CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIRMAN

March 28, 2016 **NEGATIVE DECLARATION**

Project Identification
CEQR No. 15DCP047Q
ULURP No. N150135ZMQ
SEQRA Classification: Unlisted

Lead Agency
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271
Contact: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal:

38th Street and 31st Avenue Rezoning

The Applicant, 30-70 Astoria LLC, is seeking a Zoning Map Amendment to rezone a portion of Block 659 (including portions of Lots 73, 75, 76, 77, 78, 79, 81, and 5), collectively the "rezoning area") from an R5B/R6B "split" zoning district to an entirely R6B zoning district. The affected properties are generally bounded by 30th Avenue to the north, 37th Street to the west, 38th street to the east, 31st Avenue to the south, and are located in the Astoria neighborhood of Queens, Community District 1. The proposed rezoning is intended to remedy a split zoning lot condition that constrains development on two of the affected lots (Lots 75 and 76), and bring pre-existing development on the remaining affected properties into conformance with zoning. The proposed rezoning would facilitate a proposal by the Applicant to construct an approximately 27,450 gross square feet (gsf) residential building on Block 659, Lots 75 and 76 ("the project site"). The proposed development on the project site would consist of 26 market rate dwelling units and a 13 space cellar-level accessory parking garage, which would be accessed from an existing curb cut along 38th Street.

In connection with the Astoria Rezoning (CEQR #10DCP019Q), approved in 2010, Block 659 was rezoned from an R6 district to R5B and R6B districts, with the R6B zoning boundary running along the centerline of the block midway between 37th and 38th Streets. As block 659 is 200.2' wide, the Astoria Rezoning resulted in a split lot condition for several lots fronting 38th Street that are deeper than 100', including Lots 73, 75, 76, 77, 78, 79, 81, and 5 which are each approximately 140' in depth. The proposed R6B rezoning would align the dimensions of the tax lots in the project area with the R6B zoning boundary. The proposed R6B zoning district boundary would run coterminous with the affected lot boundaries and permit the application of the pertinent zoning regulations to the entirety of the affected lots.

Currently, the project site (Block 659, Lots 75 and 76), which is under the Applicant's control, contains a two-and-a-half story 2,738 gsf residential building (Lot 75) and a two-story 1,330 gsf residential building (Lot 76). The remainder of the rezoning area, which is not under control of the Applicant, contains five pre-existing, multi-family residential buildings (Lots 73, 77, 78, 79, and 81) and one community facility building (Lot 5).

The affected lots are predominantly zoned R6B, which allows a maximum FAR of 2.0. The remaining R5B-zoned portion of the affected lots allows residential uses at a maximum floor area ratio (FAR) of 1.35. Allowable development on all affected lots is determined by a "blended" R6B and R5B FAR. Under the proposed rezoning, R6B regulations would apply to the entirety of these lots, permitting a total FAR of 2.0 for both residential and community facility uses. The proposed rezoning would therefore facilitate development of a larger building envelope (approximately .19 additional FAR) on the affected sites. It should be noted that the non-applicant owned lots were developed prior to the 2010 rezoning, pursuant to the prior R6 zoning district, and are overbuilt. Therefore, for these sites, the proposed rezoning would not be expected to induce new development or expansion, but would rather bring the currently buildings into conformance with zoning.

Absent the proposed rezoning, the project site would be developed with a smaller, approximately 25,700 gsf residential building (containting 20 dwelling units) allowed on an as-of-right basis. The development would also include 10 cellar-level accessory parking spaces which would be accessed from an existing curb cut along 38th Street.

The analysis year for the proposed project is 2018.

The proposed action includes an (E) designation (E-379) on the project site (Block 659, Lot 75 and 76) in order to preclude future air quality impacts.

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

"Any new residential development on the above-referenced property must ensure that fossil fuel-fires heating and hot water equipment utilize only natural gas to avoid any potential significant air quality impacts."

With the measures specified above, the proposed development would not result in any significant air quality impacts and would meet CEQR guidelines.

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 March 25, 2016, prepared in connection with the ULURP Application (No. N150135ZMQ). The City Planning Commission has determined that the proposed action 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 air quality 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.

Should you have any questions pertaining to this Negative Declaration, you may contact Ingrid Young of the Department of City Planning at (212) 720-3425.

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

Date: March 25, 2016

Carl Weisbrod, Chairman
City Planning Commission

Date: March 28, 2016