{90}	58.5	55.5	59.5
L_{min}	47.9	50.7	54.9

Table 1.3: Noise Levels (dB)

Location 3: *Noise Levels at the Street Frontage of Steinway Street*

Wednesday, October 10, 2018			
Time	7:31 – 8:31 am	12:00 – 1:00 pm	4:31 – 5:31 pm
L_{max}	94	93.1	97.8
L_{10}	**72**	**72**	**72**
L_{eq}	69.3	69.6	71.1
L_{50}	64	63.5	63
L_{90}	57.5	59	59
L_{min}	51.1	55.3	55.4

Tables 2.1-2.3 *below contain the traffic counts taken at the Project Site:*

Table 2.1: *Traffic Counts at the Street Frontage of 38th Street*

	7:32 am – 8:32 am	**12:01 pm – 1:01 pm**	**4:30 pm – 5:31 pm**
Car/ Taxi	52	42	43
Van/Light Truck/SUV	74	52	50
Motorcycle	0	0	0
Heavy Truck	0	4	2
Bus	1	0	0
Train	0	0	0

Table 2.2: *Traffic Counts at the Street Frontage of 23rd Avenue*

	7:31 am – 8:32 am	**12:05 pm – 1:05 pm**	**4:31 pm – 5:32 pm**
Car/ Taxi	202	215	249
Van/Light Truck/SUV	354	299	311
Motorcycle	1	14	11
Heavy Truck	24	22	16
Bus	9	1	1
Train	2	4	1

Table 2.3: *Traffic Counts at the Street Frontage of Steinway Street*

	7:31 am – 8:31 am	12:00 pm – 1:00 pm	4:31 pm – 5:31 pm
Car/ Taxi	125	158	172
Van/Light Truck/SUV	248	203	265
Motorcycle	1	1	1
Heavy Truck	75	74	52
Bus	15	6	9
Train	1	3	0

Findings

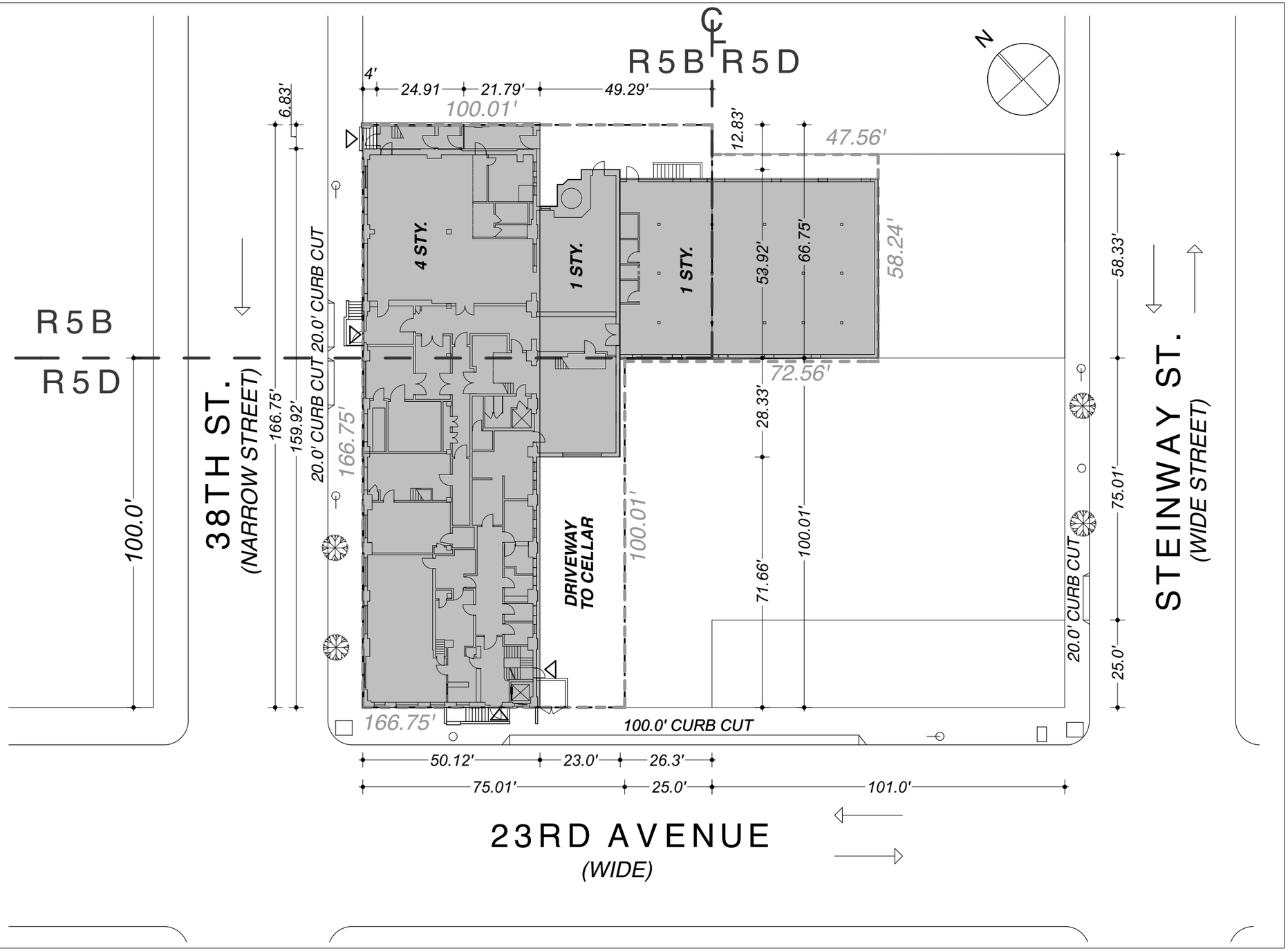
The highest recorded L_{10} at Location One (1) of the Affected Area was 62 dB as measured during all monitoring periods. The highest recorded L_{10} at Location Two (2) of the Affected Area was 71 dB during the evening monitoring period. The highest recorded L_{10} at Location Three (3) of the Affected Area was 72 dB during all monitoring periods. Evaluating the above findings, both Locations 1 and 2 – with currently non-conforming land uses under the existing zoning, have ambient noise levels which are below those of location 3 which has conforming land uses, during all monitoring periods. Based on this comparative assessment, the uses at these locations do not pose a risk of significant adverse environmental impacts associated with their current uses nor would they pose a risk of significant adverse environmental impacts as it relates to noise generation under the proposed zoning.

