TECHNICAL MEMORANDUM 001
77-39 Vleigh Place Rezoning
CEQR No. 21DCP063Q

July 7, 2022

I. INTRODUCTION

The Applicant, VP Capital Holdings LLC, requests approval of a zoning map amendment and a zoning text amendment to facilitate the development of Block 6630, Lot 1 (Projected Development Site 1) with an eight-story, 189,418-gross-square-foot (gsf) mixed residential, commercial, and community facility building (the "Proposed Development") in the Kew Garden Hills neighborhood of Queens, Community District 8.

The zoning map amendment would rezone Block 6630, Lots 1 and p/o 15 (the "Affected Area") by changing Lot 1 from an R3-2/C1-2 zoning district to an R6A/C2-3 zoning district and by removing the existing C1-2 commercial overlay from the portion of Lot 15. The zoning text amendment would establish Lot 1 as a Mandatory Inclusionary Housing (MIH) area with MIH Option 1 and 2.

The Environmental Assessment Statement (EAS) for the Proposed Actions (CEQR No. 21DCP063Q) was accepted as complete and a Negative Declaration was issued on January 18, 2022 by the New York City Department of City Planning (DCP) acting on behalf of the City Planning Commission (CPC) as lead agency.

Following the publication of the EAS, modification to the proposed zoning map amendment and zoning text amendment have been identified, at the request of the New York City Council (the "Council Modifications"). The modifications are described in details in Section II below.

This technical memorandum examines whether the Council Modifications would result in any new or different significant adverse environmental impacts not already identified in the January 2022 EAS.

II. DESCRIPTION OF THE COUNCIL MODIFICATIONS

The Zoning Map Amendment, as evaluated in the January 2022 EAS, proposed to rezone Queens Block 6630, Lot 1 from the existing R3-2/C1-2 zoning district to an R6A/C2-3 zoning district and to remove the existing C1-2 commercial overlay from the portion of Block 6630, Lot 15 (*See* **Figure 1** Previous Zoning Change Map). The Zoning Text Amendment, as evaluated in the January 2022 EAS, proposed to establish a Mandatory Inclusionary Housing (MIH) area within Block 6630, Lot 1. The establishment of the MIH area would provide the Applicant with two affordable housing options – Option 1 would require 25% of the dwelling units to be set aside for the households with an average income of 60% of Area Median Income (AMI), with 10% to be affordable to households making an average of 40% of AMI, while Option 2 would require 30% of the dwelling units to be set aside for the households with an average income of 80% of AMI.

As listed below, under the Council Modifications, the proposed Zoning Map Amendment would be altered from the previous R6A/C2-3 to R6B/C2-3 over Block 6630, Lot 1 (*See* **Figure 2** Revised Zoning Change Map). The proposed Zoning Map Amendment to remove the existing C1-2 commercial overlay from the portion of Block 6630, Lot 15 and the proposed Zoning Text Amendment to map an MIH area over Block 6630, Lot 1 would not be

changed.

Council Proposed Zoning Map Amendment Change:

1. Eliminating from within an existing R3-2 District a C1-2 District bounded by 77th Road, a line 150 feet easterly of Vleigh Place, 78th Avenue, and Vleigh Place;

