42-18 31st Ave Rezoning

Environmental Assessment Statement

CEQR # 22DCP174Q

Lead Agency:
New York City Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

Prepared for:
42-18 Development LLC

Prepared by:
Environmental Studies Corporation

March 17th, 2023

42-18 31st Ave Rezoning Environmental Assessment Statement (EAS)

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CHAPTER I

Environmental Assessment Statement

(EAS) Form

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* 42-18 31st Ave Rezoning

3. *Reference Numbers*

CEQR REFERENCE NUMBER (to be assigned by lead agency) 22DCP174Q	BSA REFERENCE NUMBER (if applicable) N/A
ULURP REFERENCE NUMBER (if applicable) 230012ZMQ, N230013ZRQ	OTHER REFERENCE NUMBER(S) (if applicable) (*e.g.*, legislative intro, CAPA) N/A

4a. *Lead Agency Information*			**4b. *Applicant Information***		
NAME OF LEAD AGENCY Dept. of City Planning			NAME OF APPLICANT 42-18 Development LLC		
NAME OF LEAD AGENCY CONTACT PERSON Stephanie Shellooe, AICP, Director (EARD)			NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON Hiram Rothkrug, Environmental Studies Corp		
ADDRESS 120 Broadway, 31st Floor			ADDRESS 55 Water Mill Ln		
CITY New York	STATE NY	ZIP 10271	CITY Great Neck	STATE NY	ZIP 11021
TELEPHONE 212-720-3328	EMAIL sshellooe@planning.nyc.gov		TELEPHONE 718-343-0026	EMAIL hrothkrug@environmentalstudiescorp.com	

5. *Project Description*

42-18 Development LLC (the "Applicant") seeks two zoning map amendments and zoning text amendment to facilitate the development of a site located within Queens Community District 1. The Applicant seeks the following actions: a zoning map amendment to rezone a R5/ C1-2 area to a R6A/ C1-3 area; a zoning map amendment to rezone a R5/ C1-2 area to a R5 area; and a zoning text amendment pursuant to Appendix F to establish a Mandatory Inclusionary Housing ("MIH") Area coterminous with the area being rezoned. The Proposed Actions would facilitate development on an applicant controlled development site, as follows: Projected Development Site #1 (Block 692, Lots 43, 44, 45, and 46) would contain an approximately 38,188 gsf six-story (65 feet tall) mixed use residential and commercial building. This building would contain approximately 30,188 gsf of residential uses (33 dwelling units) and approximately 8,000 gsf of ground floor commercial retail uses. 12 parking spaces and bike parking would be provided in the cellar, accessed via a curb cut on 43rd Street. Both MIH options 1 and 2 would be mapped on the Project Area, additonally the City Planning Commission may choose to add options 3 and 4 under the MIH program. The final dertermination of MIH option will be made at certification. Of the 33 dwelling units projected on Projected Development Site 1 between 9 and 10 units (25-30%) would be afforable pursuant to MIH. For RWCDS purposes, it is projected that the Proposed Actions may also facilitate development on the non-applicant controlled Projected Development Site #2 (Block 694, Lots 1 and 4), which would contain an approximately 25,837 gsf six-story (65 feet tall) mixed use residential and commercial building. This building would contain approximately 23,686 gsf of residential uses (20 dwelling units, including between 5 and 6 MIH units) and approximately 2,151 gsf of ground floor commercial retail uses.

Project Location

BOROUGH Queens	COMMUNITY DISTRICT(S) 1	STREET ADDRESS Multiple
TAX BLOCK(S) AND LOT(S) Block 692, Lots 43, 44, 45, 46, 49, 50, 51, 36, 37 (p/o), 38, 39, 140, 148 (p/o) 343 and 243; Block 693, Lots 35 (p/o), 36, 37, 38, 39 (p/o), 40 (p/o), 41 (p/o), 42 (p/o) and 137; and Block 694, Lots 1 and 4		ZIP CODE 11102
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS The Rezoning Area is bounded by 31st Avenue to the north, 44th Street to the east, a line 150 parallel to 31st Avenue to the south, and 42nd Street to the west.		
EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY		ZONING SECTIONAL MAP NUMBER 9a-9b

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 Appendix F

***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 ☐ Cogeneration Facility ☐ Title V Permit

Other City Approvals Subject to CEQR (check all that apply)

☐ LEGISLATION	☐ FUNDING OF CONSTRUCTION, specify:
☐ RULEMAKING	☐ POLICY OR PLAN, specify:
☐ CONSTRUCTION OF PUBLIC FACILITIES	☐ FUNDING OF PROGRAMS, specify:
☐ 384(b)(4) APPROVAL	☐ PERMITS, specify:
☐ OTHER, explain:	

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.): 91,699 Waterbody area (sq. ft) and type: 0

Roads, buildings, and other paved surfaces (sq. ft.): 32,706 Other, describe (sq. ft.): 0

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): 64,025

NUMBER OF BUILDINGS: 2 GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): 25,837 and 38,188

HEIGHT OF EACH BUILDING (ft.): 65 Feet (Analyzed at 85Ft) NUMBER OF STORIES OF EACH BUILDING: 6

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: 17,910

The total square feet not owned or controlled by the applicant: 41,083

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: sq. ft. (width x length) VOLUME OF DISTURBANCE: cubic ft. (width x length x depth)

AREA OF PERMANENT DISTURBANCE: 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.)	53,874	10,151	0	0

Type (*e.g.,* retail, office, school)	Residential 53 units	Local Retail	0	0

Does the proposed project increase the population of residents and/or on-site workers? ☒ YES ☐ NO

If "yes," please specify: NUMBER OF ADDITIONAL RESIDENTS: 117 NUMBER OF ADDITIONAL WORKERS: -7

Provide a brief explanation of how these numbers were determined: Incremental number of residents generated in the With-Action Scenario, based on ACS 2013-2017 data

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: N/A

9. *Analysis Year* CEQR Technical Manual Chapter 2

ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2024

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 18

WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? ☒ YES ☐ NO IF MULTIPLE PHASES, HOW MANY?

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE: The project would be completed in a single phase

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		
○ **Early Childhood Programs:** 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)	☐	☒
○ **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)	☐	☒
○ **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)	☐	☒
○ **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 project change or eliminate existing open space?	☐	☒
(b) Would the project generate more than 200 additional residents or 500 additional employees?	☐	☒
5. *SHADOWS*: CEQR Technical Manual Chapter 8		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?	☒	☐
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?	☐	☒
6. *HISTORIC AND CULTURAL RESOURCES*: CEQR Technical Manual Chapter 9		

	YES	NO
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the GIS System for Archaeology and National Register to confirm)	☐	☒
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	☒	☐
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological resources. See EAS Part 3 Section 3		
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 Protection Plan Project Tracking 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) Would the proposed project introduce new activities or processes using hazardous materials and increase the risk of human or environmental exposure?	☐	☒
(c) 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?	☐	☒
(d) 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 the Hazardous Materials Appendix (including nonconforming uses)?	☒	☐
(e) 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?	☒	☐
(f) 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)?	☐	☒
(g) 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?	☐	☒
(h) 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?	☒	☐
(i) Has a Phase I Environmental Site Assessment been performed for the site?	☒	☐
○ If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify: See EAS Part 3 Section 5	☐	☐
(j) Based on the Phase I Assessment, is a Phase II Investigation needed?	☒	☐
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?	☐	☒
(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?	☐	☒

	YES	NO
(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): 3,987		
○ 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): 6,572,435		
(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, bus trips, or 50 Citywide Ferry Service ferry 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), 200 subway/rail trips per station or line, or 25 or more Citywide Ferry Service ferry trips on a single route (in one direction), or 50 or more passengers at a Citywide Ferry Service landing?	☐	☐
○ 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, or Citywide Ferry Service landing?	☐	☐
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)	☐	☒
(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 114 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 EAS Part 3 Section 9		
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
Kevin Corte, Environmental Studies Corp.	03/17/23

SIGNATURE

Kevin Corte

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.

Part III: DETERMINATION OF SIGNIFICANCE (To Be Completed by Lead Agency)

INSTRUCTIONS: In completing Part III, the lead agency should consult 6 NYCRR 617.7 and 43 RCNY § 6-06 (Executive Order 91 or 1977, as amended), which contain the State and City criteria for determining significance.

1. For each of the impact categories listed below, consider whether the project may have a significant adverse effect on the environment, taking into account its (a) location; (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude.

IMPACT CATEGORY	Potentially Significant Adverse Impact YES	NO
Land Use, Zoning, and Public Policy	☐	☒
Socioeconomic Conditions	☐	☒
Community Facilities and Services	☐	☒
Open Space	☐	☒
Shadows	☐	☒
Historic and Cultural Resources	☐	☒
Urban Design/Visual Resources	☐	☒
Natural Resources	☐	☒
Hazardous Materials	☐	☒
Water and Sewer Infrastructure	☐	☒
Solid Waste and Sanitation Services	☐	☒
Energy	☐	☒
Transportation	☐	☒
Air Quality	☐	☒
Greenhouse Gas Emissions	☐	☒
Noise	☐	☒
Public Health	☐	☒
Neighborhood Character	☐	☒
Construction	☐	☒

2. Are there any aspects of the project relevant to the determination of whether the project may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials? ☐ YES ☒ NO

If there are such impacts, attach an explanation stating whether, as a result of them, the project may have a significant impact on the environment.

3. Check determination to be issued by the lead agency:

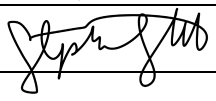
☐ **Positive Declaration**: If the lead agency has determined that the project may have a significant impact on the environment, and if a Conditional Negative Declaration is not appropriate, then the lead agency issues a *Positive Declaration* and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).

☐ **Conditional Negative Declaration:** A *Conditional Negative Declaration* (CND) may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result. The CND is prepared as a separate document and is subject to the requirements of 6 NYCRR Part 617.

☒ **Negative Declaration:** If the lead agency has determined that the project would not result in potentially significant adverse environmental impacts, then the lead agency issues a *Negative Declaration*. The *Negative Declaration* may be prepared as a separate document (see template) or using the embedded Negative Declaration on the next page.

4. ***LEAD AGENCY'S CERTIFICATION***

TITLE	LEAD AGENCY
Director, Environmental Assessment and Review Division	City Planning Commission
NAME	**DATE**
Stephanie Shellooe, AICP	March 24, 2023

SIGNATURE 

NEGATIVE DECLARATION

Statement of No Significant Effect

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

Reasons Supporting this Determination

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

Land Use, Zoning, and Public Policy

A detailed analysis of land use, zoning, and public policy is included in the EAS. The proposed actions sought by the Applicant, 42-18 Development LLC, are a zoning map amendment from an R5/C2-1 district to R6A/C1-3 and R5 zoning districts; and a zoning text amendment to Appendix F of the New York City Zoning Resolution (ZR) to designate the affected area as a Mandatory Inclusionary Housing (MIH) area (collectively, the "Proposed Actions"). The affected area, located in the Astoria neighborhood of Queens Community District 1, is bounded by 31st Avenue to the north, 44th Street to the east, a line 150 feet parallel to 31st Avenue to the south, and 42nd Street to the west and includes multiple lots on Blocks 692, 693 and 694 (Block 692, Lots 43, 44, 45, 46, 49, 50, 51, 36, 37 (portion of, "p/o"), 38, 39, 140, 148 (p/o), 343 and 243; Block 693, Lots 35 (p/o), 36, 37, 38, 39 (p/o), 40 (p/o), 41 (p/o), 42 (p/o) and 137; and Block 694, Lots 1 and 4). The Proposed Actions would facilitate the development of a 38,188 gross square foot (gsf) six-story (65 feet tall) mixed residential and commercial building comprising 30,188 gsf of residential use, 8,000 gsf of ground floor retail use, and 12 accessory residential parking spaces in the cellar level, on the development site owned by the applicant (Block 692, Lots 43, 44, 45, and 46; Projected Development Site 1). The proposed building would include 33 dwelling units, 9-10 of which would be affordable pursuant to MIH. The future With-Action scenario analyzed in the EAS also considers the redevelopment of Projected Development Site 2 (Block 694, Lots 1 and 4) with a 25,837 gsf six-story (95-foot-tall), mixed use building with 20 dwelling units (including 5-6 affordable pursuant to MIH) and 2,151 gsf of ground-floor retail use. The Proposed Actions would allow for the redevelopment of underutilized, low-rise residential and commercial buildings with mid-rise, mixed-use buildings that are relatively larger (with respect to bulk and height) than surrounding buildings. The proposed uses and density would not be incompatible with existing development and would reinforce existing land use patterns. The proposed rezoning would facilitate the introduction of more than 50 dwelling units, including over 14 permanently affordable units pursuant to MIH, which would be supportive of the City's Housing New York 2.0 plan. The analysis concludes that no significant adverse impacts are anticipated for land use, zoning, and public policy, and no further analysis is warranted.

Hazardous Materials

An (E) designation (E-690) related to hazardous materials would be established as part of the approval of the Proposed Actions. Refer to "Determination of Significance Appendix: (E) designation" for the applicable (E) designation requirements. The hazardous materials analyses conclude that with the (E) designation in place, the Proposed Actions would not result in a significant adverse impact related to hazardous materials.

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA). Should you have any questions pertaining to this Negative Declaration, you may contact Stacey Barron, AICP at (212) 720-3419.

TITLE	LEAD AGENCY
Director, Environmental Assessment and Review Division	Department of City Planning on behalf of the City Planning Commission 120 Broadway, 31st Fl. New York, NY 10271 | 212.720.3328
NAME Stephanie Shellooe, AICP	DATE 3/24/2023
SIGNATURE	

TITLE	
Chair, City Planning Commission	
NAME Daniel R. Garodnick	DATE 3/27/2023
SIGNATURE	

Project Name: 42-18 31st Ave Rezoning
CEQR # 22DCP174Q
SEQRA Classification: Unlisted

Determination of Significance Appendix

The Proposed Actions were determined to have the potential to result in changes to development on the following sites:

Development Site	Borough	Block and Lot
Projected Development Site 1	Queens	Block 692, Lots 43, 44, 45, and 46
Projected Development Site 2	Queens	Block 694, Lots 1 and 4

(E) Designation Requirements

To ensure that the Proposed Actions would not result in significant adverse impacts related to hazardous materials, an (E) designation (**E-690**) would be established as part of approval of the Proposed Actions on **Projected Development Site 1 and Projected Development Site 2** as described below:

Development Site	Hazardous Materials	Air Quality	Noise
Projected Development Site 1	X		
Projected Development Site 2	X		

Hazardous Materials

The (E) designation requirements applicable to **Projected Development Sites 1 and 2** for hazardous materials would apply as follows:

Task 1-Sampling Protocol

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

Task 2-Remediation Determination and Protocol

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

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

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

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

Figure 1: Site Location Map

31st Avenue Rezoning , Queens

Block: 692, Lots: 37 (p/o), 38, 39, 43, 44, 45, 46, 49, 50, 51 (p/o), 140, 148, 243 & 343; Block: 693, Lots: 35 (p/o), 36, 37, 38, 39 (p/o), 40 (p/o), 41 (p/o) & 137; Block: 694, Lots: 1 & 4

Project Information

- 600' Radius
- Development Site
- Area Proposed to be Rezoned

Existing Commercial Overlays & Zoning Districts

C1-1	C2-1	Zoning Districts
C1-2	C2-2	Special Districts
C1-3	C2-3	
C1-4	C2-4	
C1-5	C2-5	