Conclusion

The Proposed Action would not result in adverse ambient noise impacts to sensitive uses on Projected Development Sites 1 and 2. The development would not have any potentially significant adverse mobile or stationary source noise impacts, and further assessment is not warranted.

APPENDIX

Architectural Plans



0 25 50 100 ft

LEGEND

- ZONING LOT
- TAX LOT
- TREE
- BUILDING FOOTPRINT
- ZONING DISTRICT BOUNDARY
- FIRE HYDRANT
- DEVELOPMENT LOT
- BUILDING ENTRANCE
- STREET LIGHT
- PARKING SIGN
- USPS MAILBOX

Note: Information outside of the boundaries of the zoning lot is for illustrative purposes only, and may not be exact. The architect bears no responsibility for inexact information on surrounding properties.

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38-01 23RD AVE., ASTORIA, NEW YORK, 11105,

BOROUGH:	QUEENS
BLOCK:	805
LOT:	1

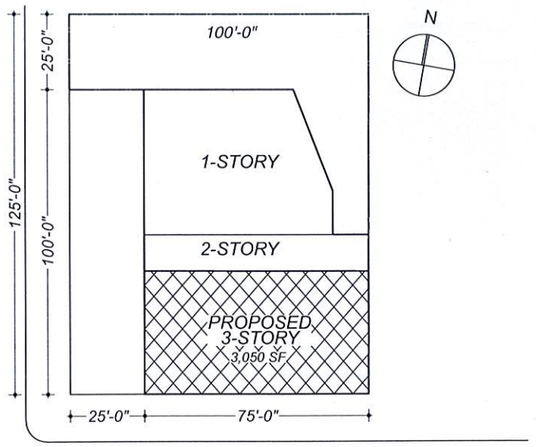
GROUND FLOOR PLAN - FOR ILLUSTRATIVE PURPOSES ONLY

Date Prepared: 2017.08.23.
Last revised: 2017.11.17.
Sheet No.
Z-01.00

Notes:

SITE PLAN DIAGRAM

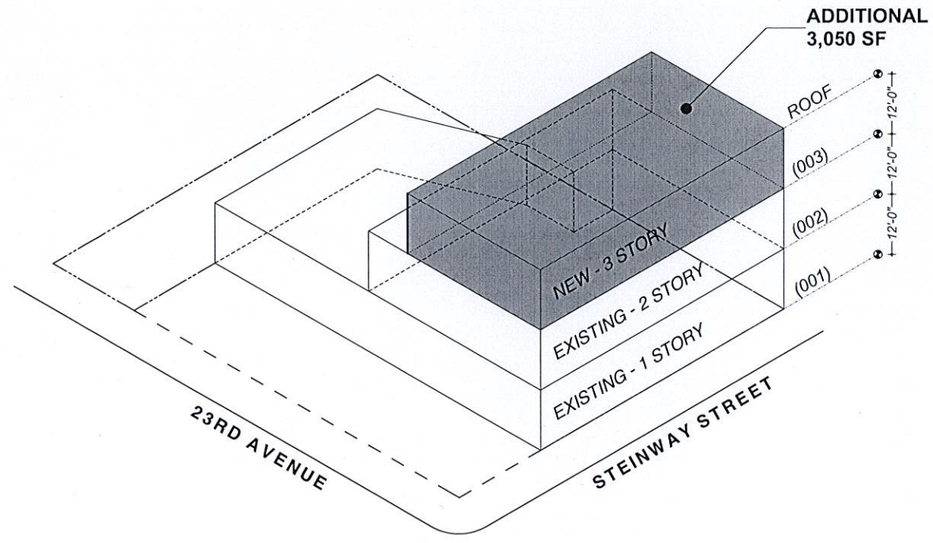
1" = 50'



STEINWAY ST

AXONOMETRIC DIAGRAM

NOT TO SCALE



NYC Buildings

ZD1 Zoning Diagram

Must be typewritten.

Orient and affix BIS job number label here

Submitted to resolve objections stated in a notice of intent to revoke issued pursuant to rule 101-15.