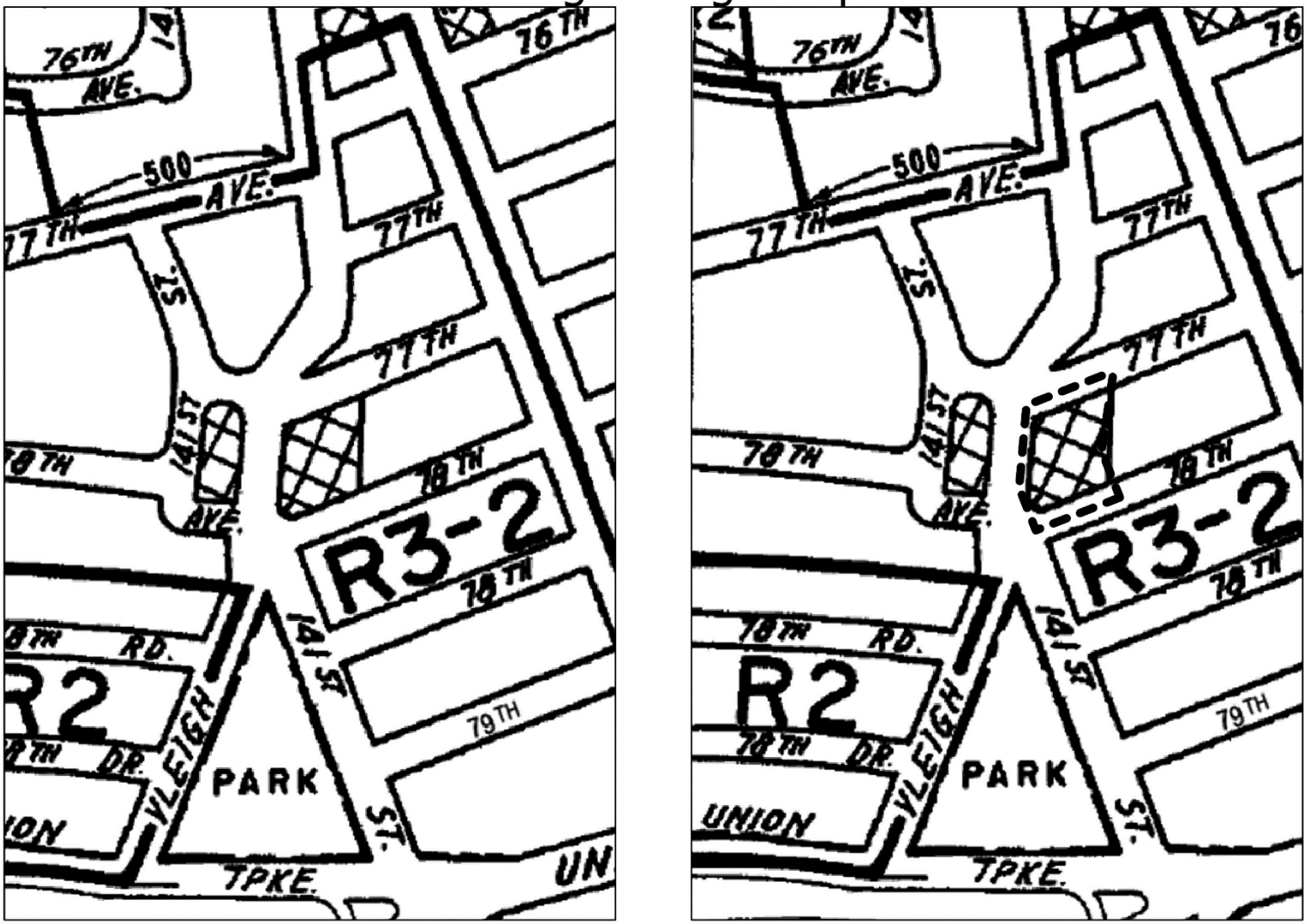
2. Changing from an R3-2 District to an R6~~A~~B District property bounded by 77th Road, a line 400 feet southwesterly of Main Street, 78th Avenue, and Vleigh Place; and

3. Establishing within the proposed R6~~A~~B District a C2-3 District bounded by 77th Road, a line 400 feet southwesterly of Main Street, 78th Avenue, and Vleigh Place.

*Note: strikethrough portions have been deleted by the City Council and underlined portions have been added by the City Council.

