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* 64-21 53rd Drive (O'Neill's)

3. *Reference Numbers*

CEQR REFERENCE NUMBER (to be assigned by lead agency)	BSA REFERENCE NUMBER (if applicable)
18DCP075Q	
ULURP REFERENCE NUMBER (if applicable)	OTHER REFERENCE NUMBER(S) (if applicable) (*e.g.*, legislative intro, CAPA)
180138 ZMQ	

4a. *Lead Agency Information*			**4b. *Applicant Information***		
NAME OF LEAD AGENCY NYC Department of City Planning Environmental Assessment and Review Division			NAME OF APPLICANT 65th Place Realty Corp		
NAME OF LEAD AGENCY CONTACT PERSON Robert Dobruskin			NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON Hiram Rothkrug, ESC.		
ADDRESS 120 Broadway, 31st Floor			ADDRESS 55 Water Mill Road		
CITY New York	STATE NY	ZIP 10271	CITY Great Neck	STATE NY	ZIP 11021
TELEPHONE 212-863-5056	EMAIL rdobrus@planning.nyc.gov		TELEPHONE 718-343-0026	EMAIL hrothkrug@epdsco.com	

5. *Project Description*

The applicant, O'Neill's of Maspeth, Inc., (the "Applicant"), requests approval of a zoning map amendment to Zoning Sectional Map 13c that would include Lots 101, 106, 197, 198, and 199 on Block 2374 and Lots 1, 2, and 3 on Block 2381 (the "Affected Area"), in Queens Community District 5.

The proposed zoning map amendment would rezone the Project Area from an R4 zoning district to an R5D zoning district with a C2-2 commercial overlay (Block 2374; Lot 101, p/o 199); from an R4 zoning district to an R5D zoning district (Block 2374; Lot 106); and from an R4 zoning district to an R4/C2-2 zoning district (Block 2374; Lots 197, 198, p/o 199; Block 2381; Lots 1, 2, 3).

The proposed zoning map amendment would bring the existing non-conforming Use Group 6 commercial use (eating and drinking establishment) located at Block 2374, Lot 101 (the "Project Site") into conformance and facilitate the development of a partial second floor addition to the existing 1-story building at the Development Site. This would entail an enlargement from 16,060 gsf (8,030 zsf) to 20,650 (12,530 zsf) or from 0.96 FAR to 1.49 FAR.

Project Location

BOROUGH Queens	COMMUNITY DISTRICT(S) 5	STREET ADDRESS 64-21 & 64-23 53rd Drive
TAX BLOCK(S) AND LOT(S) Block 2374, Lot 101		ZIP CODE 11378
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS 53rd Drive & 64th Street		
EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY R4		ZONING SECTIONAL MAP NUMBER 13c

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.): 34,183
Waterbody area (sq. ft) and type:
Roads, buildings, and other paved surfaces (sq. ft.):
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): 20,650
NUMBER OF BUILDINGS: 1
GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): 20,650
HEIGHT OF EACH BUILDING (ft.): 25
NUMBER OF STORIES OF EACH BUILDING: 2

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: 8,354
The total square feet not owned or controlled by the applicant: 25,829

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: n/a sq. ft. (width x length)
VOLUME OF DISTURBANCE: n/a cubic ft. (width x length x depth)
AREA OF PERMANENT DISTURBANCE: n/a 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.)		20,650		
Type (*e.g.,* retail, office, school)	units	Eating and Drinking Establishment		

Does the proposed project increase the population of residents and/or on-site workers? ☒ YES ☐ NO
If "yes," please specify: NUMBER OF ADDITIONAL RESIDENTS: NUMBER OF ADDITIONAL WORKERS: 4
Provide a brief explanation of how these numbers were determined: One worker per 1,000 square feet of commercial space

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): 2020
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?	☐	☒
5. *SHADOWS*: CEQR Technical Manual Chapter 8		

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

	YES	NO
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or generate contaminated stormwater in a separate storm sewer system?	☐	☒
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	☐	☒
11. *SOLID WASTE AND SANITATION SERVICES*: CEQR Technical Manual Chapter 14		
(a) Using Table 14-1 in Chapter 14, the project's projected operational solid waste generation is estimated to be (pounds per week): 1,255		
○ 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): 4,466,595		
(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 Section 14.	☐	☒
(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; Hazardous Materials; Noise?	☐	☒

	YES	NO
(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. See attached.		
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.		

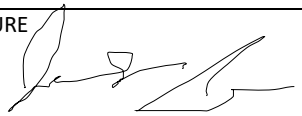
20. *APPLICANT'S CERTIFICATION*

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
Justin Jarboe, ESC	3/20/18

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.

DESCRIPTION OF EXISTING AND PROPOSED CONDITIONS

The information requested in this table applies to the directly affected area. The directly affected area consists of the project site and the area subject to any change in regulatory control. The increment is the difference between the No-Action and the With-Action conditions.

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
LAND USE				
Residential	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
Describe type of residential structures				
No. of dwelling units				
No. of low- to moderate-income units				
Gross floor area (sq. ft.)				
Commercial	☒ YES ☐ NO	☒ YES ☐ NO	☒ YES ☐ NO	
If "yes," specify the following:				
Describe type (retail, office, other)	Eating and Drinking Establishment / Retail	Eating and Drinking Establishment / Retail	Eating and Drinking Establishment / Retail	
Gross floor area (sq. ft.)	16,060	16,060	20,650	+4,590
Manufacturing/Industrial	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
Type of use				
Gross floor area (sq. ft.)				
Open storage area (sq. ft.)				
If any unenclosed activities, specify:				
Community Facility	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
Type				
Gross floor area (sq. ft.)				
Vacant Land	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," describe:				
Publicly Accessible Open Space	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify type (mapped City, State, or Federal parkland, wetland—mapped or otherwise known, other):				
Other Land Uses	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," describe:				
PARKING				
Garages	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces				
Operating hours				
Attended or non-attended				
Lots	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces				
Operating hours				
Other (includes street parking)	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," describe:				
POPULATION				
Residents	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify number:				
Briefly explain how the number of residents				

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
was calculated:				
Businesses	☒ YES ☐ NO	☒ YES ☐ NO	☒ YES ☐ NO	
If "yes," specify the following:				
No. and type	1 - Eating and drinking establishment	1 - Eating and drinking establishment	1 - Eating and drinking establishment	
No. and type of workers by business	1 worker per 425 square feet / 38 workers	1 worker per 425 square feet / 38 workers	1 worker per 425 square feet / 48 workers	+10 workers
No. and type of non-residents who are not workers	n/a	n/a	n/a	
Briefly explain how the number of businesses was calculated:	Existing Conditions + Proposed Conditions			
Other (students, visitors, concert-goers, *etc.*)	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If any, specify type and number:	n/a	n/a	n/a	
Briefly explain how the number was calculated:	n/a			
ZONING				
Zoning classification	R4	R4	R5D/C2-2 R4/C2-2	+C2/2
Maximum amount of floor area that can be developed	0.75 Residential 2.0 Community Facility	0.75 Residential 2.0 Community Facility	2.0 Commercial 2.0 Residential 2.0 Community Facility	+2.0 Commercial +1.25 Residential
Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed project	Residential Commercial	Residential Commercial	Residential Commercial	
Attach any additional information that may be needed to describe the project. If your project involves changes that affect one or more sites not associated with a specific development, it is generally appropriate to include total development projections in the above table and attach separate tables outlining the reasonable development scenarios for each site.				

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? ☐ ☒

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
Director, Environmental Assessment and Review Division	Department of City Planning, acting on behalf of the City Planning Commission
NAME	DATE
Robert Dobruskin, AICP	3/23/2018
SIGNATURE	
Robert Dobruskin	

NEGATIVE DECLARATION (Use of this form is optional)

Statement of No Significant Effect

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York and 6 NYCRR, Part 617, State Environmental Quality Review, 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 project. Based on a review of information about the project contained in this environmental assessment statement and any attachments hereto, which are incorporated by reference herein, the lead agency has determined that the proposed project would not have a significant adverse impact on the environment.

Reasons Supporting this Determination

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

Air Quality

1. A proposed new (E) designation (E-471) has been incorporated into the proposed project. Refer to "Determination of Significance Appendix: (E) Designation" for a list of the sites affected by the proposed (E) designation and applicable (E) designation requirements. This (E) Designation for air quality would ensure that the proposed actions would not result in significant adverse impacts.

Land Use, Zoning and Public Policy

2. This EAS includes a detailed Land Use, Zoning and Public Policy section, which analyzes the potential significance of the proposed map amendment on land use, zoning and public policy in the study area. The proposed actions would allow for the legalization of existing non-residential uses, and allow for the expansion of a banquet hall on the project site. The analysis concludes that, as the proposed uses are existing that the proposed actions would not result in significant adverse impacts on land use, zoning or public policy.

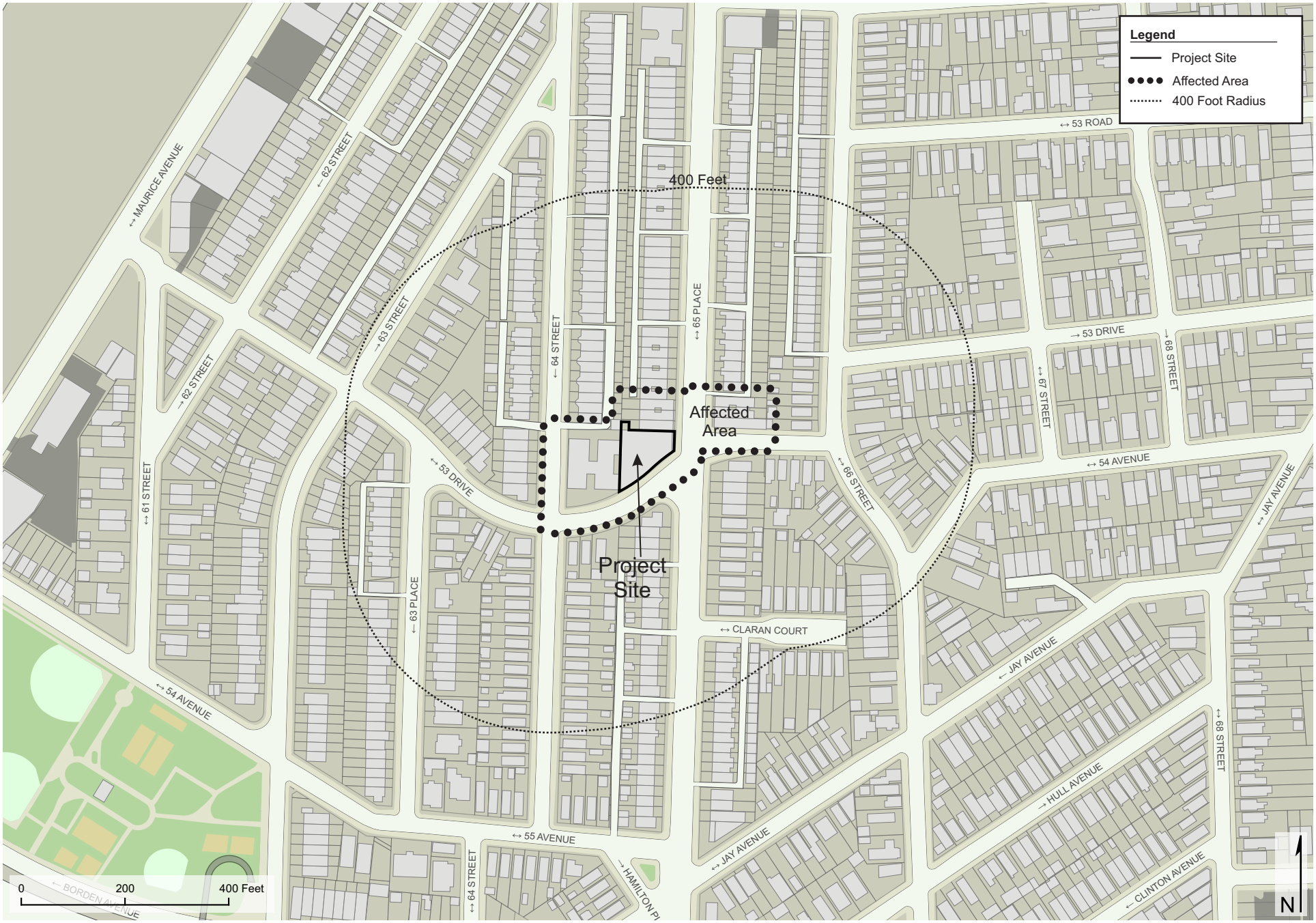
Noise

3. This EAS includes a detailed Noise section, which analyzes the potential for significant adverse impacts related to noise. The section studies the potential noise effects of the expanded banquet hall, facilitated by the proposed actions on adjacent uses. The analysis concludes that the proposed actions would not result in significant adverse noise impacts.

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).

TITLE	LEAD AGENCY
Director, Environmental Assessment and Review Division	Department of City Planning, acting on behalf of the City Planning Commission
NAME	DATE
Robert Dobruskin, AICP	3/23/2018
SIGNATURE	
Robert Dobruskin	

TITLE Chair, City Planning Commission	
NAME Marisa Lago	DATE 3/26/2018
SIGNATURE	

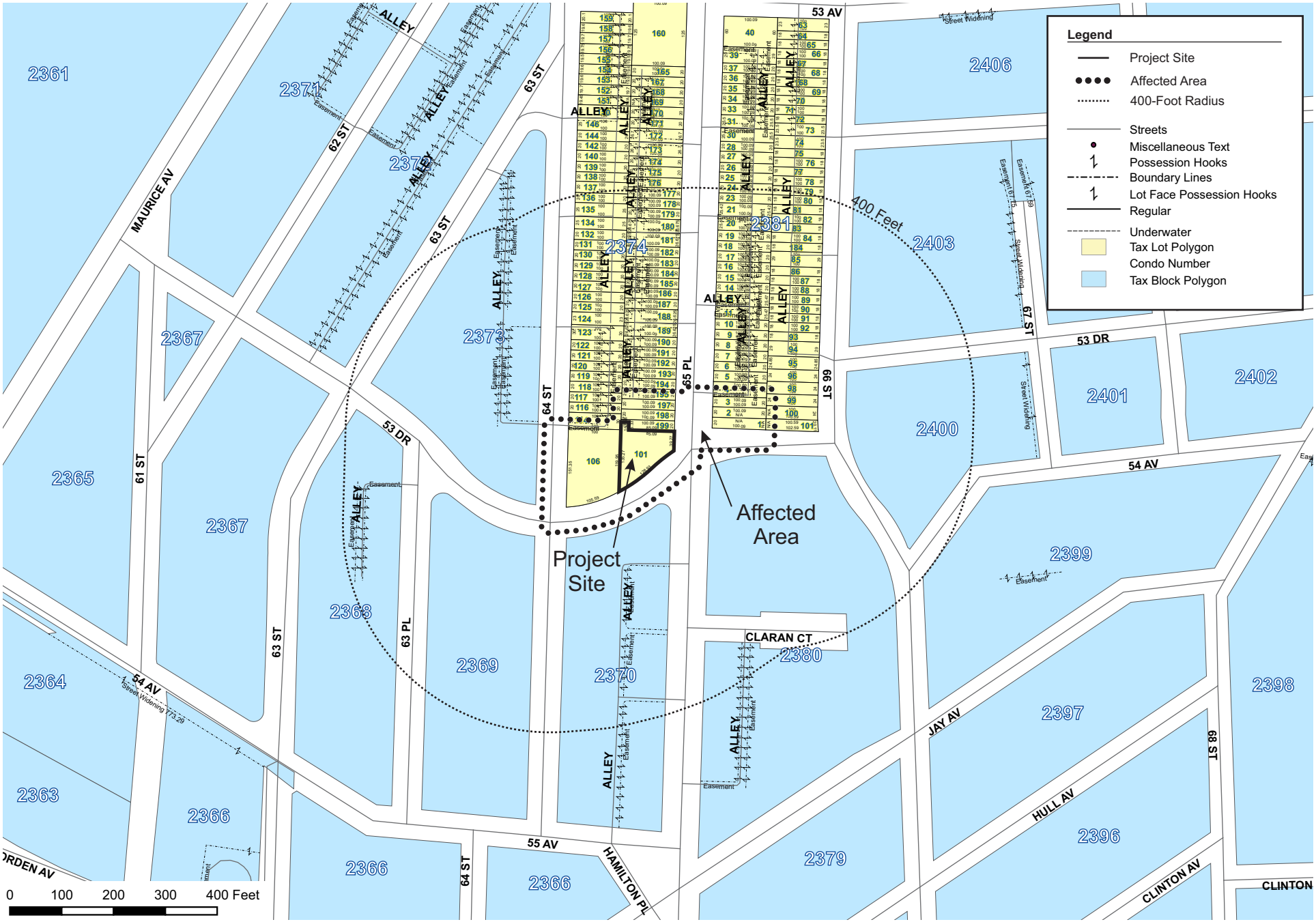


Data Source: MapPLUTO 2016v2, NYC DOF Digital Tax Map 03-16 downloaded from https://nycopendata.socrata.com

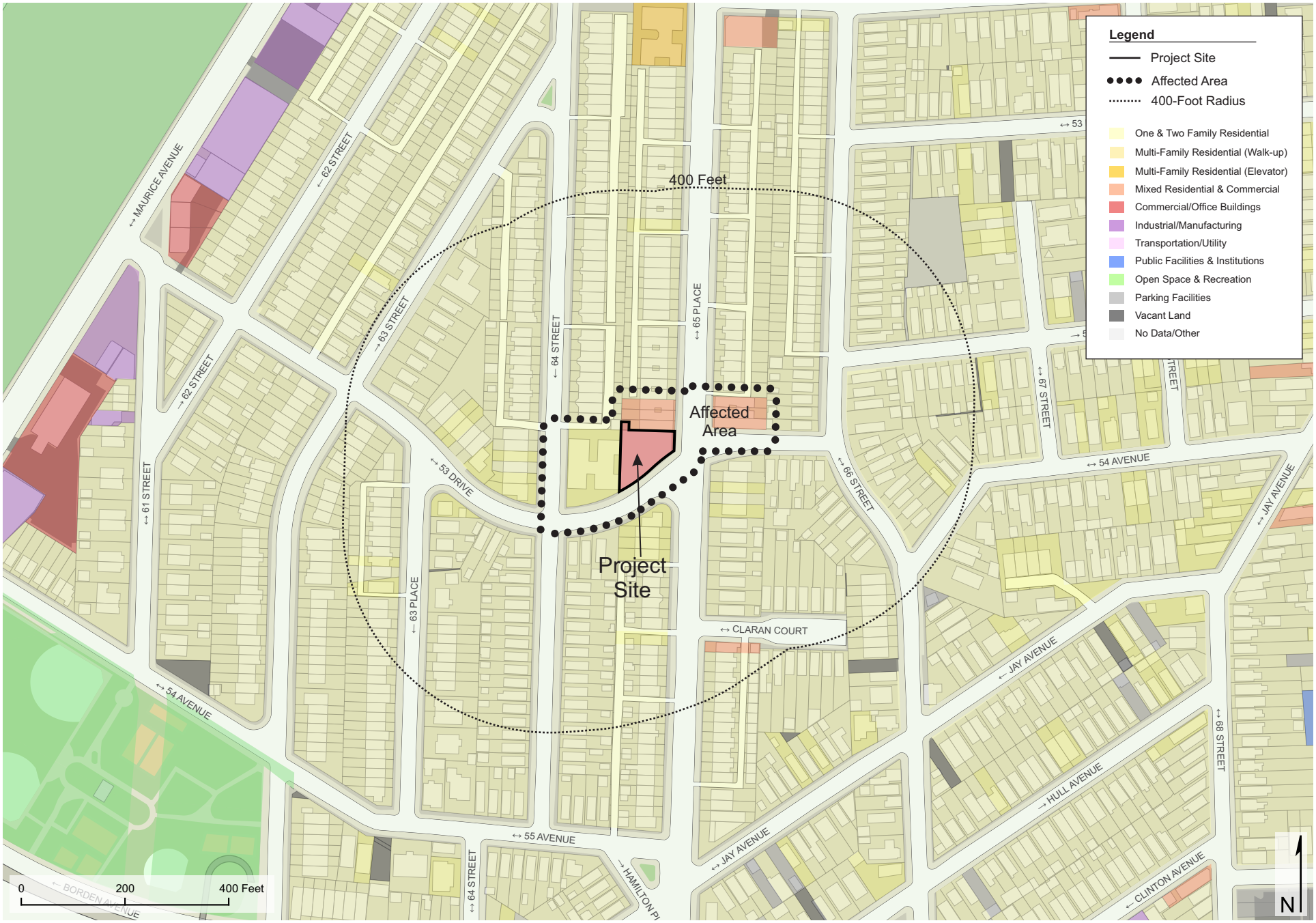


Data Source: MapPLUTO 2016v2, NYC DOF Digital Tax Map 03-16 downloaded from https://nycopendata.socrata.com

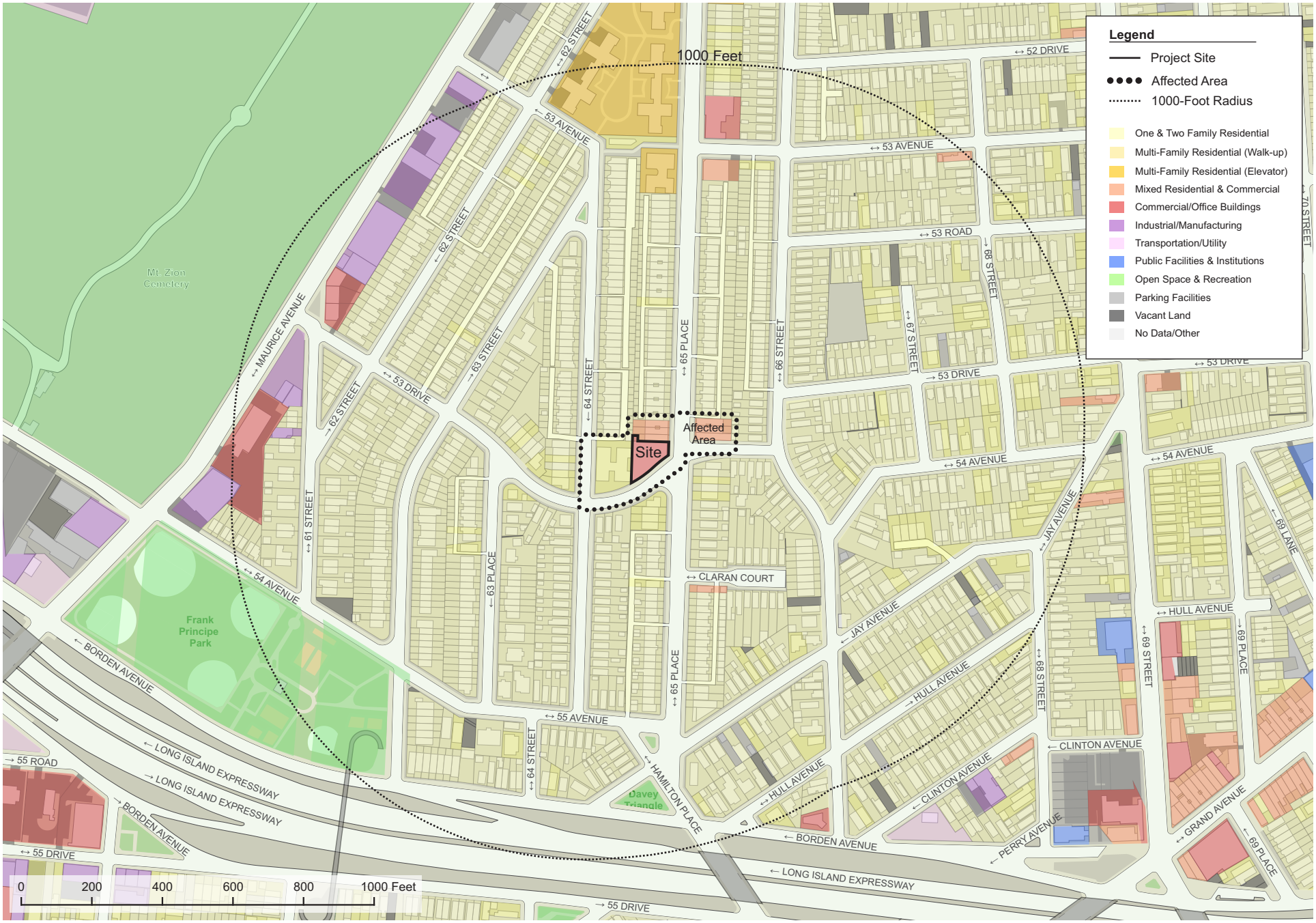
Figure 2 - Tax Map, centered on 400-Foot Radius



Data Source: MapPLUTO 2016v2, NYC DOF Digital Tax Map 03-16 downloaded from https://nycopendata.socrata.com

