99-07 ASTORIA BOULEVARD REZONING

Environmental Assessment Statement

Prepared for:
HBC Corona, LLC

Environmental Studies Corp.

July 2021

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* 99-07 Astoria Boulevard Rezoning

3. *Reference Numbers*

CEQR REFERENCE NUMBER (to be assigned by lead agency)	BSA REFERENCE NUMBER (if applicable)
21DCP176Q	
ULURP REFERENCE NUMBER (if applicable)	OTHER REFERENCE NUMBER(S) (if applicable) (*e.g.*, legislative intro, CAPA)
210189ZMQ	

4a. *Lead Agency Information*			**4b. *Applicant Information***		
NAME OF LEAD AGENCY NYC Department of City Planning			NAME OF APPLICANT 99-20 Realty Corp.		
NAME OF LEAD AGENCY CONTACT PERSON Kathi Ko			NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON Hiram A. Rothkrug, Environmental Studies Corp.		
ADDRESS 120 Broadway			ADDRESS 55 Water Mill Lane		
CITY New York	STATE NY	ZIP 10271	CITY Great Neck	STATE NY	ZIP 11201
TELEPHONE 212-270-3507	EMAIL KKo@planning.nyc.gov		TELEPHONE 718-343-0025	EMAIL hrothkrug@environmentalstudiescorp.com	

5. *Project Description*

The Applicant seeks a zoning map amendment (Zoning Sectional Map 9c) from an R3-2 zoning district to a R3-2/C2-3 zoning district with commercial overlay (the "Proposed Action"). The Rezoning Area includes Block 1379, Lots 14, 15, 17 and 23 located on the northside Astoria Boulevard between 27th Avenue and 100th Street in the East Elmhusrt section of Queens, Community District 3. The Proposed Action would facilitate the development of a one-story plus cellar 11,339 gross sf commercial (Use Group 6) building (the "Proposed Project') on Applicant-owned Block 1379, Lots 14 and 23 (the "Development Site). The Development Site is located at 99-07 Astoria Boulevard.

Project Location

BOROUGH Queens	COMMUNITY DISTRICT(S) 3	STREET ADDRESS 99-07 Astoria Boulevard
TAX BLOCK(S) AND LOT(S) Block 1379, Lots 14, 15, 17 and 23		ZIP CODE 11369
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS Northside of Astoria Bouevard between 27th Ave and 100th St		
EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY R3-2		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.): 10,154
Waterbody area (sq. ft) and type:
Roads, buildings, and other paved surfaces (sq. ft.): 10,154
Other, describe (sq. ft.):

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): 11,339
NUMBER OF BUILDINGS: 1
GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): 11,339
HEIGHT OF EACH BUILDING (ft.): 15
NUMBER OF STORIES OF EACH BUILDING: 1

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: 6,074
The total square feet not owned or controlled by the applicant: 4,080

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: 4,923 sq. ft. (width x length)
VOLUME OF DISTURBANCE: 44,703 cubic ft. (width x length x depth)
AREA OF PERMANENT DISTURBANCE: 4,923 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.)		11,339		
Type (*e.g.,* retail, office, school)	units	Retail		

Does the proposed project increase the population of residents and/or on-site workers? ☒ YES ☐ NO
If "yes," please specify:
NUMBER OF ADDITIONAL RESIDENTS: 0
NUMBER OF ADDITIONAL WORKERS: 34
Provide a brief explanation of how these numbers were determined: 3/1,000 sf retail

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:

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: 12
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:

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.		
(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. See Attached		
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): 2,686		
○ 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): 2.4m		
(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 attahed	☒	☐
(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
Kathleen M Feeney, Environmental Studies Corp	7/27/2021

SIGNATURE

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.

NEGATIVE DECLARATION

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

Reasons Supporting this Determination

The above determination is based on information contained in this EAS, which finds the proposed actions sought before the City Planning Commission would not have a significant adverse impact on the environment. Reasons supporting this determination are noted below.

Land Use, Zoning, and Public Policy

A detailed analysis of land use, zoning, and public policy is included in the EAS. The applicant, HBC Corona, LLC, seeks to extend a C1-3 commercial overlay district over the property located at 99-07 Astoria Blvd. (Block 1379, Lots 14 and 23) in East Elmhurst, Queens. The Rezoning Area includes Block 1379, Lots 14, 15, 17 and 23 located on the northside Astoria Boulevard between 27th Avenue and 100th Street in the East Elmhusrt section of Queens, Community District 3. The Proposed Action would facilitate the development of a one-story plus cellar 11,339 gross sf commercial (Use Group 6) building (the "Proposed Project') on Applicant-owned Block 1379, Lots 14 and 23 (the "Development Site). The Rezoning Area and surrounding neighborhood are primarily residential use with commercial uses concentrated along Astoria Boulevard. The Development Site is located at 99-07 Astoria Boulevard. The proposed actions are anticipated to result in a change in land use lots 14 and 23, however, the surround area includes a mix of residential and commercial uses, and the proposed change in land use and zoning would not constitute a significant adverse impact.

Hazardous Materials and Air Quality

An (E) designation (E-640) related to hazardous materials and air quality would be established as part of the approval of the proposed actions. Refer to "Determination of Significance Appendix: (E) designation" for the applicable (E) designation requirements. The hazardous materials and air quality analyses conclude that with the (E) designation in place, the proposed actions would not result in a significant adverse impact related to hazardous materials or air quality.

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA). Should you have any questions pertaining to this Negative Declaration, you may contact Katherine Glass at +1 212-720-3425.

TITLE	LEAD AGENCY
Deputy Director, Environmental Assessment and Review Division	Department of City Planning on behalf of the City Planning Commission 120 Broadway, 31st Fl. New York, NY 10271 | 212.720.3328
NAME Stephanie Shellooe, AICP	DATE August 27, 2021
SIGNATURE	

TITLE	
Chair, City Planning Commission	
NAME Marisa Lago	DATE August 30, 2021
SIGNATURE	

Part III: 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? ☐ YES ☐ NO

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	LEAD AGENCY
NAME	DATE
SIGNATURE	

Project Name: 99-07 Astoria Blvd. Commercial Overlay
CEQR # 21DCP176Q
SEQRA Classification: Unlisted

Determination of Significance Appendix

The Proposed Action(s) were determined to have the potential to result in changes to development on the following site(s):

Development Site	Borough	Block and Lot
Projected Development Site 1	Queens	Block 1379, Lots 14 and 23

(E) Designation Requirements

To ensure that the proposed actions would not result in significant adverse impacts related to hazardous materials, air quality, and noise an (E) designation (**E-640**) would be established as part of approval of the proposed actions on **Projected Development Site** as described below:

Development Site	Hazardous Materials	Air Quality	Noise
Projected Development Site 1	X	X	

Hazardous Materials

The (E) designation requirements applicable to **Projected Development Site 1** for hazardous materials would apply as follows:

Task 1-Sampling Protocol

The applicant submits to OER, for review and approval, a Phase I of the site along with a soil, groundwater and soil vapor testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented. If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of samples should be selected to adequately characterize the site, specific sources of suspected contamination (i.e., petroleum based contamination and non-petroleum based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2-Remediation Determination and Protocol

A written report with findings and a summary of the data must he submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

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

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

Project Name: 99-07 Astoria Blvd. Commercial Overlay
CEQR # 21DCP176Q
SEQRA Classification: Unlisted

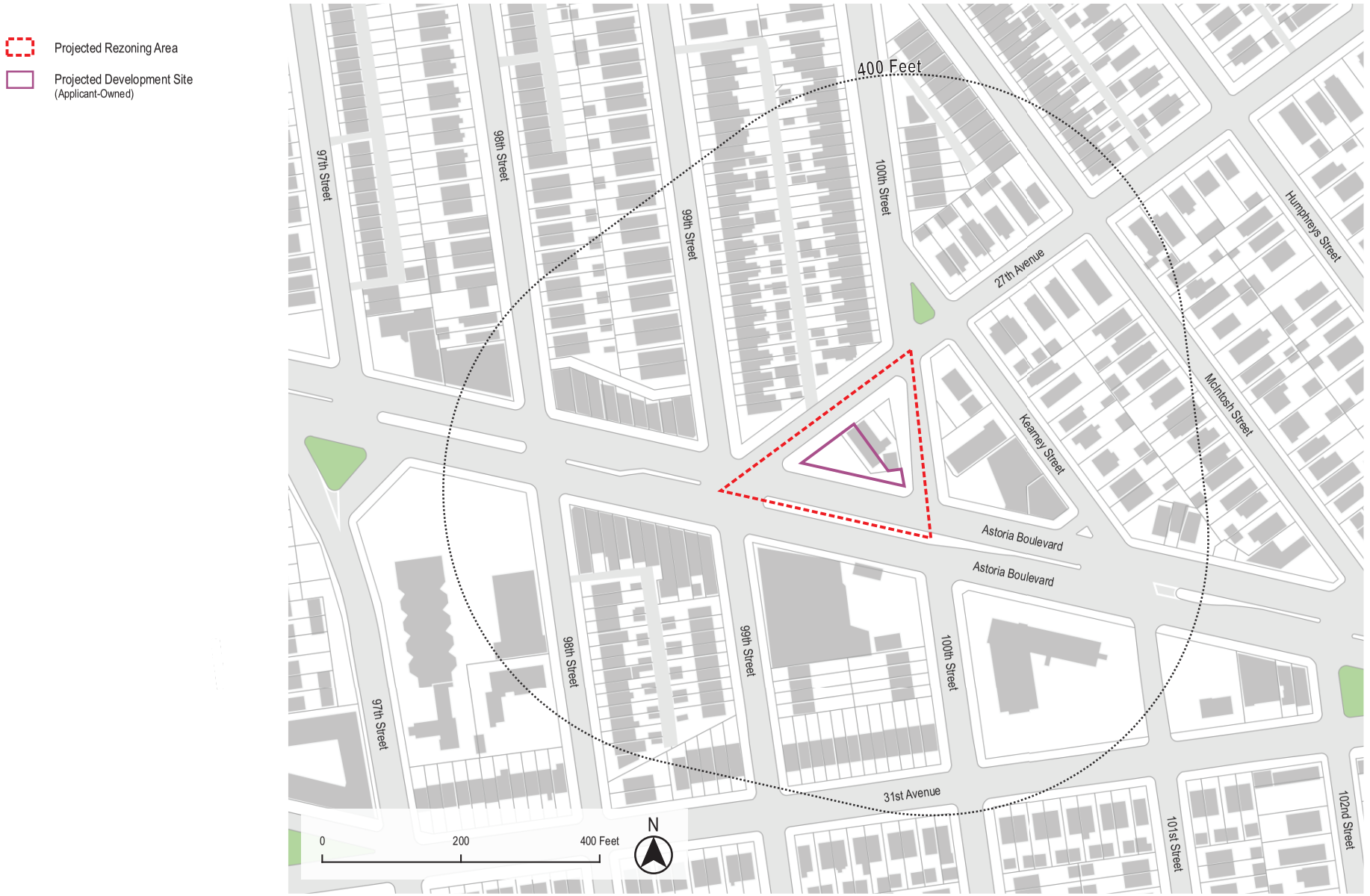
Air Quality

The (E) designation requirements for air quality would apply as follows:

> ***Projected Development Site 1:*** *Any new commercial development on the above-referenced property must ensure that the heating, ventilating, air conditioning (HVAC), and hot water system(s) stack is located at the building's highest level or at least 18 feet above grade, and that the stack is located at least 35 feet from the lot line facing Kearney Street to avoid any potential significant adverse air quality impacts.*