Figure 1: Previous Zoning Change Map

Zoning Change Map



Existing R3-2/C1-2 Zoning District **Proposed R6A/C2-3 Zoning District**

Figure 2: Revised Zoning Change Map

Zoning Change Map



III. ANALYSIS FRAMEWORK

Pursuant to the Reasonable Worst-Case Development Scenario (RWCDS) analyzed for the Proposed Actions, the January 2022 EAS did not identify any significant adverse impacts. The RWCDS analyzed in the January 2022 EAS consisted of the following:

Future Without the Proposed Actions (No-Action Scenario)

In the No-Action Condition, the Applicant's filed and approved as-of-right plans (DOB job number 420664463) for a 2-story, 32-foot-tall, mixed-use commercial and community facility building would move forward. The 41,682 GSF building would have 21,552 GSF of commercial floor area (local retail) and 20,130 GSF of community facility floor area (UG 4 medical). 54 parking spaces would be required, and would be provided at sub-cellar level.

No other development would be expected to occur in the No-Action condition.

Future With the Proposed Actions (With-Action Scenario)

Projected Development Site 1 (Block 6630, Lot 1; Applicant-Owned Lots)

Projected Development Site 1 would be developed with a 189,418 GSF (124,380 ZSF; 3.60 FAR) 8-story, 85-foot-tall mixed-use building. The structure would include sub-cellar parking, cellar with local retail use and UG 4 medical office, ground floor commercial space (local retail), and floors two through eight residential spaces. There would be 118,599 GSF of residential floor area (119 total dwelling units, 24 of which would be permanently set aside at or below 80% AMI), 24,922 GSF of commercial floor area (local retail), and 10,557 GSF of community facility floor area (UG 4 medical facility). 126 total parking spaces would be provided.

As a corner lot within an R6A zoning district, the projected building can be built out to its lot lines with 100% lot coverage. The Applicant is proposing to map the area with MIH Option 2, which sets aside 30% of residential floor area as affordable housing. Although the Applicant's proposed building would include 36 affordable dwelling units, CEQR mandates that a 20% set aside should be analyzed.

A portion of Lot 15 is included in the Affected Area and is not expected to be redeveloped. The rezoning would remove the existing C1-3 commercial overlay that currently exists on the portion of Lot 15, and the existing R3-2 zoning district would remain in place on the lot.

As discussed above, under the Council Modifications, the proposed Zoning Map Amendment would be brought down from the previous R6A/C2-3 to R6B/C2-3 over Projected Development Site 1 (Block 6630, Lot 1). The proposed Zoning Map Amendment to remove the existing C1-2 commercial overlay from the portion of Block 6630, Lot 15 and the proposed Zoning Text Amendment to map an MIH area over Projected Development Site 1 (Block 6630, Lot 1) would not be changed.

For environmental analysis purposes, this Technical Memorandum will compare the RWCDS program analyzed for the Projected Development Site in the January 2022 EAS with the future conditions under the Council Modifications. **Table 1** provides a comparison of the RWCDS development programs currently proposed in the EAS and the development programs under the Council Modifications.

As shown in **Table 1**, under the Council Modifications, the changes to the Proposed Development on Projected Development Site 1 include the following:

(1) Decrease of residential floor area, dwelling unit count, and parking spaces as a result of the changes in Zoning Map Amendment from R6A/C2-3 to R6B/C2-3 over Projected Development Site 1; and
(2) Decrease of the maximum building height from 85 feet under the previous R6A/C2-3 zoning district to 55 feet under the revised R6B/C2-3 zoning district.

The assumptions in the January 2022 EAS and under the Council Modifications both screened 20% of total DU's as affordable at or below 80% AMI on Projected Development Site 1. Since the total dwelling unit count on Projected Development Site 1 would decrease with the Council Modifications, the total number of the affordable units screened under CEQR would also decrease with the Council Modifications. However, since the January 2022 EAS did not exceed the screening thresholds for community facility and socioeconomics, which are closely related to the number of affordable units, there would not be any changes to the January 2022 EAS analysis results because of the decrease of the affordable units.

