CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIRMAN

NEGATIVE DECLARATION

May 8, 2017

Project Identification
CEQR No. 17DCP143Q
ULURP Nos. 170180ZMQ, 170181ZRQ
SEQRA Classification: Unlisted

Lead Agency
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10217
Contact: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal:

135-01 35th Avenue Rezoning

The Applicant, Stenmax Realty Inc., is seeking a zoning map amendment to rezone Queens Block 4950, Lots 1, 7 and 103 (the "Proposed Rezoning Area"), located at 135-01 35th Avenue in the Flushing neighborhood of Queens Community District 7, from an M1-1 district to an R7A/C2-3 district. In addition, the Applicant is requesting a zoning text amendment pursuant to New York City Zoning Resolution (ZR) Appendix F to map a Mandatory Inclusionary Housing (MIH) area coterminous with the Proposed Rezoning Area. The MIH area would be mapped with MIH Option 2, which requires that 30% of the residential floor area be affordable at an average of 80% of the Area Median Income (AMI), with no units exceeding 130% AMI. The proposed actions would facilitate a proposal by the Applicant to construct an eight-story, approximately 111,312 gross square feet (gsf) mixed-use building at 135-01 35th Avenue (Lot 1, "the Project Site"), containing 76 residential dwelling units, 22 of which would be affordable pursuant to MIH. A total of 68 parking spaces would be provided in the cellar and sub-cellar of the proposed building, accessible via a new, 22 foot wide curb cut on Farrington Street.

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

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

R7A districts are medium density contextual residential districts that permit residential uses at an FAR of 4.0, or 4.6 when mapped as a Mandatory Inclusionary Housing area. When mapped with a C2-3 commercial overlay, Use Groups 1 through 9 and 14 are permitted, with a maximum FAR of 2.0 for commercial uses and 4.0 for community facility uses. Manufacturing uses are not permitted. In R7A districts within an MIH area, a maximum building height of 95 feet is permitted for residential or mixed-use buildings containing affordable housing, and a qualifying ground floor of at least 13 feet. Accessory off-street parking spaces must be provided for 50 percent of market-rate dwelling units. No parking spaces are required for income-restricted dwelling units (80% below Area Median Income (AMI)) for areas within the Transit Zone, per ZR Section 25-251.

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

For the purpose of presenting a conservative analysis, the Environmental Assessment Statement (EAS) for the proposal analyzes a Reasonable Worst Case Development Scenario (RWCDS) With-Action scenario that assumes the same building program for the Project Site, and also assumes that Lot 7, which is not part of the Project Site but is within the Proposed Rezoning Area, would also be redeveloped with a nine-story, approximately 22,400 gsf mixed-use building with 16,400 gsf of residential floor area (15 dwelling units, of which 4 would be affordable pursuant to MIH Option 2) and 6,000 gsf of commercial floor area. This building would maximize the permitted FAR of 4.6 and have a maximum building height of 95 feet. While Lot 103 is within the Proposed Rezoning Area, it is a City-owned lot and is not considered a projected site for analysis, as it is expected that its current use would remain.

Absent the proposed actions, it is assumed that Lots 1, 7 and 103 would remain in their existing conditions.

The analysis year for the proposed project is 2020.

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

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

Block 4950, Lots 1 and 7

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

Task 1-Sampling Protocol

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

Task 2-Remediation Determination and Protocol

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

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

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

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

Block 4950, Lot 1

Any new residential or commercial development on Block 4950, Lot 1 must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC) and hot water systems to avoid any potential significant adverse air quality impacts. The stack shall be located at the highest tier, or at a minimum of 98 feet above grade to avoid any potential significant adverse air quality impact.

Block 4950, Lot 7

Any new residential or commercial development on Block 4950, Lot 7 must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC) and hot water systems to avoid any potential significant adverse air quality impacts. The stack shall be located at the highest tier, or at a minimum of 98 feet above grade, and at least 25 from the lot line facing Farrington Avenue to avoid any potential significant adverse air quality impact.

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

In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed-window condition with a minimum of 31dB(A) window/wall attenuation on all building's facades in order to maintain an interior noise level of 45 dB(A). In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners.

Statement of No Significant Effect:
The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement, dated May 4, 2017, prepared in connection with the ULURP Application (Nos. 170180ZMQ, 170181ZRQ). The City Planning Commission has determined that the Proposed Actions will have no significant effect on the quality of the environment.

Supporting Statement:
The above determination is based on an environmental assessment which finds that:

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

2. No other significant effects on the environment which would require an Environmental Impact Statement are foreseeable.

This Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

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

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

Date: May 5, 2017

Marisa Lago, Chair
City Planning Commission

Date: May 8, 2017