99-07 Astoria Boulevard, Queens

Figure 1: Site Location

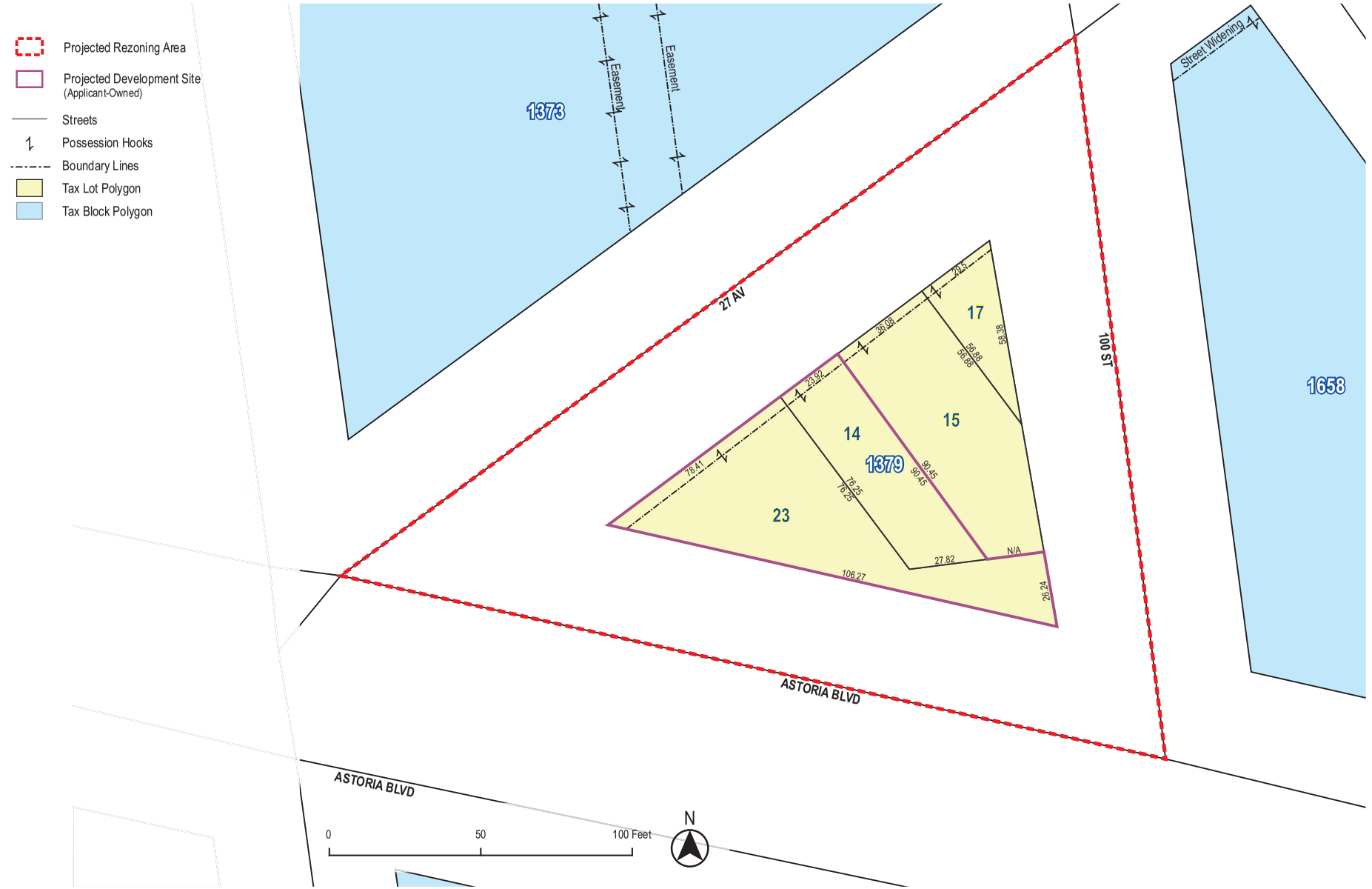


Data Source: MapPLUTO 2020v3

Urban Cartographics

99-07 Astoria Boulevard, Queens

Figure 2: Tax Map



Data Source: MapPLUTO 2020v3, NYC DOF Digital Tax Map 8/10/20

Urban Cartographics

99-07 Astoria Boulevard, Queens

Figure 3: Land Use Map

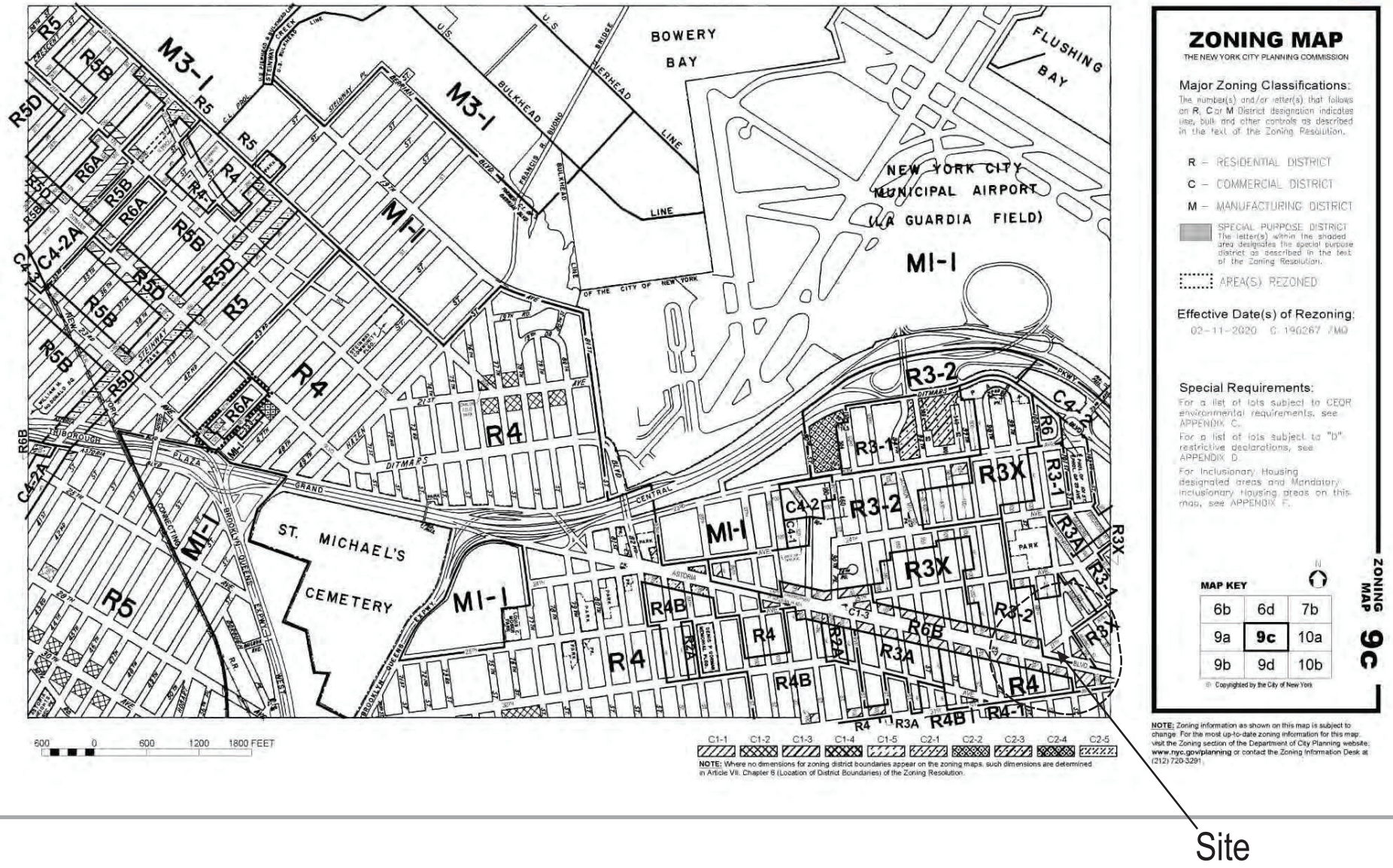


Data Source: MapPLUTO 2020v3, NYC DOF Digital Tax Map 8/10/20

Urban Cartographics

99-07 Astoria Boulevard, Queens

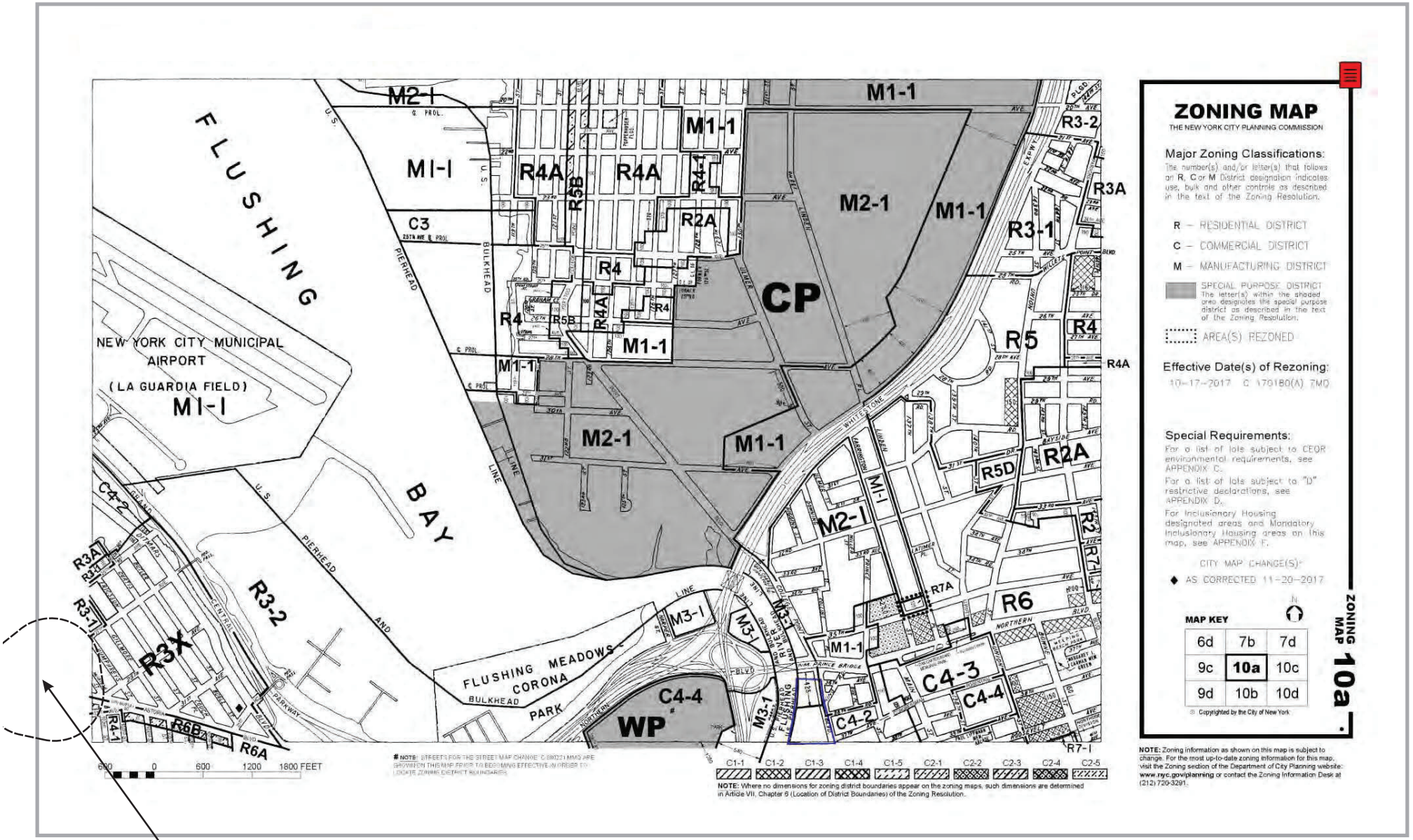
Figure 4: Zoning Map (9c)



Urban Cartographics

99-07 Astoria Boulevard, Queens

Figure 5: Zoning Map (10a)



Urban Cartographics

99-07 Astoria Boulevard, Queens

Figure 6: Aerial Map



Imagery Source: 2020 Bing, Microsoft Corporation (OR) 2020 Google

Urban Cartographics

99-07 Astoria Boulevard, Queens

Figure 1: Photographs

Urban Cartographics

Photographs taken on September 3, 2020



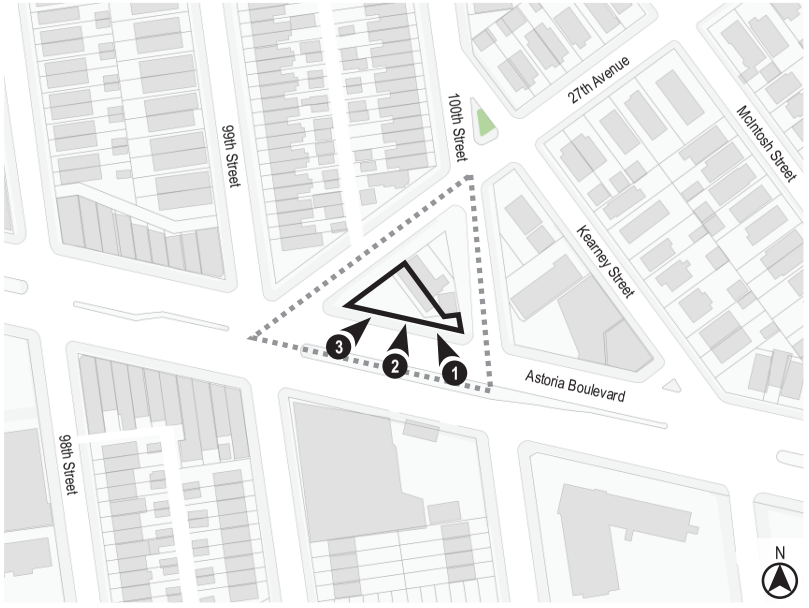
1. View of the Development Site facing northwest from Astoria Boulevard.