Since the number of incremental dwelling units would drop and the incremental commercial and community facility floor area would remain the same with the Council Modifications, the Proposed Development with the Council Modifications would introduce less residents and the same amount of workers into the area, the analysis in the January 2022 EAS would be more conservative and no change to any density related impact categories (e.g., open space) is expected, and therefore the Council Modifications would not result in any new impacts in those technical areas.

For site specific impacts related to hazardous materials and noise, the same noise (E) designation requirements identified for Projected Development Site 1 would be warranted.

As the maximum building height would be reduced from 85 feet under the previous proposed R6A/C2-3 district to 55 feet under the revised R6B/C2-3 district, changes are expected in the building height related impact categories, such as shadows, urban design, and air quality (HVAC). Since the Proposed Development on Projected Development Site 1 would have a shorter building height, the analysis in the January 2022 EAS would be more conservative in shadows and urban design sections. As for air quality, the Proposed Development on Projected Development Site 1 would have a maximum building height of 55 feet. The changes to the potential HVAC emission impacts would be analyzed in Section IV below.

Table 1: Comparison of Projected Development Site 1 – Proposed in EAS vs. Council Modifications

LAND USE	WITH ACTION PROPOSED IN EAS	COUNCIL MODIFICATIONS	NET DIFFERENCE
Projected Development Site 1			
Residential (Total)	119 DUs (118,599 gsf)	62 DUs (62,314 gsf)	**-26 DUs (-56,285 gsf)**
Market-Rate	95 DUs	50 DUs	**-45 DUs**
Affordable[1]	24 Dus	12 Dus	**-12 DUs**
Commercial	24,922 gsf	24,922 gsf	**0 gsf**
Community Facility	10,557 gsf	10,557 gsf	**0 gsf**
Parking	126 spaces	104 spaces	**-22 spaces**

Note: All the numbers are rounded.
1. The 2021 EAS assumes 20% of total DU under MIH Affordable Option for purposes of screening.

The assessment in Section IV below focuses on the technical areas with the greatest potential for new impacts or changes as a result of the Council Modifications.

IV. ASSESSMENT OF POTENTIAL IMPACTS

As described below, the Council Modifications would not result in any significant adverse impacts beyond those disclosed in the EAS. Nor have any circumstances changed since publication of the EAS, such as proposed background developments, which would create the potential for additional significant impacts as a result of the Proposed Actions that were not previously identified.

The RWCDS was assessed for the density-related technical area of open space, the massing-related technical areas of shadows, urban design and visual resources, and air quality, and the site specific technical areas of hazardous materials and noise. As outlined in the January 2022 EAS, no significant adverse impacts were anticipated in these technical areas as a result of the Proposed Development; however, for the Proposed Development, an (E) designation (E-657) would be assigned to Projected Development Site 1 (Block 6630, Lot 1), which would mandate the stack location for heating, ventilation, and air conditioning (HVAC) systems and noise attenuation requirements. Under the Council Modifications, the E-Designation in the January 2022 EAS for noise would remain the same while the E-Designation for air quality would be revised based on the maximum bulk permitted with the Council Modifications.

Open Space

The open space analysis in the January 2022 EAS analyzed Projected Development Site 1. With the Council Modifications, the dwelling unit count of the Proposed Development on Projected Development Site 1 would be reduced from 119 units to 62 units, which would introduce less residents into the area. Accordingly, the modifications would not result in a greater impact to open space when compared to the January 2022 EAS. Therefore, the conclusions presented in the January 2022 EAS remain unchanged.

Shadows

The shadows analysis in the January 2022 EAS analyzed Projected Development Site 1. With the Council Modifications, the building height of the Proposed Development on Projected Development Site 1 would be reduced from 85 feet to 55 feet. Accordingly, the modifications would not result in a greater impact to shadows when compared to the January 2022 EAS. Therefore, the conclusions presented in the January 2022 EAS remain unchanged.