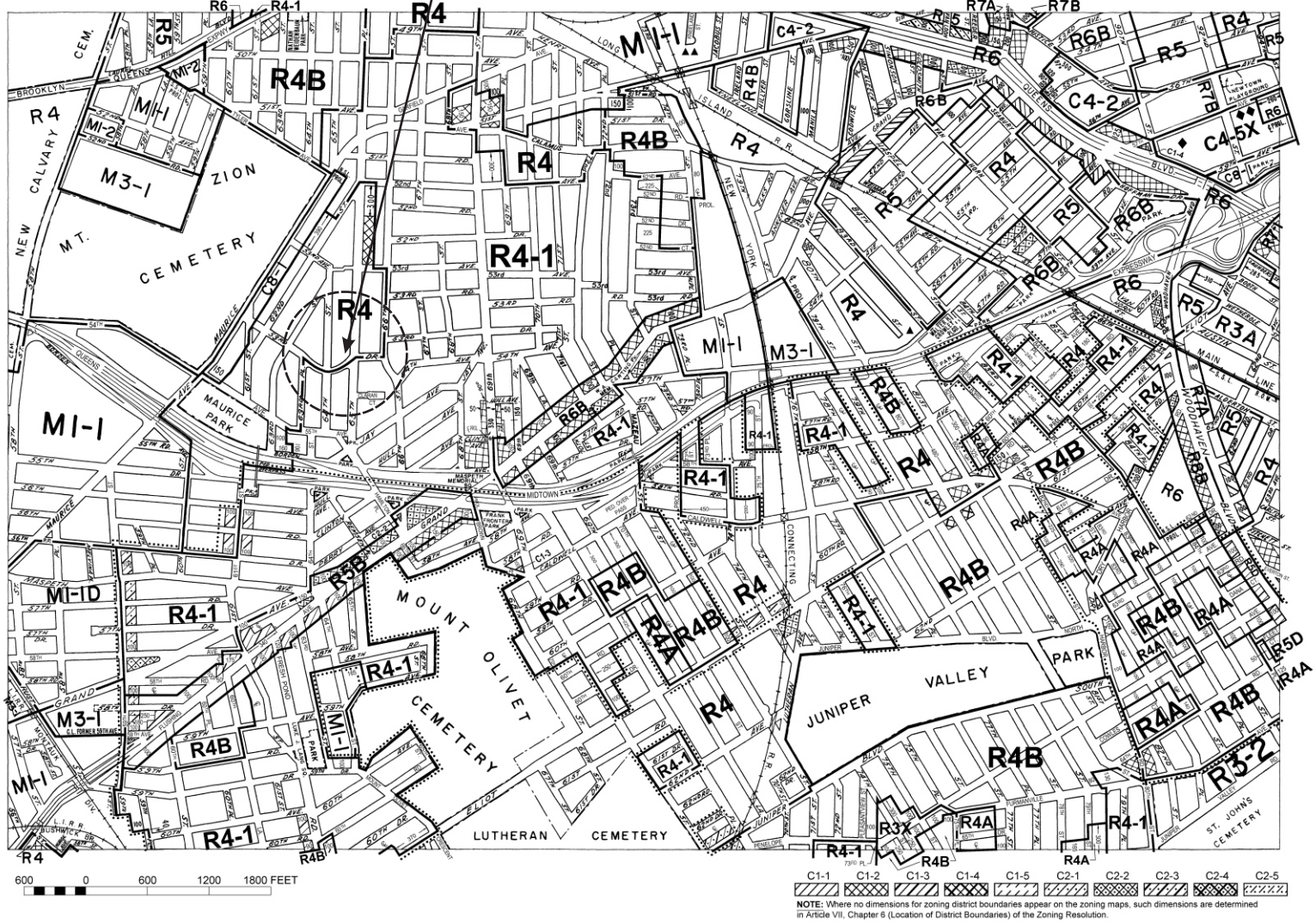


Data Source: MapPLUTO 2016v2, NYC DOF Digital Tax Map 03-16 downloaded from https://nycopendata.socrata.com



Data Source: MapPLUTO 2016v2, NYC DOF Digital Tax Map 03-16 downloaded from https://nycopendata.socrata.com

Project Site



ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

Major Zoning Classifications:

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

R – RESIDENTIAL DISTRICT

C – COMMERCIAL DISTRICT

M – MANUFACTURING DISTRICT

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

AREA(S) REZONED

Effective Date(s) of Rezoning:

07–29–2009 C 090382 ZMQ

Special Requirements:

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

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

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

CITY MAP CHANGE(S):

▲▲ 11–30–1996 C 940012 MMQ
◆◆ AS CORRECTED 12–03–2012
◆ AS CORRECTED 12–03–2012
▲ 11–11–2011 C 880710 MMQ

N

MAP KEY

9b	9d	10b
13a	**13c**	14a
13b	13d	14b

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ZONING MAP **13c**

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

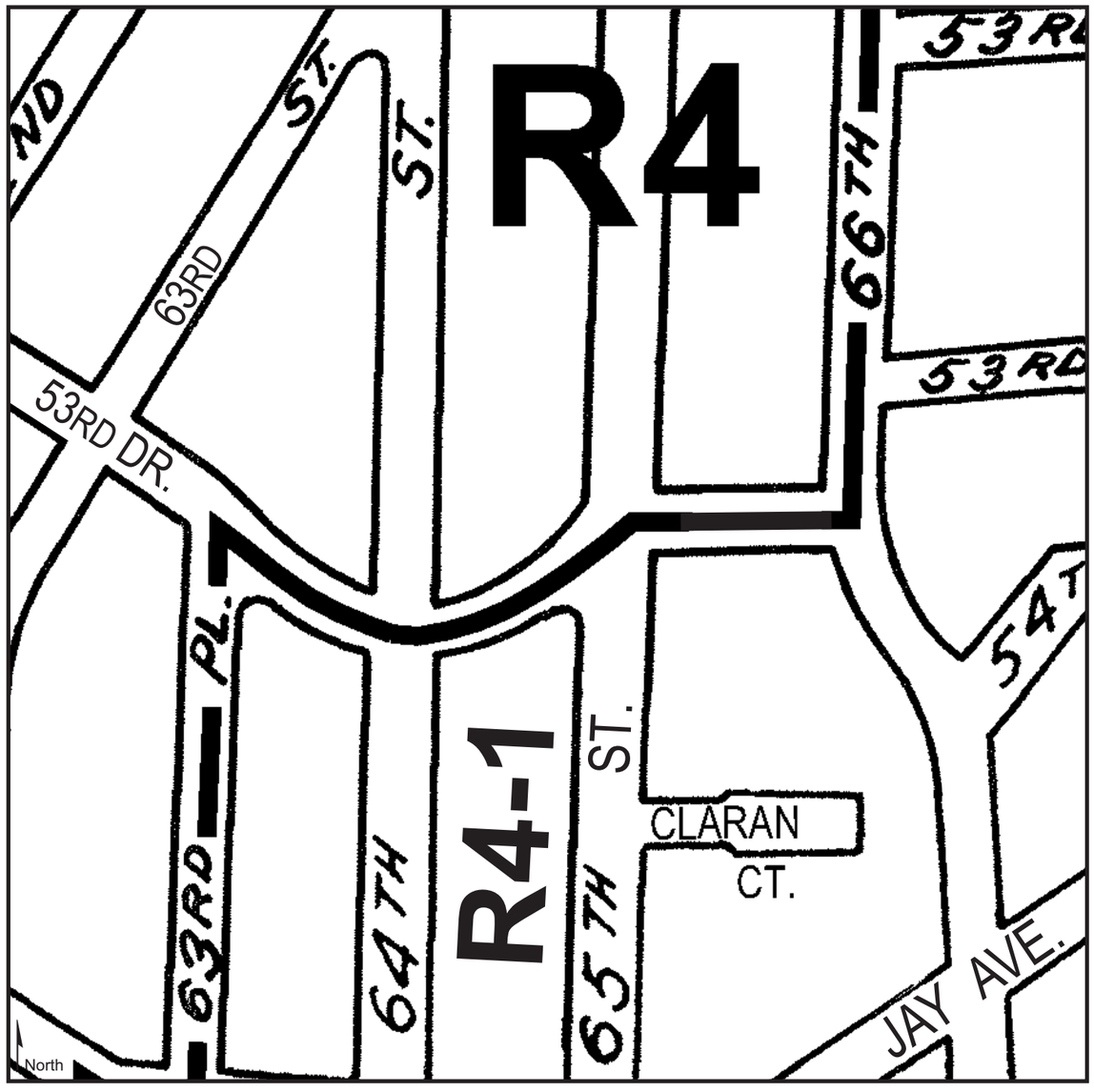


Data Source: MapPLUTO 2016v2, NYC DOF Digital Tax Map 03-16 downloaded from https://nycopendata.socrata.com

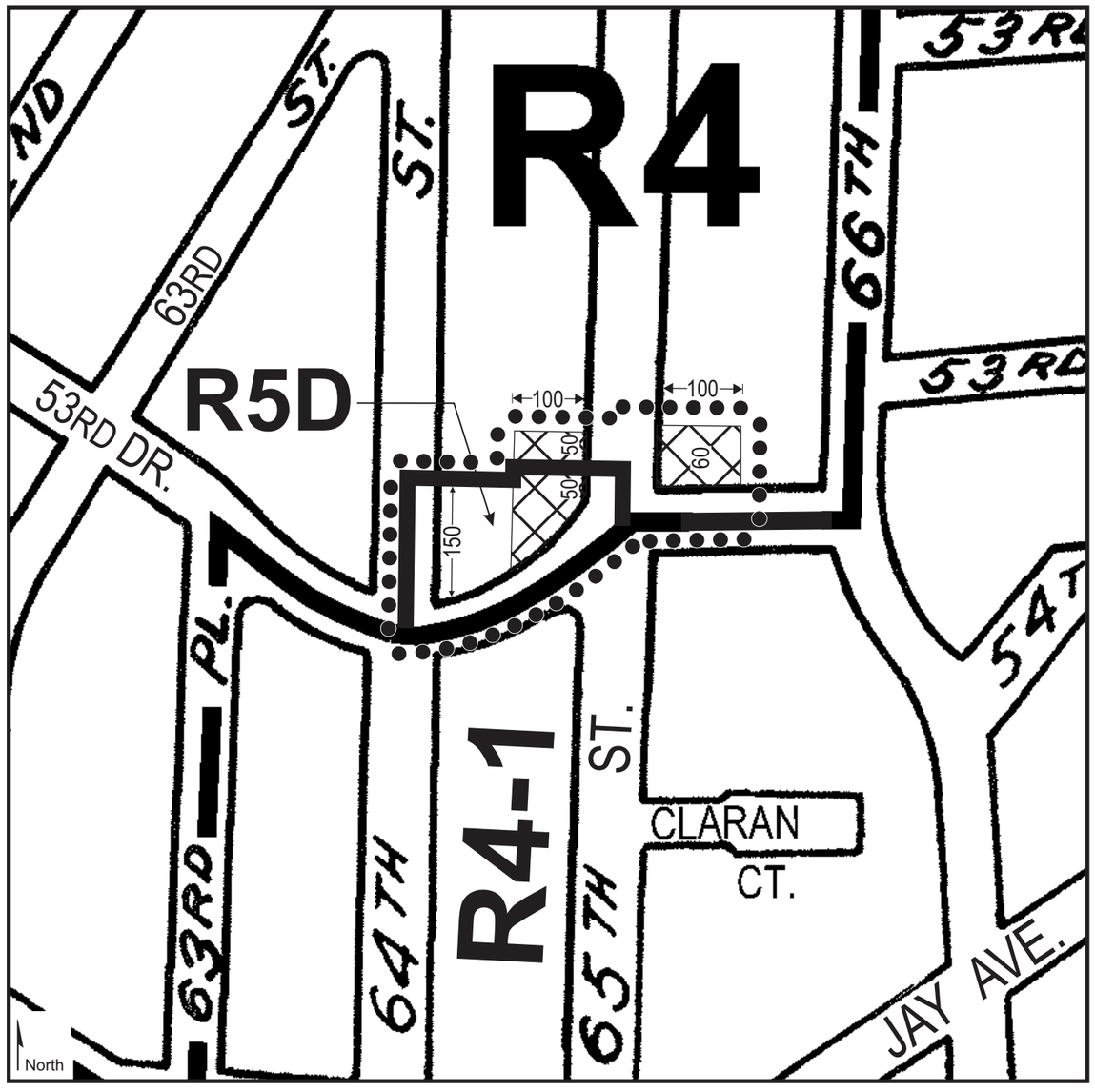
64-21 53rd Drive, Queens
Project ID # P2017Q0182

Zoning Change Map

FIgure 6 - Zoning Change Map



Current Zoning Map (13c)



Proposed Zoning Map (13c) - Area being rezoned is outlined with dotted lines

Rezoning from R4 to R5D
Rezoning from R4 to R5D/C2-2
Rezoning from R4 to R4/C2-2

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



1. View of the Site facing northwest from the intersection of 53rd Drive and 65th Place.



2. View of 65th Place facing north from 53rd Drive (Site ahead at left).



3. View of the Site facing northwest from the intersection of 53rd Drive and 65th Place.





4. View of the Site facing northeast from 53rd Drive.



5. View of the Project Area facing north from 53rd Drive.



6. View of 53rd Drive facing east (Site ahead at left).





7. View of the intersection of 53rd Drive and 64th Street facing north (Project Area at right).



8. View of Rezoning Site 1 facing northeast from the intersection of 53rd Drive and 64th Street .



9. View of 53rd Drive facing east from 64th Street (Project Area at left).





10. View of the Project Area facing northeast from 64th Street.



12. View of the Project Area facing southeast from 64th Street.



11. View of the Project Area facing east from 64th Street.





13. View of 64th Street facing south (Project Area at left).



14. View of the west side of 64th Street facing northwest from the Project Area.



15. View of the west side of 64th Street facing southwest from the Project Area.





16. View of the intersection of 53rd Drive and 64th Street facing southwest from the Project Area.



17. View of the south side of 53 Drive facing south from the Project Area.



18. View of the south side of 53 Drive facing southwest from the Site.





19. View of the south side of 53rd Drive facing south from the Site.



20. View of the sidewalk along the north side of 53rd Drive facing northeast (Site at left).



21. View of the intersection of 53rd Drive and 65th Place facing southeast from the Site.





22. View of the sidewalk along the north side of 53rd Drive facing southwest (Site at right).



23. View of the intersection of 53rd Drive and 65th Place facing southeast from the Site.



24. View of the sidewalk along the west side of 65th Place facing north (Site at left).





25. View of the sidewalk along the west side of 65th Place facing south (Site at right).



26. View of the Project Area facing northeast from 65th Place.



27. View of the Project Area facing east from 65th Place.





28. View of the Project Area facing southeast from 65th Place.



29. View of 65th Place facing south (Project Area on both sides).



30. View of 65th Place facing south from 53rd Drive (Site at right).





31. View of the Project Area facing southwest from 65th Place.



32. View of the Project Area facing west from 65th Place.



33. View of the Site facing southwest from 65th Place.





34. View of the intersection of 65th Place and 63rd Drive facing southwest (Site at right).



35. View of the south side of 53rd Drive facing southeast from the Project Area.



36. View of 53rd Drive facing west (Project Area at right).





37. View of the Project Area facing northwest from 53rd Drive.



38. View of the Site facing west from the intersection of 65th Place and 63rd Drive.



39. View of the Project Area facing northeast from 53rd Drive.





40. View of the Site facing northwest from the intersection of 53rd Drive and 65th Place.



For illustrative purposes only

THE ARCHITECT SHALL NOT HAVE CONTROL OR CHARGE OF AND SHALL NOT BE RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, DEVIATIONS, TECHNIQUES, SEQUENCES OR PROCEDURES, OR FOR SAFETY PRECAUTIONS AND PROGRAMS IN CONNECTIONS WITH THE WORK, FOR THE ACTS OR OMISSIONS OF THE CONTRACTOR, SUBCONTRACTORS OR ANY OTHER PERSONS PERFORMING ANY OF THE WORK, OR FOR THE FAILURE OF THEM TO CARRY OUT THE WORK IN ACCORDANCE WITH THE CONTRACT DOCUMENTS. ALWAYS USE DIMENSIONS AS SHOWN. DRAWINGS ARE NOT TO BE SCALED. GERALD J. CALIENDO ARCHITECT, P.C. AND ITS PRINCIPAL/EMPLOYEES WERE NOT RETAINED FOR ANY CONSTRUCTION SUPERVISION.

Gerald J. Caliendo, R.A., A.I.A.
Architect, P.C.

Architecture
Interior Design
Code Consultant
Building Dept. Expediting

138-72 Queens Boulevard
Briarwood N.Y. 11435

Tel. (718) 268-9098
Fax (718) 268-9097

www.caliendoarchitects.com

DRAWING TITLE: MASSING DIAGRAM

PREMISES: 64-21 53RD DRIVE
MASPETH, NY

DRAWN BY:	N.M.M.	JOB No:	16225	SCALE:	AS NOTED
CHECKED BY:	GJC			DATE:	REV 11-28-16

REGISTERED ARCHITECT
GERALD J. CALIENDO
020241
STATE OF NEW YORK

DRAWING No: 6 OF 6

A-006.00

5. PROJECT DESCRIPTION

The applicant, O'Neill's of Maspeth, Inc., (the "Applicant"), requests approval of a zoning map amendment to Zoning Sectional Map 13c that would include Lots 101, 106, 197, 198, and 199 on Block 2374 and Lots 1, 2, and 3 on Block 2381 (the "Affected Area"), in Queens Community District 5.

The proposed zoning map amendment would rezone the Affected Area from an R4 zoning district to an R5D zoning district with a C2-2 commercial overlay (Block 2374; Lot 101, p/o 199); from an R4 zoning district to an R5D zoning district (Block 2374; Lot 106); and from an R4 zoning district to an R4/C2-2 zoning district (Block 2374; Lots 197, 198, p/o 199; Block 2381; Lots 1, 2, 3).

The proposed zoning map amendment would bring the existing non-conforming Use Group 6 commercial use (eating and drinking establishment) located at Block 2374, Lot 101 (the "Project Site") into conformance and facilitate the development of a partial second floor addition to the existing 1-story building at the Project Site. This would entail an enlargement from 16,060 gsf (8,030 zsf) to 20,650 (12,530 zsf) or from 0.96 FAR to 1.49 FAR.

Proposed Actions

The following land use action is necessary to facilitate the Proposed Development, where the proposed use and bulk are not permitted under the existing R4 zoning district, as well as to bring the other lots within the Affected Area into conformance and greater compliance with the zoning.

Proposed Zoning Map Amendment:

1. *R4 zoning district to an R5D zoning district with a C2-2 commercial overlay (Block 2374; Lot 101, p/o 199);*

The proposed R5D/C2-2 zoning district along 53rd Drive and 65th Place will permit an FAR of 2.00 for commercial use, facilitating the Proposed Development.

2. *R4 zoning district to an R5D zoning district (Block 2374; Lot 106); and*

The proposed R5D zoning district on 53rd Drive and 64th Place will more closely match the existing 4-story and basement multi-family residential building adjacent to the Project Site, which exceeds the maximum permitted bulk within the existing R4 zoning district. Characterized by moderate-density, multi-family housing, R5D districts have a maximum FAR of 2.0 and a maximum height of 40 feet.

3. *R4 zoning district to an R4/C2-2 zoning district (Block 2374; Lots 197, 198, p/o 199; Block 2381; Lots 1, 2, 3)*

The proposed C2-2 overlay within the existing R4 zoning district along both sides of 65th Place will permit locally oriented commercial uses, up to an FAR of 1.00. This will legalize the existing mixed-use commercial and residential buildings on these lots without permitting the development of any additional commercial floor area.

(**See Figure 1 – Site Location; Figure 2 – Tax Map; Figure 3 – Land Use Map; Figure 4 – Zoning Map; Figure 5 – Aerial Map; Figure 6 – Zoning Change Map)**

Background

The existing non-conforming eating and drinking establishment at the Project Site, O'Neill's, has existed since 1928 and has operated continuously since that time period. The original building was damaged by a fire in 2011 and was subsequently reconstructed and reopened in 2013.

The area immediately to the south of the Project Site was rezoned in 2006 as part of the Maspeth-Woodside Rezoning (060294 ZMQ). The rezoning made zoning changes for approximately 130 blocks in Maspeth and Woodside to preserve and reinforce the established neighborhood fabric and prevent out-of-character development. In addition to establishing lower density and contextual zoning districts to protect the existing built character, it also accommodated additional density to encourage new, multifamily construction along several major corridors. However, the Project Site remained outside of the rezoning area and its zoning designation was not modified from R4.

Purpose and Need

The applicant proposes a zoning map amendment to establish a new R5D district and C2-2 commercial overlay to replace portions of an existing R4 district to bring the existing non-conforming use on the Project Site into conformance and permit an enlargement of the existing non-conforming Use Group 6 eating and drinking establishment. The addition of the C2-2 commercial overlay would permit Use Groups 5-9, which consists of commercial retail, eating and drinking establishments and office uses.

While the Project Site is currently a legal nonconforming use, it is not permitted to increase the degree of nonconformance under the existing R4 zoning district. Therefore, the Project Site would be rezoned from R4 to R5D/C2-2, which would permit a low-level of commercial density (2.0 FAR) in an area that contains several pre-existing commercial uses developed between 1.0 and 2.0 FAR. In addition to the Project Site being rezoned, a C2-2 commercial overlay would be established for adjacent properties to recognize and legalize pre-existing nonconforming commercial uses in the Affected Area, bringing the Affected Area into greater conformance and compliance with the zoning. The increase in the maximum permitted bulk is modest and is anticipated to only facilitate the Proposed Development, which consists of an enlargement from 16,060 gsf (8,030 zsf) to 20,650 (12,530 zsf) or from 0.96 FAR to 1.49 FAR. The maximum wall height would rise to 25 feet, which would be consistent with adjacent development

Build Year

Based on an estimated 12-month approval process and 12-month construction period, the analysis year is assumed as 2020.

RWCDS Analysis Framework (Reasonable Worst-Case Development Scenario)

The applicant seeks to resolve the non-conforming status of their property and enlarge the existing building. While additional properties are included in the proposed zoning map amendment (Block 2374, Lots 106, 197, 198, 199; and Block 2381, Lots 1, 2 and 3), no additional sites are assumed for development, as further detailed below.

Project Site	Block	Lot	Address
The Proposed Development	2374	101	64-21 53rd Drive

Existing Conditions

The Proposed Affected Area (the "Affected Area" or the "Rezoning Area") consists of eight tax and zoning lots on adjacent blocks (Block 2374, Lots 101, 106, 197, 198, p/o 199; and Block 2381, Lots 1, 2 and 3) in the Maspeth area of Queens Community District #5. The area is generally bounded by 64th Street to the west, 53rd Drive and 66th Street to the east. 53rd Drive and all Affected Area side streets (such as 65th Place) are classified as 'narrow' streets with 60 feet in width.

The Affected Area is situated along 53rd Drive, which is an east-west road that serves as a central arterial with some concentrated commercial uses through a generally residential area in Maspeth. The immediate area is predominantly residential with some mixed-use buildings within the Affected Area that would be rezoned. The residential uses in the immediate area consist of a mix of detached, semi-detached and attached housing, which reflects the underlying R4 zoning district.

R4 districts allow all types of housing (Use Groups 1-2) at a maximum FAR of 0.75, plus an attic allowance of up to 20%. Community facility uses (Use Groups 3-4) are permitted at a maximum FAR of 1.0. The maximum height of R4 districts is 35 feet, with a perimeter wall height of 25 feet. Commercial uses are not permitted in R4 districts.

The Project Site

Block 2374, Lot 101 (64-21 53rd Drive) is developed with a single-story 8,030 zsf commercial building, which includes 15,252 gsf of eating and drinking establishment and 808 gsf of retail space for a total of 16,060 gsf (0.96 FAR).

Non-applicant owned properties (Block 2374, Lots 106, 197, 198, 199; and Block 2381, Lots 1, 2, 3)

Block 2374, Lot 106 (64-05 53rd Drive) is developed with a 32,600 gsf legally noncomplying residential building (2.35 FAR) with 44 dwelling units constructed in 1929 on a 13,829 square foot lot.

Block 2374, Lot 197 (53-76 65th Place) is developed with a 2,480 sf legally nonconforming mixed-use (residential-commercial) building (1.24 FAR) constructed in 1929 on a 2,000 square foot lot.

Block 2374, Lot 198 (53-78 65th Place) is developed with a 2,480 sf legally nonconforming mixed-use (residential-commercial) building (1.24 FAR) constructed in 1929 on a 2,000 square foot lot.

Block 2374, Lot 199 (53-80 65th Place) is developed with a 2,480 sf legally nonconforming mixed-use (residential-commercial) building (1.24 FAR) constructed in 1929 on a 2,000 square foot lot.

Block 2381, Lot 1 (53-75 65th Place) is developed with a 3,360 sf legally nonconforming mixed-use (residential-commercial) building (1.68 FAR) constructed in 1929 on a 2,000 square foot lot.

Block 2381, Lot 2 (53-73 65th Place) is developed with a 2,670 sf legally nonconforming mixed-use (residential-commercial) building (1.34 FAR) constructed in 1929 on a 2,000 square foot lot.

Block 2381, Lot 3 (53-71 65th Place) is developed with a 2,650 sf legally nonconforming mixed-use (residential-commercial) building (1.33 FAR) constructed in 1929 on a 2,000 square foot lot.

The Affected Area is within a R4 district and located across the street from an existing R4-1 district, sharing a boundary along 53rd Drive.