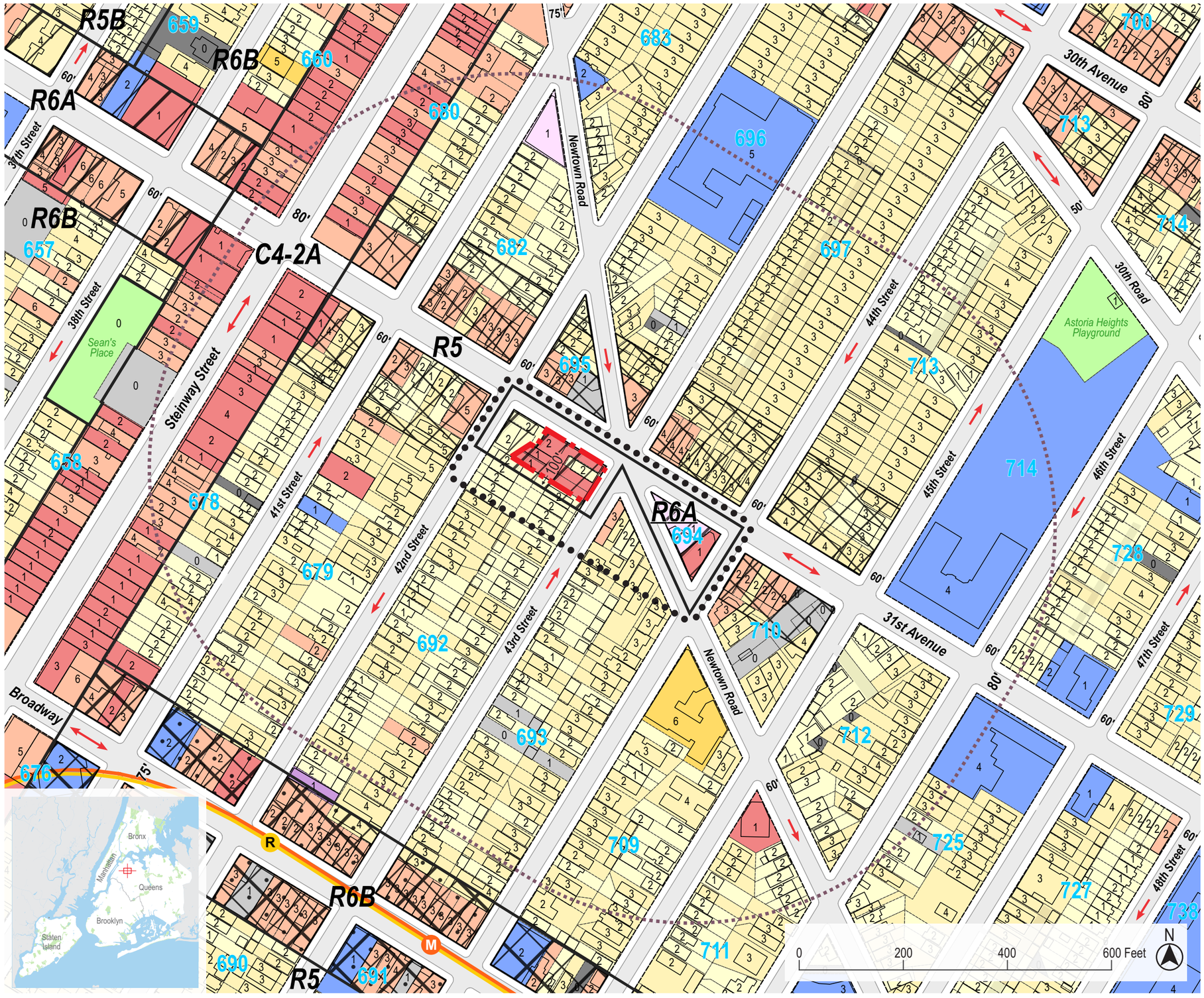
- Subway Entries
- 5037 Block Numbers
- Property Lines
- 5 Number of Floors

Land Uses

- One & Two Family Residential Buildings
- Multi-Family Residential Buildings (Walk-up)
- Multi-Family Residential Buildings (Elevator)
- Mixed Residential & Commercial Buildings
- Commercial/Office Buildings
- Industrial/Manufacturing
- Transportation/Utility
- Public Facilities & Institutions
- Open Space
- Parking Facilities
- Vacant Land
- No Data/Other