☐ Yes ☐ No

Location Information

House No(s)	22-76
Street Name	STEINWAY STREET
Borough	QUEENS
Block	805
Lot	61
BIN	4436961

Falsification of any statement is a misdemeanor and is punishable by a fine or imprisonment, or both. It is unlawful to give to a city employee, or for a city employee to accept, any benefit, monetary or otherwise, either as a gratuity for properly performing the job or in exchange for special consideration. Violation is punishable by imprisonment or fine or both. I understand that if I am found after hearing to have knowingly or negligently falsified or allowed to be falsified any certificate, form, signed statement, application, report or certification of the correction of a violation required under the provisions of this code or of a rule of any agency, I may be barred from filing further applications or documents with the Department.

Name (please print)

ROBERT TAN

Signature

REGISTERED ARCHITECT ROBERT TAN No. 016524 STATE OF NEW YORK

Date 9.6.16

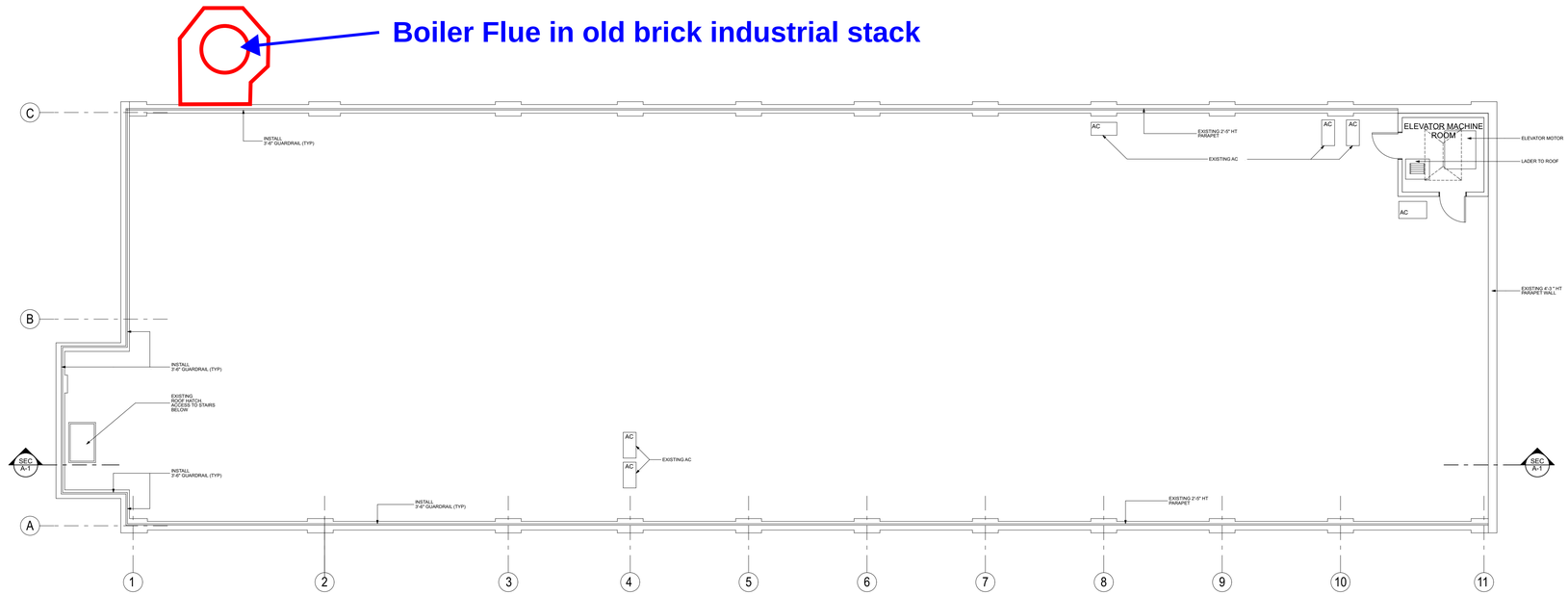
P.E. / R.A. Seal *(apply seal, then sign and date over seal)*

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BIS Doc #

PLAN EXAMINER SIGN AND DATE

AIR QUALITY APPENDIX



1 ROOF PLAN

SCALE: 1/8" = 1'-0"

Document Published: Wednesday, June 28, 2017, 5:23 PM, File Name: 1216 - 23RD AVE_20170628.pln