The Affected Area is within a R4 district and located across the street from an existing R4-1 district, sharing a boundary along 53rd Drive. R4 districts allow all types of housing (Use Groups 1-2) at a maximum FAR of 0.75, plus an attic allowance of up to 20%. Community facility uses (Use Groups 3-4) are permitted at a maximum FAR of 1.0.

Future No-Action Scenario

Absent the proposed action, the properties within the Affected Area would remain in their current condition.

The Project Site

Block 2374, Lot 101 (64-21 53rd Drive) is assumed to remain in its existing condition. The existing building at the Project Site is legally nonconforming, occupied by commercial uses, and is unable to add additional floor area. Therefore, in the future no-action scenario, the Project Site is anticipated to remain as 8,030 zsf of commercial space, which includes 15,252 gsf of eating and drinking establishment and 808 gsf of retail space for a total of 16,060 gsf (0.96 FAR).

Non-applicant owned properties (Block 2374, Lots 106, 197, 198, 199; and Block 2381, Lots 1, 2, 3)

Block 2374, Lot 106 (64-05 53rd Drive) is developed with a 32,600 gsf legally noncomplying residential building (2.35 FAR) with 44 dwelling units constructed in 1929 on a 13,829 square foot lot. This property is legally noncomplying with regard to residential floor area and is unable to add additional floor area. Therefore the property is anticipated to remain in the no-action scenario.

Block 2374, Lot 197 (53-76 65th Place) is developed with a 2,480 sf legally nonconforming mixed-use (residential-commercial) building (1.24 FAR) constructed in 1929 on a 2,000 square foot lot. This property is legally nonconforming with the presence of commercial use and is unable to add additional floor area. Therefore the property is anticipated to remain in the no-action scenario.

Block 2374, Lot 198 (53-78 65th Place) is developed with a 2,480 sf legally nonconforming mixed-use (residential-commercial) building (1.24 FAR) constructed in 1929 on a 2,000 square foot lot. This property is legally nonconforming with the presence of commercial use and is unable to add additional floor area. Therefore the property is anticipated to remain in the no-action scenario.

Block 2374, Lot 199 (53-80 65th Place) is developed with a 2,480 sf legally nonconforming mixed-use (residential-commercial) building (1.24 FAR) constructed in 1929 on a 2,000 square foot lot. This property is legally nonconforming with the presence of commercial use and is unable to add additional floor area. Therefore the property is anticipated to remain in the no-action scenario.

Block 2381, Lot 1 (53-75 65th Place) is developed with a 3,360 sf legally nonconforming mixed-use (residential-commercial) building (1.68 FAR) constructed in 1929 on a 2,000 square foot lot. This property is legally nonconforming with the presence of commercial use and is unable to add additional floor area. Therefore the property is anticipated to remain in the no-action scenario.

Block 2381, Lot 2 (53-73 65th Place) is developed with a 2,670 sf legally nonconforming mixed-use (residential-commercial) building (1.34 FAR) constructed in 1929 on a 2,000 square foot lot. This property is legally nonconforming with the presence of commercial use and is unable to add additional floor area. Therefore the property is anticipated to remain in the no-action scenario.

Block 2381, Lot 3 (53-71 65th Place) is developed with a 2,650 sf legally nonconforming mixed-use (residential-commercial) building (1.33 FAR) constructed in 1929 on a 2,000 square foot lot. This property is legally nonconforming with the presence of commercial use and is unable to add additional floor area. Therefore the property is anticipated to remain in the no-action scenario.

Future With-Action Scenario

In the future with the proposed action, commercial uses (5-9 & 14) would be permitted on the Affected Area. This would resolve the nonconforming and noncomplying status of several lots in the Affected Area, facilitate the Proposed Development and bring the Affected Area into greater conformance and compliance with the zoning.

The Proposed R5D/C2-2 district permits a maximum of 2.0 FAR for residential, commercial and community facility uses. The R5D permits a maximum of 2.0 FAR for residential and community facility uses. The R4/C2-2 district permits a maximum residential FAR of 0.75 FAR, a maximum community facility FAR of 2.0 and commercial FAR of 1.0. The R4 district has a maximum height of 35 feet, with a perimeter wall height of 25 feet. The R5D district permits a maximum height of 40 feet. The C2-2 district generally requires one accessory parking space per 300 square feet of general commercial floor area, with up to 15 spaces waived.

The Project Site

The Applicant intends to legalize the status of the existing Use Group 6 commercial uses and enlarge the existing building with a partial second floor for additional accessory banquet hall space. This would entail an enlargement from 16,060 gsf (8,030 zsf) to 20,650 (12,530 zsf) or from 0.96 FAR to 1.49 FAR. The maximum wall height would rise to 25 feet from a single-story (approximately 15 feet).

While some additional floor area remains (4,179 zsf) where 2.0 FAR of commercial space is permitted under the proposed R5D/C2-2, the zoning lot maximizes the available floor area controlling for parking requirements, which waive up to 15 spaces in C2-2 districts pursuant to ZR 36-231, where one space is required per 300 sf of floor area. If the floor area were to be maximized on the site, at least 30 new accessory spaces would be required, but the Project Site is currently developed with near full lot coverage and no space to accommodate any required parking. Therefore, in the Future With-Action Scenario, the Project Site would consist of 19,842 gsf of eating and drinking establishment area and 808 gsf of retail space for a total of 20,650 gsf of commercial space (Use Group 6) or 1.49 FAR.

Non-applicant owned properties (Block 2374, Lots 106, 197, 198, 199; and Block 2381, Lots 1, 2, 3)

Block 2374, Lot 106 (64-05 53rd Drive) is developed with a 32,600 gsf legally noncomplying residential building (2.35 FAR) with 44 dwelling units constructed in 1929 on a 13,829 square foot lot. While the non-complying status of this property would be resolved in the future with-action scenario, this property is unable to add additional

floor area, as it is overbuilt (2.35 FAR) where a maximum of 2.0 FAR is permitted for residential buildings in the future R5D zoning district. Therefore, the property is anticipated to remain in the With-Action scenario in its existing condition.

Block 2374, Lot 197 (53-76 65th Place) is developed with a 2,480 sf legally nonconforming mixed-use (residential-commercial) building (1.24 FAR) constructed in 1929 on a 2,000 square foot lot. While the nonconforming status on this property would be resolved in the future with-action scenario, this property is unlikely to add additional floor area in the future, as the building is overbuilt (1.24 FAR) where a maximum of 1.0 FAR is permitted for mixed-use commercial buildings in the proposed R4/C2-2 district. Therefore, the development on this lot is anticipated to remain in the Future With-Action Scenario.

Block 2374, Lot 198 (53-78 65th Place) is developed with a 2,480 sf legally nonconforming mixed-use (residential-commercial) building (1.24 FAR) constructed in 1929 on a 2,000 square foot lot. While the nonconforming status on this property would be resolved in the future with-action scenario, this property is unlikely to add additional floor area in the future, as the building is overbuilt (1.24 FAR) where a maximum of 1.0 FAR is permitted for mixed-use commercial buildings in the proposed R4/C2-2 district. Therefore, the development on this lot is anticipated to remain in the Future With-Action Scenario.

Block 2374, Lot 199 (53-80 65th Place) is developed with a 2,480 sf legally nonconforming mixed-use (residential-commercial) building (1.24 FAR) constructed in 1929 on a 2,000 square foot lot. While the nonconforming status on this property would be resolved in the future with-action scenario with the mapping of the C2-2 commercial overlay, this property is unlikely to add additional floor area in the future, as the building is overbuilt (1.24 FAR) where a maximum of 1.0 FAR is permitted for mixed-use commercial buildings in the R4/C2-2 portion of the lot and 2.0 FAR is permitted for residential/commercial buildings in the R5D/C2-2 portion of the lot. Therefore, the property is anticipated to remain in the With-Action scenario in its existing condition.

Therefore, the development on this lot is anticipated to remain in the Future With-Action Scenario.

Block 2381, Lot 1 (53-75 65th Place) is developed with a 3,360 sf legally nonconforming mixed-use (residential-commercial) building (1.68 FAR) constructed in 1929 on a 2,000 square foot lot. While the nonconforming status on this property would be resolved in the future with-action scenario, this property is unlikely to add additional floor area in the future, as the building is overbuilt (1.68 FAR) where a maximum of 1.0 FAR is permitted for mixed-use commercial buildings in the proposed R4/C2-2 district. Therefore, the development on this lot is anticipated to remain in the Future With-Action Scenario

Block 2381, Lot 2 (53-73 65th Place) is developed with a 2,670 sf legally nonconforming mixed-use (residential-commercial) building (1.34 FAR) constructed in 1929 on a 2,000 square foot lot. While the nonconforming status on this property would be resolved in the future with-action scenario, this property is unlikely to add additional floor area in the future, as the building is overbuilt (1.34 FAR) where a maximum of 1.0 FAR is permitted for mixed-use commercial buildings in the proposed R4/C2-2 district. Therefore, the development on this lot is anticipated to remain in the Future With-Action Scenario.

Block 2381, Lot 3 (53-71 65th Place) is developed with a 2,650 sf legally nonconforming mixed-use (residential-commercial) building (1.33 FAR) constructed in 1929 on a 2,000 square foot lot. While the nonconforming status on this property would be resolved in the future with-action scenario, this property is unlikely to add additional floor area in the future, as the building is overbuilt (1.33 FAR) where a maximum of 1.0 FAR is permitted for mixed-use commercial buildings in the proposed R4/C2-2 district. Therefore, the development on this lot is anticipated to remain in the Future With-Action Scenario.

See attached **illustrative site plans** of the Proposed Development (also in **Appendix B**).

Increment

For the purpose of the RWCDS, the projected development would consist of the With-Action development scenario. The increment between the No-Action and With-Action scenarios would consist of the addition of 4,590 gsf of eating and drinking establishment and retail space and 10 additional workers.

64-21 53RD DRIVE – O'NEILL'S

INTRODUCTION

Based on the analysis and the screens contained in the Environmental Assessment Statement Short Form, the analysis areas that require further explanation include land use, zoning, and public policy; historic and cultural resources; urban design and visual resources; air quality; and noise as further detailed below. The subject heading numbers below correlate with the relevant chapters of the CEQR Technical Manual

4. LAND USE, ZONING AND PUBLIC POLICY

I. INTRODUCTION

The analysis of land use, zoning and public policy characterizes the existing conditions of the Project Sites 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 project; and identifies and addresses any potential impacts related to land use, zoning and public policy resulting from the project. 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 project has the potential to affect land use or land use trends. The 400-foot radius study area is bounded by an area with 53rd Road to the north; 55th Avenue to the south; 63rd Street to the west; and 67th Street to the east (See **Figure 1 –** Site Location).

II. Land Use

Site Description (Existing Conditions)

The Proposed Affected Area (the "Affected Area" or the "Rezoning Area") consists of eight tax and zoning lots on adjacent blocks (Block 2374, Lots 101, 106, 197, 198, 199; and Block 2381, Lots 1, 2 and 3) in the Maspeth area of Queens Community District #5. The area is generally bounded by 64th Street to the west, 53rd Drive and 66th Street to the east. 53rd Drive and all Affected Area side streets (such as 65th Place) are classified as 'narrow' streets with 60 feet in width.

The Affected Area is situated along 53rd Drive, which is an east-west road that serves as a central arterial with some concentrated commercial uses through a generally residential area in Maspeth. The immediate area is predominantly residential with some mixed-use buildings within the Affected Area that would be rezoned. The residential uses in the immediate area consist of a mix of detached, semi-detached and attached housing, which reflects the underlying R4 zoning district.

The Project Site

Block 2374, Lot 101 (64-21 53rd Drive, The Project Site) is developed with a single-story 8,030 zsf commercial building, which includes 15,252 gsf of eating and drinking establishment and 808 gsf of retail space for a total of 16,060 gsf (0.96 FAR).

Non-applicant owned properties (Block 2374, Lots 106, 197, 198, 199; and Block 2381, Lots 1, 2, 3)

Block 2374, Lot 106 (64-05 53rd Drive) is developed with a 32,600 gsf legally noncomplying residential building (2.35 FAR) with 44 dwelling units constructed in 1929 on a 13,829 square foot lot.

Block 2374, Lot 197 (53-76 65th Place) is developed with a 2,480 sf legally nonconforming mixed-use (residential-commercial) building (1.24 FAR) constructed in 1929 on a 2,000 square foot lot.

Block 2374, Lot 198 (53-78 65th Place) is developed with a 2,480 sf legally nonconforming mixed-use (residential-commercial) building (1.24 FAR) constructed in 1929 on a 2,000 square foot lot.

Block 2374, Lot 199 (53-80 65th Place) is developed with a 2,480 sf legally nonconforming mixed-use (residential-commercial) building (1.24 FAR) constructed in 1929 on a 2,000 square foot lot.

Block 2381, Lot 1 (53-75 65th Place) is developed with a 3,360 sf legally nonconforming mixed-use (residential-commercial) building (1.68 FAR) constructed in 1929 on a 2,000 square foot lot.

Block 2381, Lot 2 (53-73 65th Place) is developed with a 2,670 sf legally nonconforming mixed-use (residential-commercial) building (1.34 FAR) constructed in 1929 on a 2,000 square foot lot.

Block 2381, Lot 3 (53-71 65th Place) is developed with a 2,650 sf legally nonconforming mixed-use (residential-commercial) building (1.33 FAR) constructed in 1929 on a 2,000 square foot lot.

Surrounding Area

The area immediately surrounding the Affected Area is almost exclusively residential. The Affected Area is situated along 53rd Drive, which is an east-west road that serves as a central arterial with some concentrated commercial uses servicing nearby residences, all of which would be rezoned by the Proposed Action. The residential uses in the immediate area consist of a mix of detached, semi-detached and attached housing, which reflects the underlying R4 zoning district. Within the 400-foot radius of the Affected Area, there is only one additional non-residential use aside from the affected parcels, which is located to the south along 65th Place and Claran Court. (54-29 65h Place or Block 2380, Lot 19) which consists of a two-story mixed-use building containing ground floor commercial use and residential units above. Further to the north along 65th Place is an additional commercial building at 53rd Avenue (Block 2382, Lot 1) and a concentration of light industrial/warehouse, commercial and automotive uses line Maurice Avenue, approximately four blocks to the west.

Future No-Action (No-Build) Scenario

In the future and absent the Proposed Actions, no land use changes would be made to the Project Site and the Affected Area would continue to remain in its existing condition.

The Project Site

Block 2374, Lot 101 (64-21 53rd Drive) is assumed to remain in its existing condition. The existing building at the Project Site is legally nonconforming, occupied by commercial uses, and is unable to add additional floor area.

Non-applicant owned properties (Block 2374, Lots 106, 197, 198, 199; and Block 2381, Lots 1, 2, 3)

Block 2374, Lot 106 (64-05 53rd Drive) is developed with a 32,600 gsf legally noncomplying residential building (2.35 FAR) with 44 dwelling units constructed in 1929 on a 13,829 square foot lot. This property is legally noncomplying and is anticipated to remain in its existing condition with residential use.

Block 2374, Lot 197 (53-76 65th Place) is developed with a 2,480 sf legally nonconforming mixed-use (residential-commercial) building (1.24 FAR) constructed in 1929 on a 2,000 square foot lot. This property is legally nonconforming with the presence of commercial use and is unable to add additional floor area. Therefore, the property is anticipated to remain in its existing condition with residential and commercial uses.

Block 2374, Lot 198 (53-78 65th Place) is developed with a 2,480 sf legally nonconforming mixed-use (residential-commercial) building (1.24 FAR) constructed in 1929 on a 2,000 square foot lot. This property is legally nonconforming with the presence of commercial use and is unable to add additional floor area. Therefore, the property is anticipated to remain in its existing condition with residential and commercial uses.

Block 2374, Lot 199 (53-80 65th Place) is developed with a 2,480 sf legally nonconforming mixed-use (residential-commercial) building (1.24 FAR) constructed in 1929 on a 2,000 square foot lot. This property is legally nonconforming with the presence of commercial use and is unable to add additional floor area. Therefore, the property is anticipated to remain in its existing condition with residential and commercial uses.

Block 2381, Lot 1 (53-75 65th Place) is developed with a 3,360 sf legally nonconforming mixed-use (residential-commercial) building (1.68 FAR) constructed in 1929 on a 2,000 square foot lot. This property is legally nonconforming with the presence of commercial use and is unable to add additional floor area. Therefore, the property is anticipated to remain in its existing condition with residential and commercial uses.

Block 2381, Lot 2 (53-73 65th Place) is developed with a 2,670 sf legally nonconforming mixed-use (residential-commercial) building (1.34 FAR) constructed in 1929 on a 2,000 square foot lot. This property is legally nonconforming with the presence of commercial use and is unable to add additional floor area. Therefore, the property is anticipated to remain in its existing condition with residential and commercial uses.

Block 2381, Lot 3 (53-71 65th Place) is developed with a 2,650 sf legally nonconforming mixed-use (residential-commercial) building (1.33 FAR) constructed in 1929 on a 2,000 square foot lot. This property is legally nonconforming with the presence of commercial use and is unable to add additional floor area. Therefore, the property is anticipated to remain in its existing condition with residential and commercial uses.

No new development is anticipated within the land use study area by the analysis year of 2020. The surrounding land uses within this area are also anticipated are expected to remain unchanged by the analysis year of 2020. The study area currently contains residential, commercial and community facility uses. These uses are all anticipated to remain in the future. Any vacant lots are anticipated to remain vacant.

With-Action (Build) Scenario

Project Site

In the future with the proposed action, commercial uses (5-9 & 14) would be permitted on the Affected Area. The Applicant intends to legalize the status of the existing Use Group 6 commercial uses and enlarge the existing building with a partial second floor for additional accessory banquet hall space. Therefore in the future, the Project Site would continue to contain its preexisting commercial uses, which will consist of eating and drinking establishment and retail use.

Non-applicant owned properties (Block 2374, Lots 106, 197, 198, 199; and Block 2381, Lots 1, 2, 3)

Block 2374, Lot 106 (64-05 53rd Drive) is developed with a 32,600 gsf legally noncomplying residential building (2.35 FAR) with 44 dwelling units constructed in 1929 on a 13,829 square foot lot. While the non-complying status of this property would be resolved in the future with-action scenario, this property is unable to add additional floor area, as it is overbuilt (2.35 FAR) where a maximum of 2.0 FAR is permitted for residential buildings in the future R5D zoning district. Therefore the property is anticipated to remain in the With-Action scenario with its existing residential use.

Block 2374, Lot 197 (53-76 65th Place) is developed with a 2,480 sf legally nonconforming mixed-use (residential-commercial) building (1.24 FAR) constructed in 1929 on a 2,000 square foot lot. While the nonconforming status on this property would be resolved in the future with-action scenario, this property is unlikely to add additional floor area in the future, as the building is overbuilt (1.24 FAR) where a maximum of 1.0 FAR is permitted for mixed-use commercial buildings in the proposed R4/C2-2 district. Therefore, the development on this lot is will remain as a residential-commercial use in the future with-action scenario.

Block 2374, Lot 198 (53-78 65th Place) is developed with a 2,480 sf legally nonconforming mixed-use (residential-commercial) building (1.24 FAR) constructed in 1929 on a 2,000 square foot lot. While the nonconforming status on this property would be resolved in the future with-action scenario, this property is unlikely to add additional floor area in the future, as the building is overbuilt (1.24 FAR) where a maximum of 1.0 FAR is permitted for mixed-use commercial buildings in the proposed R4/C2-2 district. Therefore, the development on this lot is will remain as a residential-commercial use in the future with-action scenario.

Block 2374, Lot 199 (53-80 65th Place) is developed with a 2,480 sf legally nonconforming mixed-use (residential-commercial) building (1.24 FAR) constructed in 1929 on a 2,000 square foot lot. While the nonconforming status on this property would be resolved in the future with-action scenario with the mapping of the C2-2 commercial overlay, this property is unlikely to add

additional floor area in the future, as the building is overbuilt (1.24 FAR) where a maximum of 1.0 FAR is permitted for mixed-use commercial buildings in the R4/C2-2 portion of the lot and 2.0 FAR is permitted for residential/commercial buildings in the R5D/C2-2 portion of the lot. Therefore, the property is anticipated to remain in the With-Action scenario in its existing condition.

Block 2381, Lot 1 (53-75 65th Place) is developed with a 3,360 sf legally nonconforming mixed-use (residential-commercial) building (1.68 FAR) constructed in 1929 on a 2,000 square foot lot. While the nonconforming status on this property would be resolved in the future with-action scenario, this property is unlikely to add additional floor area in the future, as the building is overbuilt (1.68 FAR) where a maximum of 1.0 FAR is permitted for mixed-use commercial buildings in the proposed R4/C2-2 district. Therefore, the development on this lot is will remain as a residential-commercial use in the future with-action scenario.

Block 2381, Lot 2 (53-73 65th Place) is developed with a 2,670 sf legally nonconforming mixed-use (residential-commercial) building (1.34 FAR) constructed in 1929 on a 2,000 square foot lot. While the nonconforming status on this property would be resolved in the future with-action scenario, this property is unlikely to add additional floor area in the future, as the building is overbuilt (1.34 FAR) where a maximum of 1.0 FAR is permitted for mixed-use commercial buildings in the proposed R4/C2-2 district. Therefore, the development on this lot is will remain as a residential-commercial use in the future with-action scenario.

Block 2381, Lot 3 (53-71 65th Place) is developed with a 2,650 sf legally nonconforming mixed-use (residential-commercial) building (1.33 FAR) constructed in 1929 on a 2,000 square foot lot. While the nonconforming status on this property would be resolved in the future with-action scenario, this property is unlikely to add additional floor area in the future, as the building is overbuilt (1.33 FAR) where a maximum of 1.0 FAR is permitted for mixed-use commercial buildings in the proposed R4/C2-2 district. Therefore, the development on this lot is will remain as a residential-commercial use in the future with-action scenario.

Conclusion

The Proposed Actions are not anticipated to result in any new land uses or uses that are significantly different from surrounding uses. As noted above, the study area predominantly contains residential uses, along with some mixed-use (residential-commercial) developments and the commercial use contained on the Project Site. The Proposed Action would recognize pre-existing commercial uses and bring the Affected Area into greater conformance with the zoning and would therefore not be a departure from adjacent uses and not be incompatible with the land uses in the surrounding area.

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

III. Zoning

Existing Conditions

The Project Site

Block 2374, Lot 101 (64-21 53rd Drive) is developed with a single-story 8,030 zsf commercial building, which includes 15,252 gsf of eating and drinking establishment and 808 gsf of retail space for a total of 16,060 gsf (0.96 FAR). The Project Site is legally nonconforming, as the use predates the zoning resolution and has been continuously occupied since that time period.

Non-applicant owned properties (Block 2374, Lots 106, 197, 198, 199; and Block 2381, Lots 1, 2, 3)

Block 2374, Lot 106 (64-05 53rd Drive) is developed with a 32,600 gsf legally noncomplying residential building (2.35 FAR) with 44 dwelling units constructed in 1929 on a 13,829 square foot lot. This property is legally noncomplying with regard to residential floor.

Block 2374, Lot 197 (53-76 65th Place) is developed with a 2,480 sf legally nonconforming mixed-use (residential-commercial) building (1.24 FAR) constructed in 1929 on a 2,000 square foot lot. This property is legally nonconforming with the presence of commercial use.

Block 2374, Lot 198 (53-78 65th Place) is developed with a 2,480 sf legally nonconforming mixed-use (residential-commercial) building (1.24 FAR) constructed in 1929 on a 2,000 square foot lot. This property is legally nonconforming with the presence of commercial use.

Block 2374, Lot 199 (53-80 65th Place) is developed with a 2,480 sf legally nonconforming mixed-use (residential-commercial) building (1.24 FAR) constructed in 1929 on a 2,000 square foot lot. This property is legally nonconforming with the presence of commercial use.

Block 2381, Lot 1 (53-75 65th Place) is developed with a 3,360 sf legally nonconforming mixed-use (residential-commercial) building (1.68 FAR) constructed in 1929 on a 2,000 square foot lot. This property is legally nonconforming with the presence of commercial use.

Block 2381, Lot 2 (53-73 65th Place) is developed with a 2,670 sf legally nonconforming mixed-use (residential-commercial) building (1.34 FAR) constructed in 1929 on a 2,000 square foot lot. This property is legally nonconforming with the presence of commercial use.

Block 2381, Lot 3 (53-71 65th Place) is developed with a 2,650 sf legally nonconforming mixed-use (residential-commercial) building (1.33 FAR) constructed in 1929 on a 2,000 square foot lot. This property is legally nonconforming with the presence of commercial use.

The Affected Area is within a R4 district and located across the street from an existing R4-1 district, sharing a boundary along 53rd Drive. R4 districts allow all types of housing (Use Groups

1-2) at a maximum FAR of 0.75, plus an attic allowance of up to 20%. Community facility uses (Use Groups 3-4) are permitted at a maximum FAR of 1.0.

This district usually produces buildings with three stories instead of the two-story homes characteristic of R3 districts. To accommodate a potential third floor beneath a pitched roof, R4 districts allow a perimeter wall height of 25 feet before being set back to the maximum building height of 35 feet. Front yards must be 10 feet deep or, if deeper, a minimum of 18 feet to provide sufficient space for on-site parking. Cars may park in the side or rear yard, in the garage or in the front yard within the side lot ribbon; the driveway must be within the side lot ribbon unless the lot is wider than 35 feet. Detached houses must have two side yards that total at least 13 feet and each one must be at least five feet wide. Semi-detached buildings need one side yard with a minimum width of eight feet. The maximum street wall length for a building on a single zoning lot is 185 feet. One off-street parking space is required for each dwelling unit.