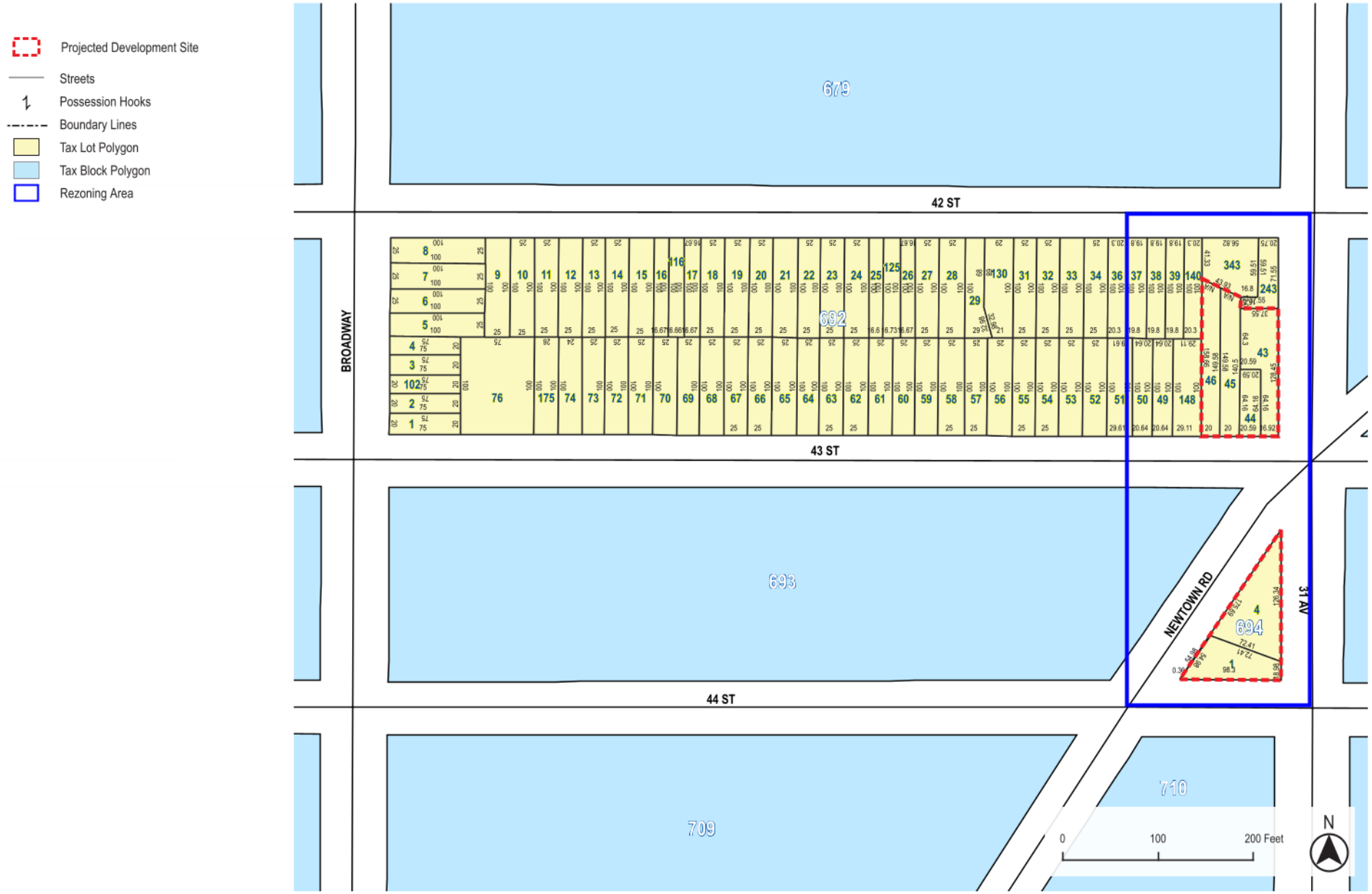
January 2020

Urban Cartographics



31st Avenue Rezoning, Queens

Figure 2: Tax Map

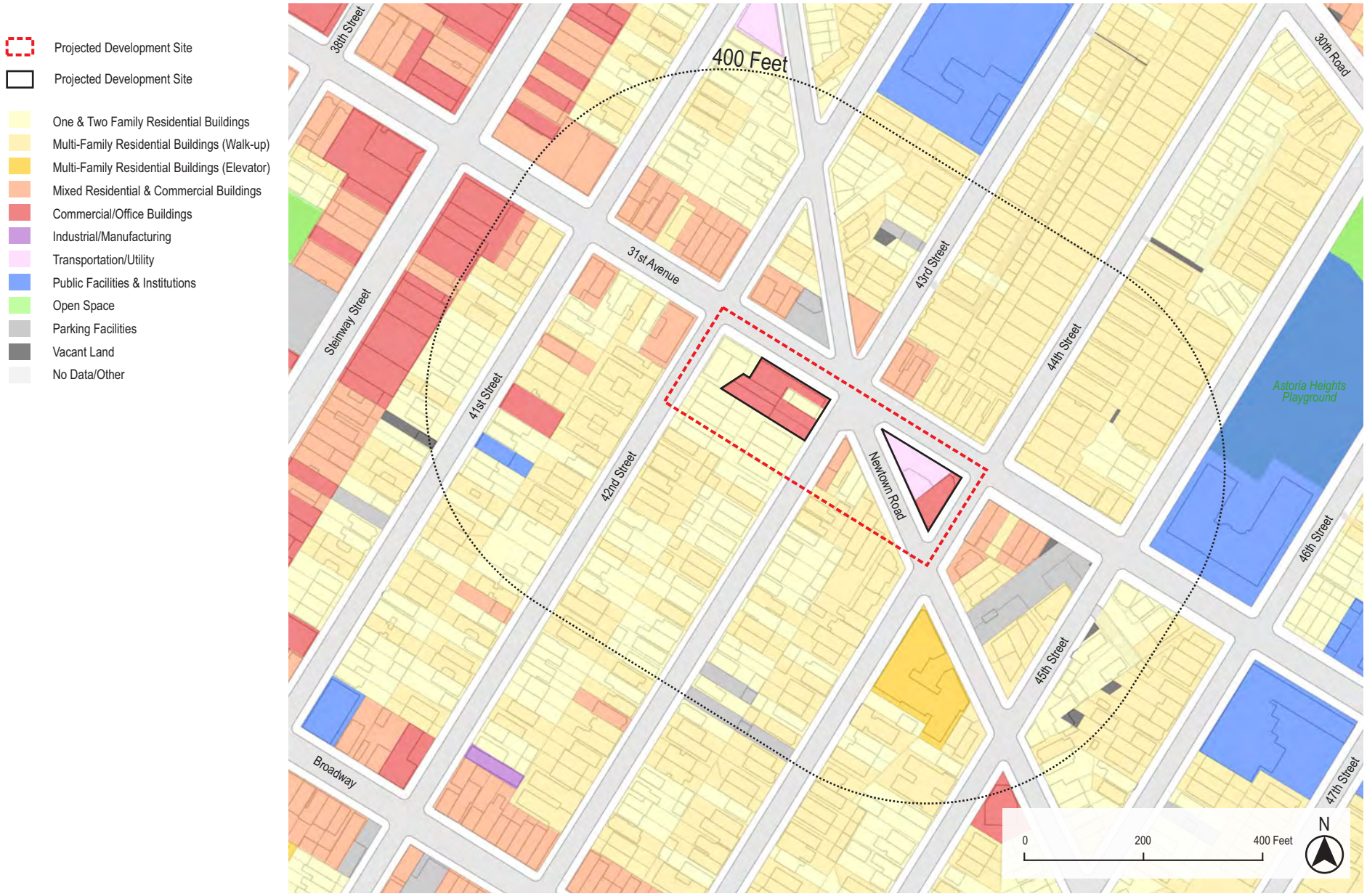


Data Source: MapPLUTO 2018v2.1, NYC DOF Digital Tax Map 2/22/19

Urban Cartographics

31st Avenue Rezoning, Queens

Figure 3: Land Use Map

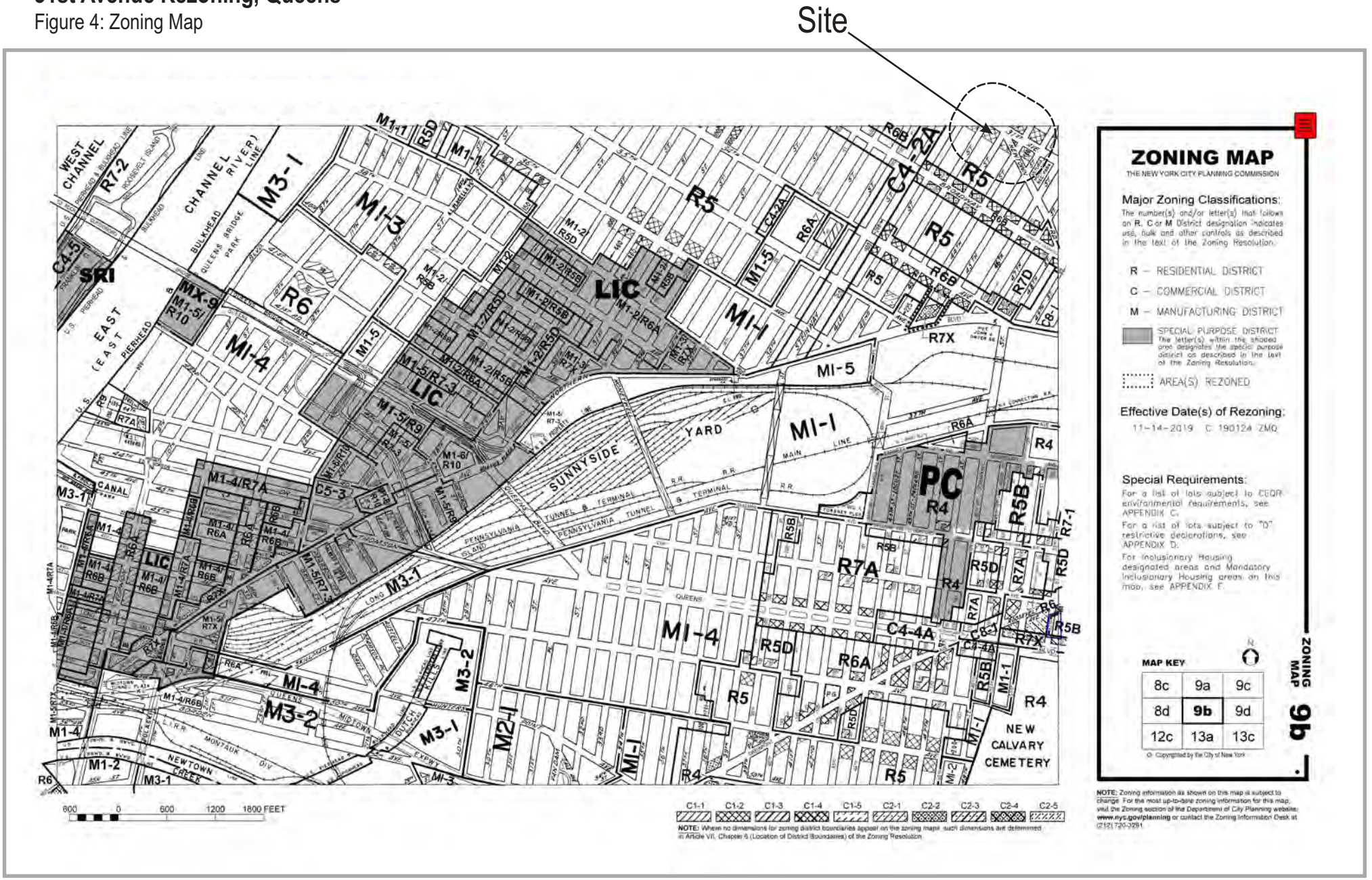


Data Source: MapPLUTO 2018v2.1, NYC DOF Digital Tax Map 2/22/19

Urban Cartographics

31st Avenue Rezoning, Queens

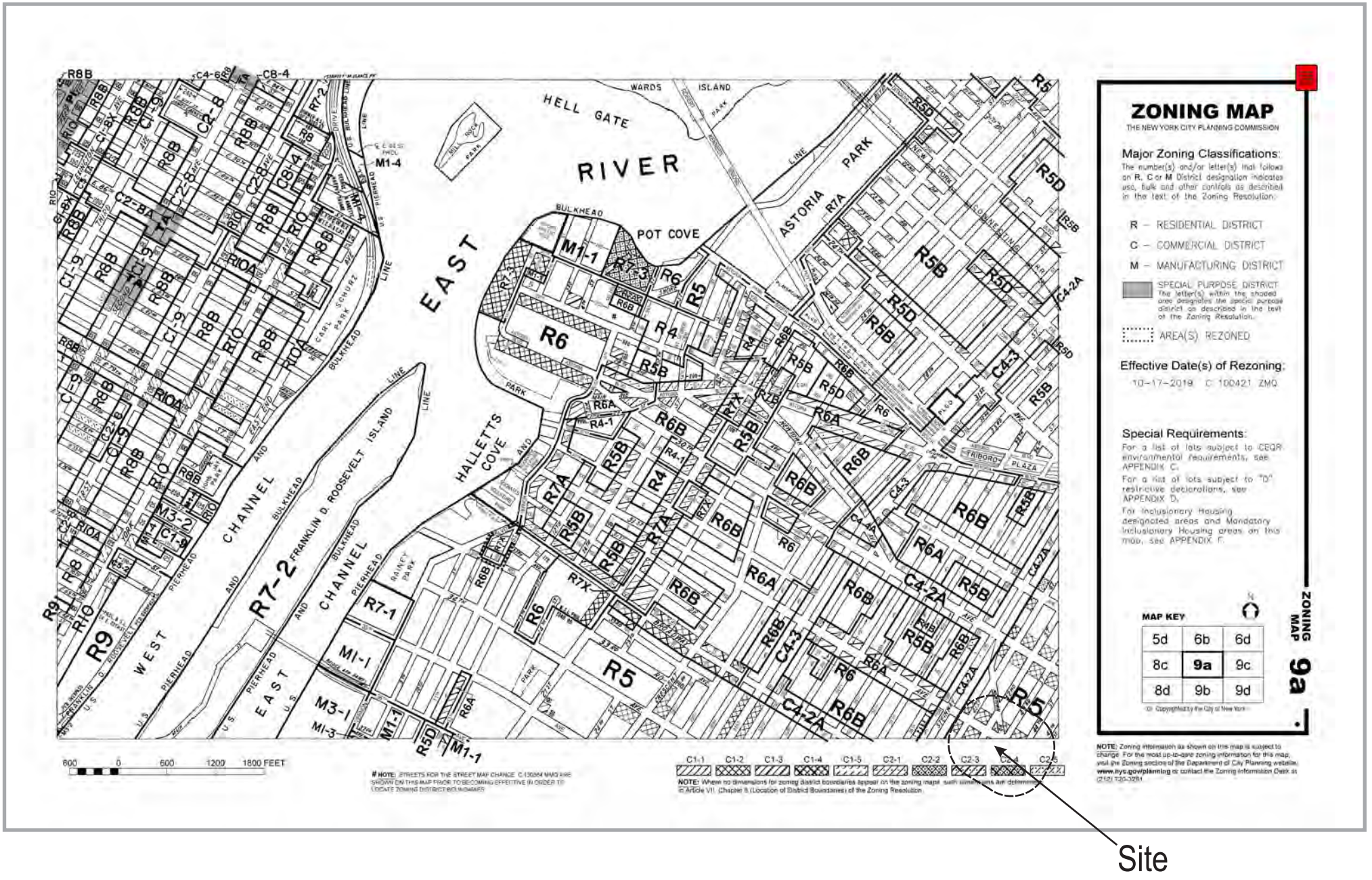
Figure 4: Zoning Map



Urban Cartographics

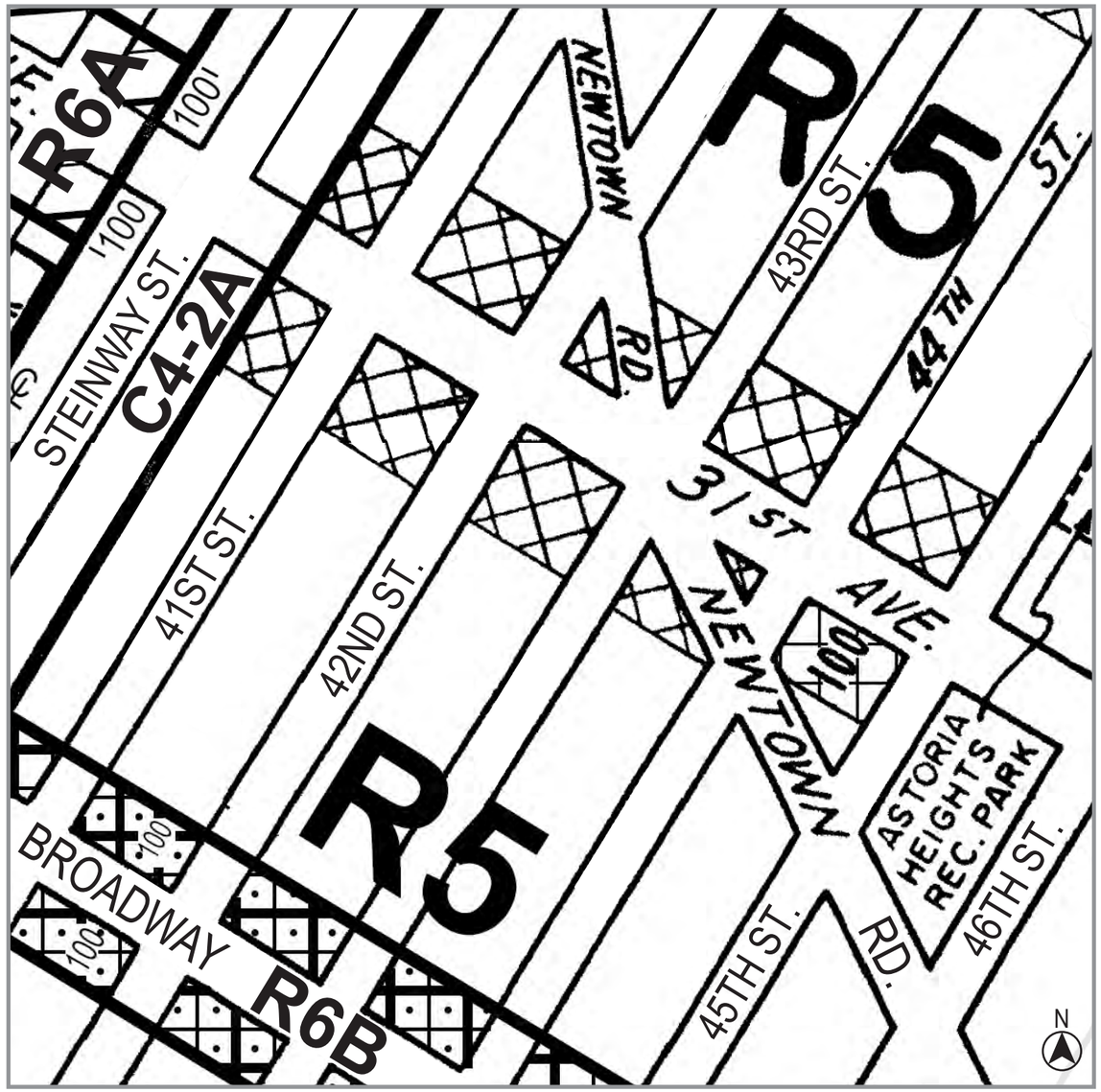
31st Avenue Rezoning, Queens

Figure 5: Zoning Map

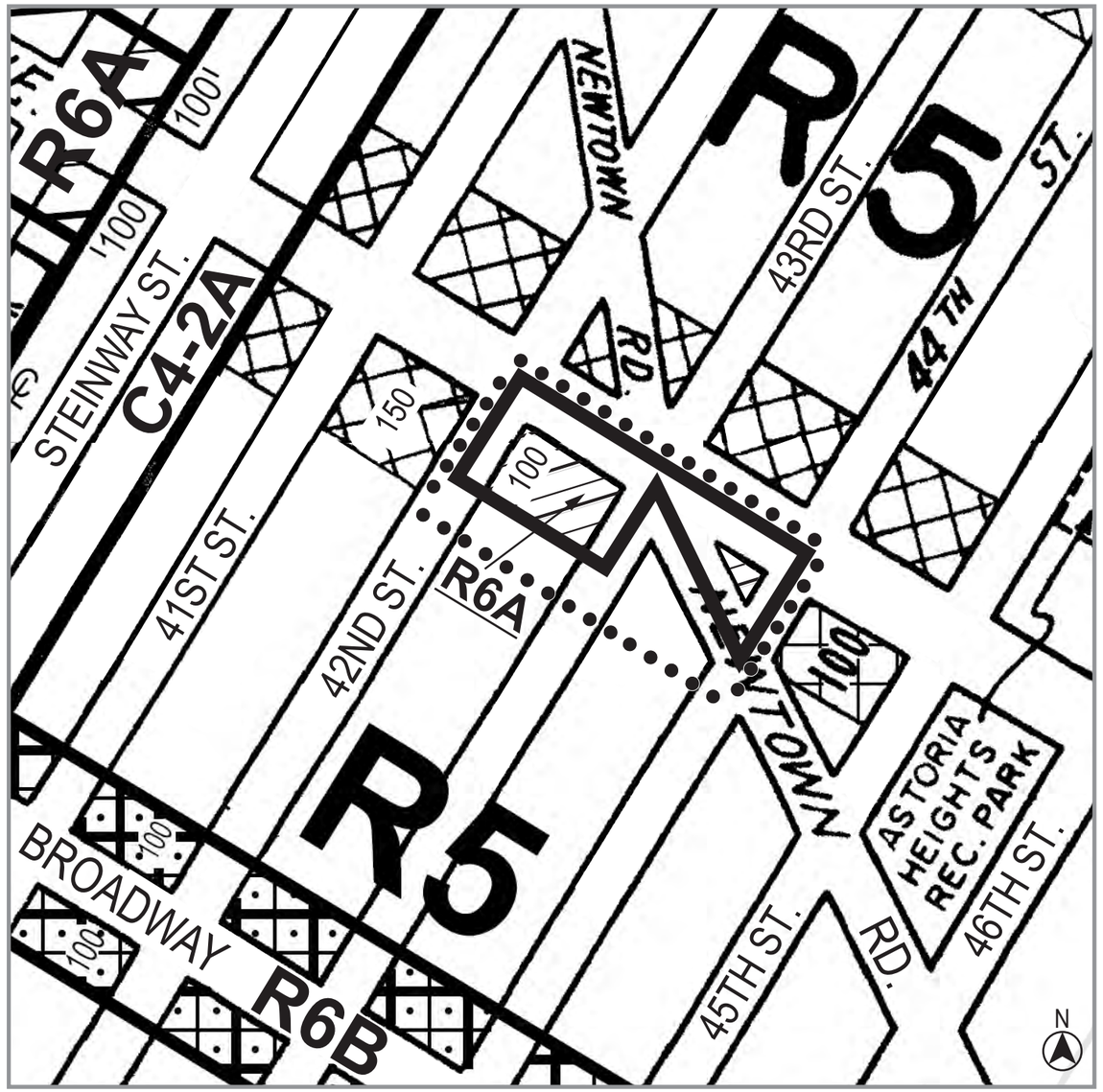


Urban Cartographics

Zoning Change Map



Current Zoning Map (9a & 9b)



Proposed Zoning Map (9a & 9b) - Area being rezoned is outlined with dotted lines

Rezoning from R5/C1-2 to R6A/C1-3
Rezoning from R5/C1-2 to R5

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

NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution.



1. View of the Project Area facing northeast from 42nd Street.



2. View 42nd Street facing northeast (Project Area at right).



3. View of the Project Area facing southeast from 42nd Street.

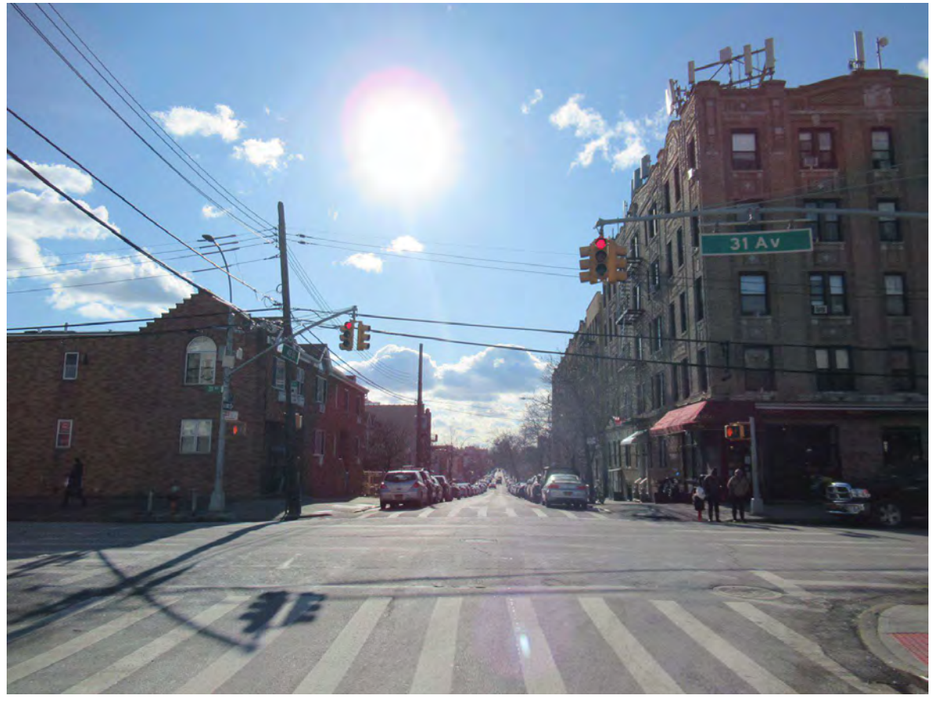




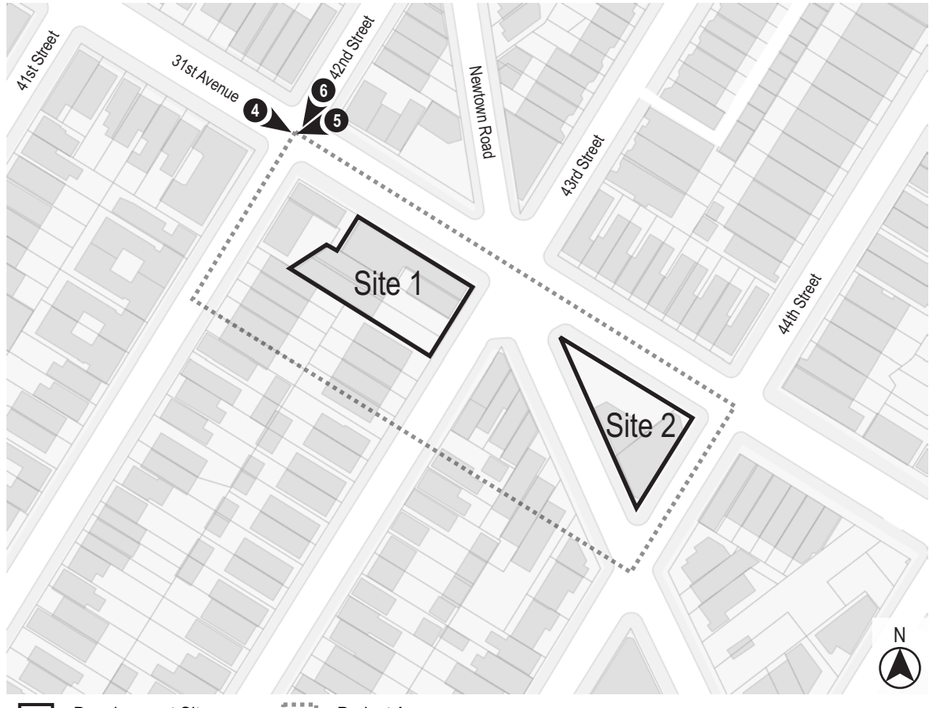
4. View of 31st Avenue facing southeast from 42nd Street (Project Area at right).



5. View of the intersection of 31st Avenue and 42nd Street facing west.



6. View of 42nd Street facing southwest from 31st Avenue (Project Area at left).





7. View of the Project Area facing southwest from 31st Avenue.



8. View of 31st Avenue facing southeast (Development Site 1 at right).



9. View of Development Site 1 facing south from 31st Avenue.





10. View of Development Site 1 facing southwest from 31st Avenue.



11. View of Newtown Road facing southeast from 31st Avenue (Development Site 1 at right).



12. View of 43rd Street facing southwest from 31st Avenue (Development Site 1 at right).





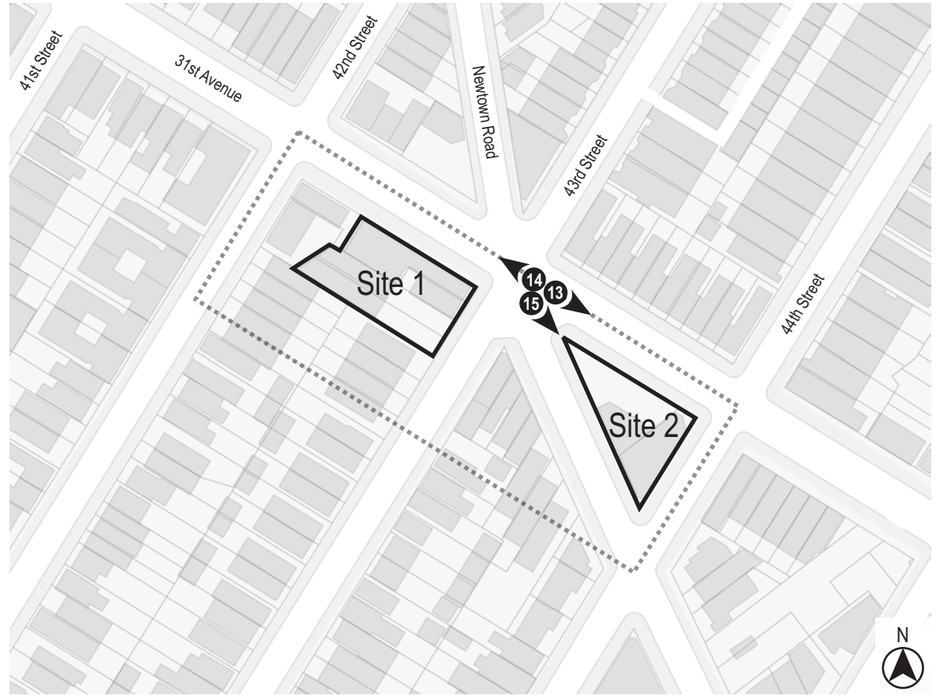
13. View of 31st Avenue facing southeast from 43rd Street (Development Site 2 at right).