Urban Design and Visual Resources

The urban design and visual resources assessment in the January 2022 EAS analyzed Projected Development Site 1. With the Council Modifications, the building height of the Proposed Development on Projected Development Site 1 would be reduced from 85 feet to 55 feet. Accordingly, the modifications would not result in a greater impact to urban design or visual resources when compared to the January 2022 EAS. Therefore, the conclusions presented in the January 2022 EAS remain unchanged.

Hazardous Materials

The hazardous materials analysis in the January 2022 EAS concluded that an E-Designation would not be required for Projected Development Site 1 as the existing building on Projected Development Site 1 was burned down in 2016, which was cleared and excavated as part of a NYC DEP monitored clean-up where

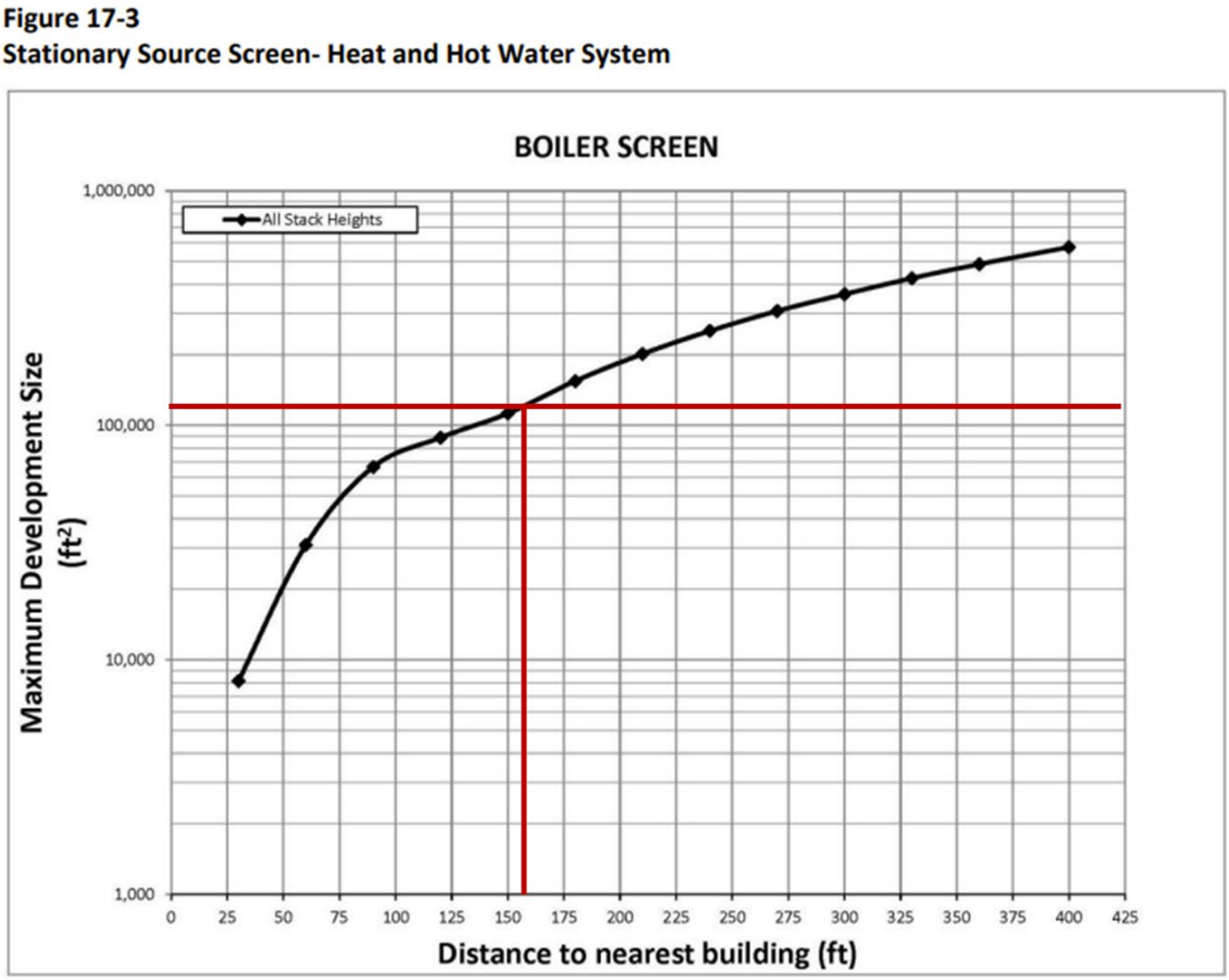
the property was remediated to restricted residential use. With the Council Modifications, there would not be any changes of the conditions of Projected Development Site 1. As the future development anticipated pursuant to the Proposed Actions would be required to comply with the Site Management Plan in accordance with ECL Article 71, Title 36, which was prepared to manage remaining contamination at Projected Development Site 1. This plan has been approved by the NYSDEC, and compliance with this plan is required by the grantor of the Environmental Easement and the grantor's successors and assigns. As a result, no significant adverse hazardous materials impacts would result, and the conclusions of the January 2022 EAS would otherwise remain unchanged.