CODE COMPLIANCE UNDER NYS MDL 7B

38-01 23RD AVE., ASTORIA, NEW YORK, 11105,

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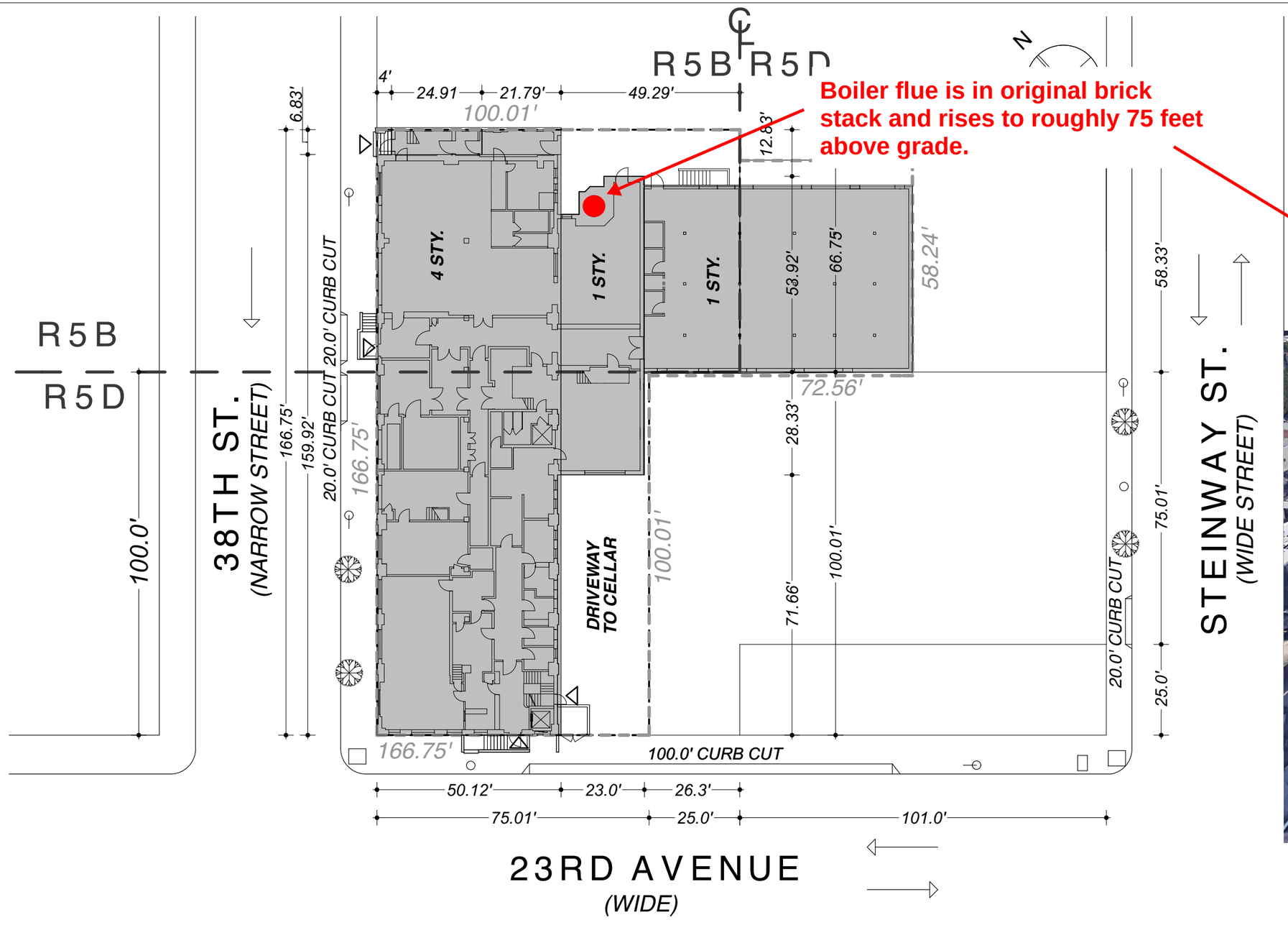
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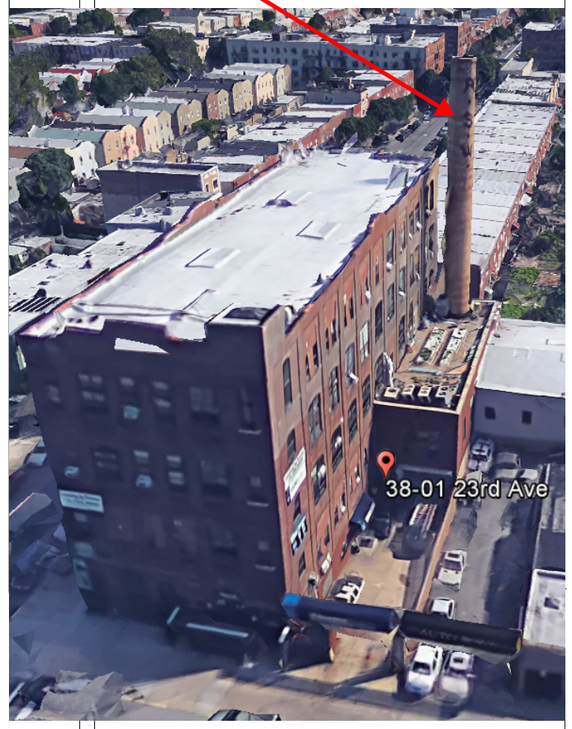
ISSUED FOR:	DOB FILING
DATE:	6/28/17
PROJECT No.:	1216
DRAWING BY:	AH
CHK BY:	RT
DOB ID #:	420653386

ROOF PLAN

SHEET 11 of 12

A-205.00





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BOROUGH:	QUEENS
BLOCK:	805
LOT:	1