2. View of the Development Site facing north from Astoria Boulevard.



3. View of the Development Site facing northeast from Astoria Boulevard.





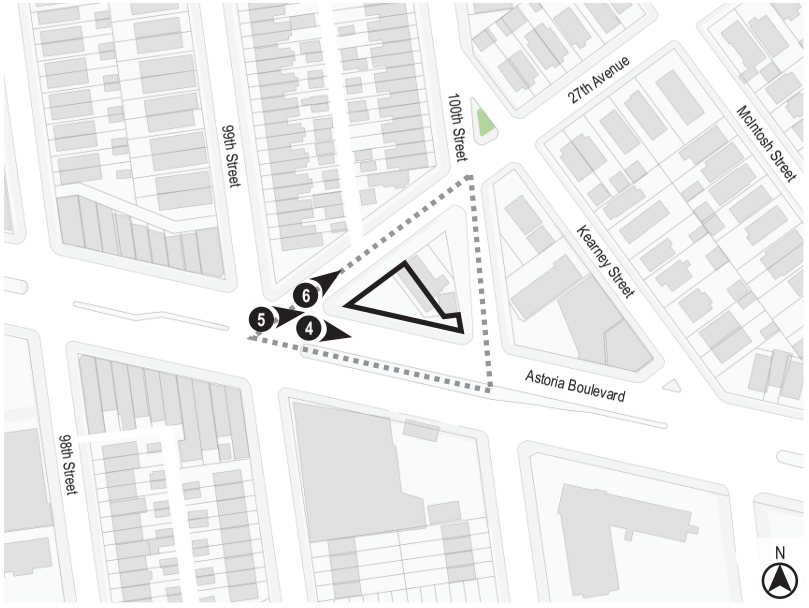
4. View of Astoria Boulevard facing southeast from 27th Avenue (Development Site at left).



5. View of the Development Site facing east from the intersection of Astoria Boulevard and 27th Avenue.



6. View of 27th Avenue facing northeast from Astoria Boulevard (Development Site at right).

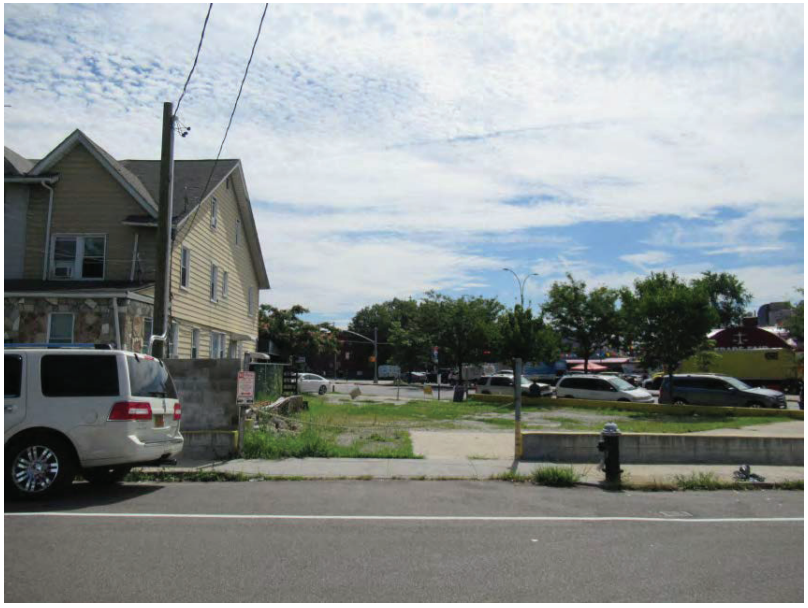




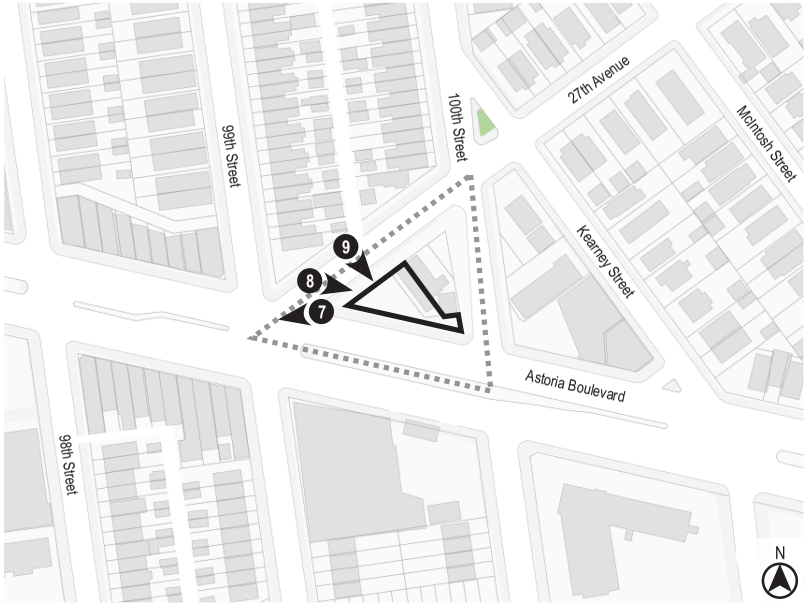
7. View of the intersection of Astoria Boulevard and 27th Avenue facing west from the Development Site.



8. View of the Development Site facing east from 27th Avenue.



9. View of the Development Site facing southeast from 27th Avenue.





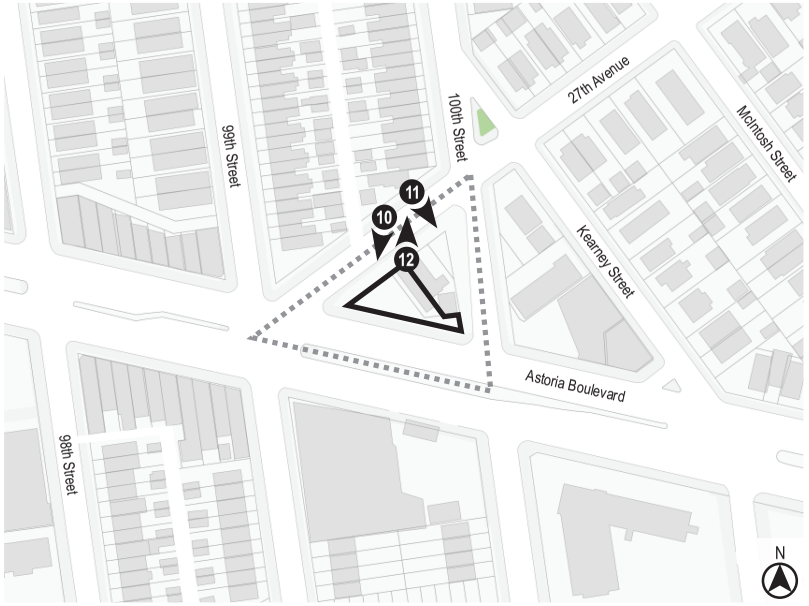
10. View of the Development Site facing south from 27th Avenue.



11. View of the Project Area facing southeast from 27th Avenue.



12. View of the north side of 27th Avenue facing north from the Development Site.





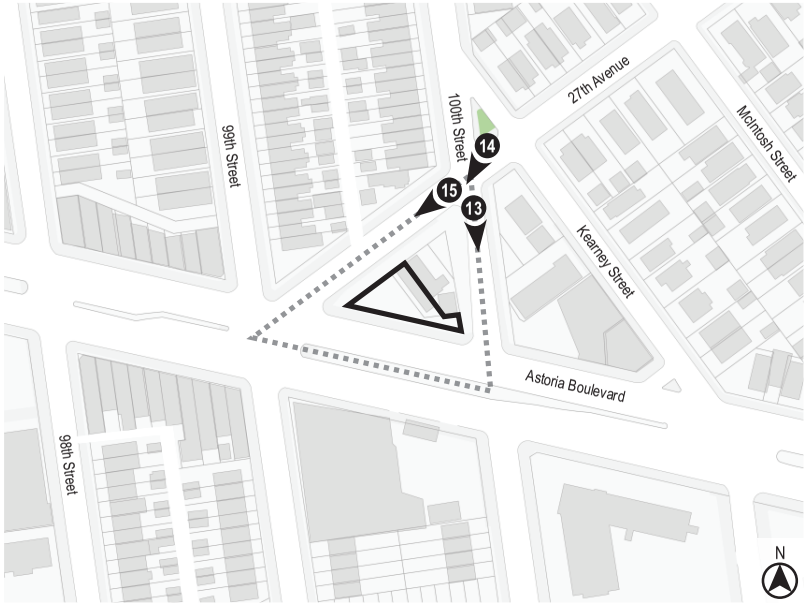
13. View of 100th Street facing south from 27th Avenue (Project Area at right).



14. View of the Project Area facing southwest from the intersection of 100th Street and 27th Avenue.



15. View of 27th Avenue facing southwest from 100th Street (Project Area at left).





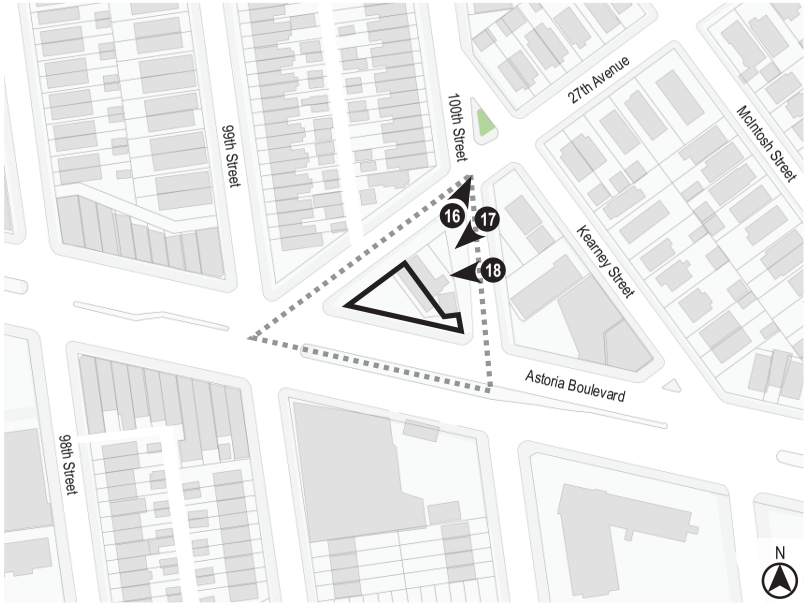
16. View of the intersection of 100th Street and 27th Avenue facing northeast from the Project Area.



17. View of the Project Area facing southwest from 100th Street.



18. View of the Project Area facing west from 100th Street.





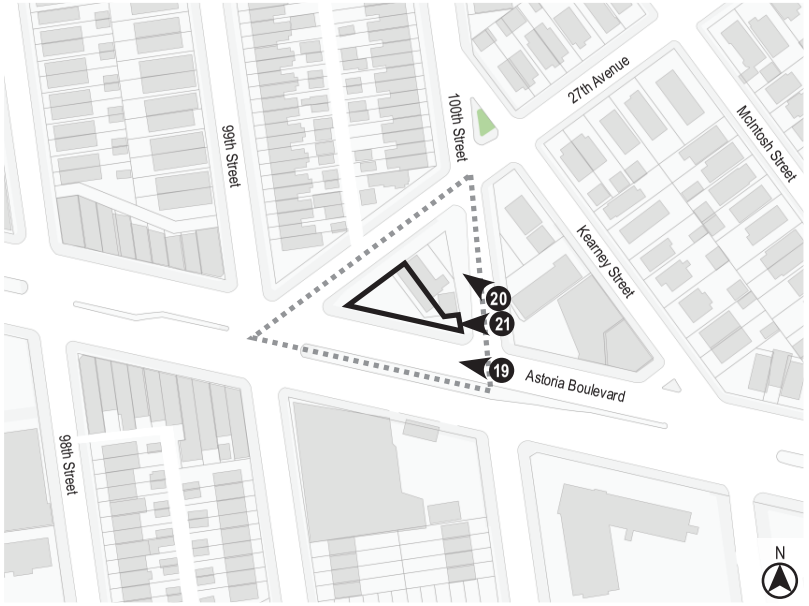
19. View of Astoria Boulevard facing northwest from 100th Street (Development Site at right).