Air Quality

The air quality analysis provided in the January 2022 EAS analyzed the potential for significant adverse HVAC emissions impact related to Projected Development Sites 1 on existing buildings. The EAS determined that Projected Development Site 1 would not result in significant adverse impacts associated with building HVAC emissions on existing land uses as long as the HVAC stack is located at the highest tier of the proposed building with the maximum permitted building height within the proposed R6A/C2-3 zoning district. As such, an (E) designation that required a minimum stack height in the HVAC systems was imposed on Projected Development Site 1.

However, with the Council Modifications, the building height of the Proposed Development on Projected Development Site 1 would be reduced from 85 feet to 55 feet. With the Council Modifications, the Proposed Development on Projected Development Site 1 would be a 5-story, 55-foot-tall, mixed residential, commercial, and community facility building of 132,346 GSF (76,017 ZSF, 2.20 FAR), which would include 62,314 GSF (57,699 ZSF, 1.67 FAR) of residential uses, 24,922 GSF (16,283 ZSF, 0.47 FAR) of commercial uses, and 10,577 GSF (2,035 ZSF, 0.06 FAR) of community facility uses. As shown in **Figure 3** below, the screening indicates that a detailed analysis would be required for any existing or planned land uses that are 55 feet or higher and at less than 156 feet from Projected Development Site 1. No building is 55 feet or higher in height within 156 feet of Projected Development Site 1, and an analysis of the buildings' HVAC impacts is not warranted.

Figure 3: HVAC Screening Nomograph



As a result, there would not be any potential significant adverse HVAC impacts as a result of the Proposed Actions and the (E) designation will be required to include restrictions on the location of stacks and minimum stack heights for Projected Development Site 1.

The revised language of the (E) designation is as follows:

(E) Designation (E-657)

Block 6630, Lot 1 (Projected Development Site 1): Any new residential, commercial, and/or community facility development on the above-referenced property must ensure that the heating, ventilating, air conditioning (HVAC) and hot water system(s) stack is located at the highest tier or at least 58 feet above grade to avoid any potential significant adverse air quality impacts.

As the future development anticipated pursuant to the Proposed Actions would be required to comply with the revised (E) designation above, no significant adverse air quality impacts would result, and the conclusions of the January 2022 EAS would remain unchanged.

Noise

The noise analysis prepared in the January 2022 EAS analyzed the potential for significant adverse noise impacts on Projected Development Site 1 as a result of ambient external noise exposure. Based on the noise monitoring completed at the Affected Area as part of the January 2022 EAS, the noise analysis specified the required building attenuation to achieve marginally acceptable interior noise levels at Projected Development Site 1. As the Council Modifications would not change the ambient noise level of the area, and the future development anticipated pursuant to the Proposed Actions would be required to comply with the (E) designation described in the January 2022 EAS, no significant adverse noise impacts would result, and the conclusions of the January 2022 EAS would remain unchanged.