Date Prepared: 2017.08.23.
Last revised: 2017.11.17.
Sheet No.
Z-01.00

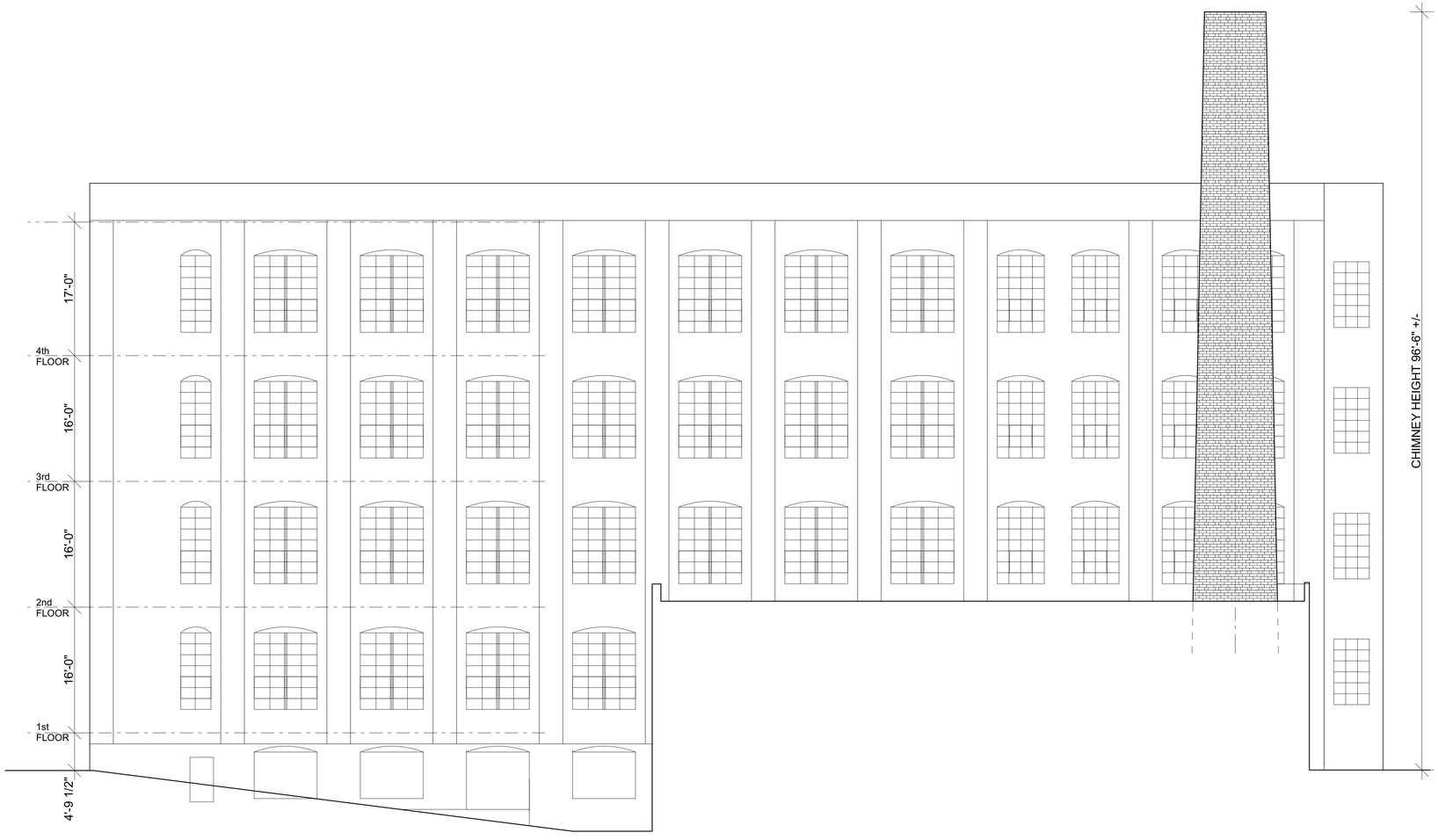
Notes:

0 25 50 100 ft

LEGEND

- ZONING LOT
- TAX LOT
- TREE
- BUILDING FOOTPRINT
- ZONING DISTRICT BOUNDARY
- FIRE HYDRANT
- DEVELOPMENT LOT
- BUILDING ENTRANCE
- STREET LIGHT
- PARKING SIGN
- USPS MAILBOX

Note: Information outside of the boundaries of the zoning lot is for illustrative purposes only, and may not be exact. The architect bears no responsibility for inexact information on surrounding properties.



1 38TH STREET ELEVATION
SCALE: 1/8" = 1'-0"

CODE COMPLIANCE UNDER NYS MDL 7B

38-01 23RD AVE., ASTORIA, NEW YORK, 11105,

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No:	Date:	DESCRIPTION

ISSUED FOR:	DOB FILING
DATE:	10/10/18
PROJECT No.:	1216
DRAWING BY:	AH
CHK BY:	RT
DOB ID #:	420653386

EAST ELEVATION

SHEET 16 of 21

A-303.00

Document Published: Wednesday, October 10, 2018, 11:23 AM. File Name: 1216 - 23RD AVE 20181009.pln

Project Name: 38-01 23rd Ave Rezoning
CEQR #: 18DCP137Q
SEQRA Classification: Unlisted

Appendix I: (E) Designation

To ensure that there would be no significant adverse air quality impacts associated with the proposed rezoning, an E designation (E-524) for air quality will be placed on the site.