20. View of the Project Area facing northwest from 100th Street.



21. View of the Development Site facing west from 100th Street.





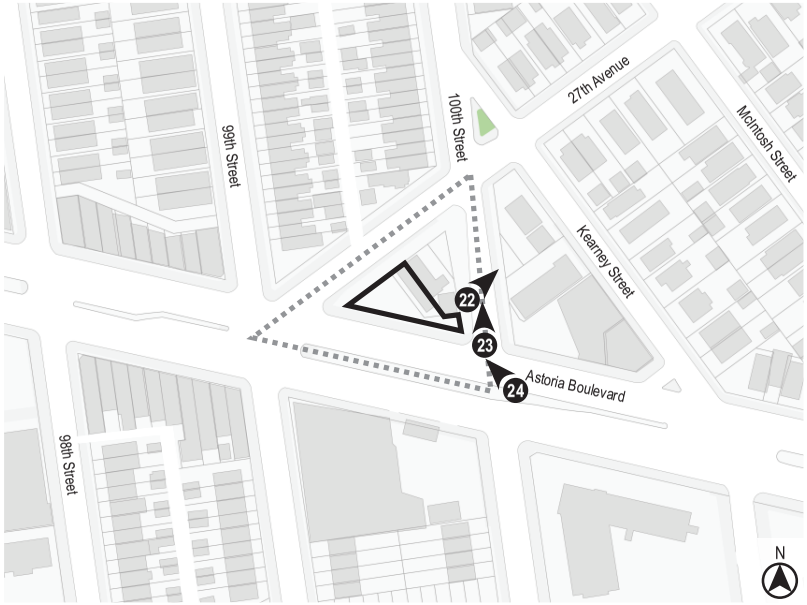
22. View of the east side of 100th Street facing northeast from the Development Site.



23. View of 100th Street facing north from Astoria Boulevard (Development Site at left).



24. View of the Development Site facing northwest from the intersection of Astoria Boulevard and 100th Street.



PROJECT DESCRIPTION
99-07 ASTORIA BOULEVARD, QUEENS, NY

Introduction

The applicant, 99-20 Realty Corp., (the "Applicant"), seeks a zoning map amendment to Zoning Map 9c that would include Block 1379, Lots 14, 15, 17, and 23, (the "Rezoning Area") located at 99-07 Astoria Boulevard in the East Elmhurst section of Queens Community District 3.

The proposed zoning map amendment would rezone an area from an R3-2 zoning district to an R3-2 zoning district with a C2-3 commercial overlay (the "Proposed Action"). The Rezoning Area is located on a triangular shaped block and has approximately 155 feet of frontage on 27th Avenue, approximately 130 feet of frontage on 100th Street, and approximately 160 feet of frontage on Astoria Boulevard, which is a wide, 130-foot arterial road that runs east-west through Astoria and East Elmhurst. Both 27th Avenue and 100th Street are narrow streets.

The Proposed Action to the Applicant-owned Block 1379, Lots 14 and 23 (the "Development Site") would facilitate the development of a 11,339 gross square foot (gsf) one-story plus cellar (Use Group 6) commercial development (the "Proposed Development") on the Development Site. The Proposed Development would provide neighborhood retail on the first floor and accessory storage in the cellar. No parking would be provided.

See **Figure 1 –** Site Location and **Figure 2 –** Tax Map.

Existing Conditions

The proposed Rezoning Area consists of four adjacent tax and zoning lots, (Block 1379, Lots 14, 15, 17 and 23) in the East Elmhurst section of Queens, Community District 3. It encompasses the entire block, however two of the four lots have screened out.

Block 1379 **Lot 14** is an Applicant-owned 1,994 sf lot with a 1,770 sf (0.57) semi-detached one-family residence built in 1920. It is semi-detached from the residence on Lot 15.

Block 1379 **Lot 23** is an Applicant-owned 4,080 sf lot that is currently vacant.

Block 1379 **Lot 15** is a 3,240 sf lot and includes a 1,850 sf (1.0 FAR) semi-detached two-family residence built in 1920. It is semi-detached from the residence on Lot 14. There is also a detached garage on the lot. Lot 15 has been owned and occupied by the same

family since 1990. There is no indication that this would be redeveloped in the near future, therefore this lot is not included in the analysis.

Block 1379 **Lot 17** is an 840 sf lot, owned by the same family as the adjacent Lot 15, and is currently vacant. In general, Lot 17 would be too small to be considered a soft site on its own. Similar in size to the Block 1658, Lot 32 directly to the east, lots this size in this area are not typically redeveloped on their own and therefore are not considered in the analysis.

The entire Rezoning Area totals approximately 10,154 square feet. The proposed Development Site totals approximately 6,074 square feet. The boundaries of the Development Site and the Rezoning Area are not identical.

The Rezoning Area and surrounding neighborhood are primarily residential use with commercial uses concentrated along Astoria Boulevard.

See **Figure 3 –** Land Use Map.

Proposed Actions

The Proposed Action is a zoning map amendment to establish a C2-3 commercial overlay on the existing R2-3 zoning district. The zoning map amendment is necessary to permit new commercial use within the Rezoning Area.

See **Figures 4 and 5 –** Zoning Maps.

Proposed Zoning Map Amendment:

R2-3 zoning district to an R2-3 zoning district with a C2-3 commercial overlay (Block 1379; Lots 14, 15, 17 and 23)

The proposed R2-3/C2-3 zoning district along Astoria Boulevard between 27th Avenue and 100thth Streets would permit an FAR of 1.00 for commercial use, facilitating the Proposed Project on the Applicant-owned Development Site.

Development Site

The Proposed Development would consist of a new one-story plus cellar commercial building. The development would have a floor area of 11,339 gross square feet (gsf) (5,573 zoning square feet (zsf), 0.91 FAR) and a height of 15 feet. The building would contain commercial retail on the first floor and accessory storage in the cellar. The

Proposed Development would not provide any parking spaces since the requirement is waived as the total number of parking spaces is below the statutory threshold.

The proposed zoning map amendment would affect the entire Rezoning Area, which includes Block 1379, Lots 14, 15, 17 and 23. As discussed above, Lots 15 and 17 are not considered potential development sites and are not included in the analysis. For purposes of conservative analysis, a Reasonable Worst Case Development Scenario (RWCDS) has been established for the proposed Rezoning Area which would include combining adjacent lots 14 and 23.

Existing Conditions

Block 1379 **Lot 14** is an Applicant-owned 1,994 sf lot with a 1,770 sf (0.57) semi-detached one-family residence built in 1920. It is semi-detached from the residence on Lot 15.

Block 1379 **Lot 23** is an Applicant-owned 4,080 sf lot that is currently vacant.

Block 1379, **Lots 14+23** has 6,074 square feet of lot area.

The Rezoning Area (**Figure 6 –** Aerial Map) is within a R3-2 zoning district which permits residential uses (Use Groups 1 and 2) and community facility uses (Use Groups 3 and 4) only. The maximum residential FAR is 0.5 and the maximum community facility FAR is 1.0. Commercial use is not permitted as-of-right. **Photos** of the existing area are attached.

Future No-Action Scenario

There are no current plans for redevelopment in the Rezoning Area. Absent the Proposed Action, the properties within the Rezoning Area would remain in their current condition.

Future With-Action Scenario

In the future with the Proposed Action, the Development Site would be redeveloped.

Block 1379, Lot 14+23: With the Proposed Action, rezoning to R3-2 residential with a C2-3 commercial overlay, the Development Site would consist of a 11,339 gsf (5,573 zsf) commercial use building (FAR 0.91). The building would contain commercial retail on the first floor and accessory storage in the cellar. The maximum building height would

be 15 feet and would not provide any parking spaces since the requirement is waived as the total number of parking spaces is below the statutory threshold.

Purpose and Need

The proposed Development Site requires a zoning map amendment to facilitate the development of a commercial building. The Rezoning Area contains as-of-right residential and community facility uses in the existing R3-2 zoning district. The proposed R3-2/C2-3 overlay would provide neighborhood retail along Astoria Boulevard, consistent with the existing commercial character of Astoria Boulevard.

Build Year

Based on an estimated 12-month approval process and a 12- to 14-month construction period, the analysis year is assumed as 2023.

4. LAND USE, ZONING AND PUBLIC POLICY

I. Introduction

The analysis of land use, zoning and public policy characterizes the existing conditions of the proposed Rezoning Area (**Block 1379, Lots 14, 15, 17 and 23**) and the surrounding study area; anticipates and evaluates those changes in land use, zoning and public policy that are expected to occur independently of the Proposed Action; and identifies and addresses any potential impacts related to land use, zoning and public policy resulting from the Proposed Action. Various sources have been used to prepare a comprehensive analysis of land use, zoning and public policy characteristics of the area, including field surveys, studies of the neighborhood, census data, and land use and zoning maps.

Land Use Study Area

In order to assess the potential for project related impacts, the land use study area has been defined as the area located within a 400-foot radius of the site, which is an area within which the Proposed Action would have the potential to affect land use or land use trends. The 400-foot radius study area is bounded roughly by midblock between 27th and 25th Avenues to the north; 31st Avenue to the south; 98th Street to the west; and McIntosh Street to the east. It is characterized primarily by a mix of low-density residential with two-family detached homes and semi-detached homes with some commercial and community facility uses. A variety of commercial uses, community facility uses and mixed-use commercial and residential buildings are concentrated along Astoria Boulevard.

II. Land Use

Site Description (Existing Conditions)
Block 1379 **Lot 14** is an Applicant-owned 1,994 sf lot with a 1,770 sf (0.57) semi-detached one-family residence built in 1920. It is semi-detached from the residence on Lot 15. Block 1379 **Lot 23** is an Applicant-owned 4,080 sf lot that is currently vacant. Block 1379, **Lot 14+23** has a total of 6,074 square feet of lot area.

The study area surrounding the proposed Rezoning Area is predominantly low-density residential uses with two-family detached and semi-detached homes along 27th Avenue and 100th Street. Astoria Boulevard contains a variety of commercial, community facility and mixed-use commercial and residential buildings. Land uses in the area include residential (Use Groups 1 and 2), community facility uses (Use Groups 3 and 4) as well as a range of commercial uses including local retail and service establishments (Use Group 6).

Future No-Action (No-Build) Scenario

In the future and absent the Proposed Actions, no land use changes would be made to the Proposed Rezoning Area and the study area would continue to remain in its existing condition. Although Projected Development Site 4 is currently vacant and could be developed as-of-right, there are currently no plans for redevelopment by the Build Year 2021.

The proposed Rezoning Area is assumed to remain in its existing condition.

With-Action (Build) Scenario

In the future with the Proposed Action, commercial use (Use Group 6) would be permitted within the proposed Rezoning Area. This would facilitate the development of the proposed Commercial building on proposed Development Site. The proposed C2-3 overlay permits commercial uses including local retail and service establishments (Use Group 6), home maintenance or repair services (Use Group 7), amusement or service establishments (Use Group 8), retail and service establishments that serve a larger area (Use Group 9) and special services related to boating (Use Group 14).

The Proposed R3-2/C2-3 district permits a maximum of 0.5 FAR for residential, 1.00 commercial and 1.00 community facility uses. The R3-2 permits a maximum of 0.5 FAR for residential and 1.00 community facility uses. Commercial uses are not permitted as-of-right.

The Proposed Actions would facilitate the proposed new commercial development on the proposed Development Site (Block 1379, Lot 14+23), where only residential and community facility uses are currently permitted.

With the Proposed Actions, rezoning to R3-2 residential with a C2-3 commercial overlay, the Development Site would consist of a 11,339 gsf (5,573 zsf) commercial use building (Use Group 6). The building would contain commercial retail on the first floor and accessory storage in the cellar. No parking would be required or provided. The maximum building height would be 15 feet (one-story).

Conclusion

The Proposed Action is not anticipated to result in any new land uses or uses that are significantly different from surrounding uses. There are commercial, mixed-use

commercial and residential and community facility uses along most of Astoria Boulevard. The Proposed Action would not be a departure from adjacent uses, would not be incompatible with the land uses in the surrounding area and would activate an otherwise underutilized site (Block 1379, Lot 23).

No potentially significant adverse impacts related to land use are expected to occur as a result of the Proposed Action. Therefore, further analysis of land use is not warranted.