14. View of 31st Avenue facing northwest from 43rd Street (Development Site 1 at left).

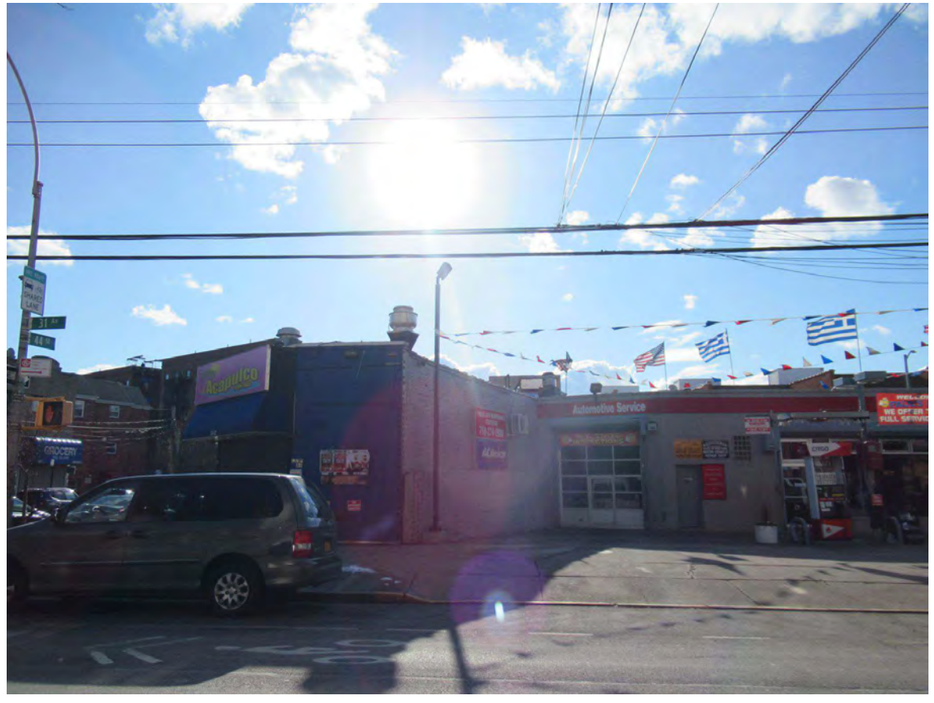


15. View of Development Site 2 facing southeast from the intersection of 31st Avenue and Newtown Road.





16. View of Development Site 1 facing west from the intersection of 31st Avenue, 43rd Street, and Newtown Road.



18. View of Development Site 2 facing southwest from 31st Avenue.



17. View of Development Site 2 facing southeast from 31st Avenue.





19. View of 44th Street facing southwest from 31st Avenue (Development Site 2 at right).



21. View of 31st Avenue facing northwest from 44th Street (Development Site 2 at left).



20. View of Development Site 2 facing west from the intersection of 31st Avenue and 44th Street.





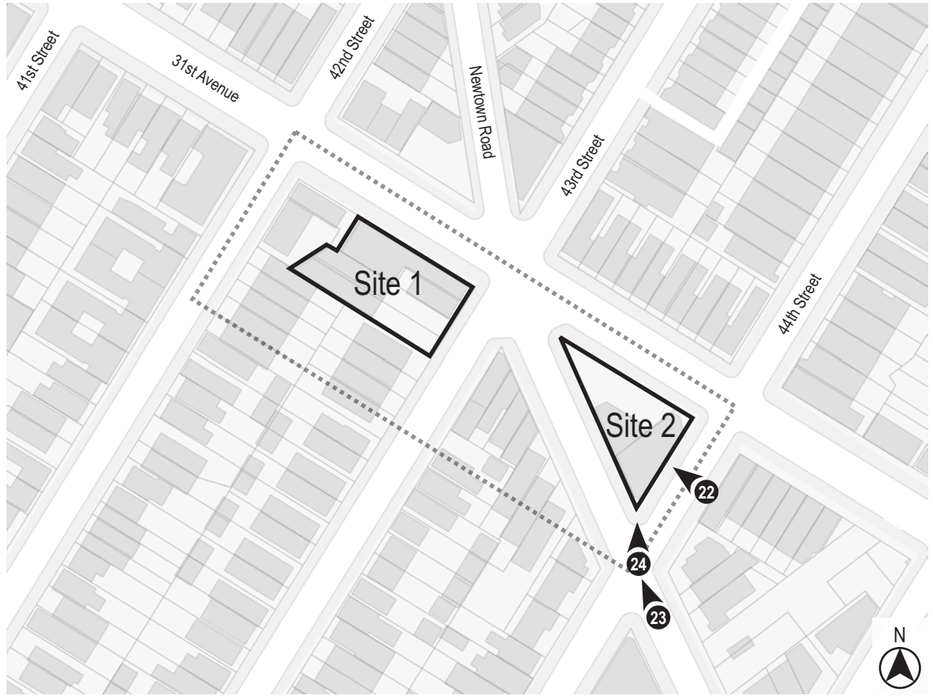
22. View of Development Site 2 facing northwest from 44th Street.



23. View of Newtown Road facing northwest from 44th Street (Development Site 2 at right).



24. View of Development Site 2 facing north from the intersection of Newtown Road and 44th Street.

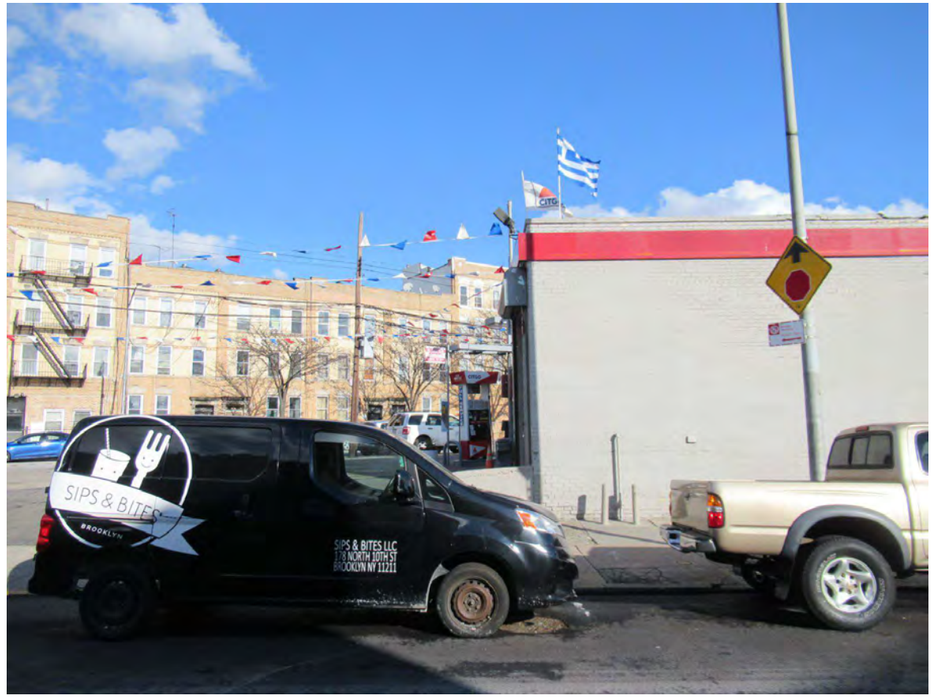




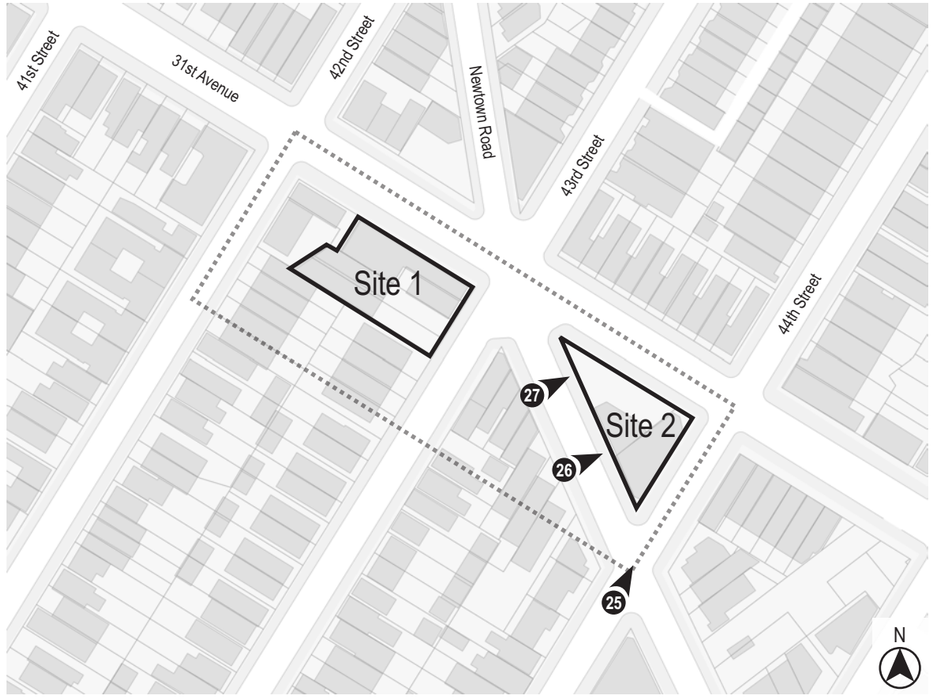
25. View of 44th Street facing northeast from Newtown Road (Development Site 2 at left).



26. View of Development Site 2 facing northeast from Newtown Road.



27. View of Development Site 2 facing northeast from Newtown Road.





28. View of Development Site 2 facing east from Newtown Road.



29. View of the sidewalk along the northeast side of Newtown Road facing southeast from 43rd Street (Development Site 2 at left).



30. View of the intersection of 31st Avenue, Newtown Road, and 43rd Street facing northwest from Development Site 2.





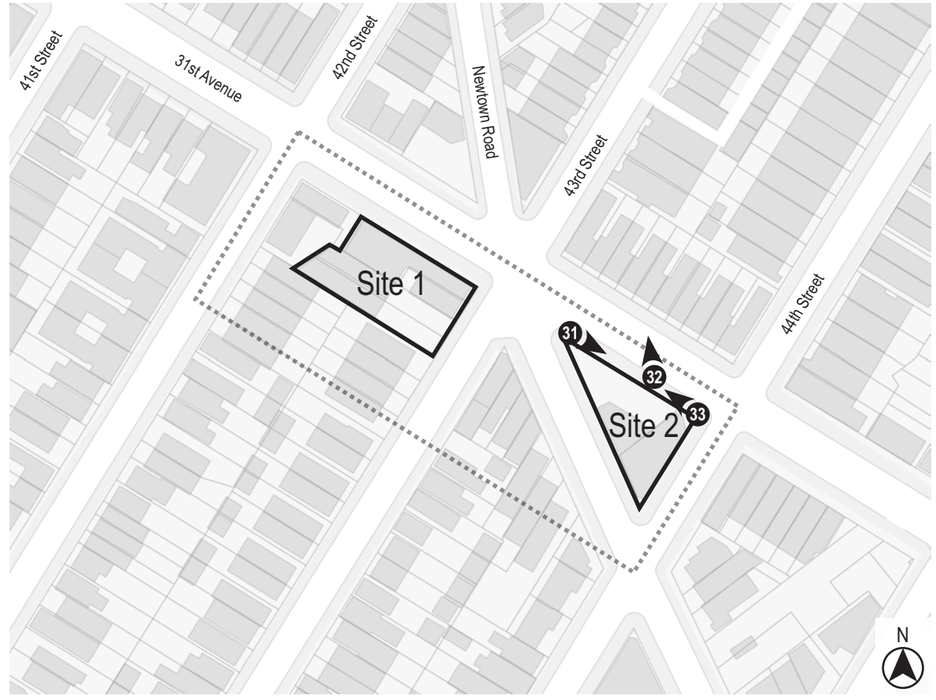
31. View of the sidewalk along the southwest side of 31st Avenue facing southeast from 43rd Street (Development Site 2 at right).



33. View of the sidewalk along the southwest side of 31st Avenue facing northwest from 44th Street (Development Site 2 at left).



32. View of the northeast side of 31st Avenue facing north from Development Site 2.

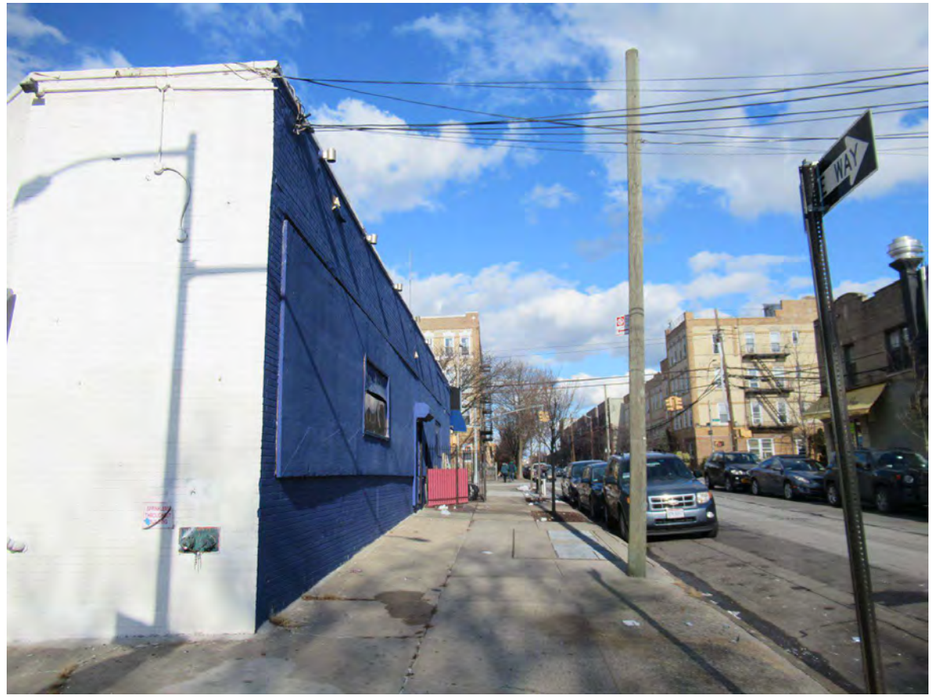




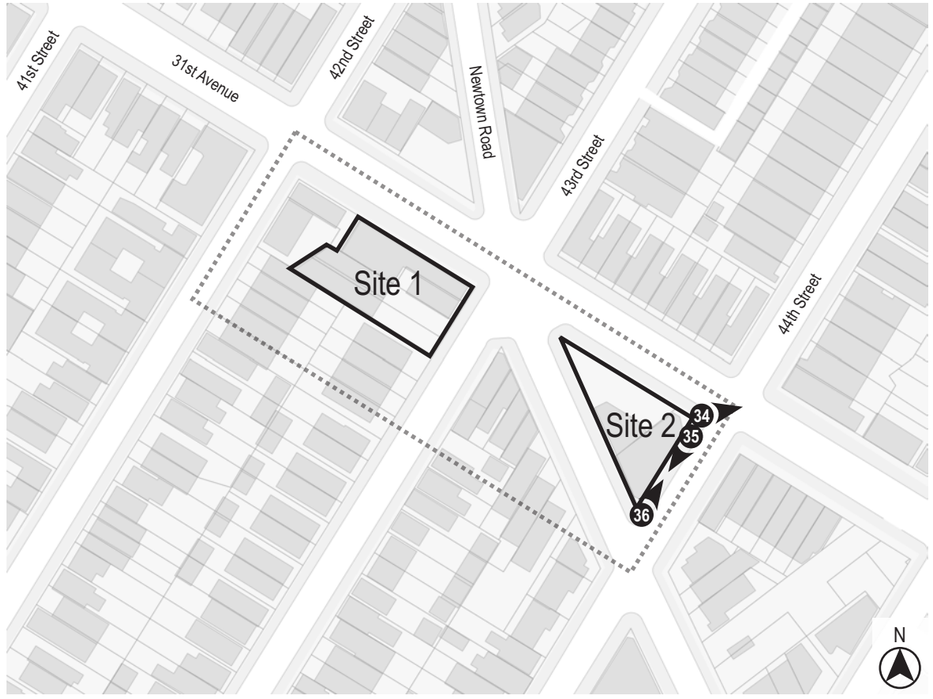
34. View of the intersection of 31st Avenue and 44th Street facing east from Development Site 2.