The E-designation requirements related to air quality would apply to:

Projected Development Site 1:
Block 805 Lot 61

Air Quality

To ensure that there would be no significant adverse air quality impacts associated with the proposed project, an E designation (E-524) will be placed on the Projected Development Site 2 (Block 805 Lot 61) as follows:

Block 805, Lot 61 (Projected Development Site 2): *Any new development or enlargement on the above-referenced property must ensure that the stack of the heating, ventilating, and air conditioning (HVAC) system is located at the highest tier, and is at least 35 feet from the northern lot line between Block 805, Lot 1 and Block 805, Lot 61 to avoid any potential significant adverse air quality impacts.*

Any new development or enlargement on the above-referenced property must ensure the auto spray booth exhaust stack of the Auto Body Shop on Block 805, Lot 61 be raised to 40 feet above grade to avoid any potential significant adverse air quality impacts.

TECHNICAL MEMORANDUM

38-01 23rd Avenue Zoning Map Amendment

CEQR No. 18DCP137Q

(ULURP No. 180315ZMQ)

TECHNICAL MEMORANDUM

May 2019

This memorandum summarizes the potential environmental effects of the City Planning Commission (CPC) Modification to the original proposed zoning map amendment analyzed in the February 2019 *38-01 23rd Avenue Rezoning Environmental Assessment Statement (EAS)*. The Proposed Action analyzed in the EAS, and certified by the CPC on February 11, 2019, was a zoning map amendment that would map a C2-3 commercial district overlay over existing R5B and R5D residential districts, to a depth of 150 feet from the north side of 23rd Avenue between 38th Street and Steinway Street over the Affected Area (Block 805, Lots 1, 61, 64, and 160), located in the Astoria neighborhood of Queens, Community District 1. The Proposed Action would facilitate a proposal by the Applicant to align the zoning of the Applicant property (Block 805, Lot 1) with the range of existing commercial uses on the parcel, and to allow the owner to bring into compliance, through applications to the Board of Standards and Appeals, an existing yoga studio and a CrossFit establishment that service the surrounding community. The proposed rezoning would result in the existing non-conforming commercial uses within the Affected Area becoming conforming uses and would allow the addition of up to 3,050 gross square feet of commercial space to Lot 61. Existing manufacturing uses would remain non-conforming.

In response to comments received during the public review process for the land use application, the CPC Modification would remove Block 805, Lot 160 from the rezoning boundary which comprises an area bounded by a line located 75 feet from Steinway Street and 100 feet from 23rd Avenue.

The Modification would not affect the Applicant's proposal on Block 805, Lot 160, would not affect potential new development on Block 805, Lot 61, and would not affect the conversion of existing non-conforming commercial uses to conforming uses on Block 805, Lot 64.

Block 805, Lot 160, identified as Other Site 2 in the EAS, is not a Projected Development Site. It consists of a 3,016 sf lot occupied by a 3-story, approximately 2,895 gsf residential walk-up building containing three UG2 dwelling units with an FAR of approximately 0.96. The building's cellar includes residential accessory uses; the first floor contains residential space and a garage; and residential apartments are located on the building's second and third floors. The permitted development of up to approximately 2,051 gsf of commercial space on Other Site 2 under the Proposed Action as analyzed in the original EAS was not expected to occur as existing ground floor residential use prevents the addition of commercial bulk to the rear (within the required residential rear yard) or in the front (obstructing legal windows or access to required parking). It was not anticipated that existing ground floor residential space would be displaced to accommodate new commercial floor space when the maximum FAR permitted would remain at 2.0.

Since Block 805, Lot 160 would be removed from the rezoning boundary and the Modification of the Proposed Action would not affect either the Applicant's proposal on Block 805, Lot 160, potential new development on Block 805, Lot 61, or the conversion of existing non-conforming commercial uses to conforming uses on Block 805, Lot 64, the Modification would not affect the analysis or screening included in the EAS for land use, zoning, and public policy; urban design and visual resources; hazardous materials; transportation; air quality; or noise as further discussed below.

- Land Use, Zoning, and Public Policy - The removal of Block 805, Lot 160 from the rezoning boundary under the Modification would not affect the analysis or screening included in the EAS as the removal of this Lot would not affect the existing land uses, zoning, or public policies applicable to Lot 160 and it would not affect the existing or potential future land uses, zoning, or public policies applicable to Lots 1, 61, or 64 within the remainder of the rezoning area.

- Urban Design and Visual Resources - The removal of Block 805, Lot 160 from the rezoning boundary under the Modification would not affect the analysis or screening included in the EAS relative to Lot 160 as the Lot is not a Projected Development Site and no changes to the urban design or visual resource character of this Lot were anticipated in the original EAS. The Proposed Action would only result in potential new development on Block 805, Lot 61, which would be limited to a new third floor added to the existing building on this property along the Steinway Street frontage of the Lot. The development of any additional square footage on this Site would be constructed in conformance with yard, height, and setback requirements pursuant to zoning and would not result in an increase in built floor area beyond what would be allowed as-of-right as the total permitted FAR on the Lot would remain at 2.0. The Action would not result in the obstruction of any publicly accessible views to visual resources. The removal of Lot 160 from the rezoning area under the Modification would have no effect on potential new development on Lot 61 or on Block 805, Lots 1 and 64 which are not projected to experience any new development.