III. Zoning

Existing Conditions

The Proposed Rezoning Area is currently zoned R3-2, which permits a variety of housing types, including low-rise attached houses, small multifamily apartment houses, and detached and semi-detached one- and two-family residences. It is the lowest density zoning district in which multiple dwellings are permitted. The 0.5 may be increased by an attic allowance of up to 20% for the inclusion of space beneath a pitched roof. The perimeter wall may rise to 21 feet before sloping or being set back to a maximum building height of 35 feet. The maximum FAR for community facility use is 1.0. One off-street parking space is required for each dwelling unit.

Block 1379 **Lot 14** is an Applicant-owned 1,994 sf lot with a 1,770 sf (0.57) semi-detached one-family residence built in 1920. It is semi-detached from the residence on Lot 15.

Block 1379 **Lot 23** is an Applicant-owned 4,080 sf lot that is currently vacant.

In addition to the R3-2 zone, the other zoning districts within the study area R3X, R6B and an R3-2 with a C1-2 commercial overlay along Astoria Boulevard.

R3X contextual districts, mapped extensively in lower-density neighborhoods, permit only one- and two-family detached homes on lots that must be at least 35 feet wide.

The 0.5 floor area ratio (FAR) in R3X districts may be increased by an attic allowance of up to 20% for the inclusion of space beneath a pitched roof with a maximum building height of 35 feet. The amount of required open space on a lot is governed by yard requirements. The front yard of a new home must be at least 10 feet deep and at least as deep as an adjacent front yard. One off-street parking space is required for each dwelling unit.

R6B districts are often traditional row house districts, which preserve the scale and harmonious streetscape of neighborhoods of four-story attached buildings developed during the 19th century. The Floor Area Ratio (FAR) of 2.0 and the mandatory Quality Housing regulations also accommodate apartment buildings at a similar four- to five-story scale with a maximum height of 50 feet. Off-street parking is generally required

for 50 percent of a building's dwelling units. Off-street parking is not allowed in front of a building.

C1-3 is a commercial overlaysmapped within residence districts. Mapped along streets that serve local retail needs, they are found extensively throughout the city's lower- and medium-density areas and occasionally in higher-density districts.

Typical retail uses include neighborhood grocery stores, restaurants and beauty parlors. When commercial overlays are mapped in R3-2 district, the maximum commercial floor area ratio (FAR) is 1.0. Overlay districts differ from other commercial districts in that residential bulk is governed by the residence district within which the overlay is mapped. Unless otherwise indicated on the zoning maps, the depth of overlay districts ranges from 100 to 200 feet. One space per 400 sf of commercial space is required.

Future No-Action (No-Build) Scenario
In the future and absent the action, development of the proposed Rezoning Area would continue to be governed by the provisions of the existing R3-2 zoning district. The proposed Development Site is Applicant-owned. The Applicant has no plans to redevelop this site absent the Proposed Action.

No changes are anticipated to the zoning districts and zoning regulations relating to the proposed Rezoning Area or the surrounding study area by the project build year of 2023.

Future With-Action (Build) Scenario
In the future with the Proposed Action, commercial uses would be permitted within the proposed Rezoning Area. This would facilitate the proposed commercial development of Applicant-owned Development Site.

Within the R3-2/C2-3 zoning district, the maximum FAR for commercial uses is 1.0. The maximum FAR permitted for residential of 0.5 and the maximum FAR for community facility of 1.0 remain unchanged. The maximum permitted base height remains 35 feet. The R3-2/C2-3 zoning district requires one accessory residential parking spaces per dwelling units. Parking is required for commercial uses based on area, with retail uses at one space per 400 square feet. However, accessory commercial parking may be waived if fewer than 25 spaces are required pursuant to ZR § 36-231.

The Proposed Action seeks a zoning map amendment that would add a c2-3 commercial overlay to the existing R3-2 zoning district. This would facilitate the development of a 11,339 gsf (5,573 zsf) commercial use building (FAR 0.91). The building would contain commercial retail on the first floor and accessory storage in the cellar. The maximum building height would be 15 feet and would not provide any

parking spaces since the requirement is waived as the total number of parking spaces (18 based on one per 400 sf of commercial space) is below the statutory threshold (25).

Conclusion
No significant impacts to zoning patterns in the area would be expected. The Proposed Actions would result in a zoning map amendment that creates new R3-2/C2-3 zoning district.

While the Proposed Actions would facilitate redevelopment in the proposed Rezoning Area, the action is not intended to facilitate additional development but would be compatible with the existing adjacent R3-2/C1-3 along Astoria Boulevard.

Therefore, 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 and further assessment of zoning is not warranted.

IV. Public Policy

Existing Conditions
The Proposed Rezoning Area is within the East Elmhurst section of Queens, Community District 3.

No public policies relate to the proposed Rezoning Area or to the surrounding 400-foot radius study area. The Rezoning Area and the 400-foot radius area are not located within an Historic District and do not contain any designated historic resources and are therefore not subject to any historic regulations. Neither the proposed Rezoning Area nor the study area are located within a Federal Empowerment Zone, nor are they covered by any 197-a Community Development Plans and are not located within a critical environmental, a significant coastal fish and wildlife habitat, a wildlife refuge, or a special natural waterfront area.

Future No-Action (No-Build) Scenario
No new public policy initiatives or changes to existing initiatives are anticipated to affect the Proposed Rezoning Area or the surrounding 400-foot study area by the analysis year of 2023.

Future With-Action (Build) Scenario
The future with the Proposed Action would result in a zoning map amendment that would include a commercial overlay over an R3-2 zoning district, creating a new R3-2/C2-3 zoning district. This R3-2/C2-3 district would facilitate the redevelopment of

the Applicant-owned Development Site. The proposed R3-2/C2-3 district would permit a maximum FAR of 0.5 for residential use, 1.00 for community facility use and 1.00 for commercial use. As noted within the land use analysis above, the proposed uses would be compatible with the existing land uses within a 400-foot radius of the proposed Rezoning Area.

No adverse impact to public policies would occur as a result of the Proposed Action.

Conclusion
The Proposed Action, which would facilitate both a commercial development in the proposed Rezoning Area, would not be inconsistent with the goals of any existing public policies for the area, as discussed above.

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.

V. Conclusion

No significant adverse impacts related to land use, zoning, and public policy are anticipated to occur as a result of the Proposed Action. Therefore, the Proposed Action are not expected to result in any of the conditions that warrant the need for further assessment of land use, zoning, or public policy.

9. HISTORIC AND CULTURAL RESOURCES

Historic and cultural resources include both architectural and archaeological resources. Architectural resources generally include historically important buildings, structures, objects, sites, and districts. They may include bridges, canals, piers, wharves, and railroad transfer bridges that may be wholly or partially visible above ground. Archaeological resources are physical remains, usually subsurface, of the prehistoric, Native American, and historic periods—such as burials, foundations, artifacts, wells, and privies. As a general rule, archaeological resources do not include 20th and 21st Century artifacts.

According to the *CEQR Technical Manual*, a historic and cultural resources assessment is required if a project has the potential to affect either archaeological or architectural resources. Based on the information provided by New York States Cultural Resource Information database (CRIS), there are no historical or cultural resources within the study area. The 400-foot radius study area is bounded roughly by midblock between 27th and 25th Avenues to the north; 31st Avenue to the south; 98th Street to the west; and McIntosh Street to the east.

The attached letter dated September 10, 2020 from the New York City Landmarks Preservation Commission (NYC LPC), affirms that the proposed Rezoning Area has no architectural or archaeological significance. See **Appendix A**.

Conclusion

Based on the above, there is no potential for impacts related to architectural historic resources or archaeological historic resources as a result of the Proposed Actions and further analysis is not required.

12. HAZARDOUS MATERIALS

Environmental Studies Corp. has performed a Phase I Environmental Site Assessment (ESA) of the subject property referred to as the 99-07 Astoria Boulevard Rezoning, located at 99-07 Astoria Boulevard and 99-20 27th Avenue, in the Borough of Queens, New York City, New York. This Phase I ESA was prepared in accordance with the latest ASTM Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (ASTM Designation E 1527-13).

The Standard Practice E 1527-13 defines good commercial and customary practice for conducting an environmental site assessment (ESA) of a parcel of commercial real estate with respect to the range of contaminants within the scope of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), and petroleum products. As such, the Practice is intended to permit a user to satisfy one of the requirements to qualify for the innocent landowner, contiguous property owner, or bona fide prospective purchaser limitations on CERCLA liability (referred to as landowner liability protections or LLPs); that is, the practice that constitutes all appropriate inquiries into the previous ownership and uses of the property consistent with good commercial and customary practice.

The goal of an ESA is to identify, to the extent feasible in accordance with ASTM E 1527-13, *Recognized Environmental Conditions (RECs)* in connection with the property. The term *Recognized Environmental Condition* means the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. *De minimis* conditions are not *Recognized Environmental Conditions*. The term *de minimis* condition means a condition that generally does not present a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. The presence or likely presence of hazardous substances or petroleum products at a site includes any form, such as solid or liquid at the surface or subsurface, and vapor in the subsurface.

The Practice also defines two additional *RECs*; *Controlled Recognized Environmental Conditions* and *Historical Recognized Environmental Conditions*. The term *Controlled Recognized Environmental Conditions* means a *Recognized Environmental Condition* resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority (for example, as evidenced by the issuance of a no further action letter or equivalent, or meeting risk-based criteria established by regulatory authority), with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls).

The term *Historical Recognized Environmental Condition* means a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been address to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established by a regulatory authority, without subjecting the property to any required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls).

Recognized Environmental Conditions are identified through a review of pertinent records for the project site and nearby properties, a site reconnaissance and interviews. The records review includes a review of *Standard Historical Sources* of information to determine the history of the property. Such sources include historical aerial photographs, fire insurance maps such as those published by the Sanborn Map Company, reverse telephone directories, building department records such as Certificates of Occupancy, building and demolition permits, etc., property tax records, recorded land title records, previous environmental reports and others. The records review also includes regulatory agency lists and databases of documented hazardous waste sites, spill incidents, registered storage tanks and others.

The non-invasive site reconnaissance is performed to identify potential sources of contamination at the project site and in the immediate vicinity of the site. Such potential sources of contamination include operations involving the storage or use of hazardous substances or petroleum products, the presence of petroleum storage tanks, drainage structures, chemical/oil staining, dead or dying vegetation and others.

Interviews are conducted, whenever possible, with site owners, operators, tenants, local government officials, and others with knowledge of the site and information regarding potential RECs at a property. Finally, several ASTM "Non-Scope" items including asbestos-containing materials, lead-based paints, and radon are also discussed. A detailed scope of work is included in Section D of this report.

Sanborn atlases and other pertinent figures are included in Attachment A. Photographs are located in Attachment B. Regulatory agency database information from Environmental Data Resources, Inc. (EDR) is included in Attachment C. The City Directory Abstract report from EDR is included in Attachment D, and User provided information is included in Attachment E, including the User Questionnaire.

Site Description

The subject property at 99-07 Astoria Boulevard and 99-20 27th Avenue, Queens, New York consists of two adjacent tax lots with a total combined area of approximately 6,100 square feet. Lot 14 is approximately 2,000 square feet in area, and is occupied by a 2-story (plus basement), wood-frame dwelling. Exterior portions of Lot 14 consist of a concrete-paved driveway on the south side of the lot, and a small rear yard on the east side. Lot 23 is a 4,100+/- square foot lot used for parking. There is a concrete pad, a small civic association sign, and a storm drain located on the west side of the lot. The

rest of Lot 23 is unpaved with a gravel surface. There were five cars, a trailer and a small box truck parked on Lot 23 at the time of the site visit.

Current Operations/Hazardous Substances

There were not any operations involving the storage or use of hazardous substances or petroleum products observed at the project site. In addition, there were not any indications of the past storage or use of hazardous substances or petroleum products, such as chemical/oil-stained surfaces, discarded drums or chemical containers, dead or dying vegetation, etc.

Site History

Research into the history of the project site shows that the property was vacant land in 1903, as indicated by the Sanborn map for that year. Sometime between 1903 and 1914, a 2-story dwelling was constructed on Lot 23. Sometime between 1914 and 1930, a second 2-story dwelling was constructed on Lot 23, and the existing dwelling on Lot 14 was constructed. The two, 2-story dwellings on Lot 23 were demolished sometime between 1930 and 1941, in order to make room for the widening of Astoria Boulevard. From the 1960s to circa 2012, Lot 23 contained a large billboard advertising sign, and was also occasionally used for automobile parking during this time. Since 2012, the lot has been occasionally used for parking and has contained a small, civic association sign.

The identified former uses of the subject property are not types of businesses or operations which typically involve the storage or use of significant quantities of hazardous substances or petroleum products. Therefore, it is considered unlikely that the identified former occupants/uses of the property would have impacted the project site.