The Affected Area is not within boundaries of the Food Retail Expansion to Support Health (FRESH) program or an Inclusionary Housing (IH) area.

Future No-Action (No-Build) Scenario

In the future and absent the action, development within the Affected Area would continue to be governed by the provisions of the existing R4 zoning district. Subsequently, the Affected Area is anticipated to remain in the future without the Proposed Actions.

The Project Site

Block 2374, Lot 101 (64-21 53rd Drive) is assumed to remain in its existing condition. The existing building at the Project Site is legally nonconforming, occupied by commercial uses, and is unable to add additional floor area. Therefore, in the future no-action scenario, the Project Site is anticipated to remain as 8,030 zsf of commercial space, which includes 15,252 gsf of eating and drinking establishment and 808 gsf of retail space for a total of 16,060 gsf (0.96 FAR).

Non-applicant owned properties (Block 2374, Lots 106, 197, 198, 199; and Block 2381, Lots 1, 2, 3)

Block 2374, Lot 106 (64-05 53rd Drive) is developed with a 32,600 gsf legally noncomplying residential building (2.35 FAR) with 44 dwelling units constructed in 1929 on a 13,829 square foot lot. This property is legally noncomplying with regard to residential floor area and is unable to add additional floor area. Therefore the property is anticipated to remain in the no-action scenario.

Block 2374, Lot 197 (53-76 65th Place) is developed with a 2,480 sf legally nonconforming mixed-use (residential-commercial) building (1.24 FAR) constructed in 1929 on a 2,000 square foot lot.

This property is legally nonconforming with the presence of commercial use and is unable to add additional floor area. Therefore the property is anticipated to remain in the no-action scenario.

Block 2374, Lot 198 (53-78 65th Place) is developed with a 2,480 sf legally nonconforming mixed-use (residential-commercial) building (1.24 FAR) constructed in 1929 on a 2,000 square foot lot. This property is legally nonconforming with the presence of commercial use and is unable to add additional floor area. Therefore the property is anticipated to remain in the no-action scenario.

Block 2374, Lot 199 (53-80 65th Place) is developed with a 2,480 sf legally nonconforming mixed-use (residential-commercial) building (1.24 FAR) constructed in 1929 on a 2,000 square foot lot. This property is legally nonconforming with the presence of commercial use and is unable to add additional floor area. Therefore the property is anticipated to remain in the no-action scenario.

Block 2381, Lot 1 (53-75 65th Place) is developed with a 3,360 sf legally nonconforming mixed-use (residential-commercial) building (1.68 FAR) constructed in 1929 on a 2,000 square foot lot. This property is legally nonconforming with the presence of commercial use and is unable to add additional floor area. Therefore the property is anticipated to remain in the no-action scenario.

Block 2381, Lot 2 (53-73 65th Place) is developed with a 2,670 sf legally nonconforming mixed-use (residential-commercial) building (1.34 FAR) constructed in 1929 on a 2,000 square foot lot. This property is legally nonconforming with the presence of commercial use and is unable to add additional floor area. Therefore the property is anticipated to remain in the no-action scenario.

Block 2381, Lot 3 (53-71 65th Place) is developed with a 2,650 sf legally nonconforming mixed-use (residential-commercial) building (1.33 FAR) constructed in 1929 on a 2,000 square foot lot. This property is legally nonconforming with the presence of commercial use and is unable to add additional floor area. Therefore the property is anticipated to remain in the no-action scenario.

No changes are anticipated to the zoning districts and zoning regulations relating to the Project Site or Affected Area or the surrounding study area by the project build year of 2020.

Future With-Action (Build) Scenario

In the future with the proposed action, commercial uses (5-9 & 14) would be permitted on the Affected Area. This would resolve the nonconforming and noncomplying status of several lots in the Affected Area, facilitate the Proposed Development and bring the Affected Area into greater conformance and compliance with the zoning. The R4/C2-2 district permits a maximum FAR of 0.75 for residential use and 1.0 for commercial use. The R5D/C2-2 district permits a maximum FAR of 2.0 for commercial uses and residential uses.

The Project Site

The Applicant intends to legalize the status of the existing Use Group 6 commercial uses and enlarge the existing building with a partial second floor for additional accessory banquet hall space. This would entail an enlargement from 16,060 gsf (8,030 zsf) to 20,650 (12,530 zsf) or from

0.96 FAR to 1.49 FAR. The maximum wall height would rise to 25 feet from a single-story (approximately 15 feet).

While some additional floor area remains (4,179 zsf) where 2.0 FAR of commercial space is permitted under the proposed R5D/C2-2, the zoning lot maximizes the available floor area controlling for parking requirements, which waive up to 15 spaces in C2-2 districts pursuant to ZR 36-231, where one space is required per 300 sf of floor area. If the floor area were to be maximized on the site, at least 30 new accessory spaces would be required, but the Project Site is currently developed with near full lot coverage and no space to accommodate any required parking. Therefore in the Future With-Action Scenario, the Project Site would consist of 19,842 gsf of eating and drinking establishment area and 808 gsf of retail space for a total of 20,650 gsf of commercial space (Use Group 6) or 1.49 FAR.

Non-applicant owned properties (Block 2374, Lots 106, 197, 198, 199; and Block 2381, Lots 1, 2, 3)

Block 2374, Lot 106 (64-05 53rd Drive) is developed with a 32,600 gsf legally noncomplying residential building (2.35 FAR) with 44 dwelling units constructed in 1929 on a 13,829 square foot lot. While the non-complying status of this property would be resolved in the future with-action scenario, this property is unable to add additional floor area, as it is overbuilt (2.35 FAR) where a maximum of 2.0 FAR is permitted for residential buildings in the future R5D zoning district. Therefore the property is anticipated to remain in the With-Action scenario in its existing condition.

Block 2374, Lot 197 (53-76 65th Place) is developed with a 2,480 sf legally nonconforming mixed-use (residential-commercial) building (1.24 FAR) constructed in 1929 on a 2,000 square foot lot. While the nonconforming status on this property would be resolved in the future with-action scenario, this property is unlikely to add additional floor area in the future, as the building is overbuilt (1.24 FAR) where a maximum of 1.0 FAR is permitted for mixed-use commercial buildings in the proposed R4/C2-2 district. Therefore, the development on this lot is anticipated to remain in the Future With-Action Scenario.

Block 2374, Lot 198 (53-78 65th Place) is developed with a 2,480 sf legally nonconforming mixed-use (residential-commercial) building (1.24 FAR) constructed in 1929 on a 2,000 square foot lot. While the nonconforming status on this property would be resolved in the future with-action scenario, this property is unlikely to add additional floor area in the future, as the building is overbuilt (1.24 FAR) where a maximum of 1.0 FAR is permitted for mixed-use commercial buildings in the proposed R4/C2-2 district. Therefore, the development on this lot is anticipated to remain in the Future With-Action Scenario.

Block 2374, Lot 199 (53-80 65th Place) is developed with a 2,480 sf legally nonconforming mixed-use (residential-commercial) building (1.24 FAR) constructed in 1929 on a 2,000 square foot lot.

While the nonconforming status on this property would be resolved in the future with-action scenario with the mapping of the C2-2 commercial overlay, this property is unlikely to add additional floor area in the future, as the building is overbuilt (1.24 FAR) where a maximum of 1.0 FAR is permitted for mixed-use commercial buildings in the R4/C2-2 portion of the lot and 2.0 FAR is permitted for residential/commercial buildings in the R5D/C2-2 portion of the lot. Therefore, the property is anticipated to remain in the With-Action scenario in its existing condition.

Block 2381, Lot 1 (53-75 65th Place) is developed with a 3,360 sf legally nonconforming mixed-use (residential-commercial) building (1.68 FAR) constructed in 1929 on a 2,000 square foot lot. While the nonconforming status on this property would be resolved in the future with-action scenario, this property is unlikely to add additional floor area in the future, as the building is overbuilt (1.68 FAR) where a maximum of 1.0 FAR is permitted for mixed-use commercial buildings in the proposed R4/C2-2 district. Therefore, the development on this lot is anticipated to remain in the Future With-Action Scenario

Block 2381, Lot 2 (53-73 65th Place) is developed with a 2,670 sf legally nonconforming mixed-use (residential-commercial) building (1.34 FAR) constructed in 1929 on a 2,000 square foot lot. While the nonconforming status on this property would be resolved in the future with-action scenario, this property is unlikely to add additional floor area in the future, as the building is overbuilt (1.34 FAR) where a maximum of 1.0 FAR is permitted for mixed-use commercial buildings in the proposed R4/C2-2 district. Therefore, the development on this lot is anticipated to remain in the Future With-Action Scenario.

Block 2381, Lot 3 (53-71 65th Place) is developed with a 2,650 sf legally nonconforming mixed-use (residential-commercial) building (1.33 FAR) constructed in 1929 on a 2,000 square foot lot. While the nonconforming status on this property would be resolved in the future with-action scenario, this property is unlikely to add additional floor area in the future, as the building is overbuilt (1.33 FAR) where a maximum of 1.0 FAR is permitted for mixed-use commercial buildings in the proposed R4/C2-2 district. Therefore, the development on this lot is anticipated to remain in the Future With-Action Scenario.

The Proposed R5D/C2-2 district permits a maximum of 2.0 FAR for residential, commercial and community facility uses. The R5D permits a maximum of 2.0 FAR for residential and community facility uses. The R4/C2-2 district permits a maximum residential FAR of 0.75 FAR, a maximum community facility FAR of 2.0 and commercial FAR of 1.0. The R4 district has a maximum height of 35 feet, with a perimeter wall height of 25 feet. The R5D district permits a maximum height of 40 feet. The C2-2 district generally requires one accessory parking space per 300 square feet of general commercial floor area, with up to 15 spaces waived.

Conclusion

No significant impacts to zoning patterns in the area would be expected. The Proposed Action would result in a zoning map amendment that creates new R4/C2-2, R5D and R5D/2-2 zoning

districts would legalize pre-existing commercial retail uses, single noncompliant residential development within the Affected Area and facilitate a modest expansion of the Project Site, which contains a longstanding commercial business. The increase in the maximum permitted bulk is modest and is anticipated to only facilitate the Proposed Development, which consists of an enlargement from 16,060 gsf (8,030 zsf) to 20,650 (12,530 zsf) or from 0.96 FAR to 1.49 FAR. The maximum wall height would rise to 25 feet, which would be consistent with adjacent development.

Therefore, the Propose Actions will not have a significant impact on the extent of conformity with the current zoning in the surrounding area, and it would not adversely affect the viability of conforming uses on nearby properties.

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

IV. Public Policy

Existing Conditions

The Affected Area is within the Maspeth section of Queens Community District 5. As noted above, the Affected Area is predominantly residential with some mixed-use developments (commercial-residential) and a single commercial building (The Project Site).

The Affected Area is not located in a FRESH Program Area. At this time, The Affected Area is not located within an inclusionary housing (IH) or a Mandatory Inclusionary Housing Area (MIHA). The Affected Area is not located within the City's Coastal Zone Boundary and is therefore not subject to the New York City Waterfront Revitalization Program (WRP).

No other public policies relate to the Project Sites/Affected Area or to the surrounding 400-foot radius study area. The Project Sites/Affected Area and the 400-foot radius area are not located within a Historic District and do not contain any designated historic resources and are therefore not subject to any historic regulations. The Affected Area is not located within a Federal Empowerment Zone, or is covered by any 197-a Community Development Plans, and is not located within a critical environmental area, 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 Affected Area or to the 400-foot study area surrounding the Affected Area by the analysis year of 2020.

Future With-Action (Build) Scenario

The Proposed Action would result in a zoning map amendment that creates new R4/C2-2, R5D and R5D/2-2 zoning districts would legalize pre-existing commercial retail uses, single noncompliant residential development within the Affected Area and facilitate a modest expansion of the Project Site, which contains a longstanding commercial business. The Proposed Development would comply with the proposed R5D/C2-2 district zoning regulations. 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 Affected Area.

The Proposed Actions are required in order to allow the Proposed Development to be developed on the Project Site. The Proposed Development would meet The City's public policy goals by reducing the degree of noncompliance and nonconformance with zoning in the Affected Area.

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

Conclusion

The Proposed Actions would facilitate a commercial development within the Affected Area, would be a positive enlargement to serve the surrounding residential area would not be inconsistent with the goals of the 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 Actions, and further assessment of public policy is not warranted.

No significant adverse impacts related to land use, zoning, and public policy are anticipated to occur as a result of the action. The action is 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

Introduction

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. Since the Proposed Development would not require subsurface disturbance in the Affected Area or Project Site, it is not necessary to analyze the potential impacts of the Proposed Development on archaeological resources. However, the Proposed Action would result in the enlargement of a pre-existing commercial building on the Project Site and further assessment of architectural resources is discussed below.

The Proposed Affected Area (the "Affected Area"") consists of eight tax and zoning lots on adjacent blocks (Block 2374, Lots 101, 106, 197, 198, 199; and Block 2381, Lots 1, 2 and 3) in the Maspeth area of Queens Community District #5. The area is generally bounded by 64th Street to the west, 53rd Drive and 66th Street to the east (see Figure 1 – Site Location and Figures 10-3 through 10-16 for photographs of the affected area). The 400-feet surrounding the Affected Area is defined as the study area for historic and cultural resources.

Architectural Resources

The Project Site contains a commercial building that was originally constructed in 1928 and has operated continuously since that time period. A fire damaged the original building in 2011 and was subsequently reconstructed and reopened in 2013. Accordingly, the building is not considered a historic architectural resource. The NYC Landmarks Preservation Commission (LPC) was contacted (see January 2018 letter) and it was determined the Affected Area does not contains any known or eligible historic architectural resources (See **Appendix A**).

Archaeological Resources

The Proposed Action would facilitate an expansion of the pre-existing commercial use on the Project Site. Consequently, no increased ground disturbance is anticipated to occur as a result of the Proposed Action on the Project Site nor on any adjacent properties in the Affected Area. In addition, the NYC LPC was contacted, and it was determined the Affected Area contains no

historic archaeological resources (see **Appendix A**). Therefore, there is no potential for impacts related to archaeology and further analysis is not warranted.

Conclusion

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

10. URBAN DESIGN AND VISUAL RESOURCES

A preliminary urban design screening assessment for the Proposed Actions is required because the Proposed Actions include a zoning map amendment that would increase the permitted bulk in the Affected Area that would not be allowed under the existing zoning of the property. As noted in the CEQR Technical Manual:

A preliminary assessment is required when there is the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning, including the following:

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

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

Existing Conditions (and No-Action Scenario)

The Project Site and Affected Area are located in an R4 zoning district.

R4 districts allow all types of housing (Use Groups 1-2) at a maximum FAR of 0.75, plus an attic allowance of up to 20%. Community facility uses (Use Groups 3-4) are permitted at a maximum FAR of 1.0. The maximum height of R4 districts is 35 feet, with a perimeter wall height of 25 feet. Commercial uses are not permitted in R4 districts. This district usually produces buildings with three stories. Front yards must be 10 feet deep or, if deeper, a minimum of 18 feet to provide sufficient space for on-site parking. Cars may park in the side or rear yard, in the garage or in the front yard within the side lot ribbon; the driveway must be within the side lot ribbon unless the lot is wider than 35 feet. Detached houses must have two side yards that total at least 13 feet and each one must be at least five feet wide. Semi-detached buildings need one side yard with a minimum width of eight feet. The maximum street wall length for a building on a single zoning lot is 185 feet. One off-street parking space is required for each dwelling unit.

Given the above, the existing development (as further discussed in the RWCDS) is anticipated to remain in their existing conditions, given that a majority of the developments within the Affected Area contain commercial use and/or are developed in excess of the maximum permitted FAR of the underlying R4 zoning district, as discussed above.

With-Action Scenario

In the future with the Proposed Action, new R4/C2-2, R5D and R5D/2-2 zoning districts would legalize pre-existing commercial retail uses, a single noncompliant residential development

Figure 10-1 -Study Area



Data Source: MapPLUTO 2016v2, NYC DOF Digital Tax Map 03-16 downloaded from https://nycopendata.socrata.com

Table 10-1 : Zoning Comparison Table

64-21 53rd Drive, Queens

Zoning Comparison Table

	Permitted/Required							
	Existing Zoning (R4)		Proposed Zoning (R4/C2-2)		Proposed Zoning (R5D)		Proposed Zoning (R5D/C2-2)	
	ZR Section #	R4	ZR Section #	R4/C2-2	ZR Section #	R5D	ZR Section #	R5D/C2-2
USE GROUPS	22-10	1, 2, 3, 4	22-10/32-10	1, 2, 3, 4, 5, 6, 7, 8, 9 & 14	22-10	1, 2, 3, 4	22-10/32-10	1, 2, 3, 4, 5, 6, 7, 8, 9 & 14
MAXIMUM FAR								
Residential	23-142	0.75	23-142	2	23-142	2	23-142	2
Community Facility	24-11	2	33-121	2	24-11	2	33-121	2
Commercial	n/a	n/a	33-121	1	n/a	n/a	33-121	2
Commercial and Community Facility	n/a	n/a	33-121	2	n/a	n/a	33-121	2
Manufacturing	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
YARDS								
Minimum Front Yard	23-45	10 feet or 18 feet	23-45/35-51	10 feet / 18 feet or none (Commercial)	23-45	5 feet	23-45/35-51	5 feet or none (Commercial)
Minimum Side Yard	23-461(a)	13 feet (2) / 8 feet (1)	23-461(a)/35-52	13 feet (2) / 8 feet (1) / none (Commercial)	23-461(b)	8 feet or none	23-461(b)/35-52	8 feet or none / none (Commercial)
Minimum Rear Yard	23-47	30'	23-47/33-26	30' / 20' (Commecial)	23-47	30'	23-47/33-26	30' / 20' (Commecial)
HEIGHT AND SETBACKS								
Minimum Base Height	23-631(b)	n/a	35-22/35-652/23-631(b)	n/a	23-631(f)	n/a	35-22/35-652/23-631(f)	n/a
Maximum Base Height	23-631(b)	25'	35-22/35-652/23-631(b)	25'	23-631(f)	40'	35-22/35-652/23-631(f)	40'
Maximum Building Height	23-631(b)	35'	35-22/35-652/23-631(b)	35'	23-631(f)	45/4-Stories*	35-22/35-652/23-631(f)	45/4-Stories*
Maximum Height of Front Wall	23-631(b)	25'	35-22/35-652/23-631(b)	25'	23-631(f)	40'	35-22/35-652/23-631(f)	40'
Sky Exposure Plane	23-631(b)	n/a	35-22/35-652/23-631(b)	n/a	23-631(f)	n/a	35-22/35-652/23-631(f)	n/a
Setbacks from Narrow Streets	23-631(b)	n/a	35-22/35-652/23-631(b)	n/a	23-631(f)	n/a	35-22/35-652/23-631(f)	n/a
Setbacks from Wide Streets	23-631(b)	n/a	35-22/35-652/23-631(b)	n/a	23-631(f)	n/a	35-22/35-652/23-631(f)	n/a
OPEN SPACE/LOT COVERAGE								
Minimum Open Space Ratio	23-142	55%	23-142	55%	23-142	40%	23-142	40%
Maximum Lot Coverage	23-142	45%	23-142/35-22	45%, 100% (Commmercial)	23-142	60%, 80% (Corner Lot)	23-142/35-22	60%, 80% (Corner Lot), 100% (Commercial)
DENSITY								
Affordable Dwelling Units	23-22	870 sf/DU	23-22	870 sf/DU	23-22	760 sf/DU	23-22	760 sf/DU
PARKING								
Residential	25-22/23	100% or 1/DU (Individual)	25-22/23	100% or 1/DU (Individual)	25-22/23	66% or 1/DU (Individual)	25-22/23	66% or 1/DU (Individual)
Commercial	n/a	n/a	36-21	By Use	n/a	n/a	36-21	By Use
Income-Restricted Housing Units	12-10/25-251	50%	12-10/25-251	50%	12-10/25-251	35%	12-10/25-251	35%
Government Assisted Dwelling Units	12-10/25-253	80%	12-10/25-253	80%	12-10/25-253	55%	12-10/25-253	55%
Bicycle Parking (Residential)	25-80	1 per 2 dwelling units	25-80	1 per 2 dwelling units	25-80	1 per 2 dwelling units	25-80	1 per 2 dwelling units
Bicycle Parking (Commercial)	n/a	n/a	36-70	By Use	36-70	By Use	36-70	By Use
LOADING								
Commercial	n/a	n/a	36-62	By Use	n/a	n/a	36-62	By Use

within the Affected Area and facilitate a modest expansion of the Project Site, which contains a longstanding commercial business. The increase in the maximum permitted bulk is modest and is anticipated to only facilitate the Proposed Development, which consists of an enlargement from 16,060 gsf (8,030 zsf) to 20,650 (12,530 zsf) or from 0.96 FAR to 1.49 FAR. The maximum wall height would rise to 25 feet.

The Proposed R5D/C2-2 district permits a maximum of 2.0 FAR for residential, commercial and community facility uses. The R5D permits a maximum of 2.0 FAR for residential and community facility uses. The R4/C2-2 district permits a maximum residential FAR of 0.75 FAR, a maximum community facility FAR of 2.0 and commercial FAR of 1.0. The R4 district has a maximum height of 35 feet, with a perimeter wall height of 25 feet. The R5D district permits a maximum height of 40 feet. The C2-2 district generally requires one accessory parking space per 300 square feet of general commercial floor area, with up to 15 spaces waived.

Figure 10-1 illustrates how the Proposed Action would affect the pedestrian experience from the street level. The proposed two-story addition would be modest compared to the existing development within the Affected Area (see **Figures 10-4** through **10-7**). However, since development assumed in the RWCDS is anticipated to result in a different built-form at the street level, an assessment of urban design and visual resources is warranted. See **Table 10-1 – Zoning Comparison Table**, for a side-by-side comparison of the varying bulk, use and height regulations between the existing and proposed zoning districts.

Urban Design

The Urban design characteristics of a neighborhood are composed of various components that define the character of the area: building bulk, use, type and arrangement, block form and street pattern, streetscape elements, street hierarchy, and natural features. These components are discussed below.

Building Bulk, Use, Type, and Arrangement

The RWCDS assumes a single Project Site would be enlarged, with an existing one-story eating and drinking establishment. This would entail an enlargement from 16,060 gsf (8,030 zsf) to 20,650 (12,530 zsf) or from 0.96 FAR to 1.49 FAR. The maximum wall height would rise to 25 feet from a single-story (approximately 15 feet).

The Affected Area is situated along 53rd Drive, which is an east-west road that serves as a central arterial for a residential area of Maspeth and contains a cluster of commercial uses. The residential uses in the immediate area consist of a mix of detached, semi-detached and attached housing, which reflects the underlying R4 zoning district. While this district only permits building 35-feet tall, a four story residential apartment building is adjacent to the Project Site (See **Figure 10-4** through **10-6**) and is located at Block 2374, Lot 106. Additionally, a number of three-story residential buildings are present (See Figure **10-7** through **10-9**)

53rd Drive facing west (Site at right)



No-Action Scenario

53rd Drive facing west (Site at right)



With-Action Scenario

53rd Drive facing east (Site at left)



No-Action Scenario

53rd Drive facing east (Site at left)



With-Action Scenario

Therefore, the Proposed Action would produce a commercial building with a height and bulk that is smaller than a majority of the existing development in the surrounding area, with a more consistent street-wall. The proposed R4/C2-2, R5D and R5D/2-2 would also serve to reduce the status of noncompliant and nonconforming buildings, such as the four-story residential building located at Lot 106. The proposed R5D district would also serve to enforce maximum heights of 40 feet.

Block Form, Street Pattern, and Street Hierarchy

The area is generally comprised of a typical New York street grid pattern. However, 53rd Drive is not linear and curves as it moves east-west. 53rd Drive serves as the residential area's small arterial thoroughfare with a series of small commercial uses clustered around 65th Place, which are the subject of the proposed zoning map amendment. The side streets (62nd Street through 66th Street) are almost entirely residential and run north-south. These side streets are narrow streets with 60 feet in width. 53rd Street is also narrow with 60 feet in width, despite serving as a two-way arterial. 65th Place is the neighborhoods north-south arterial and is a wide street with 80 feet in width. Both of these streets are utilized to reach Borden Avenue and Maurice Avenue. Maurice Avenue, contains a number of commercial, warehouse and industrial uses and runs north-south along the Mt. Zion and Calvary cemeteries, connecting the area with points north and south in Queens and Brooklyn. Maurice Avenue is 70 feet in width.

Streetscape Elements

The area surrounding the Affected Area includes street trees, generally at regular intervals. There are no NYCT bus shelters in close proximity but the Project Site (O'Neill's) contains street benches and a set of tables (see **Figure 10-10** through **10-16**).

Natural Features

There are no natural features in close proximity to the Affected Area. The closest area with greenspace is the Mt. Zion cemetery, which is not a public space. This feature is not visible from the Project Site due to existing intervening buildings.