35. View of the sidewalk along the northwest side of 44th Street facing southwest from 31st Avenue (Development Site 2 at right).



36. View of the sidewalk along the northwest side of 44th Street facing northeast from Newtown Road (Development Site 2 at left).





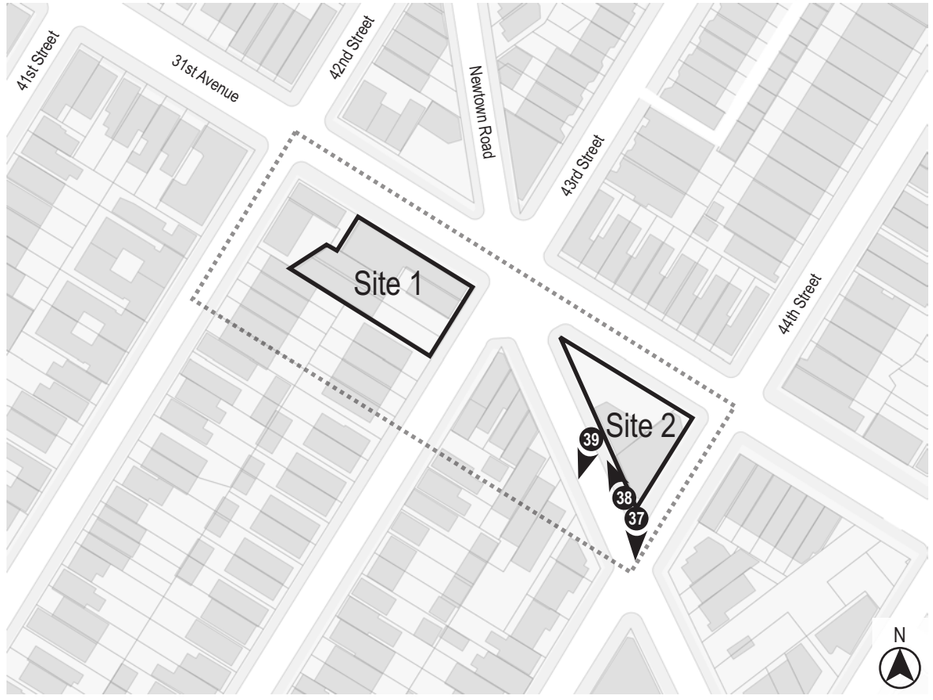
37. View of the intersection of Newtown Road and 44th Street facing south from Development Site 2.



38. View of the sidewalk along the northeast side of Newtown Road facing northwest from 44th Street (Development Site 2 at right).



39. View of the southwest side of Newtown Road facing south from Development Site 2.





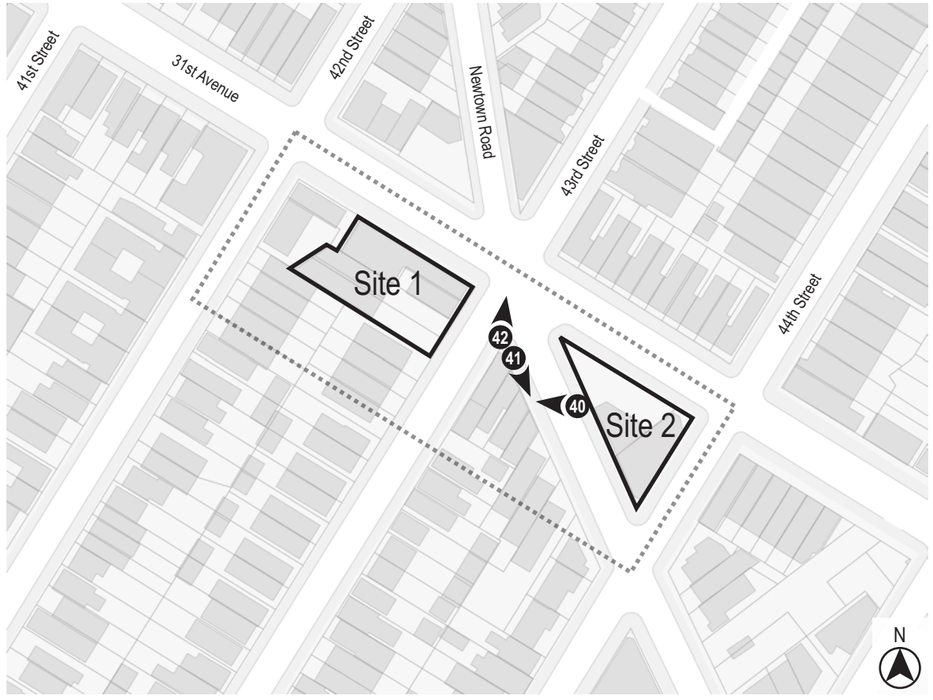
40. View of the southwest side of Newtown Road facing west from Development Site 2.

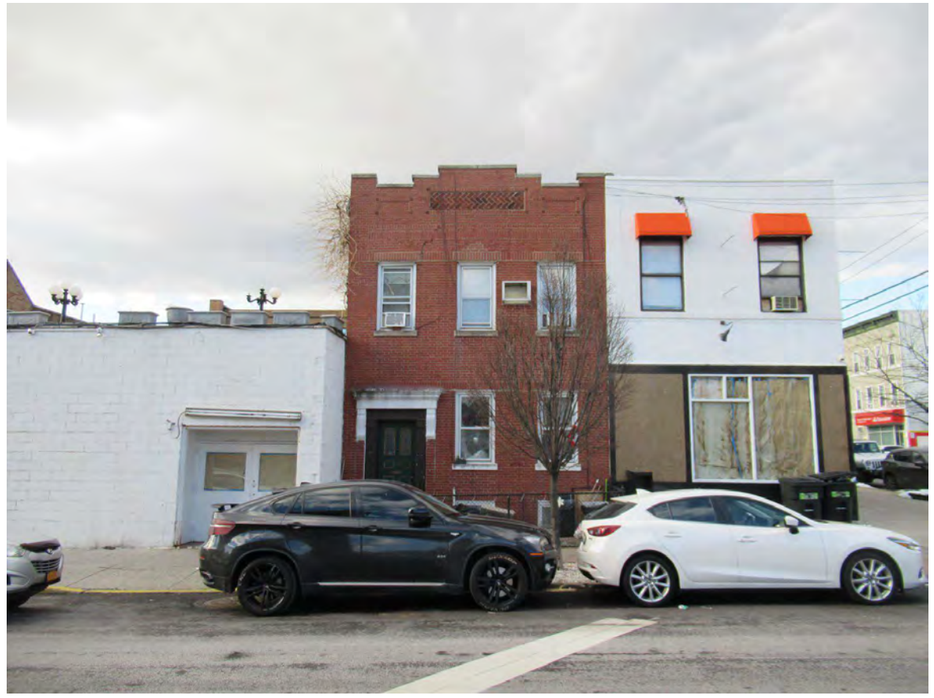


41. View of the sidewalk along the southwest side of Newtown Road facing southeast from 44th Street (Project Area at right).



42. View of the intersection of 31st Avenue, Newtown Road, and 43rd Street facing north from the Project Area.





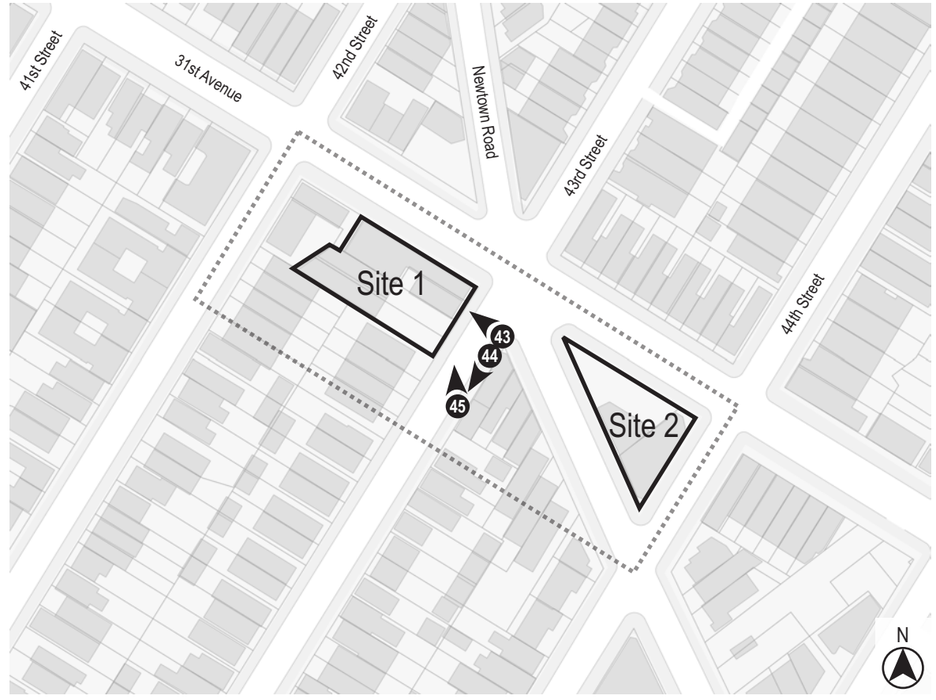
43. View of Development Site 1 facing northwest from 43rd Street.



44. View of the sidewalk along the southeast side of 43rd Street facing southwest from Newtown Road (Project Area at left).



45. View of Development Site 1 facing north from 43rd Street.





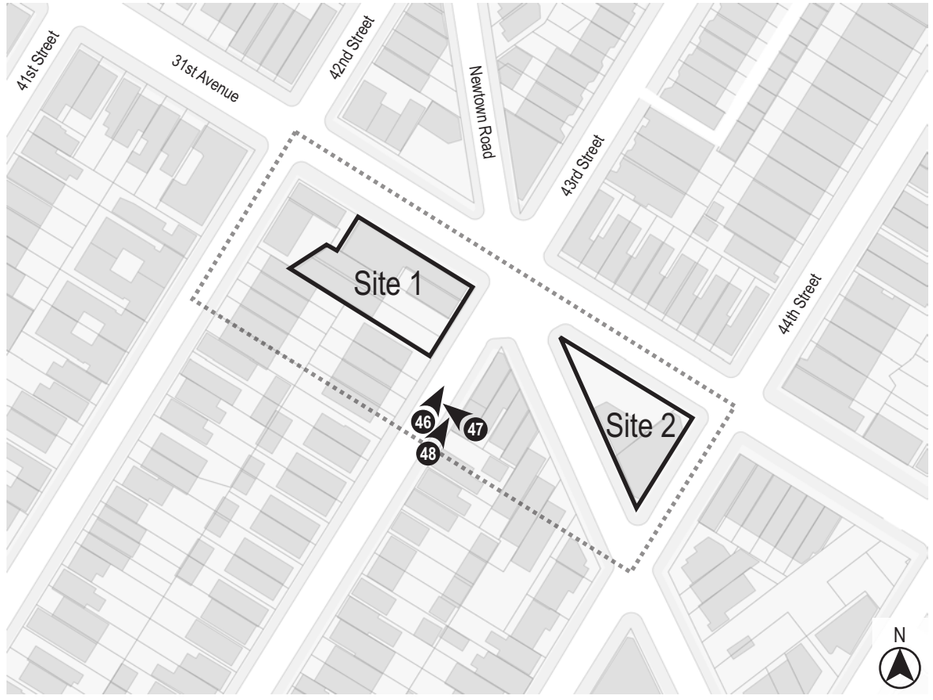
46. View of 43rd Street facing northeast
(Development Site 1 at left, Project Area at right).



47. View of the Project Area facing northwest from 43rd Street.



48. View of the sidewalk along the southeast side of 43rd Street
facing northeast (Project Area at right).





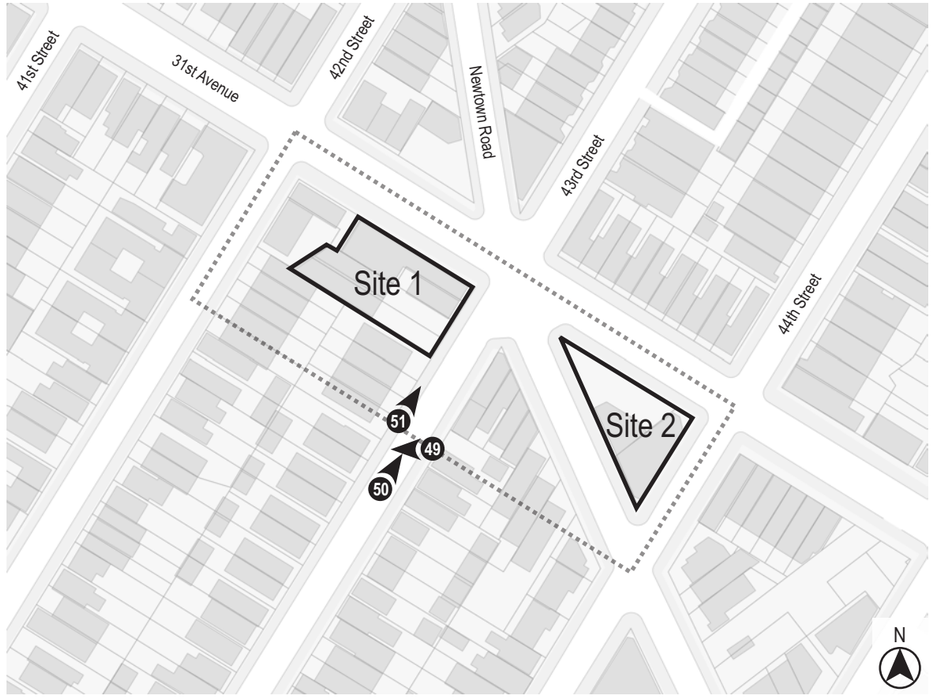
49. View of the northwest side of 43rd Street facing west from the Project Area.



50. View of 43rd Street facing northeast (Project Area at left and right).



51. View of the sidewalk along the northwest side of 43rd Street facing northeast (Project Area at left).





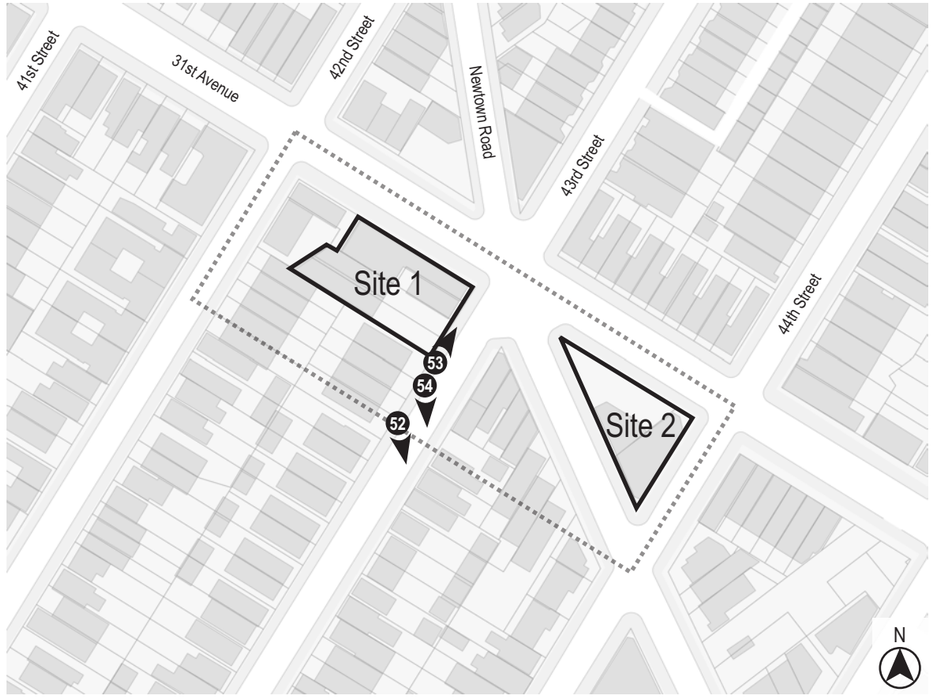
52. View of the southeast side of 43rd Street facing south from the Project Area.