Site Drainage

It is likely that the drainage structures in the dwelling on Lot 14 (i.e., sinks, toilets, etc.) discharge to the municipal sewer system. There is a storm water drain located on the west side of Lot 23. The drainage destination of this structure is not known. No staining or other indications of spills or discharges of hazardous substances was observed around the storm drain on Lot 23.

Petroleum Storage Tanks

No aboveground storage tanks (ASTs), or indications of the presence of underground storage tanks (USTs) were observed at the project site, or in the adjoining sidewalks. As noted previously, no interior inspection of the dwelling on Lot 14 was performed and it is not known how the building is heated (e.g., oil, gas, electric, etc.). If the dwelling currently or previously had an oil-fired heating system, there may be a heating oil tank located on Lot 14.

The subject property is not identified in the New York State Department of Environmental Conservation (NYSDEC) Petroleum Bulk Storage (PBS) database, which lists all registered facilities with a total combined petroleum storage capacity in excess of 1,100 gallons. Additionally, there are not any Oil Burner Applications on file for the project site in the New York City Department of Buildings (NYCDOB) records reviewed.

Asbestos/Lead-Based Paints/PCBs

Given the age of the dwelling on Lot 14 (constructed prior to 1970), it is possible that it contains asbestos building materials and lead-based paints in underlying layers. No transformers or other electrical equipment suspected of containing PCBs were observed at the project site.

Regulatory Agency Database Records

The property does not appear in the Federal or State environmental databases reviewed including the United States Environmental Protection Agency (USEPA's) Superfund, CERCLIS or ERNS databases, the RCRA Hazardous Waste Generators list or hazardous waste Treatment/Storage/Disposal Facilities list, or the New York State Department of Environmental Conservation (NYSDEC's) Spill Logs or Petroleum Bulk Storage (PBS) databases, Solid Waste Facilities database, Voluntary Cleanup Program or Brownfields databases, or the Registry of Inactive Hazardous Waste Disposal Sites.

Surrounding Land Use

The property is adjoined to the north by a dwelling. Adjacent and to the south of the site is Astoria Boulevard, beyond which is a Trade Fair Supermarket grocery store and parking lot. Adjacent and to the east of the property is 100th Street, beyond which is a dwelling, a small fire house, a retail store, and a parking lot. The property is adjoined to the west by 27th Avenue, beyond which are dwellings. Land uses in the immediate vicinity of the property (i.e., within approximately 500 feet of the site) are predominantly residential, with commercial/retail uses and churches located along Astoria Boulevard. There were not any heavy industrial uses identified in the immediate vicinity of the project site.

There is an active gasoline filling station at 101-06 Astoria Boulevard, which is located approximately 450 feet southeast of the project site. According to information in the database report, concentrations of petroleum-related contaminants in excess of regulatory standards or guidelines were discovered in the soil and groundwater at this site in 1998, and Spill Number 9810653 was assigned. From 1998 to 2009, investigation and remediation activities were performed by the responsible party under the regulatory oversight of the New York State Department of Environmental Conservation (NYSDEC). The depth to groundwater below the site was found to be approximately 31 feet below grade and flows to the north/northwest. The investigation/remediation activities at this site were completed in 2009, and on 9/25/2012, the DEC Memo section

of the Spill Report for Spill Number 9810653 states "On site wells demonstrate that the groundwater has been cleaned-up effectively. Some soil above unrestricted levels persist beneath this active station but commercial standards are met and present no off-site impact." Spill Number 9810653 was closed by the NYSDEC on 9/25/2012. There are not any active NYSDEC spill cases identified at 101-06 Astoria Boulevard. Based on this information, it is considered unlikely that the gasoline filling station at 101-06 Astoria Boulevard would have impacted the subject property.

There is an active dry cleaner located at 98-01 Astoria Boulevard, which is located approximately 400 feet west of the project site (Kelm Cleaners). This site is located hydraulically cross-gradient from the subject property, and there are not any reported spill incidents or remediation activities identified at this location. Given this information, it is considered unlikely that this site would have impacted the subject property.

A review of Sanborn historical maps and historical aerial photographs show that historical land uses in the immediate area of the subject property have been predominantly residential dwellings, retail stores, and churches since at least the 1930s. No heavy industrial uses are shown in the immediate vicinity of the project site on any of the Sanborn historical maps reviewed.

Conclusions

A Phase I Environmental Site Assessment was performed in conformance with the scope and limitations of ASTM Practice E 1527-13 of the property referred to as the 99-07 Astoria Boulevard Rezoning, 99-07 Astoria Boulevard and 99-20 27th Avenue, Queens, New York, the property. This assessment has revealed no evidence of *Recognized Environmental Conditions, Historical Recognized Environmental Conditions,* or *Controlled Recognized Environmental Conditions* in connection with the property.

Upon review of the **March 2021** Phase I report by the New York City Department of Environmental Protection, Bureau of Sustainability (See letter dated April 9, 2021 in **Appendix B**), an (E) designation for hazardous materials will be placed on the zoning map pursuant to Section 11-15 of the New York City Zoning Resolution for the subject property. The (E) designation will ensure that testing and mitigation will be provided as necessary before any future development and/or soil disturbance on the property. The Applicant will be directed to coordinate further hazardous materials assessments through the Mayor's Office of Environmental Remediation (OER).

Due to the possible presence of hazardous materials on the Projected Development Site, there is potential for contamination of the soil and groundwater on nearby sites. To determine if contamination exists and perform the appropriate remediation, the

following tasks must be undertaken by the Applicant of the lot restricted by this (E) designation prior to any demolition or disturbance of soil on the lot.

Therefore, in order to avoid any potential impacts associated with hazardous materials, an (E) designation will be assigned for hazardous materials on the following property:

Projected Development Site: Block 1379, Lots 14 and 23

The Projected Development Site is Applicant-owned and an (E) designation would be mapped to prevent impacts related to hazardous materials. The text for the (E) designations related to hazardous materials is as follows:

Task 1-Sampling Protocol

The Applicant submits to OER, for review and approval, a Phase I of the site along with a soil, groundwater and soil vapor testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented. If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of samples should be selected to adequately characterize the site, specific sources of suspected contamination (i.e., petroleum based contamination and non-petroleum based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request**.**

Task 2-Remediation Determination and Protocol

A written report with findings and a summary of the data must he submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

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

A construction-related health and safety plan should be submitted to OER and would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with

contaminated soil, groundwater and/or soil vapor. This plan would be submitted to OER prior to implementation.

With this (E) designation in place, no significant adverse impacts related to hazardous materials are expected, and no further analysis is warranted. Therefore, there is no potential for the Proposed Actions to result in significant adverse impacts related to hazardous materials on Projected Development Site.

17. AIR QUALITY

INTRODUCTION

Analysis Framework

Ambient air quality, or the quality of the surrounding air, may be affected by air pollutants produced by motor vehicles, referred to as "mobile sources"; by fixed facilities, usually referenced as "stationary sources"; or by a combination of both. Under City Environmental Review (CEQR), an air quality assessment determines both a proposed project's effects on ambient air quality and the effects of ambient air quality on the project.

Air Quality Standards, Regulations, and Benchmarks

Criteria Pollutants - National Air Quality Standards

The EPA has established national ambient air quality standards (NAAQS) for seven of the most common air pollutants—known as "criteria" pollutants. The presence of these pollutants in ambient air is generally due to numerous diverse and widespread sources of emissions. The NAAQS primary standards are designed to protect public health with adequate margin of safety. The NAAQS secondary standards are designed to protect the public welfare from adverse effects, including those related to effects on soils, water, vegetation, visibility, and other aspects. As required by the Clean Air Act, EPA periodically conducts comprehensive reviews of the scientific literature on health and welfare effects associated with exposure to the criteria air pollutants. The NAAQS have been adopted as the ambient air quality standards for the State of New York.

The New York State Department of Environmental Conservation (NYSDEC) measures air pollutants at more than 50 sites across the state using continuous and/or manual instrumentation. These sites are a mix of federally-mandated and supplemental monitoring networks. The primary NAAQS and background concentrations from the nearest federally-mandated monitoring station(s) of the pollutant(s) that a detailed analysis was conducted for are presented in **Table 17-1.**

Table 17-1: NAAQS and Background Concentration Published in the NYSDEC 2019 Report

Pollutant	Averaging Period	National and State Standards	Background Concentration	Monitoring Station
$PM_{2.5}$	24-Hour	35 $\mu g/m^3$	17.6 $\mu g/m^3$	Queens College
	Annual	12 $\mu g/m^3$	7.0 $\mu g/m^3$	
SO_2	1-Hour	196 $\mu g/m^3$	13.5 $\mu g/m^3$	
	Annual(1)	80 $\mu g/m^3$	1.0 $\mu g/m^3$	
NO_2	1-Hour	188 $\mu g/m^3$	103.59 $\mu g/m^3$	
	Annual	100 $\mu g/m^3$	26.8 $\mu g/m^3$	

1. 6 CRR-NY 257-2.3 for annual SO_2 standard: "During any 12 consecutive months, the annual average of the 24-hour average concentrations shall not exceed 0.03 ppm.

NO_2 NAAQS

The 1-hour NO_2 NAAQS was promulgated in the United States in February 2010. The 1-hour standard is based on a percentile rank from the annual distribution of daily maximum 1-hour values, averaged across the number of years processed. The 1-hour NO_2 modeled design value is based on the 98th percentile, or 8th highest, of the daily maximum 1-hour values across the year. For typical multi-year modeling analysis based on 5 years of National Weather Service (NWS) meteorological data, the modeled design value is the 5-year average of the 8th highest values for NO_2.

Nitrogen oxide (NOx) emissions from combustion consist predominantly of nitric oxide (NO) at the source. The NOx in these emissions is then gradually converted to NO_2. For determining compliance with the 1-hour standard, the EPA has developed a three-tiered modeling approach: a) Tier 1, the most conservative approach, assumes a full (100%) conversion of NOx to NO_2. b) Tier 2 is the Ambient Ratio Method 2 (ARM2) which assumes ambient equilibrium between NO and NO_2. AERMOD multiplies Tier 1 impacts with default ambient ratios, or source-specific NO_2/NO_x in-stack ratio (ISR) data (the national default minimum and maximum ambient ratios for the primary facility are 0.5 and 0.9, respectively.) c) Tier 3, which is the most precise approach, accounts for the chemical transformation of NO emitted from the stack to NO_2 within the source plume using hourly ozone background concentrations.

<u>NYC Guidelines</u>

The city's *de minimis* criteria are used to determine the significance of the incremental increase in CO and $PM_{2.5}$ concentrations that would result as a consequence of the proposed project. The following criteria are used for determination of significant adverse $PM_{2.5}$ incremental impacts for projects subject to CEQR:

- 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 0.1 $\mu g/m^3$ at ground level on a neighborhood scale (i.e., the annual increase in concentration representing the average over an area of approximately 1 square kilometer, centered on the location where the maximum ground-level impact is predicted for stationary sources; or for mobile sources, at a distance from a roadway corridor similar to the minimum distance defined for locating neighborhood scale monitoring stations); or
- Predicted annual average $PM_{2.5}$ concentration increments greater than 0.3 $\mu g/m^3$ at any receptor location for stationary sources.

Accordingly, 24-hour $PM_{2.5}$ *de minimis* design value is 8.7 µg/m^3. As no mobile source detailed analysis is required, CO detailed analysis is not required and, therefore, CO *de minimis* is not shown.

Non-Criteria Pollutants

The NYSDEC Department of Air Resources established short-term (one-hour) and annual concentrations standards for certain noncriteria pollutants. The standards are acceptable ambient levels for these pollutants, which are based on human exposure. The New York State standards for noncriteria pollutants are published in the DAR-1 guidance document (latest version dated August 10, 2016). DAR-1 presents Annual and Short-Term Guideline Concentrations (AGCs and SGCs, respectively) for contaminants that range in toxicity from high to low. The AGCs and SGCs are annual and 1-hour guideline concentrations, respectively, for potentially toxic or carcinogenic air contaminants. In addition, NYSDEC also regulates pollutants that produce discomfort due to odors, where significant discomfort is evaluated on quantity, characteristic, or duration.

MOBILE SOURCE ANALYSIS

According to the *CEQR Technical Manual,* projects may result in significant mobile source air quality impacts when they increase or cause a redistribution of traffic, create any other mobile sources of pollutants (e.g., diesel trains, helicopters, boats), or add new uses near mobile sources (e.g., roadways, garages, parking lots). Detailed analyses are required to predict whether a proposed action could potentially result in significant adverse air quality impact if certain threshold criterions are met or exceeded. Proposed actions that do not meet or exceed the threshold criterions (screen out) are not expected to result in mobile source impacts.