Assessment

The density and scale of Proposed Development is consistent with existing development in the surrounding area, which contains a mix of residential housing stock between three and four-stories, two series of which contain ground floor commercial retail. When compared to existing development, it is evident the proposed zoning map amendment would result in an enlarged building envelope that would be compatible with existing development in the surrounding area and would generally not exceed the bulk of existing development. Therefore, the proposed increase in bulk would not be inconsistent with the surrounding area.



1. View of the Site facing northwest from the intersection of 53rd Drive and 65th Place.



2. View of 65th Place facing north from 53rd Drive (Site ahead at left).



3. View of the Site facing northwest from the intersection of 53rd Drive and 65th Place.



Photographs Taken on September 24, 2017

Figure 10-4

64-21 53rd Drive, Queens



4. View of the Site facing northeast from 53rd Drive.



5. View of the Project Area facing north from 53rd Drive.



6. View of 53rd Drive facing east (Site ahead at left).



Photographs Taken on September 24, 2017

Figure 10-5

64-21 53rd Drive, Queens



7. View of the intersection of 53rd Drive and 64th Street facing north (Project Area at right).



8. View of Rezoning Site 1 facing northeast from the intersection of 53rd Drive and 64th Street .



9. View of 53rd Drive facing east from 64th Street (Project Area at left).



Photographs Taken on September 24, 2017

Figure 10-6

64-21 53rd Drive, Queens



10. View of the Project Area facing northeast from 64th Street.



11. View of the Project Area facing east from 64th Street.



12. View of the Project Area facing southeast from 64th Street.



Photographs Taken on September 24, 2017

Figure 10-7

64-21 53rd Drive, Queens

Visual Resources

The Proposed Development would be located on a lot that is surrounded by structures on all sides except the facades along 53rd Drive and a small portion of 65th Place. As noted above, there are no natural resources in proximity to the Affected Area. Therefore, based on the criteria in the *CEQR Technical Manual,* the RWCDS and Proposed Development would not block a view corridor or views of a natural or built visual resource. In this context, the Proposed Development would not significantly alter views from any streets. Therefore, no significant impacts related to visual resources are expected.

Conclusion

The Proposed Actions would result in a modest increase in density and legalize a series of commercial uses. The maximum height would be increased from 35 feet to 40 feet for the affected parcels with only a single enlargement occurring under the Proposed Action. The location and size of the affected area is considered appropriate by the Applicant, given the range of residential ad mixed-use buildings in the immediate vicinity, a majority of which exceed the Proposed Development in bulk, with the predominant building type in the surrounding area rising to three-stories. Furthermore, the Proposed Actions would not affect any natural resources or public view corridors of notable features or buildings in the immediate vicinity of the Affected Area. Accordingly, no impacts to the urban design and/or visual resources of the area are expected.

17. Air Quality

Introduction

Ambient air quality describes pollutant levels in the surrounding environment to which the public has access. To assess potential health hazards due to ambient air quality, the impact of air pollutants emitted by motor vehicles (mobile source) and by fixed facilities (stationary source) are analyzed, where the effects of both the proposed project on ambient air quality and the ambient air quality effect on the proposed project are considered. The analysis frame work, as mandated by the State Environmental Review Act, follows the *New York City Environmental Quality Review 2014 Technical Manual (CEQR TM)*. The potential air quality impacts of the following emissions are estimated following the procedures and methodologies prescribed in the *CEQR TM*:

- The potential for changes in vehicular travel associated with proposed development activities to result in significant mobile source (vehicular related) air quality impacts.
- The potential for emissions from the heating, ventilation and air conditioning (HVAC) systems of the proposed development to significantly impact nearby existing land uses.
- The potential for air toxic emissions released from existing industrial facilities to significantly impact the proposed development within 400 feet of the proposed development.
- The potential for significant air quality impacts from the emissions of facilities that require Prevention of Significant Deterioration permits (Title V), and facilities which require a state facility permit to significantly impact the proposed development within 1,000 feet of the proposed development.
- The potential for facilities' malodorous emissions to unreasonably interfere with the proposed project's occupant's comfortable enjoyment of life or their property.

Per *CEQR TM*, "a project's effects on air quality are determined by comparing predictions made for the future No-Action and the future With-Action conditions. The existing condition does not serve as a baseline for determining if a proposed project would have a significant impact but is typically included in the analysis for informational purposes." As such, the future No-Action, the Future With Action, and the existing conditions were analyzed.

I. FUTURE NO-ACTION AND FUTURE WITH-ACTION CONDITIONS

Existing Conditions

The Affected Area consists of eight tax and zoning lots on adjacent blocks (Block 2374, Lots 101, 106, 197, 198, p/o 199; and Block 2381, Lots 1, 2 and 3) in the Maspeth area of Queens Community District #5. The area is generally bounded by 64th Street to the west, 53rd Drive and 66th Street to the east. 53rd Drive and all Affected Area side streets (such as 65th Place) are classified as 'narrow' streets with 60 feet in width.

The Affected Area is situated along 53rd Drive, which is an east-west road that serves as a central arterial with some concentrated commercial uses through a generally residential area in Maspeth. The immediate area is predominantly residential with some mixed-use buildings within the Affected Area that would be rezoned. The residential uses in the immediate area consist of a mix of detached, semi-detached and attached housing, which reflects the underlying R4 zoning district.

The Project Site

Block 2374, Lot 101 (64-21 53rd Drive) is developed with a single-story 8,030 zsf commercial building, which includes 15,252 gsf of eating and drinking establishment and 808 gsf of retail space for a total of 16,060 gsf (0.96 FAR).

Non-applicant owned properties (Block 2374, Lots 106, 197, 198, 199; and Block 2381, Lots 1, 2, 3)

Block 2374, Lot 106 (64-05 53rd Drive) is developed with a 32,600 gsf legally noncomplying residential building.

Block 2374, Lot 197 (53-76 65th Place) is developed with a 2,480 sf legally nonconforming mixed-use (residential-commercial) building.

Block 2374, Lot 198 (53-78 65th Place) is developed with a 2,480 sf legally nonconforming mixed-use (residential-commercial) building.

Block 2374, Lot 199 (53-80 65th Place) is developed with a 2,480 sf legally nonconforming mixed-use (residential-commercial) building.

Block 2381, Lot 1 (53-75 65th Place) is developed with a 3,360 sf legally nonconforming mixed-use (residential-commercial) building.

Block 2381, Lot 2 (53-73 65th Place) is developed with a 2,670 sf legally nonconforming mixed-use (residential-commercial) building.

Block 2381, Lot 3 (53-71 65th Place) is developed with a 2,650 sf legally nonconforming mixed-use (residential-commercial) building.

Future No-Action Scenario

Absent the proposed action, the properties within the Affected Area would remain in their current condition.

The Project Site

Block 2374, Lot 101 (64-21 53rd Drive) is assumed to remain in its existing condition. The existing building at the Project Site is legally nonconforming, occupied by commercial uses, and is unable to add additional floor area. Therefore, in the future no-action scenario, the Project Site is anticipated to remain as 8,030 zsf of commercial space, which includes 15,252 gsf of eating and drinking establishment and 808 gsf of retail space for a total of 16,060 gsf (0.96 FAR).

Non-applicant owned properties (Block 2374, Lots 106, 197, 198, 199; and Block 2381, Lots 1, 2, 3)
Block 2374, Lot 106 (64-05 53rd Drive) is developed with a 32,600 gsf legally noncomplying residential building (2.35 FAR) with 44 dwelling units constructed in 1929 on a 13,829 square foot lot. This property is legally noncomplying with regard to residential floor area and is unable to add additional floor area. Therefore the property is anticipated to remain in the no-action scenario.

Block 2374, Lot 197 (53-76 65th Place) is developed with a 2,480 sf legally nonconforming mixed-use (residential-commercial) building (1.24 FAR) constructed in 1929 on a 2,000 square foot lot. This property is legally nonconforming with the presence of commercial use and is unable to add additional floor area. Therefore the property is anticipated to remain in the no-action scenario.

Block 2374, Lot 198 (53-78 65th Place) is developed with a 2,480 sf legally nonconforming mixed-use (residential-commercial) building (1.24 FAR) constructed in 1929 on a 2,000 square foot lot. This property is legally nonconforming with the presence of commercial use and is unable to add additional floor area. Therefore the property is anticipated to remain in the no-action scenario.

Block 2374, Lot 199 (53-80 65th Place) is developed with a 2,480 sf legally nonconforming mixed-use (residential-commercial) building (1.24 FAR) constructed in 1929 on a 2,000 square foot lot. This property is legally nonconforming with the presence of commercial use and is unable to add additional floor area. Therefore the property is anticipated to remain in the no-action scenario.

Block 2381, Lot 1 (53-75 65th Place) is developed with a 3,360 sf legally nonconforming mixed-use (residential-commercial) building (1.68 FAR) constructed in 1929 on a 2,000 square foot lot. This property is legally nonconforming with the presence of commercial use and is unable to add additional floor area. Therefore the property is anticipated to remain in the no-action scenario.

Block 2381, Lot 2 (53-73 65th Place) is developed with a 2,670 sf legally nonconforming mixed-use (residential-commercial) building (1.34 FAR) constructed in 1929 on a 2,000 square foot lot. This property is legally nonconforming with the presence of commercial use and is unable to add additional floor area. Therefore the property is anticipated to remain in the no-action scenario.

Block 2381, Lot 3 (53-71 65th Place) is developed with a 2,650 sf legally nonconforming mixed-use (residential-commercial) building (1.33 FAR) constructed in 1929 on a 2,000 square foot lot. This property is legally nonconforming with the presence of commercial use and is unable to add additional floor area. Therefore the property is anticipated to remain in the no-action scenario.

Future With-Action Scenario
In the future with the proposed action, commercial uses (5-9 & 14) would be permitted on the Affected Area. This would resolve the nonconforming and noncomplying status of several lots in the Affected Area, facilitate the Proposed Development and bring the Affected Area into greater conformance and compliance with the zoning.

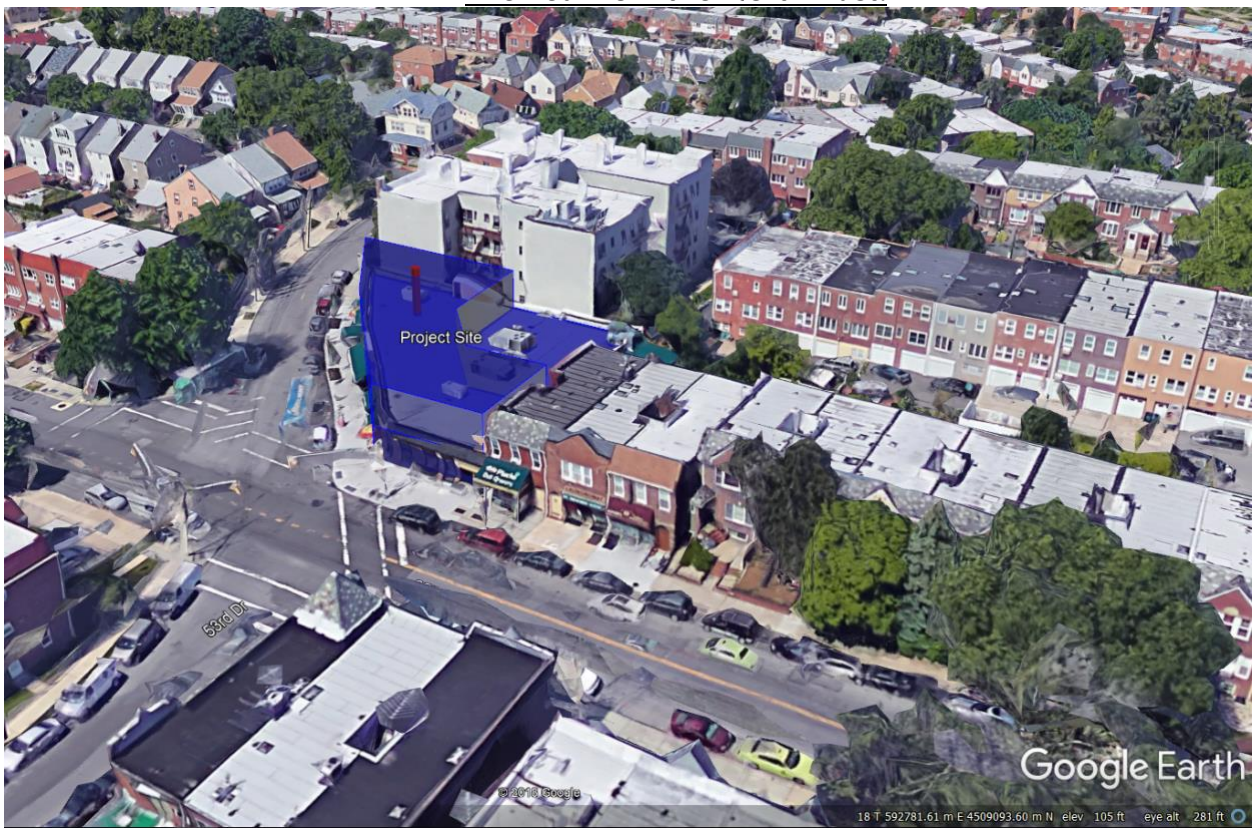
The Proposed R5D/C2-2 district permits a maximum of 2.0 FAR for residential, commercial and community facility uses. The R5D permits a maximum of 2.0 FAR for residential and community facility uses. The R4/C2-2 district permits a maximum residential FAR of 0.75 FAR, a maximum community facility FAR of 2.0 and commercial FAR of 1.0. The R4 district has a maximum height

of 35 feet, with a perimeter wall height of 25 feet. The R5D district permits a maximum height of 40 feet. The C2-2 district generally requires one accessory parking space per 300 square feet of general commercial floor area, with up to 15 spaces waived.

The Project Site

The Project Site, located at 64-21 53rd Drive (Block 2374, Lot 101), would facilitate the enlargement of the existing one-story building with partial second story eating and drinking establishment and a retail space; all categorized as commercial space. Per the building architect, the 2-story building would rise to a height of 24'-1½" plus a 3'-6" parapet wall. The building would contain 20,650 gsf of floor area. The building's HVAC system would operate on natural gas. The proposed project would not contain any additional parking spaces. **Figure 17-1** shows the proposed Development plotted in Google Earth.

Figure 17-1. The Proposed Development on the Project Site Plotted in Google Earth and Viewed from the North-East.



Non-applicant owned properties (Block 2374, Lots 106, 197, 198, 199; and Block 2381, Lots 1, 2, 3)
Block 2374, Lot 106 (64-05 53rd Drive) is developed with a 32,600 gsf legally noncomplying residential building (2.35 FAR) with 44 dwelling units constructed in 1929 on a 13,829 square foot lot. While the non-complying status of this property would be resolved in the future with-action scenario, this property is unable to add additional floor area, as it is overbuilt (2.35 FAR) where a maximum of 2.0 FAR is permitted for residential buildings in the future R5D zoning district. Therefore, the property is anticipated to remain in the With-Action scenario in its existing condition.

Block 2374, Lot 197 (53-76 65th Place) is developed with a 2,480 sf legally nonconforming mixed-use (residential-commercial) building (1.24 FAR) constructed in 1929 on a 2,000 square foot lot. While the nonconforming status on this property would be resolved in the future with-action scenario, this property is unlikely to add additional floor area in the future, as the building is overbuilt (1.24 FAR) where a maximum of 1.0 FAR is permitted for mixed-use commercial buildings in the proposed R4/C2-2 district. Therefore, the development on this lot is anticipated to remain in the Future With-Action Scenario.

Block 2374, Lot 198 (53-78 65th Place) is developed with a 2,480 sf legally nonconforming mixed-use (residential-commercial) building (1.24 FAR) constructed in 1929 on a 2,000 square foot lot. While the nonconforming status on this property would be resolved in the future with-action scenario, this property is unlikely to add additional floor area in the future, as the building is overbuilt (1.24 FAR) where a maximum of 1.0 FAR is permitted for mixed-use commercial buildings in the proposed R4/C2-2 district. Therefore, the development on this lot is anticipated to remain in the Future With-Action Scenario.

Block 2374, Lot 199 (53-80 65th Place) is developed with a 2,480 sf legally nonconforming mixed-use (residential-commercial) building (1.24 FAR) constructed in 1929 on a 2,000 square foot lot. While the nonconforming status on this property would be resolved in the future with-action scenario with the mapping of the C2-2 commercial overlay, this property is unlikely to add additional floor area in the future, as the building is overbuilt (1.24 FAR) where a maximum of 1.0 FAR is permitted for mixed-use commercial buildings in the R4/C2-2 portion of the lot and 2.0 FAR is permitted for residential/commercial buildings in the R5D/C2-2 portion of the lot. Therefore, the property is anticipated to remain in the With-Action scenario in its existing condition.

Block 2381, Lot 1 (53-75 65th Place) is developed with a 3,360 sf legally nonconforming mixed-use (residential-commercial) building (1.68 FAR) constructed in 1929 on a 2,000 square foot lot. While the nonconforming status on this property would be resolved in the future with-action scenario, this property is unlikely to add additional floor area in the future, as the building is overbuilt (1.68 FAR) where a maximum of 1.0 FAR is permitted for mixed-use commercial buildings in the

proposed R4/C2-2 district. Therefore, the development on this lot is anticipated to remain in the Future With-Action Scenario.

Block 2381, Lot 2 (53-73 65th Place) is developed with a 2,670 sf legally nonconforming mixed-use (residential-commercial) building (1.34 FAR) constructed in 1929 on a 2,000 square foot lot. While the nonconforming status on this property would be resolved in the future with-action scenario, this property is unlikely to add additional floor area in the future, as the building is overbuilt (1.34 FAR) where a maximum of 1.0 FAR is permitted for mixed-use commercial buildings in the proposed R4/C2-2 district. Therefore, the development on this lot is anticipated to remain in the Future With-Action Scenario.

Block 2381, Lot 3 (53-71 65th Place) is developed with a 2,650 sf legally nonconforming mixed-use (residential-commercial) building (1.33 FAR) constructed in 1929 on a 2,000 square foot lot. While the nonconforming status on this property would be resolved in the future with-action scenario, this property is unlikely to add additional floor area in the future, as the building is overbuilt (1.33 FAR) where a maximum of 1.0 FAR is permitted for mixed-use commercial buildings in the proposed R4/C2-2 district. Therefore, the development on this lot is anticipated to remain in the Future With-Action Scenario.

Table 17-1 summarizes the Affected Area's existing conditions, future With No-Action, future With Action scenarios.

Table 17-1. The Affected Area Existing, Future No-Action, and Future With-Action Conditions.

Block/ Lot	Existing Condition	No-Action	With-Action	Increment
2374/101	1-Story Commercial Building	1-Story Commercial Building	2-Story Commercial Building	398 gsf Commercial Space
2374/106	4-Story Residential	4-Story Residential	4-Story Residential	No Increment
2374/197	2-Story Mixed-Use Building	2-Story Mixed-Use Building	2-Story Mixed-Use Building	No Increment
2374/198	2-Story Mixed-Use Building	2-Story Mixed-Use Building	2-Story Mixed-Use Building	No Increment
2374/199	2-Story Mixed-Use Building	2-Story Mixed-Use Building	2-Story Mixed-Use Building	No Increment
2381/1	2-Story Mixed-Use Building	2-Story Mixed-Use Building	2-Story Mixed-Use Building	No Increment
2381/2	2-Story Mixed-Use Building	2-Story Mixed-Use Building	2-Story Mixed-Use Building	No Increment
2381/3	2-Story Mixed-Use Building	2-Story Mixed-Use Building	2-Story Mixed-Use Building	No Increment

As discussed above and seen in **Table 17-1**, only the Project Site would add floor area in the future With-Action, and all the other land uses would remain in their current use in the future With-Action. Per *CEQR TM*, the Proposed Actions are defined as microscale in size. Therefore, the analysis assumed that the existing conditions of the ambient air of the Affected Area would only be affected by the construction of the Project Site.

I. AIR POLLUTANTS AND APPLICABLE STANDARDS/GUIDELINES

National Air Quality Standards

The U.S. Environmental Protection Agency (EPA) has identified six pollutants, known as criteria pollutants which are being of concern nationwide, and established threshold concentration based upon adverse effect on human health. The six pollutants and their characteristics are:

- Carbon Monoxide (CO) is mainly produced by motor vehicles from the incomplete combustion of gasoline. The impact of CO on the ambient air is analyzed next to roadways, intersections, parking lots, and parking garages vents as these locations are the most affected.
- Nitrogen Dioxide (NO_2) is a main concern related to the burning of natural gas. Emitted NOx from the burning of fossil fuel gradually convert to NO_2 in a chemical reaction that is affected by ozone concentration and the presence of sunlight. In a micro scale analysis, buildings HVAC systems are analyzed for NO_2 impact.
- Ozone (O_3) is formed by chemical reaction between hydrocarbons and nitrogen oxides and its impact is analyzed on a regional scale by monitoring stations.
- Lead (Pb) in the ambient air is monitored on a regional level. In a project scale analysis, impact due to Lead concentration levels are analyzed if a new source, such as lead smelters, is introduced into the environment or if a project is located next to a lead emitter.
- Particulate Matter emissions are associated with both stationary sources and mobile sources. Two sizes of particulate matters are analyzed: Inhalable Particles (PM_{10}) and Fine Particulate Matter ($PM_{2.5}$), where the subscript number refers to the diameter of the particulate matter in micrometers.
- Sulfur Dioxide (SO_2) emission is principally associated with stationary sources that burn oil or coal. These fuels contain sulfur that bond to oxygen atoms in the burning process.

As required by the Clean Air Act, National Ambient Air Quality Standards (NAAQS) have been established for the criteria pollutants by EPA, and New York State has adopted the NAAQS as the State ambient air quality standards. The NO_2 and $PM_{2.5}$ standards together with their health-related averaging periods are presented in **Table 17-2**.

Table 17-2. National AND New York States Ambient Air Quality.

Pollutant	Averaging Period	National and State Standards
NO_2	Maximum 1-Hour Concentration	0.10 ppm (188 μg/m^3)
	Annual Arithmetic Average	0.053 ppm (100 μg/m^3)
$PM_{2.5}$	24-Hour Concentration	35 μg/m^3
	Average of 3 Consecutive Annual Means	12 μg/m^3

NO_2 NAAQS

Nitrogen oxide (NO_x) emissions from gas combustion consist predominantly of nitric oxide (NO) at the source. The NO_x in these emissions are then gradually converted to NO_2, which is the pollutant of concern, in the atmosphere (in the presence of ozone and sunlight as these emissions travel downwind of a source).

The 1-hour NO_2 NAAQS standard of 0.100 ppm (188 ug/m^3) is the 3-year average of the 98th percentile (8th Highest) of daily maximum 1-hour average concentrations in a year. For determining compliance with this standard, the EPA has developed a modeling approach for estimating 1-hour NO_2 concentrations that is comprised of 3 tiers: Tier 1, the most conservative approach, assumes a full (100%) conversion of NO_x to NO_2; Tier 2 applies a conservative ambient NOx/NO_2 ratio of 80% to the NO_x estimated concentrations; and Tier 3, which is the most precise approach, employs AERMOD's PVMRM module. The PVMRM accounts for the chemical transformation of NO emitted from the stack to NO_2 within the source plume using hourly ozone background concentrations. When Tier 3 is utilized, AERMOD generates 8th highest daily maximum 1-hour NO_2 concentrations or total 1-hour NO_2 concentrations if hourly NO_2 background concentrations are added within the model.

Per the *CEQR TM*, a Tier 1 approach is initially applied, followed by a Tier 2 application of NOx/NO_2 ratio of 80% to the NOx modeled concentration to determine whether violation of the NAAQS is likely to occur. A less conservative Tier 3 approach is then applied if exceedances of the 1-hour NO_2 NAAQS were estimated.

New York State Standards

As mentioned, New York State has adopted the national standard, NAAQS. In addition, the New York State Department of Environmental Conservation (NYSDEC) has established guidelines for maximum allowable concentration of "noncriteria pollutants," which are potentially toxic or carcinogenic pollutants. The maximum allowable guidelines set a maximum 1-hour and annual averaging time concentrations and are published in the DAR-1 AGC/SGC Table, where AGC/SGC refers to Annual and Short-term Guideline Concentrations. The most recent DAR-1 guidelines were created on July 14, 2016.

NYSDEC also regulates pollutants that produce discomfort due to odors, where significant discomfort is evaluated on quantity, characteristic or duration.

NYC Interim Guidelines

In addition to the NAAQS, the *CEQR TM* requires that projects subject to CEQR apply a $PM_{2.5}$ significant impact criteria (based on concentration increments). These criteria are called *de minimis* and they are more stringent than the NAAQS and the state standards as the criteria set a maximum increase of pollutant concentration that is below the national standard. If the estimated impacts of a proposed project are less than the *de minimis* criteria, the impacts are not considered to be significant. As outlined in the *CEQR TM,* $PM_{2.5}$ significant impacts are evaluated as follow:

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

Background Concentrations

Determination of significant impact criteria is evaluated by adding the background concentrations at the nearest NYSDEC monitoring station to the concentrations of criteria pollutants in the ambient air of the Affected Area.

Background concentrations of NO_2 and $PM_{2.5}$—the criteria pollutants relevant for HVAC system fueled by natural gas analysis—were obtained from the NYSDEC's annual report for 2016 at the nearest monitoring stations. **Table 17-3** shows the background concentrations.