53. View of the sidewalk along the northwest side of 43rd Street facing northeast (Development Site 1 at left).

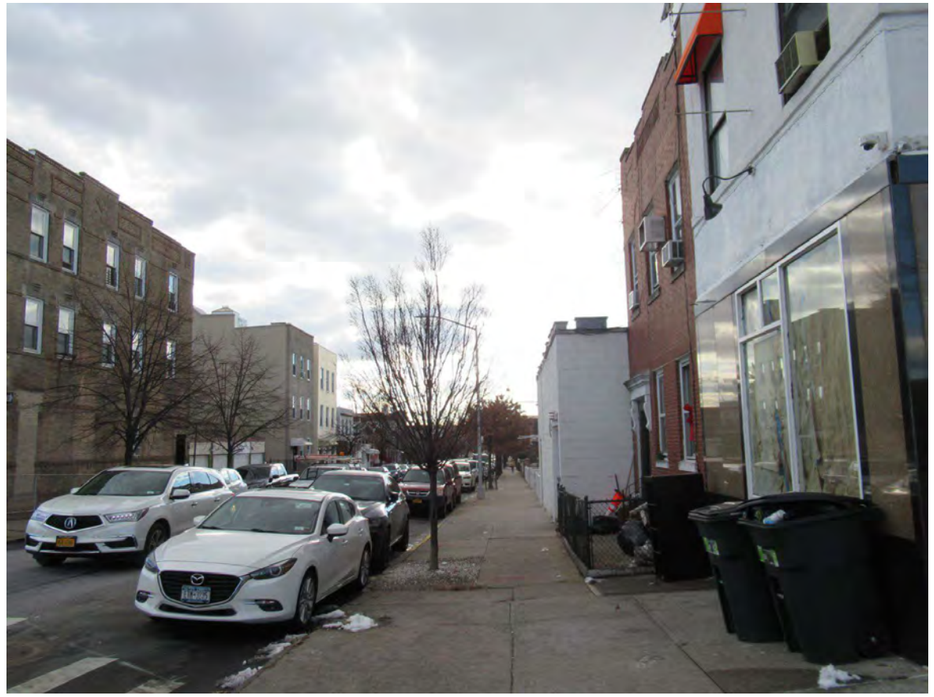


54. View of the Project Area facing south from 43rd Street.





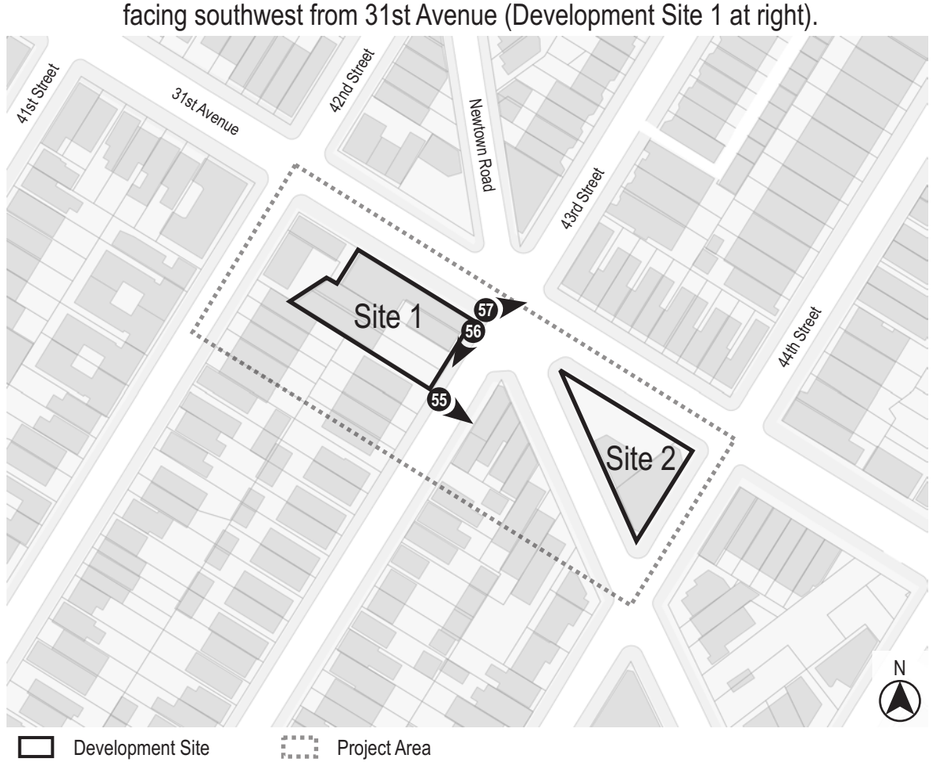
55. View of the Project Area facing southeast from 43rd Street.



56. View of the sidewalk along the northwest side of 43rd Street facing southwest from 31st Avenue (Development Site 1 at right).



57. View of the intersection of 31st Avenue and 43rd Street facing east from Development Site 1.





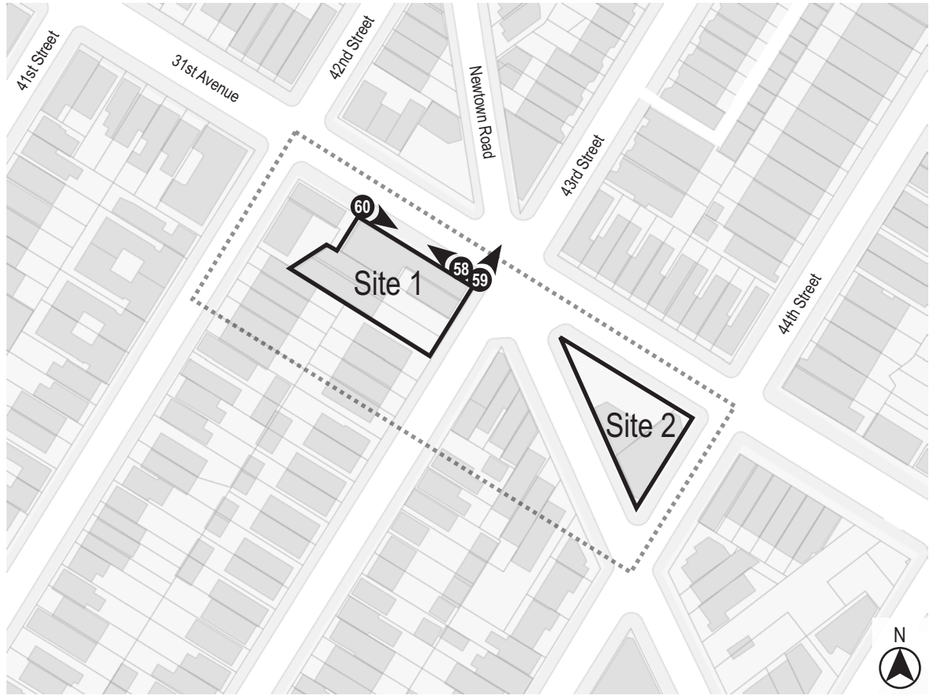
58. View of the sidewalk along the southwest side of 31st Avenue facing northwest from 43rd Street (Development Site 1 at left).



60. View of the sidewalk along the southwest side of 31st Avenue facing southeast (Development Site 1 at right).



59. View of the intersection of 31st Avenue and Newtown Road facing northeast from Development Site 1.





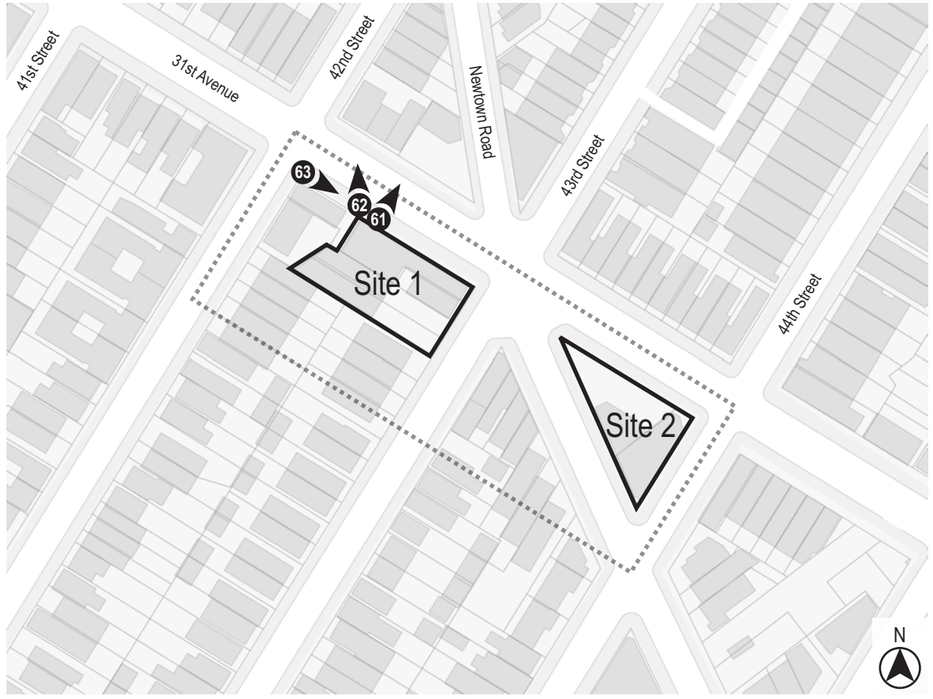
61. View of the northeast side of 31st Avenue facing northeast from Development Site 1.



62. View of the northeast side of 31st Avenue facing north from Development Site 1.



63. View of the southwest side of 31st Avenue facing southeast from 42nd Street (Project Area at right).





64. View of the intersection of 31st Avenue and 42nd Street facing north from the Project Area.



65. View of the sidewalk along the southeast side of 42nd Street facing southwest from 31st Avenue (Project Area at left).



66. View of the northwest side of 42nd Street facing west from the Project Area.





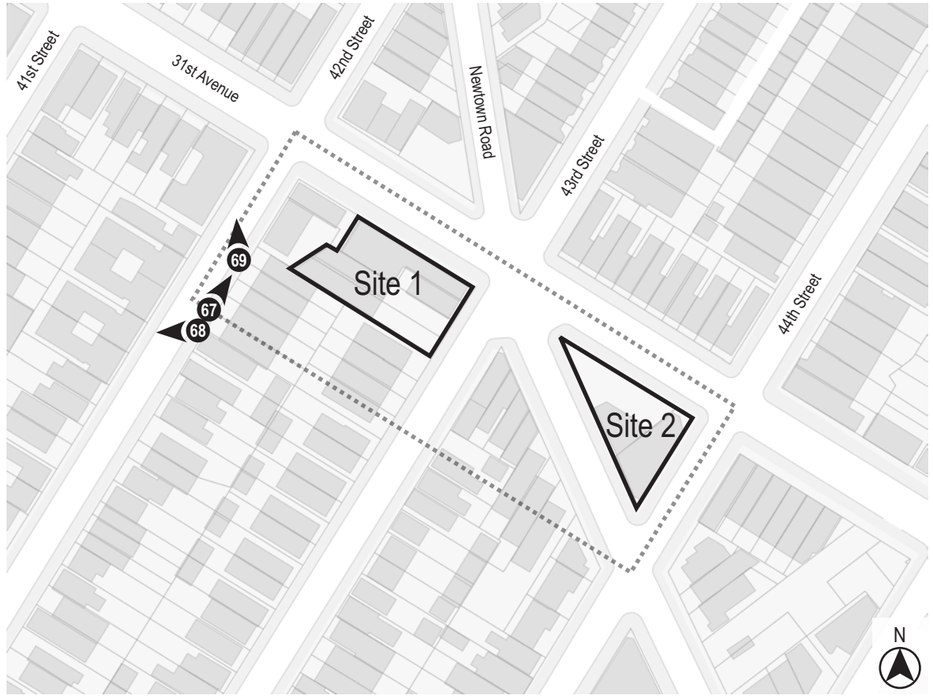
67. View of the sidewalk along the southeast side of 42nd Street facing northeast (Project Area at right).



68. View of the northwest side of 42nd Street facing west from the Project Area.



69. View of the northwest side of 42nd Street facing north from the Project Area.



CHAPTER II

Project Description

PROJECT DESCRIPTION

Proposed Actions

42-18 Development LLC (the "Applicant") seeks the two actions from the City Planning Commission (zoning map amendments and a zoning text amendment) to facilitate the development of a site located within Queens Community District 1. The Applicant seeks a zoning map amendment to rezone a R5/ C1-2 area to a R6A/ C1-3 area a zoning map amendment to rezone a R5/ C1-2 area to a R5 area and a zoning text amendment pursuant to Appendix F to establish a Mandatory Inclusionary Housing ("MIH") Area coterminous with the area being rezoned. The proposed actions would affect an area bounded by 31st Avenue to the north, 44th Street to the east, a line 150 feet parallel to 31st Avenue to the south and 42nd Street to the west.

In total 26 lots would be rezoned if the Proposed Actions are approved. These lots are collectively referred to as the "Project Area". The Project Area consists of: Block 692, Lots 43, 44, 45, 46, 49, 50, 51, 36, 37 (portion of, of "p/o"), 38, 39, 140, 148 (p/o) 343 and 243; Block 693, Lots 35 (p/o), 36, 37, 38, 39 (p/o), 40 (p/o), 41 (p/o), 42 (p/o) and 137; and Block 694, Lots 1 and 4. The Proposed Actions would facilitate the development of a mixed-use residential and commercial building described below.

The applicant-controlled Projected Development Site #1 (Block 692, Lots 43, 44, 45, and 46) would contain an approximately 38,188 gsf six-story (65 feet tall) mixed use residential and commercial building. This building would contain approximately 30,188 gsf of residential uses (33 dwelling units, including 9 to 10 MIH units) and approximately 8,000 gsf of ground floor commercial retail uses. 12 residential accessory parking spaces and bike parking would be provided in the cellar, accessed via a curb cut on 43rd Street. Both MIH options 1 and 2 would be mapped on the Project Area, additionally the City Planning Commission may choose to add options 3 and 4 under the MIH program. The final determination of MIH option will be made at certification.

The non-applicant controlled Projected Development Site #2 (Block 694, Lots 1 and 4) would contain an approximately 25,837 gsf six-story (65 feet tall) mixed use residential and commercial building. This building would contain approximately 23,686 gsf of residential uses (20 dwelling units, including 5 to 6 MIH units) and approximately 2,151 gsf of ground floor commercial retail uses. 7 residential accessory parking spaces would be provided in the cellar.

The proposed actions are subject to the City's land use and environmental review processes, as described below.

- Uniform Land Use Review Procedure

The City's Uniform Land Use Review Procedure (ULURP), mandated by Sections 197-c and 201 of the City Charter, is a process specifically designed to allow public review at four levels: the Community Board, the Borough President, the City Planning Commission (CPC), and the City Council. The procedure sets time limits at each review, with a maximum period of approximately seven months. The process begins with Department of City Planning (DCP) certification that the land use application is complete. The application is then referred to the relevant Community Board. The Community Board has up to 60 days to review the proposal, hold a public hearing, and adopt a resolution regarding the proposal.

Next, the Borough President has up to 30 days to perform the same steps. The CPC then has up to 60 days to issue its determination, during which time a ULURP public hearing is held. The CPC then forwards the application to the City Council. Following the Council's vote, the Mayor, at his discretion, may choose to veto the action. The City Council can override that veto.

- Environmental Review

The proposed actions are subject to the City Environmental Quality Review (CEQR) process. CEQR is a process by which agencies review discretionary actions for the purpose of identifying the effects those actions may have on the environment. The CEQR process requires City agencies to assess, disclose, and mitigate—to extent practicable any significant environmental consequences of their decisions to fund, directly undertake or approve a project.

DCP, acting on behalf of the CPC, is the lead agency for the environmental review.

Rezoning Area

The Rezoning Area is bounded by 31st Avenue to the north, 44th Street to the east, a line 150 feet parallel to 31st Avenue to the south and 42nd Street to the west. 31st Avenue is a wide, east west street that is characterized by predominantly residential uses with some ground-level, neighborhood-serving retail establishments. Newtown Road is a narrow street that diagonally connects three corridors with high pedestrian and vehicular traffic: Steinway Street, Broadway, and Northern Boulevard. The Project Area is within a five to ten minute walk to the Steinway Street and 46th Street M/R subway stations and is well-served by the Q101 and Q104 bus lines.

Proposed Development

The Proposed Actions would facilitate development on two development sites, as follows: Projected Development Site #1 (Block 692, Lots 43, 44, 45, and 46) would contain an approximately 38,188 gsf six-story (65 feet tall) mixed use residential and commercial building. This building would contain approximately 30,188 gsf of residential uses (33 dwelling units, including 9 to 10 MIH units) and approximately 8,000 gsf of commercial uses. 12 parking spaces and bike parking would be provided in the cellar, accessed via a curb cut on 43rd Street.