- Hazardous Materials - The removal of Block 805, Lot 160 from the rezoning boundary under the Modification would not affect the analysis or screening included in the EAS relative to Lot 160 as the Lot is not a Projected Development Site and no new development or soils disturbance on this Lot were anticipated in the original EAS. The removal of Lot 160 from the rezoning area under the Modification would have no effect on any hazardous materials concerns related to potential new development on Block 805, Lot 61 or on Block 805, Lots 1 and 64 which are not projected to experience any new development or soils disturbance.

- Transportation - The Proposed Action analyzed in the original EAS did not warrant a transportation analysis based on the CEQR screening threshold of the generation of 50 or more peak hour vehicle trips. The removal of Block 805, Lot 160 from the rezoning boundary under the Modification would not affect the analysis or screening included in the EAS.

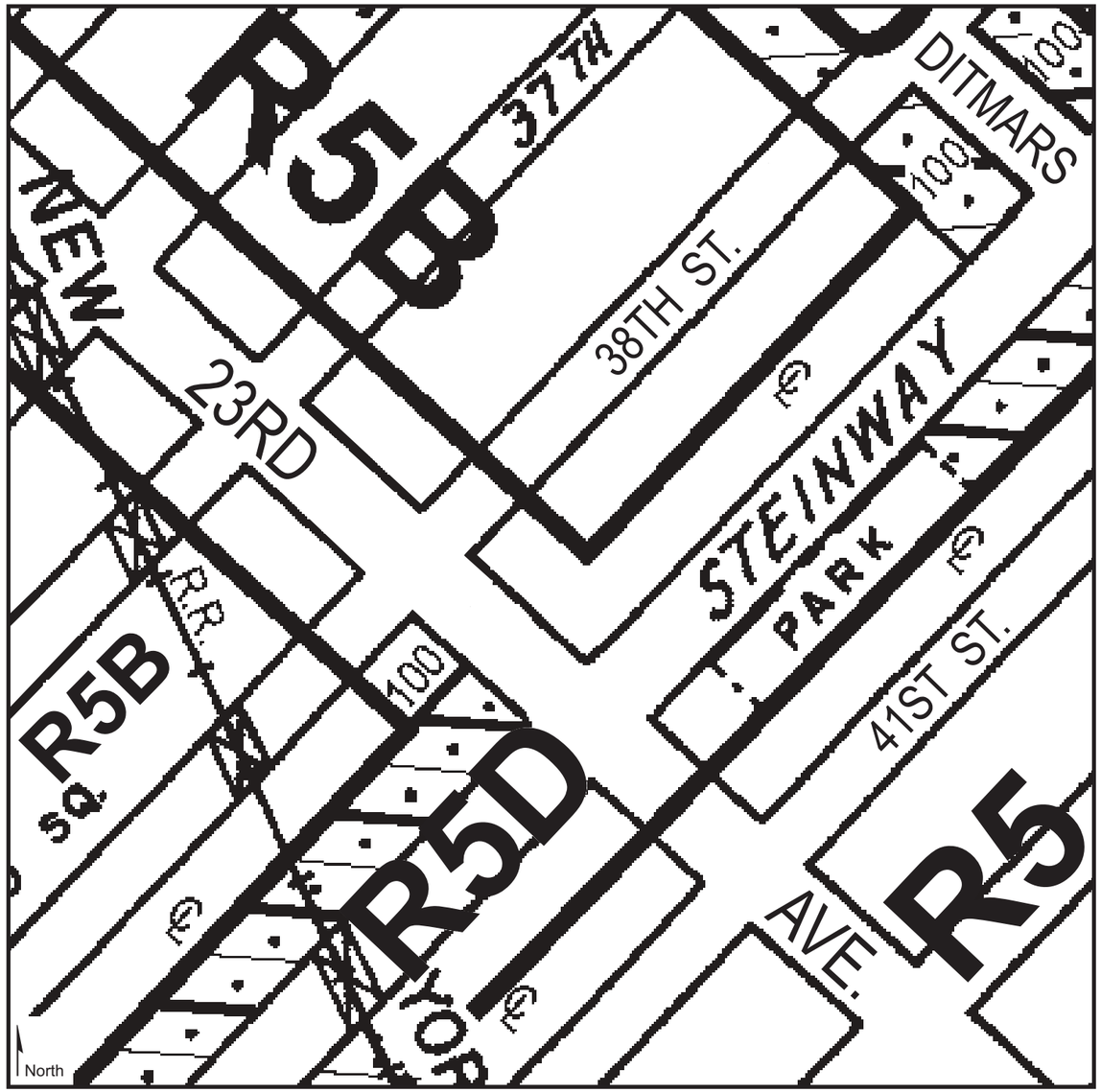
- Air Quality - The removal of Block 805, Lot 160 from the rezoning boundary under the Modification would not affect the analysis or screening included in the EAS relative to

Lot 160 as the Lot is not a Projected Development Site and no new development on this Lot was anticipated in the original EAS. The Proposed Action analyzed in the original EAS did not warrant a mobile source analysis based on the CEQR screening threshold and therefore the removal of Lot 160 would not result in any mobile source concerns. The Proposed Action analyzed in the original EAS conducted a stationary source analysis for Block 805, Lot 1, which was projected to experience a change in permitted development within the existing floor area of the building, and Block 805, Lot 61, which was projected to experience a potential increase in floor area. The removal of Lot 160 from the rezoning boundary would not affect stationary source concerns on Lots 1 or 61.