Table 17-3. Background Concentration at the Queens College Monitoring Station (NYSDEC 2016 Report).

Pollutant	Averaging Period	Background Concentration	Monitoring Station
NO_2	Maximum 1-Hour Concentration	120.9 $\mu g/m^3$	Queens College
	Annual Arithmetic Average	33.0 $\mu g/m^3$	
$PM_{2.5}$	24-Hour Concentration	19.7 $\mu g/m^3$	Queens College
	Average of 3 Consecutive Annual Means	7.5 $\mu g/m^3$	

The *de minimis* criteria for $PM_{2.5}$ was evaluated as described in the NYC Interim Guidelines. The concentration increments are presented below:

- 24-hour $PM_{2.5}$ 7.65 $\mu g/m^3$
- Annual $PM_{2.5}$ 0.3 $\mu g/m^3$

As previously discussed, per *CEQR TM* a project's effects on air quality are determined by comparing predictions made for the future No-Action and the future With-Action conditions. In terms of the air quality analysis, the existing condition of the ambient air is the background concentration. As previously outlined, the Proposed Actions would see no increment to the future No-Action from the existing conditions. As such, the No-Action conditions are the background concentrations too. The future With-Actions conditions would be affected by the enlargement of the Proposed Development.

II. MOBILE SOURCE ANALYSIS

Projects may result in significant mobile source impacts when they create mobile sources of pollutants, change traffic pattern, or add new uses near mobile sources of pollutants. Per CEQR guidelines, a detailed analysis is conducted to predict whether the proposed actions could potentially have a significant adverse air quality impact if certain threshold criteria are met or exceeded, while proposed projects that do not meet or exceed the threshold criteria (screen out) are not expected to have a mobile source impact. Projects that require a detailed analysis, model the ambient air CO and $PM_{10}/PM_{2.5}$ concentrations—the mobile source pollutants of concern—and compare the modeled concentrations with the applicable air quality standard.

Mobile Source Screen

Project-Generated Traffic

Per the *CEQR TM*, localized increases in CO and $PM_{2.5}$ levels may result from increased vehicular traffic volumes and changed traffic patterns in the study area as a consequence of the proposed development. As such, screening analyses for CO and $PM_{2.5}$ were carried out to determine whether the project-generated traffic have the potential to cause significant impact. The project-generated traffic is the vehicular trips in any given hour, determined as the difference between the Future With No-Action and the Future With Action.

For this area of the City, the threshold volume for a detailed analysis of CO concentration, is an increment of 170 vehicles. For $PM_{2.5}$ an increment of 50 vehicles traveling through an intersection is the threshold criterion.

As outlined in the Transportation section, the Proposed Actions would not trigger the CO 170-vehicle threshold criterion, nor the $PM_{2.5}$ 50-vehicle trips traveling through an intersection during any peak hour time period. Therefore, no detailed air quality analysis is required, and no significant mobile source air quality impacts are expected as a result of the project-generated traffic.

Parking Garage

Based on CEQR recommendations, the maximum capacities of parking garages are evaluated with a threshold criterion to predict whether the potential impacts associated with mobile source emissions are significant. The threshold criteria level, sited in the *CEQR TM* Table 16-1 in conjunction with the *CEQR TM* Map 16-1, is based on the location of the project. If the threshold is met or exceeded, a detailed analysis is warranted. As the proposed project would not contain any additional parking spaces, the No-Action conditions are the same as the future With-Action conditions. Therefore, no detailed air quality analysis is required.

III. PROJECT HVAC SYSTEMS ANALYSIS

Per *CEQR TM*, the HVAC analysis considers the potential for emissions from the HVAC system of the proposed project to significantly impact existing land uses (project-on-existing) within 400 feet, and the potential of the proposed project to significantly impact each other (project-on-project).

As previously outlined, project's effects on air quality are determined by comparing predictions made for the future No-Action and the future With-Action conditions. The Proposed Actions would see no increment to the future No-Action from the existing conditions. As such, the No-Action conditions are the background concentrations at the nearest NYS DEC monitoring station. The future With-Actions conditions would be affected by the enlargement of the Project Site, a single development.

As outlined in the *CEQR TM*, the analysis of buildings' HVAC systems follows stationary sources methodology, and based on CEQR guidelines, a preliminary screening analysis is to be conducted as a first step to predict whether the potential impacts of the heat and hot water system boiler emissions can be significant. 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.

The Project Site abuts the existing 4-story residential building located at 64-05 53 Drive (Block 2374, Lot 106); hence the project-on-existing screening analyses is not applicable. Therefore, dispersion modeling analyses were conducted for the project-on-existing analysis. The buildings heights considered in the analysis were the Project Site height of 27'-5", and the 4-story residential building height of 45 feet.

Screening Analysis

As outlined in the *CEQR TM,* the potential for stationary source emissions from heat and hot water systems to have a significant adverse impact on nearby receptors depends on the type of fuel that would be used, the height of the stack venting the emissions, the distance to the nearest building whose height is at least as great as the venting stack height, the building residential or non-residential use, and the square footage of the development that would be served by the system. The *CEQR TM* provides a screening analysis based on these factors, which was utilized to determine the potential for significant impacts from the proposed buildings' HVAC systems.

If the actual distance between a stack and the affected building is greater than the threshold distance for a building size, then that building passes the screening analysis (and no significant impact is predicted). However, if the actual distance is less than the threshold distance for a building, then there is a potential for a significant impact and a detailed analysis would be required.

The Project Site would exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC) and hot water system. As such, screening analysis was performed for natural gas use and environmental designations added to specify use of natural gas only.

Per *CEQR TM*, the CEQR natural gas nomograph depicted on Figure 17-6 of the *CEQR TM Appendix* for a 30-foot stack height was applied (as the 30 feet curve height is closest to but not higher than the proposed stack height, as the CEQR screening procedure requires). This nomograph depicts the size of the development versus distance below which the potential impact can occur and provides a conservative estimate of the threshold distance. **Figures 17-2** show the screening analyses.

Figure 17-2. The Proposed Project Site 1 - HVAC Screen Natural gas Nomograph.

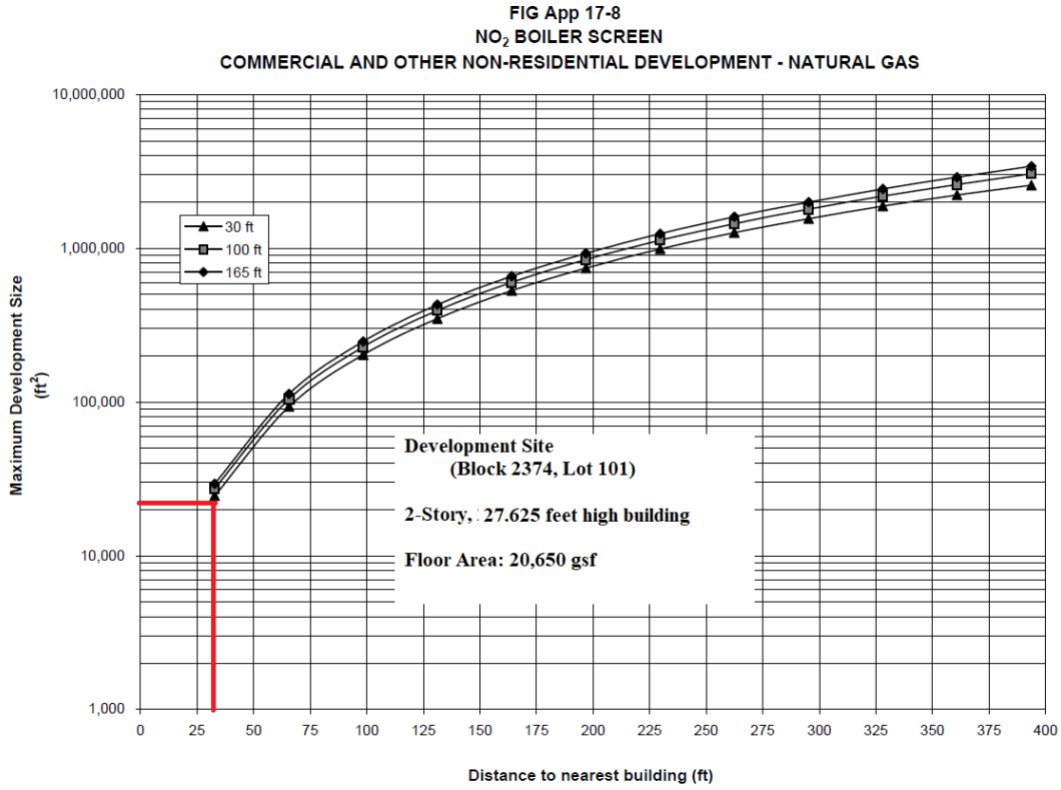


Table 17-4 depict the building's height and the screening analysis results, where "Use AERMOD" indicate that a detailed analysis using AERMOD dispersion analysis is required.

Table 17-4. Screening Analysis Results.

Projected Project Site ID	Block/ Lot	Building Height (ft.)	Heated Area (sq. ft.)	Screen Distance (ft.)	Receptor Building (Site ID or Block/Lot)	Receiving Building Distance (ft.)	Pass/ Fail
Project Site	2374/ 101	27.625	20,650	30	Existing 4-Story (Block 2374, Lot 106)	0	Use AERMOD

Figure 17-2 screening analysis shows that a detailed analysis would be required for any existing or planned land uses that is 27.625 feet or higher and at a distance of less than 30 feet from the Project Site. A review of existing land uses showed that the nearest building of similar or greater height is the adjacent 4-story, 45 feet high, residential building. This 4-story building is located at 64-05 53rd Drive (Block 2374, Lot 106). Therefore, the screening analysis is not applicable, and a detailed analysis was conducted.

The other buildings within 30 feet of the Project Site are the 2-story buildings, located at 53-80 65 Place (Block 2374, Lot 199) and 53-78 65 Place (Block 2374, Lot 198), which are both 24 feet high. As such, these buildings are lower than the Project Site, hence no analysis was required.

Detailed Analysis

Dispersion modeling analyses were conducted to estimate impacts from the stack emissions of the Project Site on the existing 4-story residential building located at 64-05 53rd Drive (Block 2374, Lot 106), using the latest version of EPA's AERMOD dispersion model 16216r. In accordance with CEQR guidance, these analyses were conducted assuming stack tip downwash, urban dispersion surface roughness length of 1.0 meter, elimination of calms, and with and without downwash effect on plume dispersion. AERMOD's Plume Volume Molar Ratio Method (PVMRM) module was utilized for the 1-hour NO_2 analysis to account for NOx to NO_2 conversion.

HVAC Emissions

Emission rates were estimated as follows:

- The Project Site is expected to be heated by natural gas, emission rates of NOx and $PM_{2.5}$ were calculated based on annual natural gas usage corresponding to the gross floor area of the buildings, EPA AP-42 emission factors for natural gas combustion in small boilers, and gross heating values of natural gas (1,020 Btu per million cubic feet).
- $PM_{2.5}$ emissions from natural gas combustion accounted for both filterable and condensable particulate matter.
- The natural gas fuel usage factor of 45.2 cubic foot per square foot per year was used to estimate annual natural gas usage for non-residential use per *CEQR TM Appendix* Table C25. Natural gas Consumption and Conditional Energy Intensity by Census Region for Non-Mall Building, 2003.

Table 17-5 shows the Project Sites NO_2 and $PM_{2.5}$ emission rates, both short-term and annual. The diameter of the stack and the exhaust's exit velocity were estimated based on values obtained from the NYCDEP "CA Permit" database for the corresponding boiler sizes (i.e., rated heat input or million Btu per hour). Boiler sizes were estimated based on the assumption that all fuel was consumed during the 100 day (or 2,400 hour) heating season. The stack exit temperature was assumed to be 300°F (423°K), which is appropriate for boilers.

Table 17-5. Estimated Short-term and Annual Emission Rates of Each Building.

Site ID	Floor Area	NO_2 Emission factor g/sec		$PM_{2.5}$ Emission factor g/sec	
	ft^2	1-hour	Annual	24-hour	Annual
Project Site	20,650	4.90E-03	1.34E-03	3.72E-04	1.02E-04

HVAC AERMOD Setting

AERMOD dispersion modeling analyses were conducted to estimate the NO_2 and $PM_{2.5}$ impacts concentrations using the latest version of EPA's AERMOD dispersion model version 16216r and AERMET version 14134. AERMOD's Tier 3 module was utilized for the 1-hour NO_2 analysis.

In accordance with CEQR guidance, this analysis was conducted assuming stack tip downwash, urban dispersion surface roughness length of 1.0-meter, elimination of calms, and with and without downwash effect on plume dispersion. In addition, the models specified elevated terrain and population of 2,000,000.

The diameter of the stacks and the exhaust's exit velocity was estimated based on values obtained from the NYCDEP "CA Permit" database for the corresponding boiler sizes (i.e., rated heat input or million Btu per hour). Boiler size was estimated based on the assumption that all fuel was consumed during the 100-day (or 2,400 hour) heating season. The stack exit temperature was assumed to be 300°F (423°K), which is appropriate for boilers.
The New York City Building Code (Building Code) requires that a rooftop stack should be at least 10 feet away from the edge of the roof and at least 3 feet higher than the roofline. As such, the HVAC stacks of was initially located on the building's highest level, 10 feet from the edge of the roof, and as close as possible to the receiving building. If impact was predicted, the stack distance from the receiving building was increased until no impact was predicted.

Receptors on the receiving building were placed at seven levels, around the building envelope in 10 feet increments. Ground floor receptors were placed at 6 feet above grade, the second to fourth floor receptors were placed at heights of 15-40 feet above grade every 5 feet.

AERMOD calculates concentrations according to the dispersion option, pollutant and averaging time, and output specified in the model, where the model is capable of handling multiple sources in a single run. As such, each pollutant was modeled separately and two stacks, one for the short-term and the other for annual averaging times were created. Each stack was placed in a different source group.

All analyses were conducted using the latest five consecutive years of meteorological data (2012-2016). Surface data was obtained from La Guardia Airport and upper air data was obtained from Brookhaven station, New York. These meteorological data provide hour-by-hour wind speeds and directions, stability states, and temperature inversion elevations over the 5-year period. Meteorological data were combined to develop a 5-year set of meteorological conditions, which was used for the AERMOD modeling runs and Anemometer height of 9.4 meters was specified per Lakes Environmental Software Inc.

Per Lakes Environmental Inc., $PM_{2.5}$ special procedure which is incorporated into AERMOD calculates concentrations at each receptor for each year modeled, averages those concentrations across the number of years of data, and then selects the highest values across all receptors of the 5-year averaged highest values.

For the purpose of conducting the 1-hour NO_2 Tier 3 analysis, hourly NO_2 and hourly ozone background concentrations were obtained from the NYC Department of City Planning. This data was developed from available monitoring data collected by the New York State Department of Environmental Conservation (NYSDEC) at the Queens College monitoring station for the 5 consecutive years (2012-2016) and compiled into AERMOD's required hourly emission (NO_2) and concentration (ozone) data format.

The NO_2 hourly background concentration was added as a source in AERMOD. This produces three outputs: (1) the individual impact of the building stack's emission; (2) the individual impact of the background concentration; and (3) the combined impact of both the building stack's emission and the background concentration at corresponding hours.

Results of HVAC Dispersion Analysis

The 1-hour NO_2 models were initially run using a Tier 1 approach, accounting for a full NOx to NO_2 conversion. Both NO_2 1-hour and annual averaging times modeled concentrations were added to the background concentration at the NYSDEC Queens College monitoring station. A Tier 2 and 3 approaches followed if exceedance of the NAAQS were predicted. The reported concentrations are the maximum predicted concentrations of the building wake effects abled/disabled scenarios. The $PM_{2.5}$ 24-hour and annual averaging times modeled concentrations were compared with the NYC Interim Guidelines threshold criterions. Result of the HVAC dispersion NO_2 and $PM_{2.5}$ analyses are shown in **Table 17-6**.

Table 17-6. The Project Site HVAC Dispersion Analysis Results With a 20-foot Setback Distance.

Site ID	Receptor Site	24-hr $PM_{2.5}$	Annual $PM_{2.5}$ Impact	1-hr NO_2 Impact	Annual NO_2 Impact
		$\mu g/m^3$	$\mu g/m^3$	$\mu g/m^3$	$\mu g/m^3$
Project Site	4-Story residential (Block 2374, Lot 106)	6.82	0.21	154	35.8
Threshold Criteria $\mu g/m^3$		**7.65**	**0.3**	**188**	**100**

The Project Site impact on the adjacent 4-story residential building required a 20-foot stack setback distance and a NO_2 1-hour Tier 3 approach for both the building wake effect scenarios. The setback distance was determined with the $PM_{2.5}$ 24-hour analysis, with the building wake effect disabled.

The results are compared with the 24-hour/annual $PM_{2.5}$ significant impact criteria, and the 1-hour/annual NO_2 NAAQS. The $PM_{2.5}$ impacts are less than the significant impact criteria for

$PM_{2.5}$ of 7.65 µg/m^3 and 0.3 µg/m^3, respectively, and both the 1-hour and annual NO_2 concentrations estimated are less than the 1-hour and annual NO_2 NAAQS of 188 µg/$m^3$and 100 µg/m^3, respectively.

Therefore, with (E) Designations in place, the emissions of the proposed project HVAC systems would not significantly impact any of the other proposed project buildings.

(E) Designation (E-471)

The HVAC analysis for the Proposed Action concluded that fuel would need to be restricted to the exclusive use of natural gas in its HVAC system and stacks' heights would need to be specified. No stack setback distances are required.

The (E) Designation language is as follows:

Block 2374, Lot 101 (Project Site): Any new commercial and/or banquet hall development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, and air conditioning (HVAC) and ensure that the HVAC stack is located at least 31 feet above grade and at least 20 feet from the lot line facing 64th Street to avoid any potential significant adverse air quality impacts.

V. INDUSTRIAL SOURCES

As outlined in the *CEQR TM*, projects that would introduce new uses near industrial sources may result in potentially significant adverse air quality impacts. The study area considers industrial sources within 400 feet of the Affected Area. Industrial sources are identified as commercial, industrial, or processing facilities that are likely to have New York City Department of Environmental Protection (DEP) processing permits.

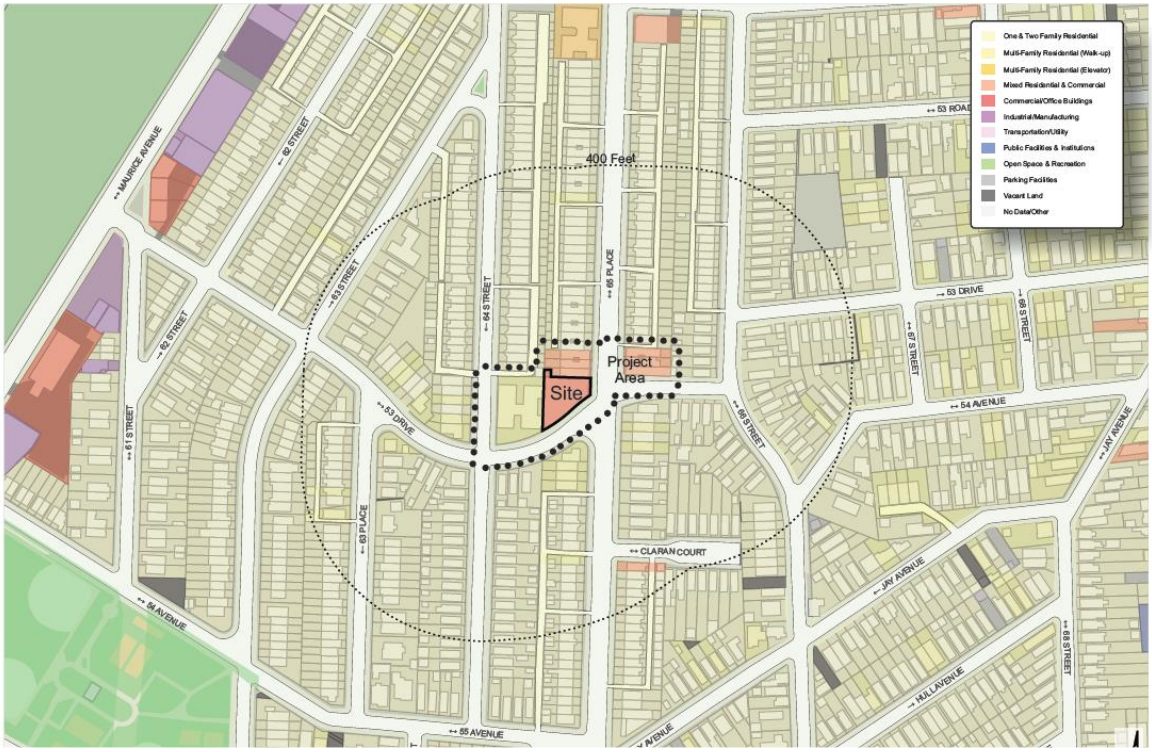
Land Survey Methodology

Information regarding potential emissions of toxic air pollutants from existing industrial sources within 400 feet of the Affected Area, were developed using the following procedure:

- A study area was developed that includes all industrial facilities and non-residential land uses with potential air toxic emissions located within 400 feet of the Affected Area using ZoLa;
- New York City's Open Accessible Space Information System Cooperative (OASIS), Google Street View, and on-line searches were used to identify and categorize facilities;
- A search was performed to identify permits listed in the EPA Envirofacts database in this study area; and
- The NYCDEP online Clean Air Tracking System (CATS) was consulted to determine whether air emissions permits had been issued for any of the nonresidential lots (**Figure 17-3**, shows the 400-foot study area).

Figure 17-3. Land Use in the 400-foot Study Area

64-21 53rd Drive, Queens — Figure 3 - Land Use Map



Study Result – Industrial Sources Toxic Air Emission

The result of the study identified 5 non-residential lots within 400 feet of the Affected Area. These lots were searched in the DEP online CATS database for processing permits, and the lots current use identified in the land survey study. **Table 17-7** show the lots in the study area current use.

Table 17-7. Land Survey Study Results of Non-Residential Uses Within 400 Feet of the Affected Area

Block	Lot	Land Use (Lots within 400 feet)	Address	Current Use (Land Survey)
2374	197	Mixed Residential and Commercial	53-76 65 Place	Pizzeria
	198	Mixed Residential and Commercial	53-78 65 Place	Laundromat
	199	Mixed Residential and Commercial	53-80 65 Place	Deli
2380	19	Mixed Residential and Commercial	54-29 65 Place	Residential
2381	1	Mixed Residential and Commercial	53-75 65 Place	Insurance Agency, Dentist office
	2	Mixed Residential and Commercial	53-73 65 Place	Bar
	3	Mixed Residential and Commercial	53-71 65 Place	Medical office

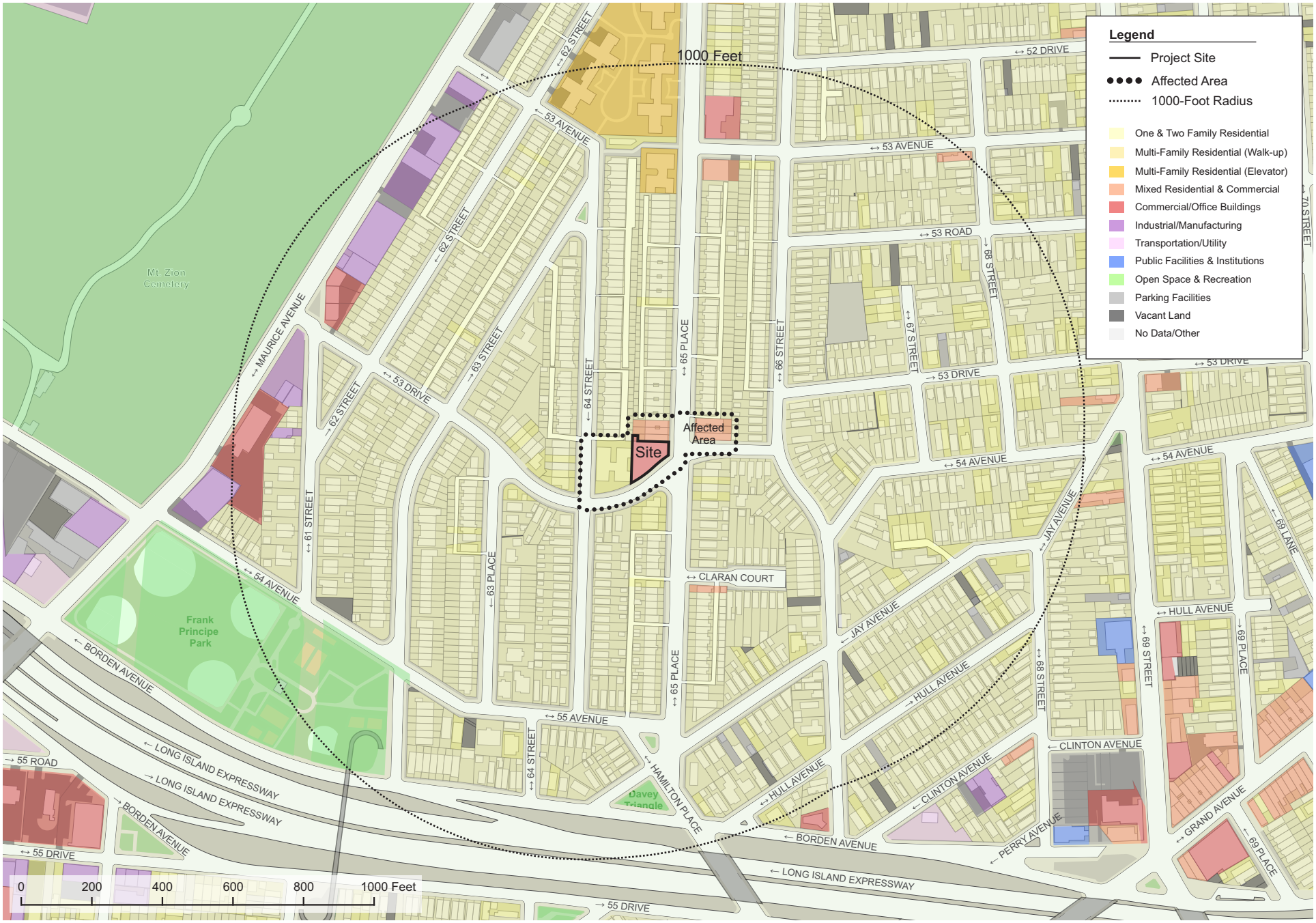
As seen in **Table 17-7**, the none residential land uses within 400-foot of the Affected Area are not potential toxic air emitters. In addition, no industrial sources, such as auto bodies, woodworking facilities or dry cleaners were identified within 400-foot of the Affected Area. As such, the future No-Action condition is equal to the future With-Action condition, and no analysis was warranted, and no significant air quality impacts are predicted from these types of facilities.