The non-applicant controlled Projected Development Site #2 (Block 694, Lots 1 and 4) would contain an approximately 25,837 gsf six-story (65 feet tall) mixed use residential and commercial building. This building would contain approximately 23,686 gsf of residential uses (20 dwelling units, including 5 to 6 MIH units) and approximately 2,151 gsf of ground floor commercial retail uses. 7 residential accessory parking spaces would be provided in the cellar.

Overall, the proposed developments on Projected Development Sites 1-2 would contain approximately 64,025 gsf of floor area, including 53,874 gsf of residential floor area (including 53 dwelling units, of which 14-16 would be provided as affordable housing units pursuant to MIH) and 10,151 gsf of commercial floor area. 19 accessory parking spaces would be provided across both sites.

Purpose and Need

The Proposed Actions are needed to facilitate the Proposed Development (described above). The current zoning does not allow for the development of moderate density residential developments—including affordable housing—on Proposed Development Sites 1 and 2. The Applicant's Proposed Development would introduce new affordable and market rate residential units to an area with strong transit accessibility, furthering the goals of Housing New York, the mayor's 10-year plan to create or preserve up to 300,000 affordable housing units in New York City. The current zoning within a portion of the Rezoning Area also includes a C1-2 commercial overlay extending onto the mid-block portions of Blocks 692 and 693, which is incompatible with the residential character of this area.

Analysis Year

The Build Year assumes a nine-month pre-certification timeframe, a seven-month ULURP review and an 18-month construction period, for an overall completion date in late 2024.

Reasonable Worst-Case Development Scenario (RWCDS)

Discretionary actions often permit a range of project characteristics, or development scenarios, to occur even though the action may be sought in order to facilitate a specific development. From the range of possible scenarios that are considered reasonable and likely, the scenario with the worst environmental consequences is chosen to present a conservative analysis. This development scenario is considered to be the Reasonable Worst-Case Development Scenario (RWCDS). By analyzing the potential for adverse impacts of the RWCDS, the EAS ensures that—regardless of which scenario occurs—its impacts would be no worse than those considered in the environmental review. The EAS analyzes the incremental differences between the future with approval of the Proposed Actions (the "With-Action Scenario") and the future without the approval of the Proposed Actions (the "No-Action Scenario").

Development Site Criteria

Pursuant to the CEQR Technical Manual, several factors were considered in projecting the amount and timing of new development on the non-applicant controlled lots within the Proposed Rezoning Area. These include known development proposals, past development trends, and the development site criteria described below. The first step in establishing the RWCDS was to identify those sites where new development could reasonably occur. According to the CEQR Technical Manual the following factors, commonly referred to as "soft site criteria," are generally considered when evaluating whether some amount of development would likely be constructed by the build year as a result of the Proposed Actions:

•The uses and bulk allowed: Lots located in areas where changes in use would be permitted and/or contain buildings built to substantially less than the maximum allowable FAR under the existing zoning are considered "soft" enough such that there would likely be sufficient incentive to develop in the future, depending on other factors specific to the area (e.g., the amount and type of recent asof-right development in the area, recent real estate trends, site specific conditions that make development difficult, and issues relating to site control or site assemblage that may affect redevelopment potential); and

• Size of the development site: Lots must be large enough to be considered "soft." Generally, lots with a small lot size are not considered likely to be redeveloped, even if currently built to substantially less than the maximum allowable FAR. A small lot is often defined for this purpose as 5,000 square feet or less, but the lot size criteria is dependent on neighborhood specific trends, and common development sizes in the study area should be examined prior to establishing these criteria.

However, the following uses and types of buildings that meet the soft site criteria are typically excluded from development scenarios because they are unlikely to be redeveloped as a result of the proposed project:

• Full block and newly constructed buildings with utility uses, as these uses are often difficult to relocate;
• Lots where construction is actively occurring, or has recently been completed, as well as lots with recent alterations that would have required substantial capital investment, unless recently constructed or altered lots were built to less than or equal to half of the maximum allowable FAR under the proposed zoning;

• Lots whose location or irregular shape would preclude or greatly limit future as-of right development. Generally, development on irregular lots does not produce marketable floor space;

• Long-standing institutional uses with no known development plans; or

• Residential buildings with six or more units constructed before 1974. These buildings are likely to be rent-stabilized and difficult to legally demolish due to tenant re-location requirements.

Development Sites

The Project Area includes multiple lots not controlled by the applicant and not included as part of the applicant-controlled Proposed Developments. Block 692, Lots 140, 148 (p/o), 243 and 343 would be rezoned from a R5/C1-2 zoning district to a R6A/C1-3 district. Block 692, Lot 140 is occupied by a 2,232 gsf, two-unit residential building on a 2,030 sf lot. Block 692, Lot 148 (p/o) would only be partially rezoned and is presently occupied by a two-unit, 2,320 gsf residential building on a 2,911 sf lot. Block 692, Lot 243 is occupied by a 2,276 gsf, two-unit residential building on a 1,687 sf lot. Block 692, Lot 343 is occupied by a 2,814 gsf, two-unit residential building on 3,017 sf lot. Although the proposed rezoning would allow for a base FAR of 3.6, given the small size of these lots, the existing residential uses on site, and that the lots are not under common ownership, no additional development is assumed on these sites. Additionally, the irregular layout of these lots would make a development incorporating all of the lots extremely difficult. At its narrowest point, the midblock portion of a joint development on these lots would not exceed 18 feet, and the site could therefore not realize standard development floorplates or be practicably developed.

Additionally Block 692, 37 (p/o), 38, 39, 49, 50 would be rezoned from a R5/C1-2 to a R5 district. Block 693, Lots 35 (p/o), 36, 37, 38, 39 (p/o), 40 (p/o), 41 (p/o) would likewise be rezoned from a R5/C1-2 to a R5 district. The commercial overlay on these areas is being removed in order to preserve the existing residential character of these areas. No additional floor area is being created pursuant to this action; the existing R5 zoning would

continue to allow a FAR of 1.25. Therefore, no development is anticipated on these sites in the With-Action Scenario.

Proposed Development Site #2 includes Queens Block 694, Lots 1 and 4. Projected Development Site #2 is an irregularly shaped block which contains a gas station/ auto repair shop and a nightclub. The nightclub currently occupies the 31st Avenue frontage of the site. The commercial leases for both of these buildings have flexible terms. The block/ lots are currently occupied as follows:

Block 694, Lots 1: a one-story 2,774 gsf commercial/ office building housing a nightclub; and Block 694, Lots 4: a one-story, 1,762 gsf gas station/ auto repair shop.

Existing Conditions

The existing conditions on applicant-controlled block/ lots within the Project Area are described below. The existing conditions on non-applicant controlled block/ lots are described in 'Development Sites' above.

Projected Development Site #1 includes Queens Block 692, Lots 43, 44, 45, and 46.

Projected Development Site #1 currently contains three one- and two-story commercial buildings and a two-story residential building. The block/ lots are currently occupied as follows:

Block 692, Lot 43: a two-story 4,583 gsf commercial/ office building;
Block 692, Lot 44: a two-story 2,000 gsf residential building with two dwelling units;
Block 692, Lot 45: a one-story 1,640 gsf commercial/ office building; and
Block 692, Lot 46: a one-story 2,800 gsf commercial/ office building.

No-Action Scenario

In the No-Action Scenario, no development is anticipated to occur within the Project Area. The existing conditions—as described above—are anticipated to remain.

With-Action Scenario

In the With-Action Scenario, it is assumed that the development currently existing on Projected Development Sites 1-2 would be redeveloped as follows:

Projected Development Site #1 (Block 692, Lots 43, 44, 45, and 46) would be redeveloped with a 3.6 FAR, approximately 38,188 gsf six-story (65 feet tall) mixed use residential and commercial building. This building would contain approximately 30,188 gsf of residential uses (33 dwelling units, including 9 to 10 MIH units) and approximately 8,000 gsf of

commercial uses. 12 parking spaces would be provided in the cellar, accessed via a curb cut on 43rd Street. Although it is the applicant's intention to build a 65-foot building, the building would be analyzed at 85 feet in height—the maximum permitted under the proposed R6A/C1-3 zoning for conservative analysis purposes.

Projected Development Site #2 (Block 694, Lots 1 and 4) would contain a 3.6 FAR, approximately 25,837 gsf six-story (65 feet tall) mixed use residential and commercial building. This building would contain approximately 23,686 gsf of residential uses (20 dwelling units, including 5 to 6 MIH units) and approximately 2,151 gsf of commercial uses. Seven parking spaces would be provided in the cellar, accessed via a curb cut on Newtown Road. The building would be analyzed at 85 feet in height—the maximum permitted under the proposed R6A/C1-3 zoning—for conservative analysis purposes.

Overall, the proposed developments on Projected Development Sites 1-2 would contain approximately 64,025 gsf of floor area, including 53,874 gsf of residential floor area (including 53 dwelling units, of which 14-16 would be provided as affordable housing units pursuant to MIH) and 10,151 gsf of commercial floor area. 19 accessory parking spaces would be provided across both sites.

EAS Form Screening

As demonstrated above in the EAS Form (Chapter 1 of this EAS), the Proposed Actions have the potential to result in significant adverse impacts and further analysis is needed. This analysis is provided in Chapter 3 below and includes the following analyses: land use, zoning and public policy; shadows; historic and cultural resources; urban design and visual resources; hazardous materials; air quality; noise; and neighborhood character.

As the Proposed Actions would result in a change to existing zoning an analysis of Land Use, Zoning and Public Policy is needed to determine the potential for significant adverse impacts. This analysis is included below.

As the Proposed Actions would result a new structure larger than 50 ft an analysis of Shadows is needed to determine the potential for significant adverse impacts. This analysis is included below.

As the Proposed Actions would result in incremental in-ground disturbance an analysis of Historic and Cultural Resources is needed to determine the potential for significant adverse impacts. This analysis is included below.

As the Proposed Actions would result in a new building height within the Project Area an analysis of Urban Design and Visual Resources is needed to determine the potential for significant adverse impacts. This analysis is included below.

As the Proposed Actions would result new construction on a site with a history of underground storage tanks an analysis of Hazardous Materials is needed to determine the potential for significant adverse impacts. This analysis is included below.

As the Proposed Actions would result in new sensitive receptors in an area with mobile and stationary sources of air pollution an analysis of Air Quality is needed to determine the potential for significant adverse impacts. This analysis is included below.

As the Proposed Actions would result in new sensitive receptors in an area with noise pollution analysis of Noise is needed to determine the potential for significant adverse impacts. This analysis is included below.

As the Proposed Actions would result in a detailed analysis of several analysis sections (as discussed above) an analysis of Neighborhood Character is needed to determine the potential for significant adverse impacts. This analysis is included below.

The EAS screening above, and relevant Technical Analysis sections presented in this EAS were produced prior to the 2021 CEQR Technical Manual Update (CEQR TM) released by the Mayor's Office of Environmental Coordination (MOEC). The update to the CEQR TM included editorial changes as well as changes to methodology in certain analysis sections. The conclusions and analysis presented in this EAS have been examined and found to be unchanged by the changes in the 2021 CEQR TM update. No changes to methodology have occurred in the analysis sections presented in this EAS, and therefore there is no need to modify or substantially re-write any portion of this EAS.

	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	1-2 Family	1-2 Family	Multifamily	
No. of dwelling units	2	2	53	51
No. of low- to moderate-income units	0	0	14-16	14-16
Gross floor area (sq. ft.)	2,000	2,000	53,874	51,874
Commercial	☑ Yes ☐ No	☑ Yes ☐ No	☑ Yes ☐ No	
If "yes," specify the following:				
Describe type (retail, office, other)	Retail, Commercial, Automotive	Retail, Commercial, Automotive	Retail	Retail
Gross floor area (sq. ft.)	13,559	13,559	10,151	-3,408
Manufacturing/Industrial	☐ Yes ☐ No	☑ Yes ☐ No	☐ Yes ☐ No	
If "yes," specify the following:				
Type of Use	N/A	N/A	N/A	
Gross floor area (sq. ft.)	N/A	N/A	N/A	
Open storage area (sq. ft.)	N/A	N/A	N/A	
If any enclosed activities, specify:	N/A	N/A	N/A	
Community Facility	☐ Yes ☑ No	☐ Yes ☑ No	☐ Yes ☑ No	
If "yes," specify the following:				
Type of Use	N/A	N/A	N/A	
Gross floor area (sq. ft.)	N/A	N/A	N/A	
Vacant Land	☐ Yes ☑ No	☐ Yes ☑ No	☐ Yes ☑ No	
If "yes", describe:	N/A	N/A	N/A	
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):	N/A	N/A	N/A	
Other Land Uses	☐ Yes ☑ No	☐ Yes ☑ No	☑ Yes ☑ No	
If "yes," describe:	N/A	N/A	N/A	
Parking				
Garages	☐ Yes ☑ No	☐ Yes ☑ No	☑ Yes ☐ No	
If "yes," specify the following:				
No. of public spaces	N/A	N/A	0	
No. of accessory spaces	N/A	N/A	19	19
Operating hours	N/A	N/A	N/A	
Attended or non-attended	N/A	N/A	Non-Attended	
Lots	☐ Yes ☑ No	☐ Yes ☑ No	☐ Yes ☑ No	
If "yes," specify the following:				
No. of public spaces	N/A	N/A	N/A	
No. of accessory spaces	N/A	N/A	N/A	
Operating hours	N/A	N/A	N/A	
Other (includes street parking)	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No	
If "yes," describe:				

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
Population				
Residents	☑ Yes ☐ No	☑ Yes ☐ No	☑ Yes ☐ No	
If "yes," specify number:	4	4	119	117
Briefly explain how the number of residents was calculated:	Based on 2.24 persons per household in Neighborhood Tabulation Area (Astoria) per the 2013-2017 American Commuity Survey (ACS)			
Businesses	☐ Yes ☐ No	☑ Yes ☐ No	☑ Yes ☐ No	
If "yes," specify the following:				
No. and type	4 Retail; 1 Automotive (Gas)	4 Retail; 1 Automotive (Gas)	2 Retail	-2 Retail; -1 Automotive (Gas)
No. and type of workers by business	3 Automotive Workers; 28 Retail Workers	3 Automotive Workers; 28 Retail Workers	24 Retail Workers	-3 Automotive Workers; -4 Retail Workers (-7 Workers total)
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:	CO for the Automotive Use; 1 Retail worker per 425sf			
Other (students, visitors, concert-goers, *et*	☐ 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:				
Zoning				
Zoning classification	R5/C1-2; R5	R5/C1-2; R5	R6A/C1-3	
Maximum amount of floor area that can be developed	1.25 FAR Residential; 1.0 FAR Commercial	1.25 FAR Residential; 1.0 FAR Commercial	3.6 FAR Residential; 2.0 FAR Commercial, 3.0 FAR CF	+2.35 FAR Residential; 1.0 FAR Commerical, 3.0 FAR CF
Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed project	1-2 Family Residential; 1 story commerical (retail)	1-2 Family Residential; 1 story commerical (retail)	Multifamily Residential; Ground floor commerical (retail)	
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.				
Zoning classification	R5/C1-2; R5	R5/C1-2; R5	R5	
Maximum amount of floor area that can be developed	1.25 FAR Residential; 1.0 FAR Commercial	1.25 FAR Residential; 1.0 FAR Commercial	1.25 Residential	-1.0 Commercial FAR
Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed project	1-2 Family Residential; 1 story commerical (retail)	1-2 Family Residential; 1 story commerical (retail)	Multifamily Residential	

CHAPTER III

TECHNICAL ANALYSES

1. Land Use, Zoning and Public Policy

Introduction

According to the CEQR Technical Manual, a land use analysis evaluates the use and development trends in the area that may be affected by a proposed action and determines whether the proposed action is compatible with those conditions or may affect them. Similarly, the analysis considers the proposed action's compliance with, and effect on, the area's zoning and other applicable public policies. This analysis is presented in three distinct sections.

The Proposed Actions include two zoning map amendments and zoning text amendment to facilitate the development of sites located within Queens Community District 1, as follows:

1) a zoning map amendment to change portions of the existing (i) R5/C1-2 zoning district to R6A/C1-3 and to change portions of the existing (ii) R5/C1-2 zoning district to R5;

2) a zoning text amendment of the Zoning Resolution ("ZR") Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing ("MIH") Areas for Queens, Community District 1 to establish the Project Area as an MIH Area.