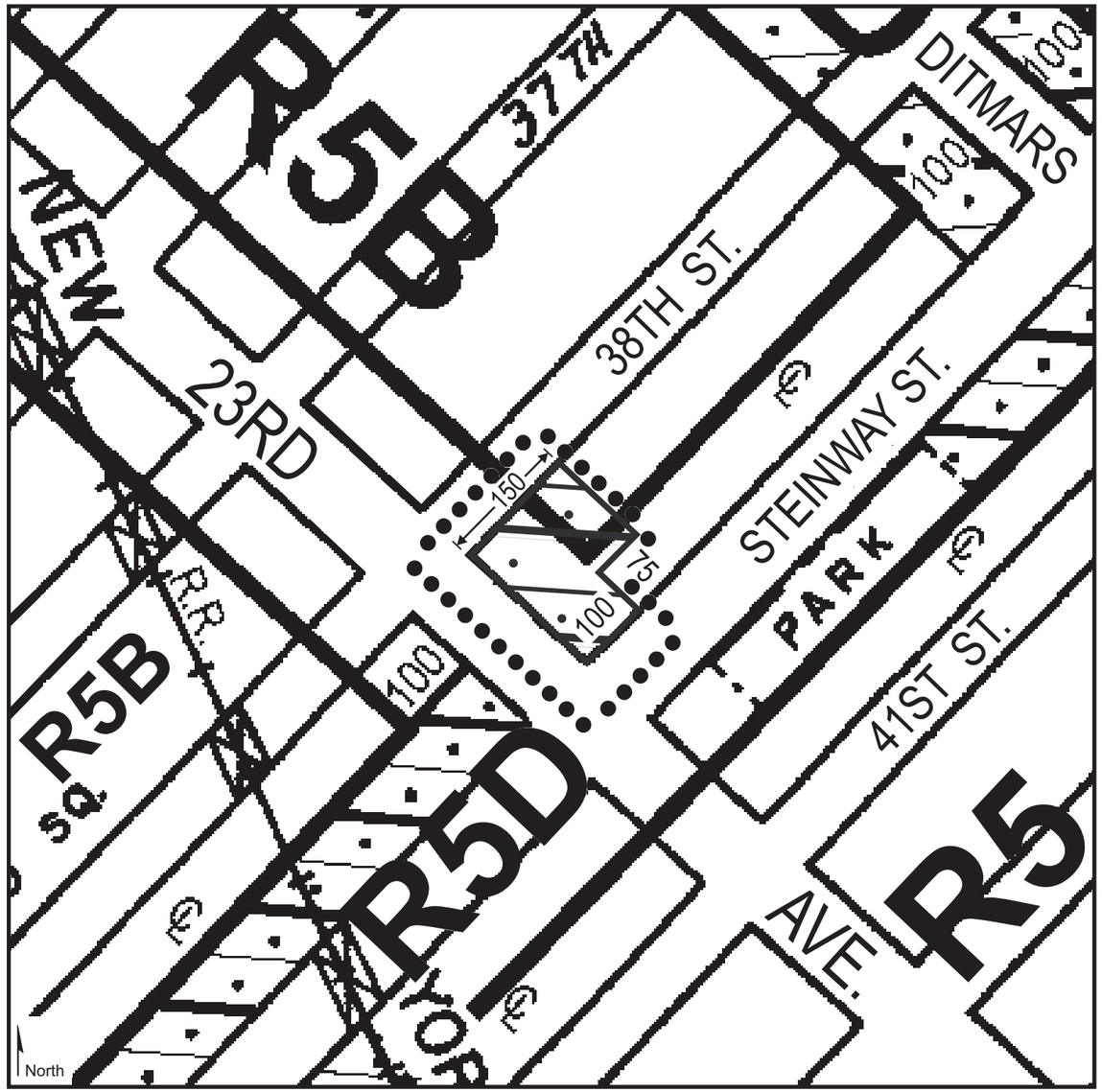
- Noise - The removal of Block 805, Lot 160 from the rezoning boundary under the Modification would not affect the analysis or screening included in the EAS relative to Lot 160 as the Lot is not a Projected Development Site and no new development on this Lot was anticipated in the original EAS. The Proposed Action analyzed in the original EAS did not warrant a mobile source analysis based on the CEQR screening threshold and therefore the removal of Lot 160 would not result in any mobile source concerns. The Proposed Action analyzed in the original EAS conducted a stationary source analysis for Block 805, Lot 1, which was projected to experience a change in permitted development within the existing floor area of the building, and Block 805, Lot 61, which was projected to experience a potential increase in floor area. The removal of Lot 160 from the rezoning boundary would not affect stationary source concerns on Lots 1 or 61.

Zoning Change Map

For Illustrative Purposes Only



Current Zoning Map (9c)



Proposed Zoning Map (9c) - Area being rezoned is outlined with dotted lines

Rezoning from R5D to R5D/C2-3
Rezoning from R5B to R5B/C2-3

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5