VI. MAJOR AND LARGE SOURCES

As outlined in the *CEQR TM*, projects that would introduce new uses near major sources, large sources, and 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 Affected Area. Here, major emission sources are identified as those sources located at Title V facilities that require Prevention of Significant Deterioration permits; large emission sources are identified as sources located at facilities which require a State facility permit, such as solid waste or medical waste incinerators, co-generation facilities, and asphalt and concrete plants, or power generating plants; 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.

Study Result – Major and Large Sources and Odor Producing Facilities

No existing large combustion sources, such as power plants, cogeneration facilities, etc., located within 1,000 feet of the Affected Area (see Figure 17-4) were identified. In addition, no odor producing facility was identified within 1,000 feet of the Affected Area. As such, the future No-Action condition is equal to the future With-Action condition, and no analysis was warranted.



Data Source: MapPLUTO 2016v2, NYC DOF Digital Tax Map 03-16 downloaded from https://nycopendata.socrata.com

VII. CONCLUSION

The air quality analysis addressed the stationary HVAC systems. The results of the analysis is shown below:

- Emissions from project-related vehicle trips would not cause significant air quality impacts to receptors at the local or neighborhood scale;
- Emissions from project-related heating, ventilation, and air conditioning systems (HVACs) would not cause significant adverse air quality impacts to receptors at the local scale with (E) - Designations in place.
- No existing industrial sources are located within 400-foot of the Affected Area. Therefore, no significant air quality impacts are anticipated from air toxics emitters.
- As no existing large or major sources are located within 1,000 feet of the Affected Area, emissions from existing stationary sources would not cause a significant air quality impact to the proposed project.

19. NOISE

INTRODUCTION

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

The proposed project involves construction of a partial second floor on the building at 64-21 53rd Drive in Maspeth. The existing one-story building is occupied by O'Neil's, an eating and drinking establishment. The building's first floor contains a bar area and seating areas and a private banquet room, as well as a separate retail space occupied by Hill Pharmacy. The building's cellar level contains rest rooms and storage and mechanical spaces.

The proposal includes creation of a partial second floor over the existing building. This partial level will generally be built at the building's existing street walls, with the rear of the building continuing to be one story in height. The proposed enlarged building is shown in the attached figures. The proposed second floor banquet room would be 2,905 square feet in size. This is approximately 41% larger than the existing ground floor banquet room. Additionally, there would be rest rooms and a 4,095-square foot lounge area located at the western end of the second floor.

Mobile Source

Relative to mobile source impacts, a noise analysis would be required if a proposed project would at least double existing passenger car equivalent (PCE) traffic volumes along a street on which a sensitive noise receptor (such as a residence, a park, a school, etc.) is located. The surrounding area is principally developed with residential and commercial uses. The proposed development is commercial retail.

Pursuant to CEQR methodology, no mobile source noise impacts would be anticipated since traffic volumes would not double due to the proposed project. Therefore, the proposed project would not result in a mobile source noise impact.

Stationary Source

The project would not locate a new sensitive receptor within 1,500 feet of a substantial stationary source noise generator, and there is not a substantial stationary source noise generator close to the Project Site. Additionally, the proposed project would not include any unenclosed heating or ventilation equipment that could adversely impact other sensitive uses in the surrounding area. In regards to the potential for noise effects on adjacent uses as a result of the Proposed Action, an analysis was conducted.

The worst-case receptor location for noise from use of the proposed second floor banquet room will be the closest building whose windows have a direct line of sight to the roof of O'Neil's. This is the four-story multi-family residence identified as 64-05 53rd Drive (Block 2374, Lot 106), located immediately to the west of O'Neil's. The windows of this residence facing its eastern courtyard are approximately 25 feet from the portion of the proposed second floor to be occupied by the banquet room.

To document existing noise levels in the area, noise monitoring was conducted at the project site. Because the banquet room would be used during the midday and evening on both weekdays and Saturdays, monitoring was conducted on Thursday, November 2 and Saturday November 4, 2017. Ambient noise levels are moderate. The measured L10 during the weekday midday and evening analysis periods was 68.5 dB(A) during both periods. The measured L_{10} during the Saturday midday and evening analysis periods was 68.0 dB(A) during both periods. According to the 2014 *CEQR Technical* Manual, a daytime (7 am to 10 pm) L_{10} of below 65 dB is considered an acceptable exposure level, and an L10 of 65 to 70 dB is considered marginally acceptable.

Table 19-1 Noise Levels of Common Sources

Sound Source	SPL (dB(A))
Air Raid Siren at 50 feet	120
Maximum Levels at Rock Concerts (Rear Seats)	110
On Platform by Passing Subway Train	100
On Sidewalk by Passing Heavy Truck or Bus	90
On Sidewalk by Typical Highway	80
On Sidewalk by Passing Automobiles with Mufflers	70
Typical Urban Area	60-70
Typical Suburban Area	50-60
Quiet Suburban Area at Night	40-50
Typical Rural Area at Night	30-40
Isolated Broadcast Studio	20
Audiometric (Hearing Testing) Booth	10
Threshold of Hearing	0

Notes: A change in 3dB(A) is a just noticeable change in SPL. A change in 10 dB(A) Is perceived as a doubling or halving in SPL.

Source: 2014 CEQR Technical Manual

Table 19-2
Noise Exposure Guidelines For Use in City Environmental Impact Review[1]

Receptor Type	Time Period	Acceptable General External Exposure	Airport[3] Exposure	Marginally Acceptable General External Exposure	Airport[3] Exposure	Marginally Unacceptable General External Exposure	Airport[3] Exposure	Clearly Unacceptable General External Exposure	Airport[3] Exposure
1. Outdoor area requiring serenity and quiet[2]		$L_{10} \leq 55$ dBA	$L_{dn} \leq 60$ dBA		$60 < L_{dn} \leq 65$ dBA		(I) $65 < L_{dn} \leq 70$ dBA, (II) $70 \leq L_{dn}$		$L_{dn} \leq 75$ dBA
2. Hospital, nursing home		$L_{10} \leq 55$ dBA		$55 < L_{10} \leq 65$ dBA		$65 < L_{10} \leq 80$ dBA		$L_{10} > 80$ dBA	
3. Residence, residential hotel, or motel	(7 AM to 10 PM)	$L_{10} \leq 65$ dBA		$65 < L_{10} \leq 70$ dBA		$70 < L_{10} \leq 80$ dBA		$L_{10} > 80$ dBA	
	(10 PM to 7 AM)	$L_{10} \leq 55$ dBA		$55 < L_{10} \leq 70$ dBA		$70 < L_{10} \leq 80$ dBA		$L_{10} > 80$ dBA	
4. School, museum, library, court, house of worship, transient hotel or motel, public meeting room, auditorium, out-patient public health facility		Same as Residential Day (7 AM-10 PM)		Same as Residential Day (7 AM-10 PM)		Same as Residential Day (7 AM-10 PM)		Same as Residential Day (7 AM-10 PM)	
5. Commercial or office		Same as Residential Day (7 AM-10 PM)		Same as Residential Day (7 AM-10 PM)		Same as Residential Day (7 AM-10 PM)		Same as Residential Day (7 AM-10 PM)	
6. Industrial, public areas only[4]	Note 4	Note 4		Note 4		Note 4		Note 4	

Notes:

(i) In addition, any new activity shall not increase the ambient noise level by 3 dB(A) or more.

[1] Measurements and projections of noise exposures are to be made at appropriate heights above site boundaries as given by American National Standards Institute (ANSI) Standards; all values are for the worst hour in the time period.

[2] Tracts of land where serenity and quiet are extraordinarily important and serve as important public need, and where the preservation of these qualities is essential for the area to serve its intended purpose. Such areas could include amphitheaters, particular parks or portions of parks, or open spaces dedicated or recognized by appropriate local officials for activities requiring special qualities of serenity and quiet. Examples are grounds for ambulatory hospital patients and patients and residents of sanitariums and nursing homes.

[3] One may use the FAA-approved L_{dn} contours supplied by the Port Authority, or the noise contours may be computed from the federally approved INM Computer Model using flight data supplied by the Port Authority of New York and New Jersey.

[4] External Noise Exposure standards for industrial areas of sounds produced by industrial operations other than operating motor vehicles or other transportation facilities are spelled out in the New York City Zoning Resolution, Sections 42-20 and 42-21. The referenced standards apply to M1, M2, and M3 manufacturing districts and to adjoining residence districts (performance standards are octave band standards).

Sources: New York City Department of Environmental Protection (adopted policy 1983).

Table 19-3
Required Attenuation Values To Achieve Acceptable Interior Noise Levels

	Marginally Unacceptable				Clearly Unacceptable
Noise level with proposed project	$70<L_{10}\leq73$	$73<L_{10}\leq76$	$76<L_{10}\leq78$	$78<L_{10}\leq80$	$80<L_{10}$
Attenuation[A]	(I) 28 dB(A)	(II) 31 dB(A)	(III) 33 dB(A)	(IV) 35 dB(A)	$36 + (L_{10} - 80)$[B] dB(A)

Note: [A] The above composite window-wall attenuation values are for residential dwellings and community facility development. Commercial office spaces and meeting rooms would be 5 dB(A) less in each category. All of the above categories require a closed window situation and hence an alternate means of ventilation.

[B] Required attenuation values increase by 1 dB(A) increments for L_{10} values greater than 80 dBA.

Source: New York City Department of Environmental Protection

Based on the readings, existing ambient noise levels are typical of an urban daytime environment.

Table 19-4: Existing Mid-Day Noise Levels

Noise Monitor Period	**Noise Level (LA_{10})**	**Noise Level (LA_{eq})**
Saturday Midday	68.0 dB(A)	65.2 dB(A)
Weekday Midday	68.5 dB(A)	65.9 dB(A)

Table 19-5: Existing Evening Noise Levels

Noise Monitor Period	**Noise Level (LA_{10})**	**Noise Level (LA_{eq})**
Saturday Evening	68.0 dB(A)	69.0 dB(A)
Weekday Evening	68.5 dB(A)	67.0 dB(A)

According to the 2014 *CEQR Technical* Manual (and Table 19-3), a daytime (7 am to 10 pm) L10 of below 65 dB is considered an acceptable exposure level, and an L10 of 65 to 70 dB is considered marginally acceptable.

Figure 19-1 – Proposed Enlargement and Receptor Location

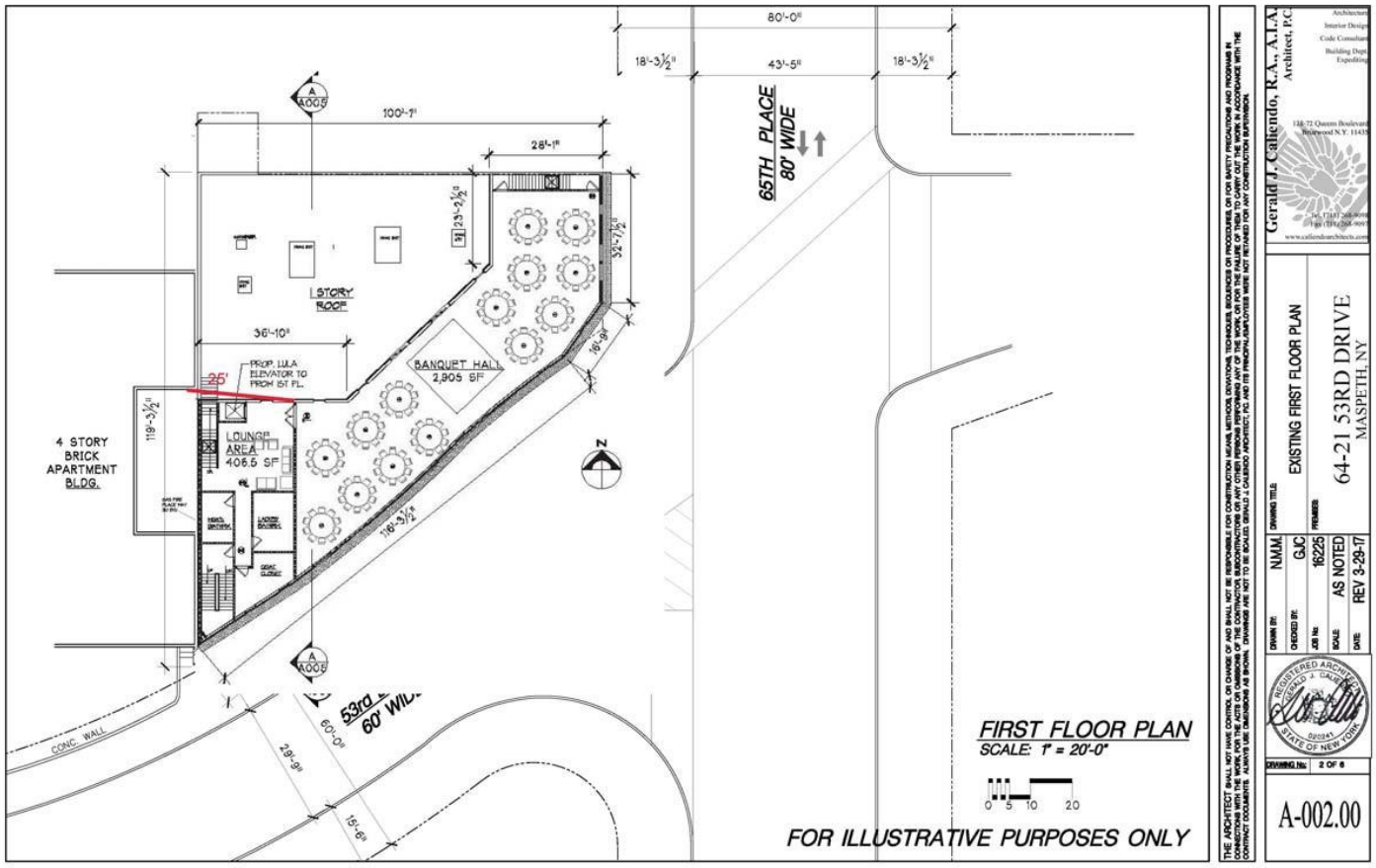


Figure 19-2 – Monitoring Location (Receptor Location at Rear)



The Proposed Enlargement

The proposed enlargement would allow the relocation of O'Neil's banquet room from the 1st floor to new space on the 2nd floor. At 2,905 square feet, the new 2nd floor banquet room would be 41% larger than the existing banquet room. There would be no outdoor space associated with the 2nd floor banquet room.

It is expected that noise from the proposed 2nd floor banquet hall would be comparable to noise from the existing ground floor restaurant at the project site. Based on monitoring conducted during weekday and Saturday midday and evening periods, this noise was between 68.0 and 68.5 dB(A) for the L10 descriptor and between 65.2 and 69.0 dB(A) for the Leq descriptor at a distance of approximately 14 feet from the exterior wall of the restaurant. It is noted that this monitoring location, at the intersection of 53rd Drive and 65th Place, also receives noise contributions from vehicular traffic.

The distance from the proposed second floor banquet room to the receptor location at 64-05 53rd Drive is 25 feet. The following equation was used to determine the noise levels at a distance of 25 feet from the proposed enlargement. This equation was provided by the Department of Environmental Protection:

$Lp1 = Lp2 - 15*\log(d1/d2)$

where: *Lp1 is sound pressure level at the receptor; Lp2 is sound pressure level at the reference location; d1 is the distance from the source to the receptor; and d2 is the distance at which the source sound level data is known.*

Based on the equation above and a peak L10 at the monitoring location of 68.5, the L10 noise from the second floor enlargement as experienced at 64-05 53rd Drive therefore could be as high as 64.7 dB(A). This is a conservative assumption in that the noise conditions at the monitoring location include contributions from vehicular traffic, which would not be present at the receptor location (side-facing windows of the four-story residence).

With-Action Condition

To assess how the additional noise generated by use of the rooftop activity area would affect ambient noise, it is necessary to add this noise source to existing noise. Table 19-6 indicates how the addition of a new noise source affects total noise level:

Weekday

During the weekday period, ambient L10 was measured to be 68.5, and the banquet room noise as experienced at the receptor location would be 64.7. According to this formulation, the composite noise level L10 when adding banquet room noise to existing ambient noise would then be 70.0 dB(A).

Saturday

During the Saturday period, ambient L10 was measured to be 68.0, and the banquet room noise as experienced at the receptor location would be 64.2. According to this formulation, the composite noise level Leq when adding banquet room noise to existing ambient noise would then be 69.5dB(A).

In its discussion of determining impact significance (Section 19-400) the CEQR Technical Manual states, "*The selection of incremental values and absolute noise levels should be responsive to the nuisance levels of noise and critical time periods when nuisance levels are most acute. During daytime hours (between 7 AM and 10 PM), nuisance levels for noise are generally considered to be more than 45 dB(A) indoors and 70 to 75 dB(A) outdoors. Indoor activities are subject to task interference above this level, and 70 to 75 dB(A) is the level at which speech interference occurs outdoors.*"

The projected noise level at the receptor location would not exceed 70 dB(A), and is within the marginally acceptable range, per Table 19-3 of the *CEQR Technical Manual*.

While the *CEQR Technical Manual* considers 65 dB, the upper level of the acceptable range, to be an absolute noise level that should not be significantly exceeded, it is noted that this level is based on construction levels used in the past, including a typical single- glazed window, which provide a minimum of 20 dB of attenuation. The CEQR Technical Manual does not identify any need for noise attenuation mitigation where ambient noise levels are below or equal to 70 dB, as would be the case in the future with the proposed project.

Table 19-6: Addition of Noise Source to Existing Ambient Noise

Sound Power Level Difference between two Sound Sources	Added Decibel to the Highest Sound Power Level (dB)
0	3
1	2.5
2	2
3	2
4	1.5
5	1
6	1
7	1
8	0.5
9	0.5
10	0.5
>10	0

Conclusion

The Proposed Action is not anticipated to result in impacts related to stationary source noise. Furthermore, the Proposed Development is not anticipated to result in any impacts related to mobile source noise and further analysis is not required.

21. NEIGHBORHOOD CHARACTER

The *CEQR Technical Manual* states that a neighborhood character assessment is generally required when the proposed action would significantly impact land use, historic resources, socioeconomic conditions, open space, shadows, urban design and visual resources, transportation or noise within the neighborhood; or if it would have moderate effects on several of the elements that contribute to neighborhood character.

While a combination of moderate changes in several of these technical areas may potentially have a significant effect on neighborhood character, the proposed action would be compatible with the medium-density residential and mixed-use character of the neighborhood and, as discussed in the relevant sections of this EAS, is not anticipated to result in any significant adverse impacts on land use, zoning and public policy; historic and cultural resources; urban design and visual resources; or noise within the neighborhood. These sections are summarized below.

Land Use, Zoning and Public Policy

No significant impacts to zoning patterns in the area would be expected. The Proposed Action would result in a zoning map amendment that creates new R4/C2-2, R5D and R5D/2-2 zoning districts would legalize pre-existing commercial retail uses, single noncompliant residential development within the Affected Area and facilitate a modest expansion of the Project Site, which contains a longstanding commercial business. The increase in the maximum permitted bulk is modest and is anticipated to only facilitate the Proposed Development, which consists of an enlargement from 16,060 gsf (8,030 zsf) to 20,650 (12,530 zsf) or from 0.96 FAR to 1.49 FAR. The maximum wall height would rise to 25 feet, which would be consistent with adjacent development.

Therefore, the Propose Actions will not have a significant impact on the extent of conformity with the current zoning in the surrounding area, and it would not adversely affect the viability of conforming uses on nearby properties.

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

Historic and Cultural Resources

Architectural Resources

The Project Site contains a commercial building that was originally constructed in 1928 and has operated continuously since that time period. A fire damaged the original building in 2011 and was subsequently reconstructed and reopened in 2013. Accordingly, the building is not considered a historic architectural resource. In addition, The NYC Landmarks Preservation Commission (LPC) was contacted and they determined the Affected Area does not contains any known or eligible historic architectural resources (See Appendix A). Therefore, there is no potential for impacts related to architecture and further analysis is not warranted.

Archaeological Resources

The Proposed Action would facilitate an expansion of the pre-existing commercial use on the Project Site. Consequently, no increased ground disturbance is anticipated to occur as a result of the Proposed Action on the Project Site nor on any adjacent properties in the Affected Area. Therefore, there is no potential for impacts related to archaeology and further analysis is not warranted.

Urban Design and Visual Resources

The Proposed Actions would result in a modest increase in density and legalize a series of commercial uses. The maximum height would be increased from 35 feet to 40 feet for the affected parcels with only a single enlargement occurring under the Proposed Action. The location and size of the affected area is considered appropriate by the Applicant, given the range of residential ad mixed-use buildings in the immediate vicinity, a majority of which exceed the Proposed Development in bulk, with the predominant building type in the surrounding area rising to three-stories. Furthermore, the Proposed Actions would not affect any natural resources or public view corridors of notable features or buildings in the immediate vicinity of the Affected Area. Accordingly, no impacts to the urban design and/or visual resources of the area are expected.

Noise

The noise section concluded that no significant adverse impacts from stationary sources or mobile sources would occur and no further analysis is warranted.

Conclusion

Based on the above, no significant impacts on land use, zoning and public policy; historic and cultural resources; urban design and visual resources; or noise are anticipated. Therefore, no significant adverse impacts on neighborhood character are anticipated as a result of the proposed action.

Appendix A (NYC LPC CORRESPONDENCE)

NYC 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 / 18DCP075Q
Project: 53RD DRIVE REZONING
Date received: 1/5/2018

Properties with no Architectural or Archaeological significance:

1) ADDRESS: 6421 53 Drive, BBL: 4023740101
2) ADDRESS: 6405 53 Drive, BBL: 4023740106
3) ADDRESS: 5376 65 Place, BBL: 4023740197
4) ADDRESS: 5378 65 Place, BBL: 4023740198
5) ADDRESS: 5380 65 Place, BBL: 4023740199
6) ADDRESS: 5375 65 Place, BBL: 4023810001
7) ADDRESS: 5373 65 Place, BBL: 4023810002
8) ADDRESS: 5371 65 Place, BBL: 4023810003

Gina Santucci 1/8/2018

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 32963_FSO_GS_01082018.doc

Appendix B (ILLUSTRATIVE SITE PLANS)

For illustrative purposes only

THE ARCHITECT SHALL NOT HAVE CONTROL OR CHARGE OF AND SHALL NOT BE RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, DEVIATIONS, TECHNIQUES, SEQUENCES OR PROCEDURES, OR FOR SAFETY PRECAUTIONS AND PROGRAMS IN CONNECTIONS WITH THE WORK, FOR THE ACTS OR OMISSIONS OF THE CONTRACTOR, SUBCONTRACTORS OR ANY OTHER PERSONS PERFORMING ANY OF THE WORK, OR FOR THE FAILURE OF THEM TO CARRY OUT THE WORK IN ACCORDANCE WITH THE CONTRACT DOCUMENTS. ALWAYS USE DIMENSIONS AS SHOWN. DRAWINGS ARE NOT TO BE SCALED. GERALD J. CALIENDO ARCHITECT, P.C. AND ITS PRINCIPAL/EMPLOYEES WERE NOT RETAINED FOR ANY CONSTRUCTION SUPERVISION.

Gerald J. Caliendo, R.A., A.I.A.
Architect, P.C.