Screening Assessment

Project-Generated Traffic

Screening analyses for the project's peak hour auto traffic and peak hour heavy-duty diesel vehicle (HDDVs) traffic were conducted. Per the *CEQR Technical Manual*, a detailed analysis for carbon monoxide (CO) is required if the project generated peak hour auto traffic or diversion of existing peak hour traffic would result in an increment of 170 auto trips (in this area of the city). A detailed analysis for particles with an aerodynamic diameter of less than or equal to 2.5 micrometers ($PM_{2.5}$) is required if the project generated peak hour HDDVs traffic or its equivalent in vehicular emissions, depending on the type of road, would be met or exceeded.

According to the transportation analysis for this project, the Proposed Project would generate a total of 1, 9, 5, and 6 net vehicle trip ends (inbound and outbound combined) during the AM, Midday, PM, and Saturday Midday peak hour periods, respectively.

The peak-hours project-generated traffic would not exceed the threshold of 170 vehicular trips (condition outlined in Sections 210 of Chapter 17 of *the CEQR Technical Manual*). Therefore, no CO detailed analysis is required.

The project-generate peak hour HDDVs traffic or its equivalent in vehicular emission that would require a detailed $PM_{2.5}$ analysis depends on the type of road, where the thresholds incremental traffic per road type ranges from 12 to 23 HDDVs. The project-generated traffic was used to calculate the HDDVs or its equivalent in vehicular emissions. All traffic was assumed to travel on a paved road (12 HDDVs threshold), which is the stringent road type. This resulted in a maximum of 4.3 trucks during the Midday peak hour period. **Table 17-2** shows the project-generated traffic and the *CEQR Technical Manual* Equivalent Truck Calculation.

Table 17-2: *CEQR Technical Manual* Equivalent Truck Calculations

Roadway	Roadway Classification (Threshold HDDVs screen)	Peak-Hour Period	Truck Per Hour (4)	Auto Per Hour	Equivalent Truck	Pass / Fail
Paved Road	Paved Roadway (12)	AM	0	1	0.5	Pass
		Midday	0	9	4.3	Pass
		PM	0	5	2.4	Pass
		Sat Midday	0	6	2.9	Pass

As seen in **Table 17-2**, the Proposed Project HDDVs or its equivalent in vehicular emissions does not exceed the threshold of 12 HDDVs for paved roadways (the stringent road type). Therefore, the Proposed Actions equivalent in vehicular emissions pass the $PM_{2.5}$ HDDVs screening analysis, and no detailed analysis is required.

Parking Garage

Based on CEQR guidelines, the maximum capacity of a parking facility is evaluated with a threshold capacity to determine whether a detailed analysis is required. The threshold increment, per the NYC Department of City Planning (DCP), is 85 new off-street parking spaces. If the threshold is met or exceeded, a detailed analysis is warranted. The Proposed Project would not include any off-street parking spaces. Therefore, no detailed air quality analysis is required for this development site.

Existing Mobile Source of Pollutants

According to the *CEQR Technical Manual*, projects that would result in new sensitive uses within 200 feet of an atypical roadway or near other major mobile source of pollutant may result in significant adverse mobile source air quality impacts. The Proposed Project is not located near a highway or a large parking facility. Therefore, no analysis is required.

STATIONARY SOURCE ANALYSIS

Heating and Hot Water Systems

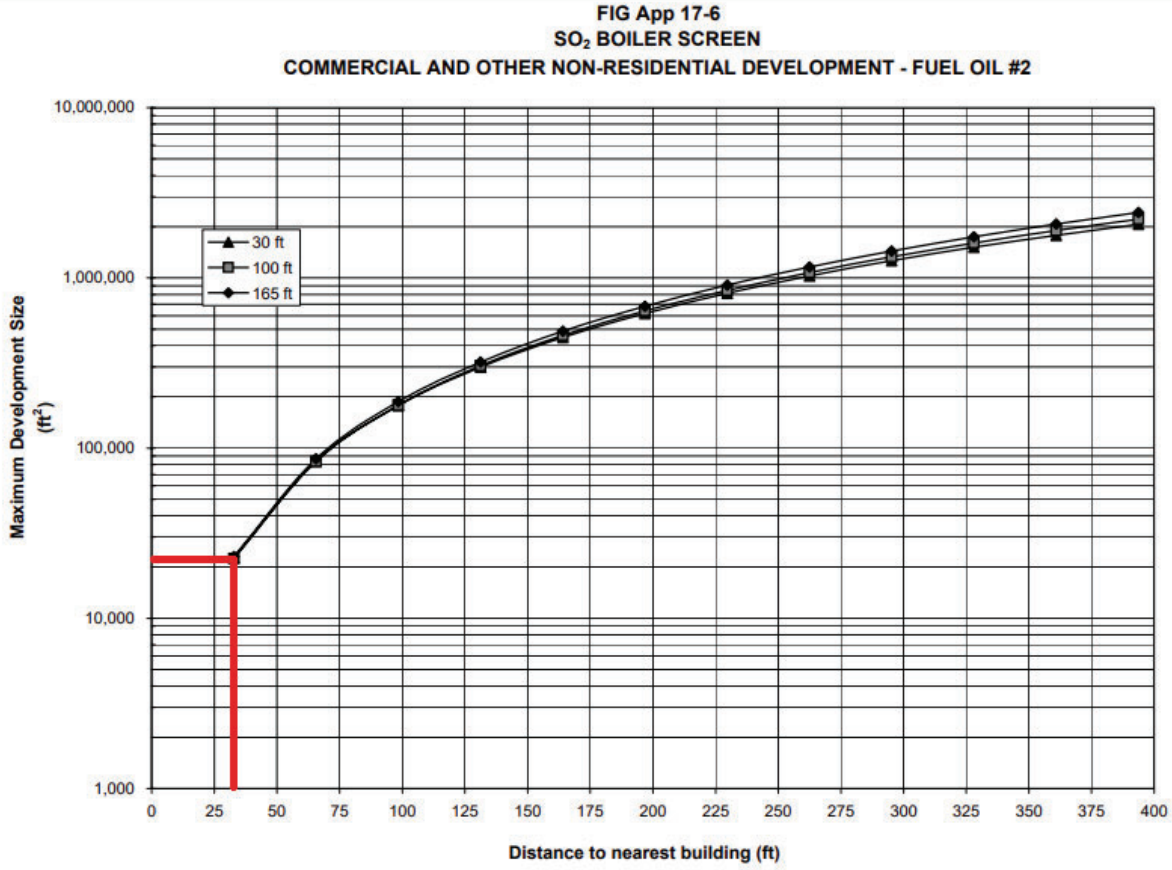
Per the *CEQR Technical Manual*, the heating/hot water, ventilation, and air conditioning (HVAC) systems analysis considers the potential for emissions from the HVAC system of the Proposed Actions to result in development that significantly impact existing land uses (project-on-existing). Based on CEQR guidance, a preliminary screening assessment is to be conducted as a first step to predict whether the potential impacts of the heat and hot water system(s) boiler emissions can be significant. The screening analysis determines the threshold of development size below which the action would not have a significant impact. This CEQR screening procedure is applicable to buildings that are not less than 30 feet from the nearest building of similar or greater height. Otherwise, a detailed dispersion analysis is required.

Screening Assessment

The potential for the heat and hot water system(s) to have a significant adverse impact on nearby receptors depends on the type of fuel that would be used by the HVAC system, the height of the stack venting the emissions, the distance to the nearest building of similar or greater height, the building's use and the square footage of the development that would be served by the system, both of which effect the amount of fossil fuel consumed. The *CEQR Technical Manual* screening analysis is based on these factors. A detailed analysis is required if the screening analysis failed. The following screening analysis was conducted:

The Projected Development Site on existing land uses, assuming commercial occupancy, building height of 15 feet, and 11,339 gsf of floor area. The CEQR nomographs depicted on Figure 17-6 of the *CEQR Technical Manual Appendices* was used for the screening analysis. This stationary source screen is a generic screen for fuel oil No. 2 fueled boiler serving a commercial or non-residential use building. According to 15 RCNY 2-15, no new boiler or burner installations may use No. 6 or No. 4 fuel oils. Therefore, the highest-emitting fuel that could be used is No. 2 fuel oil. The CEQR nomograph depict the size of the development versus distance below which the potential impact can occur and provides a conservative estimate of the threshold distance. **Figures 17-1** (using Figure 17-6 of the *CEQR Technical Manual Appendices)* shows the project-on-existing screening analysis nomograph.

Figure 17-1: Project-on-Existing - HVAC Screen Fuel Oil #2 Nomograph



As seen in the screening analysis (see **Figure 17-1**), using the nomograph provided in the *CEQR Technical Manual*, the Projected Development Site intersects the curve for fuel oil No. 2 at a distance of 30 feet. As such, the Projected Development Sites passes the HVAC screening analysis on existing land uses that are at least 30 feet away. However, the adjacent residential building located at 99-18 27 Avenue (Block 1379, Lot 15) is 35 feet high, and therefore, a detailed analysis is required for this building.

Detailed Analysis

Methodology

A stationary source modeling was conducted to evaluate the potential impacts associated with the boilers stacks emissions. Lakes Environmental MPI executable was used in the analysis. The MPI executable take advantage of computers with multiple processors, reducing run-time significantly. Lakes Environmental has adjusted the US EPA AERMOD source code and recompiled the model to parallelize the processing of receptors. The latest MPI executable (used in the analysis) modified the EPA's AERMOD latest executable model version 19191. The AERMOD model incorporates air dispersion based on planetary boundary layer turbulence structure and scaling

concepts, including treatment of both surface and elevated sources, and both simple and complex terrain. The model was run with the regulatory default option and for both with and without downwash effects options, where the Building Profile Input Program (BPIP) was run with the downwash effect enabled. All analyses were conducted using five consecutive years of meteorological data (2015-2019), obtained from the NYSDEC, Division of Air Resources, BAQAR, Impact Assessment and Meteorology Section. Surface data used in the analysis is from LaGuardia Airport, upper air data is from Brookhaven station, New York. The meteorological data was processed using the latest versions of AERMINUTE, AERSURFACE and AERMET. The meteorological data provided hour-by-hour wind speeds and directions, stability states, and temperature inversion elevations over the 5-year period. Population in Queens county, obtained from the U.S. Census Bureau (July 2019), was specified to account for the effects of increased surface heating from an urban area on pollutant dispersion under stable atmospheric conditions.

Fuel Oil No. 2 would be the type of fuel used in the Projected Development Site's heating and hot water systems. The pollutants of concern of Oil No. 2 fueled boilers are NO_2, $PM_{2.5}$, and SO_2. The boiler's energy intensity was calculated based on energy consumption rate, obtained from the *CEQR Technical Manual Appendices*, corresponding to commercial use in the building. Emissions were calculated based on emission factors published in the EPA's AP-42 manual for external combustion sources.[1] All fuel was assumed to be consumed during the 100-day (or 2,400 hour) heating season, based on *CEQR Technical Manual* guidance. **Table 17-3** shows the boiler's energy intensity and pollutants emission rates.

Table 17-3: HVAC System(s) Short-term and Annual Emission Rates

Site ID	Development Site RWCDS Floor Area (gsf)	Boiler's Energy Intensity (MMBtu); Fuel Used	Pollutant	Short-term Emission Rate (g/s)	Annual Emission Rate (g/s)
Projected Development Site	11,339	0.28; Oil No. 2	NO_2	2.50E-03	6.85E-04
			$PM_{2.5}$	2.66E-04	7.30E-05
			SO_2	2.66E-05	7.30E-06

The *CEQR Technical Manual* default stack's diameter and exhausts exit velocity were applied in the analysis, and the stack's exit temperature was assumed to be 426°K, which is appropriate for boilers. The boiler's stack was placed 3 feet above the roof and as close as possible to the receiving building; hence, a stack set back distance was specified if exceedance of a threshold concentration standard was predicted.

The Projected Development site was modeled as buildings that cover its entire lot(s) area(s) (the wall façade located on the outer lot lines) and rise to 15 feet height. Buildings in the surrounding area were accounted for in the downwash effect on plums

[1] EPA. *Compilation of Air Pollutant Emission Factors AP-42 Fifth Edition, Vol. 1:* Chapter 1: External Combustion Sources, https://www3.epa.gov/ttn/chief/ap42/ch01/final/c01s04.pdf. July 1998.

dispersions (BPIP). Receptors on the receiving building were placed on all wall façade from the ground floor to the roof-top height in spaced intervals.