Architecture
Interior Design
Code Consultant
Building Dept. Expediting

138-72 Queens Boulevard
Briarwood N.Y. 11435

Tel. (718) 268-9098
Fax (718) 268-9097

www.caliendoarchitects.com

DRAWING TITLE: MASSING DIAGRAM

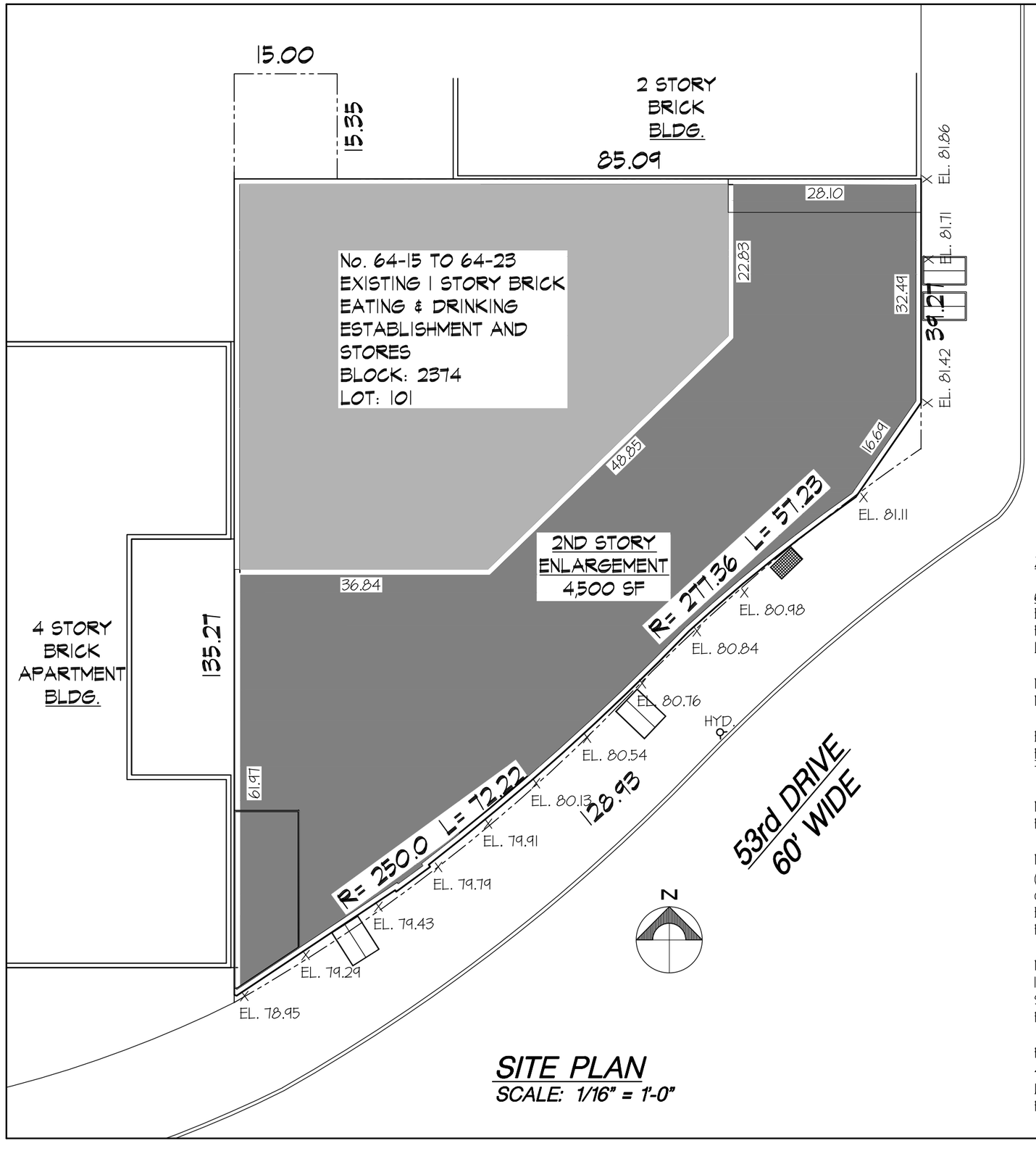
PREMISES: 64-21 53RD DRIVE
MASPETH, NY

DRAWN BY:	N.M.M.	JOB No:	16225	SCALE:	AS NOTED
CHECKED BY:	GJC			DATE:	REV 11-28-16

REGISTERED ARCHITECT
GERALD J. CALIENDO
020241
STATE OF NEW YORK

DRAWING No: 6 OF 6

A-006.00



SITE PLAN
SCALE: 1/16" = 1'-0"

For illustrative purposes only

ZONING ANALYSIS

64-15 TO 64-23 53RD DRIVE, QUEENS NY
BLOCK: 2374 LOT: 101
PROP. ZONE: C2-2 IN R5D MAP: 13C
LOT AREA = 8,354.6 SF

MAX. F.A.R. (33-121 ZR) = 2.00 COMMERCIAL
MAX. F.A. = 2.00 x 8,354.6 = 16,709.2 SF

EXIST. COMMERCIAL F.A. (prior to 1961) =	8,030 SF
PROP. 2ND FL. ENLARGEMENT =	4,500 SF
TOTAL F.A. =	12,530 SF

MIN. REQ'D. SIDE YARD (33-25 ZR) = NONE OR MIN. 8'-0"
PROP. SIDE YARD = NONE

MIN. REAR YARD (33-301 ZR) = NONE WITHIN 100 FT. OF CORNER
(33-302 ZR) = NONE WITHIN 100 FT OF SUCH FRONT LINE, IF FRONT LOT LINE COINCIDES WITH ALL OR PART OF STREET LINE MEASURING < 230 FT. IN LENGTH BETWEEN TWO INTERSECTING STREETS.
PROPOSED REAR YARD = NONE

MAX. HEIGHT OF FRONT WALL & SETBACKS (33-431 ZR)= 30 FT. OR 2 STORIES
INITIAL SETBACK = 20 FT. - NARROW STREET
SKY EXP. PLANE: 1 TO 1
PROPOSED HEIGHT OF FRONT WALL = 25'-1" - 2 STORIES

REQ'D. PARKING (36-20 ZR) = 1 PER 300 SF - NEW ENLARGEMENT
4,500 / 300 = 15 SPACES
WAIVER (36-231 ZR) = 15; THEREFORE, NONE REQ'D.
PROPOSED PARKING = NONE

THE ARCHITECT SHALL NOT HAVE CONTROL OR CHARGE OF AND SHALL NOT BE RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, DEVIATIONS, TECHNIQUES, SEQUENCES OR PROCEDURES, OR FOR SAFETY PRECAUTIONS AND PROGRAMS IN CONNECTIONS WITH THE WORK, FOR THE ACTS OR OMISSIONS OF THE CONTRACTOR, SUBCONTRACTORS OR ANY OTHER PERSONS PERFORMING ANY OF THE WORK, OR FOR THE FAILURE OF THEM TO CARRY OUT THE WORK IN ACCORDANCE WITH THE CONTRACT DOCUMENTS. ALWAYS USE DIMENSIONS AS SHOWN. DRAWINGS ARE NOT TO BE SCALED. GERALD J. CALIENDO ARCHITECT, P.C. AND ITS PRINCIPAL/EMPLOYEES WERE NOT RETAINED FOR ANY CONSTRUCTION SUPERVISION.

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DRAWING TITLE: SITE PLAN & ZONING ANALYSIS
PREMISES: 64-21 53RD DRIVE MASPETH, NY

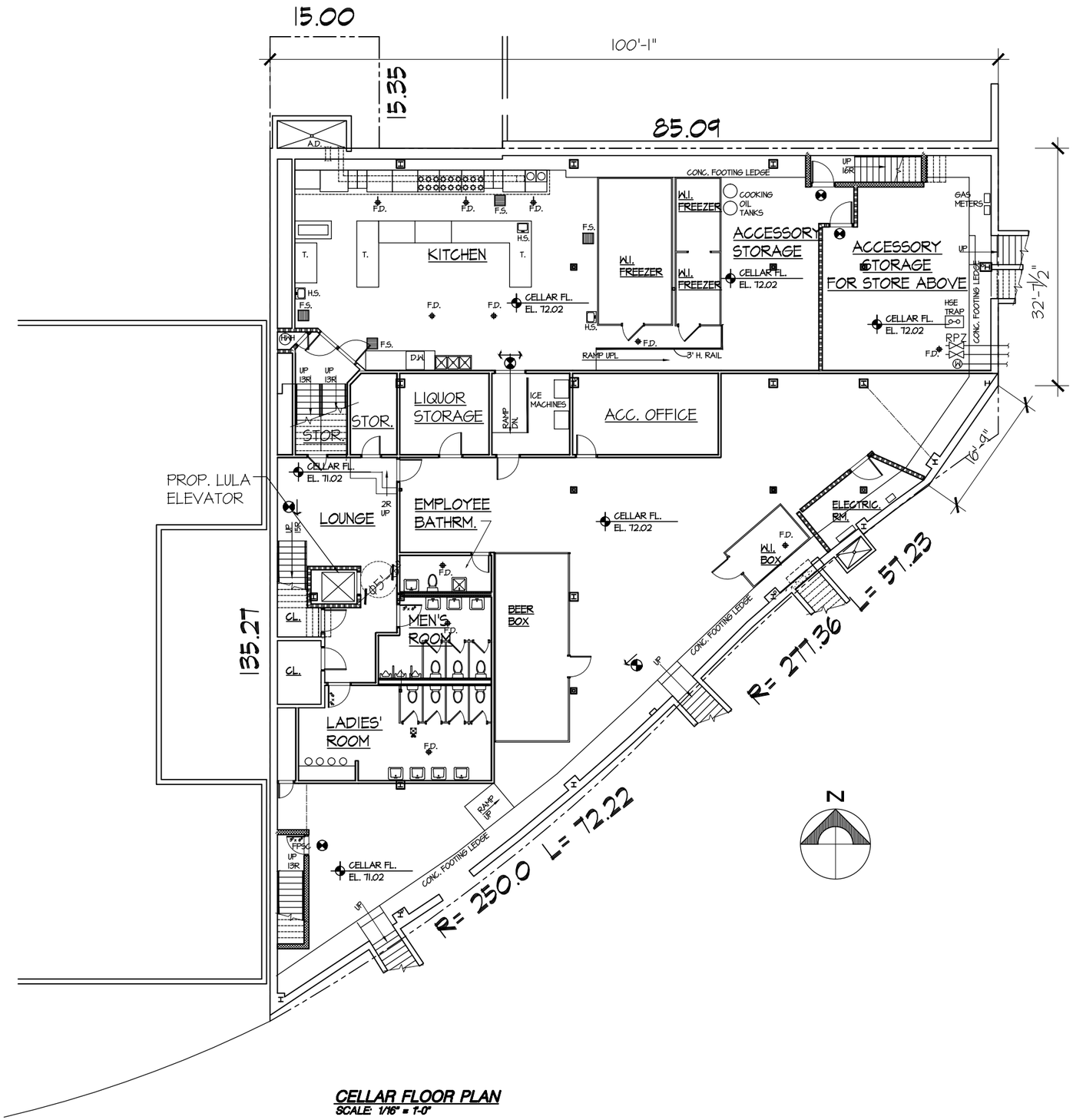
DRAWN BY:	N.M.M.	JOB No:	16225	SCALE: AS NOTED
CHECKED BY:	GJC			DATE: REV 11-28-16

REGISTERED ARCHITECT GERALD J. CALIENDO 020241 STATE OF NEW YORK

DRAWING No: 1 OF 6

A-001.00

For illustrative purposes only



CELLAR FLOOR PLAN
SCALE: 1/16" = 1'-0"

THE ARCHITECT SHALL NOT HAVE CONTROL OR CHARGE OF AND SHALL NOT BE RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, DEVIATIONS, TECHNIQUES, SEQUENCES OR PROCEDURES, OR FOR SAFETY PRECAUTIONS AND PROGRAMS IN CONNECTIONS WITH THE WORK, FOR THE ACTS OR OMISSIONS OF THE CONTRACTOR, SUBCONTRACTORS OR ANY OTHER PERSONS PERFORMING ANY OF THE WORK, OR FOR THE FAILURE OF THEM TO CARRY OUT THE WORK IN ACCORDANCE WITH THE CONTRACT DOCUMENTS. ALWAYS USE DIMENSIONS AS SHOWN. DRAWINGS ARE NOT TO BE SCALED. GERALD J. CALIENDO ARCHITECT, P.C. AND ITS PRINCIPAL/EMPLOYEES WERE NOT RETAINED FOR ANY CONSTRUCTION SUPERVISION.

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DRAWING TITLE: EXISTING CELLAR FLOOR PLAN

PREMISES: 64-21 53RD DRIVE MASPETH, NY

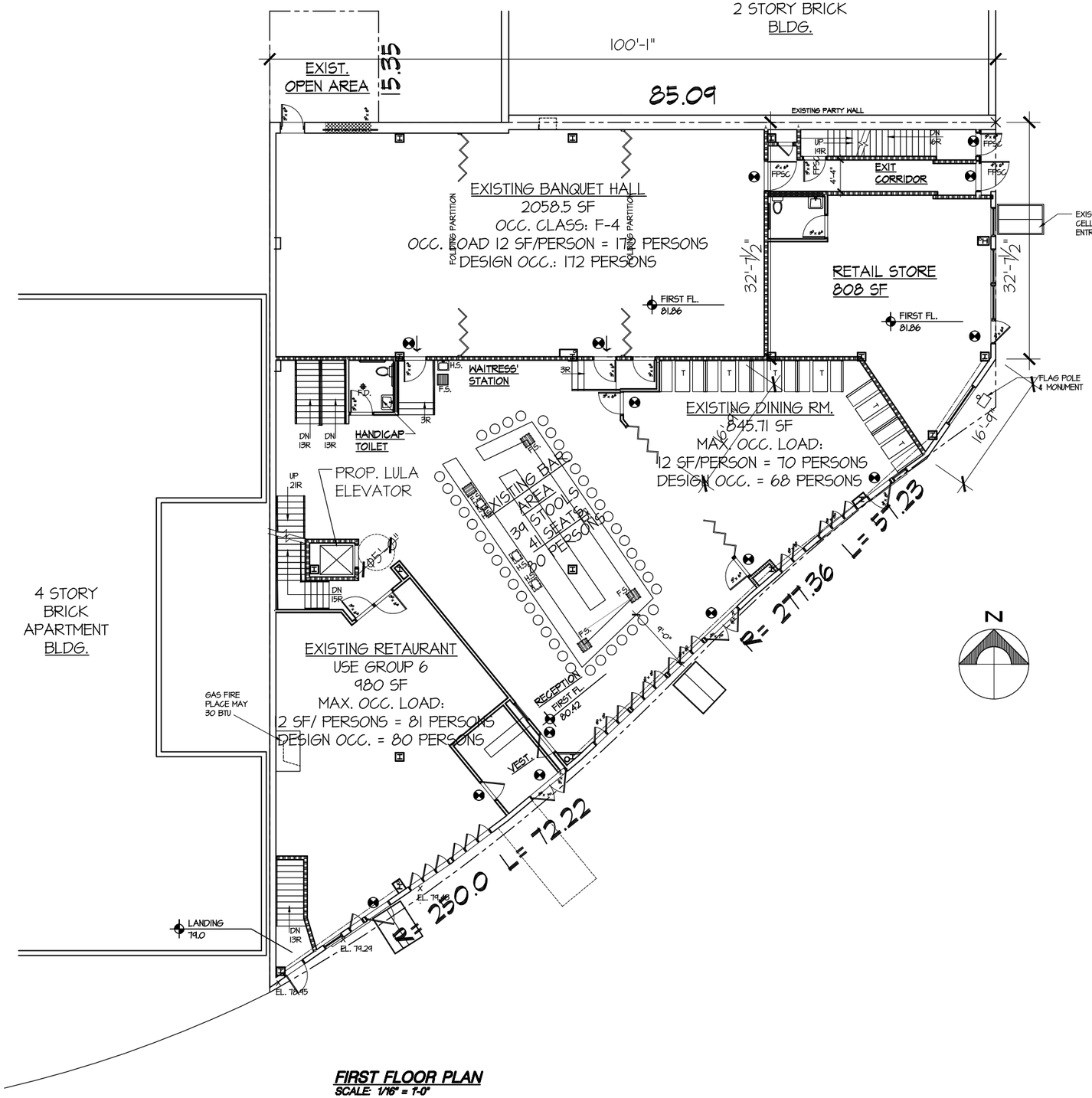
DRAWN BY:	N.M.M.
CHECKED BY:	GJC
JOB No:	16225
SCALE:	AS NOTED
DATE:	REV 11-28-16

REGISTERED ARCHITECT GERALD J. CALIENDO 020241 STATE OF NEW YORK

DRAWING No: 2 OF 6

A-002.00

For illustrative purposes only



FIRST FLOOR PLAN
SCALE: 1/16" = 1'-0"

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DRAWING TITLE: EXISTING FIRST FLOOR PLAN

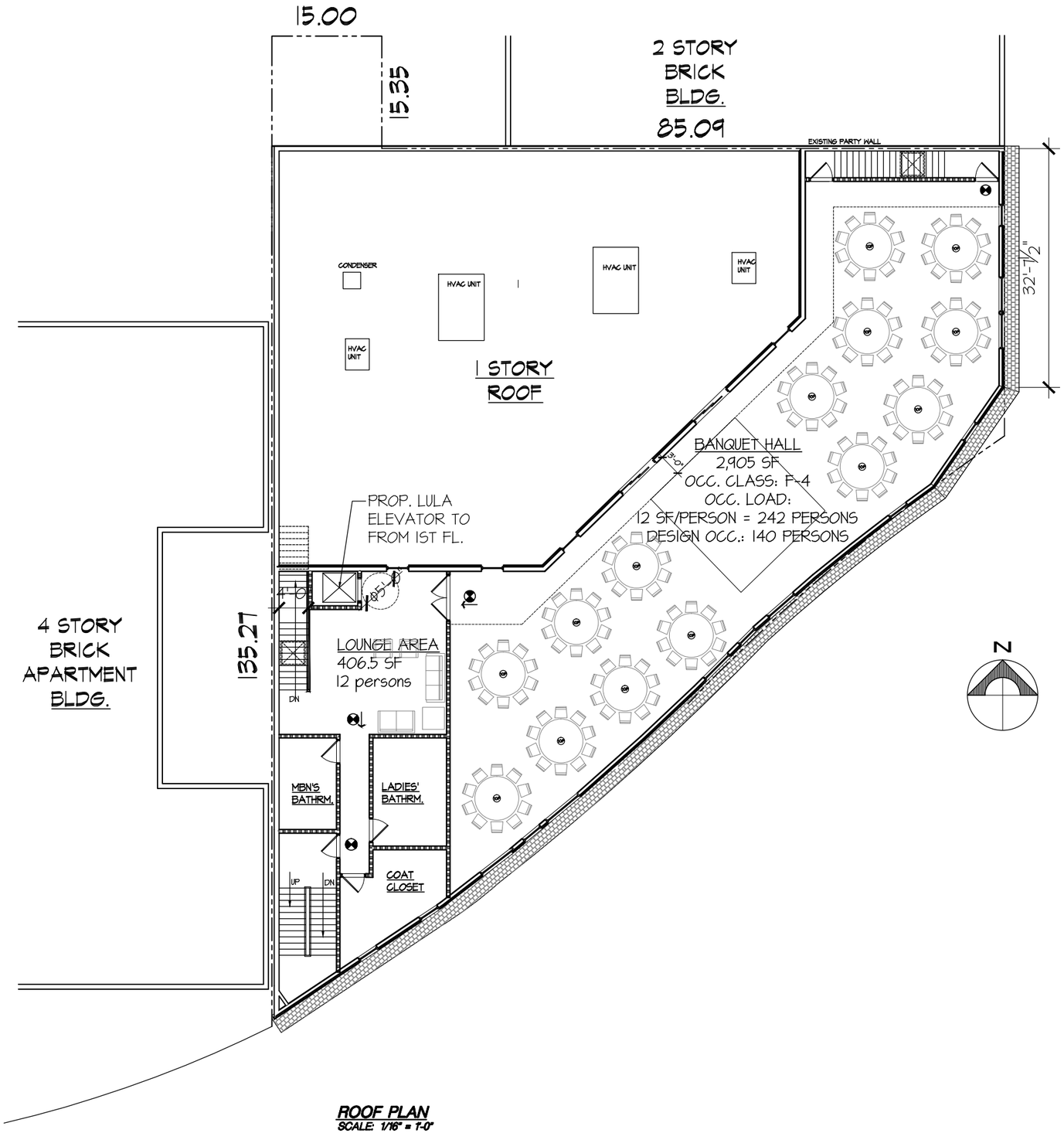
PREMISES: 64-21 53RD DRIVE MASPETH, NY

DRAWN BY:	N.M.M.
CHECKED BY:	GJC
JOB No:	16225
SCALE:	AS NOTED
DATE:	REV 11-28-16

REGISTERED ARCHITECT GERALD J. CALIENDO 020241 STATE OF NEW YORK

DRAWING No: 3 OF 6

A-003.00



For illustrative purposes only

ROOF PLAN
SCALE: 1/16" = 1'-0"

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DRAWING TITLE: PROPOSED SECOND FLOOR

PREMISES: 64-21 53RD DRIVE MASPETH, NY

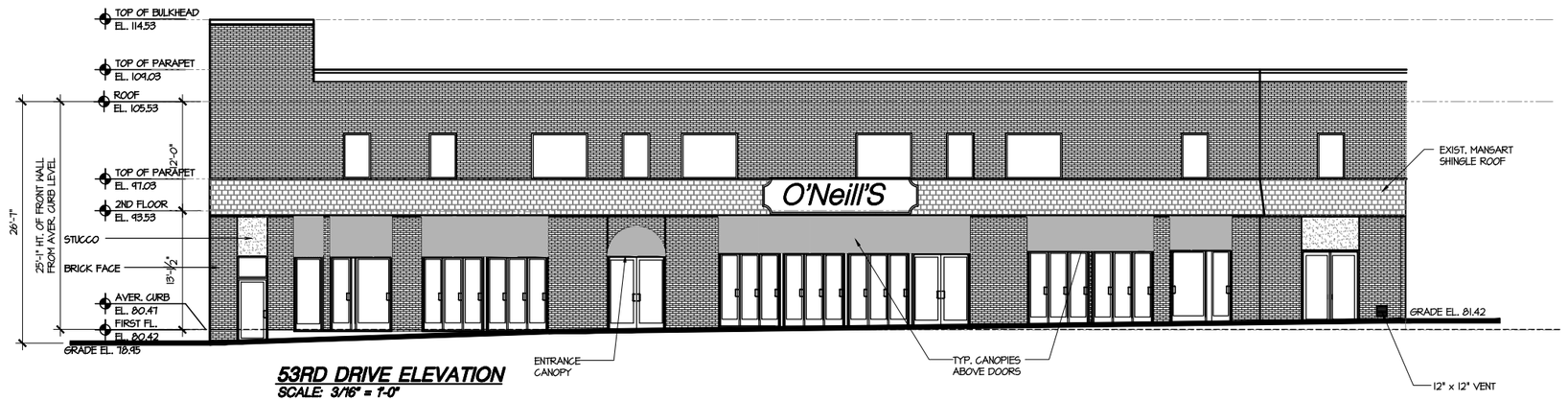
DRAWN BY:	N.M.M.
CHECKED BY:	GJC
JOB No:	16225
SCALE:	AS NOTED
DATE:	REV 11-28-16

REGISTERED ARCHITECT
GERALD J. CALIENDO
020241
STATE OF NEW YORK

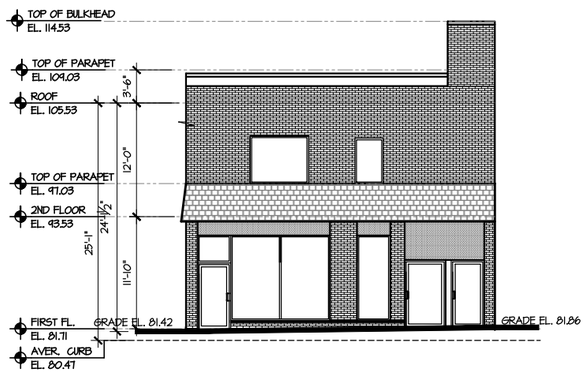
DRAWING No: 4 OF 6

A-004.00

For illustrative purposes only



53RD DRIVE ELEVATION
SCALE: 3/16" = 1'-0"



65TH STREET ELEVATION
SCALE: 3/16" = 1'-0"

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ELEVATIONS

64-21 53RD DRIVE
MASPETH, NY

DRAWN BY:	N.M.M.	DRAWING TITLE:	
CHECKED BY:	GJC	PREMISES:	64-21 53RD DRIVE
JOB No:	16225		
SCALE:	AS NOTED		
DATE:	REV 11-28-16		

REGISTERED ARCHITECT
GERALD J. CALIENDO
020241
STATE OF NEW YORK

DRAWING No: 5 OF 6

A-005.00

Appendix C (E-Designation)

Project Name: O'Neill's Rezoning
CEQR #: 18DCP075Q
SEQRA Classification: Unlisted

Determination of Significance Appendix: (E) Designation (E-471)

To ensure that there would be no significant adverse air quality or noise impacts associated with the proposed project, an E designation (E-471) will be placed on the project site (Block 2374, Lot 101), as follows:

Air Quality

Any new commercial and/or banquet hall development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, and air conditioning (HVAC) and ensure that the HVAC stack is located at least 31 feet above grade and at least 20 feet from the lot line facing 64th Street to avoid any potential significant adverse air quality impacts.