The USGS National Elevation Dataset (NED) 1/3 arc-second resolution (GeoTIFF dataset), the terrain data set recommended by the US EPA for use in the United States for regulatory purposes, was used to process buildings base elevations. The base elevations of receptors and stacks were set to their buildings base elevations. Roof heights of buildings in the area were obtained from the NYC Building Footprint database[2], and satellite imagery and the New York City Department of Building (DOB) database consulted to augment and/or verify the certain buildings' roof heights (such as buildings that were recently constructed).

24-hour $PM_{2.5}$ was modeled with 1st highest output concentration, which is the *de minimis* design value. The 1-hour NO_2 concentration was modeled with 8th highest concentration (the NAAQS design value) and a Tier 2 approach (ARM 2), where the national default in-stack and ambient ratios of 0.5 and 0.9, respectively, were applied.

Results of Dispersion Analyses

Each pollutant averaging time was modeled twice; with building wake effect enabled/disabled. The predicted concentration is the highest concentration of these. The NO_2 and SO_2 modeled concentrations were added to the background concentrations. The $PM_{2.5}$ modeled concentrations were evaluated with the NYC Guidelines threshold, *de minimis*, for stationary sources. The HVAC dispersions analysis results are shown in **Table 17-4**.

Table 17-4: HVAC Dispersion Analysis Results

Pollutant and Averaging Time	Modeled Concentration (µg/m³) (2)	Background Concentration (µg/m³)	Evaluated Concentration (µg/m³)	Threshold Concentration (µg/m³)	Threshold Standard
Concentration at Projected Development Site 1					
1-hour NO_2	68.44	103.59	172	188	NAAQS
Annual NO_2	1.81	26.8	29	100	NAAQS
24-hour $PM_{2.5}$	5.44	17.6	5.4	8.7	*de minimis*
Annual $PM_{2.5}$	0.19	7.0	0.2	0.3	*de minimis*
1-hour SO_2	1.2	13.5	15	196	NAAQS
Annual SO_2	0.02	1.0	1	80	NAAQS

The concentrations shown in **Table 17-4** were predicted with certain restrictions to ensure that no significant adverse air quality impact(s) would occur. The restrictions for the Proposed Actions are specified in the Air Quality E-Designations (E-640) that would be placed on the Development Site(s), which are detailed further below.

[2] City of New York, nyc-geo-metadata (May 03, 2016); https://data.cityofnewyork.us/Housing-Development/Building-Footprints/nqwf-w8eh

(E) Designation

Certain restrictions would be required to ensure that there are no significant adverse impacts related to emissions from the HVAC systems associated with the With-Action development onto existing buildings of similar or greater height. The text of the (E) designation (E-640) would be as follows:

Block 1379, Lots 14, 23 (Projected Development Site): Any new commercial development on the above-referenced property must ensure that the heating, ventilating, air conditioning (HVAC), and hot water system(s) stack is located at the building's highest level or at least 18 feet above grade, and that the stack is located at least 35 feet from the lot line facing Kearney Street to avoid any potential significant adverse air quality impacts.

Industrial Source

Identifying Potential Emission Sources

Per the *CEQR Technical Manual*, projects that would result in new uses (particularly schools, hospitals, parks, and residences) within 400 feet of manufacturing processing facilities may result in potentially significant adverse impacts. The analysis first determines if there are any existing manufacturing uses within the 400-foot study area containing exhaust stacks, vents, or other emission sources that may have the potential to adversely affect the uses introduced by the project. If warranted, an air dispersion analysis is then conducted for any existing industrial source(s) located in the study area.

Existing manufacturing uses with exhaust stacks, vents, or other emission sources that may have the potential to adversely affect the uses introduced by the project were identified by reviewing the DEP online Clean Air Tracking System (CATS) database, the NYSDEC map application (DECinfo Locator), and through a field survey. The field survey took place on March 3rd, 2021.

The study area encompasses all or part of Blocks 1372, 1373, 1378, 1379, 1650, 1658, 1659, and 1688, and includes properties along Astoria Boulevard, 98th Street, 99th Street, 100th Street, Kearney Street, McIntosh Street, 27th Avenue, and 31st Avenue. Land uses in the study area are predominantly residential, with commercial/retail uses (predominantly along Astoria Boulevard), and religious institutions. The results of the study are as follows:

- There is a retail dry cleaner at 98-01 Astoria Boulevard (Kelm Cleaners). Kelm Cleaners has a current NYCDEP Processing permit (PB045402). This facility also has a current NYSDEC Air Registration Facility Certificate (Registration ID 2-6301-00192/00001). Emission of retail dry cleaners is regulated, and therefore, no analysis is required.

- There is a sign for a copy and printing business on the front of the building at 98-05 Astoria Boulevard. The storefront below this sign was locked, and there was a "For

Rent" sign on the front of the store. On 3/19/21, a telephone interview was conducted with an employee of Empire Fine Homes, which occupies the second floor of the building at 98-05 Astoria Blvd. According to this individual, the copy and print shop formerly located on the first floor of the building vacated in November of 2020, and that the store is currently vacant and for rent. No printing operations are conducted in the building. No stacks, emissions or odors were observed at this location during the field survey.

There were no additional potential sources of toxics air emissions identified in the study area. As such, no analysis is warranted, and no significant adverse air quality impacts are predicted from these types of facilities.

Major and Large Source

Per the *CEQR Technical Manual*, projects that would introduce new uses near major sources, large sources, or odor producing facilities may result in potentially significant adverse air quality impacts. The study area considers major sources, large sources, and odor producing facilities within 1,000 feet of the proposed project. Major emission sources are identified as those sources located at Title V facilities; large emission sources are identified as sources located at facilities which require an Air State Facility permit. Solid waste or medical waste incinerators, asphalt and concrete plants, power generating plants, large boilers of large public facilities for example, and large industrial facilities are typical type of sources requiring these permits. Odor producing facilities are operations that have the potential to cause discomfort, such as: solid waste management facilities, water pollution control plants (i.e., sewage treatment plants), and incinerators.

No existing large combustion source(s), such as power plants, cogeneration facilities, etc., located within 1,000 feet of the Proposed Project, was identified[3], and no odor producing facility was identified within 1,000 feet of the Proposed Project. As such, no analysis is warranted, and no significant adverse air quality impacts are predicted from these types of facilities.

CONCLUSION

Based on the detailed air quality analysis, conditions associated with the proposed actions would not result in any violations of the ambient air quality standards. Therefore, there is no reason to believe that the proposed actions would result in any potentially significant adverse stationary or mobile source air quality impacts, and further assessment is not warranted.

[3] https://gisservices.dec.ny.gov/gis/dil/

APPENDIX A
New York City Landmarks Preservation Commission

Landmarks Preservation Commission

1 Centre Street
9th Floor North
New York, NY 10007

Voice (212)-669-7700
Fax (212)-669-7960
http://nyc.gov/landmarks

ENVIRONMENTAL REVIEW

Project number: DEPARTMENT OF CITY PLANNING / LA-CEQR-Q
Project: 99.07 ASTORIA BLVD.
Date Received: 9/10/2020

Properties with no Architectural or Archaeological significance:

1) 99-20 27 AVENUE, BBL: 4013790014
2) 99-18 27 AVENUE, BBL: 4013790015
3) 27 AVENUE, BBL: 4013790017
4) 99-07 ASTORIA BOULEVARD, BBL: 4013790023

Gina Santucci

9/17/2020

SIGNATURE DATE

Gina Santucci, Environmental Review Coordinator

File Name: 35168_FSO_DNP_09172020.docx

APPENDIX B
New York City Department of Environmental Protection
Bureau of Sustainability

Environmental Protection

Vincent Sapienza, P.E.
Commissioner

Angela Licata
Deputy Commissioner of Sustainability

59-17 Junction Blvd.
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April 9, 2021

Katherine Glass
Senior Project Manager
Environmental Assessment and Review Division
New York City Department of City Planning
120 Broadway, 31st Floor
New York, New York 10271

Re: 99-07 Astoria Boulevard Rezoning
Block 1379, Lots 14, 15, 17 & 23
CEQR # 77DCP783Q

Dear Ms. Glass:

The New York City Department of Environmental Protection, Bureau of Sustainability (DEP) has reviewed the September 2020 Environmental Assessment Statement and the March 2021 Phase I Environmental Site Assessment (Phase I) prepared by Environmental Studies Corporation, on behalf of 99-20 Realty Corporation, (applicant), for the above referenced project located between 27th Avenue, 100th Street and Astoria Boulevard in the East Elmhurst neighborhood of Queens Community District 3. It is our understanding that the applicant is seeking a zoning map amendment from the New York City Department of City Planning (DCP) to rezone Block 1379, Lots 14, 15, 17 and 23 from a R3-2 zoning district to a R3-2/C2-3 zoning district. The proposed action would facilitate the redevelopment of Block 1379, Lots 14 and 23 (Projected Development Site) with a new 1-story plus cellar, 11,339 gross square feet (gsf), commercial building. The applicant-owned Projected Development Site is currently developed with one two-story residential building, while the remainder of the project area not controlled by the applicant, Block 1379, Lots 15 and 17, are not considered potential development sites.

Projected Development Site 1: Block 1379, Lots 14 and 23

The March 2021 Phase I report revealed that historical on-site and surrounding area land uses consists of residential and commercial uses including Trade Fair Supermarket, a fire house, a parking lot, a retail store, a filling station, Kelm Dry Cleaners, Dunkin Donuts donut shop, a church as well as several residential buildings. Regulatory databases such as the New York State Department of Environmental Conservation SPILLS, Leaking Underground Storage Tank, Leaking Storage Tanks (LTANKS), Resource Conservation and Recovery Act Generators, and Petroleum Bulk Storage (PBS) Underground Storage Tanks (USTs) and PBS Aboveground Storage Tanks (ASTs) identified several sites in close proximity to the project site. The SPILLS database reported 12 SPILLS within a 1/8-mile radius of the project site and the LTANKS database reported 26 LTANKS within a 1/2-mile radius of the project site. The PBS USTs and the PBS ASTs databases reported six USTs and eight ASTs within a 1/4-mile radius of the project site. The Phase I also reported one Historical Cleaner and two Historical Auto Stations within a 1/8-mile radius of the

project site. Based on the age of the building that currently occupies the project site, asbestos containing materials and lead based paint could be present in the structure.

Based upon our review of the submitted documentation, we have the following comments and recommendations to DCP:

Projected Development Site: Block 1379, Lots 14 and 23 (Site under the control or ownership of the applicant)

- DCP should inform the applicant that based on the historical on-site and/or surrounding area land uses, a Phase II Environmental Site Assessment (Phase II) is necessary to adequately identify/characterize the surface and subsurface soils, groundwater and soil vapor of the subject property, and to inform and disclose the measures necessary to avoid impacts from hazardous materials. A Phase II Investigation Protocol/Work Plan summarizing the proposed drilling, soil, groundwater and soil vapor sampling activities should be developed in accordance with the *City Environmental Quality Review Technical Manual* and submitted for DEP review and approval. The Work Plan should include blueprints and/or site plans displaying the current surface grade and sub-grade elevations and a site map depicting the proposed soil, groundwater and soil vapor sampling locations. Soil and groundwater samples should be collected and analyzed by a New York State Department of Health (NYSDOH) Environmental Laboratory Approval Program (ELAP) certified laboratory for the presence of volatile organic compounds (VOCs) by United States Environmental Protection Agency (EPA) Method 8260, semi-volatile organic compounds by EPA Method 8270, pesticides by EPA Method 8081, polychlorinated biphenyls by EPA Method 8082, and Target Analyte List metals (filtered and unfiltered for groundwater samples). The soil vapor sampling should be conducted in accordance with the NYSDOH October 2006 Guidance for Evaluating Soil Vapor Intrusion in the State of New York. The soil vapor samples should be collected and analyzed by a NYSDOH ELAP certified laboratory for the presence of VOCs by EPA Method TO-15. An Investigation Health and Safety Plan (HASP) should also be submitted for DEP review and approval.

- DCP should also instruct the applicant that the Phase II Work Plan and HASP should be submitted for DEP review and approval prior to the start of any fieldwork.

Future correspondence and submittals related to this project should include the following CEQR # **77DCP783Q**. If you have any questions, you may contact Ms. Cassandra Scantlebury at (718) 595-6756.

Sincerely,

Wei Yu
Deputy Director, Hazardous Materials

cc: R. Weissbard
T. Estesen
C. Scantlebury
M. Wimbish
R. Lucas
O. Abinader – DCP