The Proposed Actions would facilitate the development of two new, mixed use residential and commercial developments (the Proposed Developments). Detailed information on these developments is included in the Project Description. No new development is anticipated in the With-Action Scenario for the other block/ lots located within the Project Area. The developments on Projected Development Sites 1-2 are anticipated to be completed by 2023 and within an 18-month construction period. Absent the Proposed Actions (the "No-Action Scenario"), it is assumed that existing conditions would continue on both the applicant-controlled and non-applicant controlled sites.

According to the *CEQR Technical Manual*, the appropriate study area for land use, zoning and public policy is related to the type and size of the project, as well as the location and context of the area that could be affected by the project. 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 proposed Project Area. The 400-foot radius study area includes an area generally bounded by 41st Street to the west, 45th Street to the east, mid-block portions just north of 31st Avenue to the north and mid-block portions just north of Broadway to the south.

Multiple 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

The Project Area is characterized by a mixture of uses, including low-density residential uses, low-density commercial uses and some automobile related uses.

Existing Conditions

Project Area

As discussed above the Rezoning Area is bounded by 31st Avenue to the north, 44th Street to the east, a line 150 feet parallel to 31st Avenue to the south and 42nd Street to the west. The Proposed Actions are anticipated to result in development of Projected Development Sites 1 and 2. Projected Development Site 1 consists of Queens Block 692, Lots 43, 44, 45, and 46. Projected Development Site 2 consists of Queens Block 694, Lots 1 and 4. There are three low-rise commercial buildings and one two-unit residential building on Projected Development Site 1. Projected Development Site 2 consists of a nightclub and gas station/auto-repair shop.

The surrounding area is characterized by a mix of predominately residential use with commercial uses along 31st Avenue and Newtown Road. The primary commercial corridor for the area is Steinway Street to the west. Limited industrial and auto-oriented uses are also located near the Project Area. Residential use generally consists of low-rise one- and two-family and multi-family walk-up buildings.

The Steinway Street and 46th Street stations of New York City Transit's E/M/R subway lines are located near the Study Area. Bus service is provided by the Q18, Q101 and Q104 buses, which provide service throughout Astoria and to Long Island City.

The Study Area also has nearby recreational and institutional uses, including the Astoria Heights Playground and Horace Greeley Middle School (IS 10) and Lieutenant Joseph Petrosino School (P.S. 70). Astoria Heights Playground is a 2.20-acre open space resource which includes basketball courts, fitness equipment, playgrounds, handball courts, tennis courts, sitting areas and public restrooms. The park received a $7.9 million capital improvement in 2018.

No-Action Scenario

Project Area

Under the No-Action Scenario for the project build year of 2024, it is assumed that all development sites would remain in the Existing Condition, as detailed above. No new as-of-right development would occur based on the provisions of the existing zoning; the amount of development currently existing on each of these sites would therefore remain.

Similarly, no new affordable housing development, including affordable housing units for seniors, is expected to be provided. No new development projects are identified for the 400-foot radius project study area based on an updated November 2021 review of the New York City Department of City Planning's (DCP) ZAP Search of Zoning and Land Use Applications and the NYC Active Construction website (maintained by the New York City Department of Buildings). No development plans are known to exist for the undeveloped parcels or other uses within the project study area as identified above by the project build year of 2024.

Therefore, surrounding land uses within the immediate study area are expected to remain largely unchanged by the project build year.

With-Action Scenario

Project Area

Under the With-Action Scenario for the project build year, the Projected Development Sites are expected to be developed with two new, mixed use residential and commercial buildings. Overall, the proposed developments on Projected Development Sites 1-2 would contain approximately 64,025 gsf of floor area, including 53,874 gsf of residential floor area (including 53 dwelling units, of which 14-16 would be provided as affordable housing units pursuant to MIH) and 10,151 gsf of commercial floor area. 19 accessory parking spaces would be provided across both sites.

Detailed information on Projected Development Sites 1-2 is included in the Project Description. No new development is anticipated in the With-Action Scenario for other sites excluded in the Reasonable Worst Case Development Scenario.

400-Foot Radius Project Study Area

The Proposed Actions would not result in any changes in land use within the 400-foot radius project study area. Current trends land use trends in the Astoria section of Queens are characterized by new mixed-use development on larger roads and commercial corridors. New residential development in these settings often replaces existing low density commercial uses and vacant lots. The land use trend of replacement of low density commercial uses by medium density mixed-use buildings is expected to continue in both the No-Action and With-Action conditions.

Conclusion

The Applicant intends to develop the applicant-controlled Proposed Development Site 1 as described above. While the Proposed Actions would introduce increased density in the Project Area, the Proposed Actions would provide substantial new affordable housing—specifically permanently affordable housing pursuant to MIH—commercial space, and accessory parking. The Proposed Actions would also allow for the replacement of underutilized lots and low-density uses with affordable housing, while

largely maintaining the existing socioeconomic condition of the surrounding area. The replacement of these existing uses would not be considered to be a significant land use impact. The Applicant believes that the proposed increase in density is appropriate at this location due to the sites' adjacency to existing transportation infrastructure.

The Proposed Actions reinforce existing land use patterns, reflecting local commercial activity along Steinway Street, 31st Avenue and Newtown Road. While the Project Area will be rezoned to R6A/C1-3 (Projected Development Sites 1-2), the proposed increase in density is supported by the location of the sites and their proximity to two stations of New York City Transit's E/M/R subway lines and the Q18, Q101 and Q104 bus lines, as well as an expansive network of local streets. Moreover, to the east of the Project Area there is an institutional use (Horace Greeley Middle School (IS 10)) and a 2.20-acre open space resource, the Astoria Heights Playground. These serve to emphasize the existing residential character of the surrounding area. The area surrounding the Project Area consists of predominantly low and mid-rise residential buildings. All of the buildings fronting 43rd Street on Block 692 (with one exception) are single- or two-story buildings. There are some 5 and 6 story buildings within the Project Area (see: 44-02 Newtown Road and 31-06 42nd Street). The applicant's proposed development height for the development site is 65 feet (6 stories, with 85 feet being the maximum permitted under the proposed R6A/ C1-3 zoning).

The Proposed Actions would promote new mixed-use development with Mandatory Inclusionary Housing units on lots that do not maximize the allowable FAR permitted under existing zoning. Specifically, Projected Development Sites 1-2 currently include low density uses in a moderate-density area. Further, the Proposed Actions include the removal of the commercial overlay from a portion of the rezoning area. This would limit commercial uses to the block end of Block 692 and all of the irregularly shaped Block 694. This limits commercial development to an existing commercial intersection, further separating the use from the established midblock residential and refocusing commercial uses to the established commercial corridor.

Based on the above analyses, no potentially significant adverse impacts related to land use would occur as a result of the Proposed Actions. No further analysis is required.

ZONING

Existing Conditions

Project Area

The Project Area is presently mapped with R5/ C1-2 zoning districts. The floor area ratio (FAR) of 1.25 typically produces three-and four-story attached houses and small apartment houses. With a height limit of 40 feet, R5 districts provide a transition between lower- and higher-density neighborhoods and are widely mapped in Queens as a whole.

Astoria in particular is mapped with R5 and R5 contextual districts near commercial corridors and in most inland areas in the neighborhood.

To ensure compatibility with neighborhood scale, the maximum street wall height of a new building is 30 feet and the maximum building height is 40 feet. Above a height of 30 feet, a setback of 15 feet is required from the street wall of the building; in addition, any portion of the building that exceeds a height of 33 feet must be set back from a rear or side yard line. Detached houses must have two side yards that total at least 13 feet, each with a minimum width of five feet. Semi-detached houses need one eight-foot-wide side yard. Apartment houses need two side yards, each at least eight feet wide. Front yards must be 10 feet deep or, if deeper, a minimum of 18 feet to prevent cars parked on-site from protruding onto the sidewalk. Cars may park in the side or rear yard, in the garage or in the front yard within the side lot ribbon; parking is also allowed within the front yard when the lot is wider than 35 feet. Off-street parking is required for 85% of the dwelling units in the building, but requirements are lower for income-restricted housing units (IRHU) and are further modified within the Transit Zone.

The Project Area is entirely within the Transit Zone which is an area where special lower accessory parking requirements apply for various types of affordable housing including income-restricted housing units. These are generally areas of the city beyond the Manhattan Core within one-half mile of a subway station where auto ownership rates are among the lowest in the city.

C1-2 districts are a type of commercial overlay district. When mapped over R5 districts, C1-2 overlays allow a maximum commercial floor area ratio (FAR) of 1.0. This generally translates into ground floor commercial uses in otherwise residential buildings. C1-2 districts permit retail stores and personal service establishments (Use Group 6). Typical retail uses include neighborhood grocery stores, restaurants and beauty parlors. Transient hotel uses (Use Group 5) are not permitted in C1-2 districts. One parking space per 300 square feet of commercial use is required in C1-2 districts.

C1-1 through C1-5 and C2-1 through C2-5 districts are commercial overlays mapped within residence districts. Mapped along streets that serve local retail needs, they are found extensively throughout the city's lower- and medium-density areas and occasionally in higher-density districts.

400-Foot Radius Project Study Area

The primary zoning districts mapped throughout the surrounding area include the aforementioned R5/ C1-2 (with some R6B/C1-3 districts mapped to the west outside of the Study Area). Commercial uses are located almost entirely within commercial corridors. These are located along, 31st Avenue, 30th Avenue, Broadway, and Steinway Street. Outside of these corridors uses are predominantly residential on midblocks and side streets.

In R5 Districts the floor area ratio (FAR) of 1.25 typically produces three-and four-story attached houses and small apartment houses. With a height limit of 40 feet, R5 districts provide a transition between lower- and higher-density neighborhoods and are widely mapped in Queens as a whole and inland areas in Astoria.

To ensure compatibility with neighborhood scale, the maximum street wall height of a new building is 30 feet, and the maximum building height is 40 feet. Above a height of 30 feet, a setback of 15 feet is required from the street wall of the building; in addition, any portion of the building that exceeds a height of 33 feet must be set back from a rear or side yard line. Detached houses must have two side yards that total at least 13 feet, each with a minimum width of five feet. Semi-detached houses need one eight-foot-wide side yard. Apartment houses need two side yards, each at least eight feet wide. Front yards must be 10 feet deep or, if deeper, a minimum of 18 feet to prevent cars parked on-site from protruding onto the sidewalk. Cars may park in the side or rear yard, in the garage or in the front yard within the side lot ribbon; parking is also allowed within the front yard when the lot is wider than 35 feet. Off-street parking is required for 85% of the dwelling units in the building, but requirements are lower for income-restricted housing units (IRHU) and are further modified within the Transit Zone.

In addition, the Project Area was rezoned in 1998 as part of the Steinway Street Rezoning (C 980193 ZMQ). Per the Department of City Planning, the purpose of this action was to direct commercial and residential development to Steinway Street, thereby fostering a connection between existing Steinway Street businesses and the emerging retail development on Northern Boulevard east of Steinway Street; more accurately reflect the character of existing commercial, mixed-use, and residential buildings on Steinway Street between 28th and 34th avenues; allow a greater density and a wider range of commercial uses in the area currently zoned M1-1; and make existing residences in the M1-1 District conforming uses.

No-Action Scenario

Project Area

In the No-Action Scenario, the Project Area would maintain its current zoning.

400-Foot Radius Project Study Area

Based on a review of the Department of City Planning's information for Queens Community District 1, no rezoning applications are presently proposed for the 400-foot radius project study area.

With-Action Scenario

Project Area

The Proposed Actions, described above, would rezone portions of the Project Area from a R5/ C1-2 area to a R6A/ C1-3 area; rezone portions of the Project Area from a R5/C1-2 area to a R5 area; and apply a zoning text amendment pursuant to Appendix F to establish a Mandatory Inclusionary Housing ("MIH") Area coterminous to the areas being rezoned. According to the NYU Furman Center, rental prices have increased an aggregate 27.6 percent in Astoria since 1990[1]. There is therefore a strong need for zoning changes that facilitate the development of affordable housing that reaches a broad range of incomes. Under the MIH provisions applicable to the project, approximately 14-16 housing units would be provided.

The MIH program, as described further below (see Public Policy Section), requires that permanently affordable housing be provided within new residential developments, enlargements, and conversions from non-residential to residential use within the mapped MIH Areas.

R6A is a a contextual district where the Quality Housing bulk regulations are mandatory. These regulations produce high lot coverage, six- to eight-story apartment buildings set at or near the street line. Designed to be compatible with older buildings found in medium-density neighborhoods, R6A districts are in large areas of Queens. Within the Astoria neighborhood R6A districts are found in the western portion of the neighborhood (west of Steinway Street) along with other contextual districts.

The floor area ratio (FAR) in R6A districts is 3.0. Above a minimum base height of 40 feet, the building must set back by at least 10 feet on a wide street and 15 feet on a narrow street before rising to its maximum height of 70 feet, or 75 feet if providing a qualifying ground floor. Qualifying ground floors must be a minimum of 13 feet in height. To preserve the traditional streetscape, the street wall of a new building can be no closer to the street line than any adjacent street wall but need not be farther than 10 feet. The area between a building's street wall and the street line must be planted. R6A buildings must have interior amenities for the residents pursuant to the Quality Housing Program. Higher maximum FAR and heights are available for buildings participating in the Inclusionary Housing Program.

Off-street parking is generally required for 50 percent of a building's dwelling units, but requirements are lower for income-restricted housing units (IRHU) and are further modified in certain areas, such as within the Transit Zone and the Manhattan Core, or for

[1] New York University Furman Center, https://wagner.nyu.edu/files/faculty/publications/NYU_Furman_Center_2015_State_of_New_York_Citys_Hous ing_Neighborhoods_in_2015.pdf

lots less than 10,000 square feet. Parking can be waived if five or fewer spaces are required. Off-street parking is not allowed in front of a building.

As noted above, in R5 Districts the floor area ratio (FAR) of 1.25 typically produces three- and four-story attached houses and small apartment houses. With a height limit of 40 feet, R5 districts provide a transition between lower- and higher-density neighborhoods and are widely mapped in Queens as a whole and inland areas in Astoria.

To ensure compatibility with neighborhood scale, the maximum street wall height of a new building is 30 feet and the maximum building height is 40 feet. Above a height of 30 feet, a setback of 15 feet is required from the street wall of the building; in addition, any portion of the building that exceeds a height of 33 feet must be set back from a rear or side yard line. Detached houses must have two side yards that total at least 13 feet, each with a minimum width of five feet. Semi-detached houses need one eight-foot-wide side yard. Apartment houses need two side yards, each at least eight feet wide. Front yards must be 10 feet deep or, if deeper, a minimum of 18 feet to prevent cars parked on-site from protruding onto the sidewalk. Cars may park in the side or rear yard, in the garage or in the front yard within the side lot ribbon; parking is also allowed within the front yard when the lot is wider than 35 feet. Off-street parking is required for 85% of the dwelling units in the building, but requirements are lower for income-restricted housing units (IRHU) and are further modified within the Transit Zone.

400-Foot Radius Project Study Area

The Proposed Actions would not result in any additional changes in zoning in the 400-foot radius project study area. The Projected Development Sites would introduce denser development than permitted by current zoning. It is the applicant's opinion that the both Proposed Development Sites 1 and 2 would not be out-of-character with the surrounding zoning in the study area.

Conclusion
Based on the above analyses, no potentially significant adverse impacts related to zoning would occur as a result of the Proposed Actions. No further analysis is required.

PUBLIC POLICY

Existing Conditions
According to the CEQR Technical Manual, a project that would be located within areas governed by public policies controlling land use, or that has the potential to substantially affect land use regulation or policy controlling land use, requires an analysis of public policy. Public policies applicable to the Project Area and 400-foot radius project study area are discussed below.

Project Area and 400-Foot Radius Project Study Area

Public policies applicable to portions of the study area include One New York: The Plan for a Strong and Just City (OneNYC) and Housing New York: A Five-Borough, Five-Year Plan (Housing New York). OneNYC, originally released as PlaNYC in 2007, is a policy document designed to address New York City's long-term challenges, including a projected population increase to 9 million residents by 2040, changing climate conditions, an evolving economy, and aging infrastructure. OneNYC builds upon PlaNYC and focuses on four guiding principles: growth, equity, sustainability, and resiliency

The Proposed Actions are consistent with several of OneNYC's initiatives and support the growth goals of Vision 1, which aim to create the world's most dynamic urban economy where families, businesses, and neighborhoods thrive. The development facilitated by the Proposed Actions would support the goals of "Housing" and "Thriving Neighborhoods" under Vision 1 of OneNYC.

Goal (Housing): New Yorkers will have access to affordable, high-quality housing coupled with robust infrastructure and neighborhood services.

To ensure that all New Yorkers have access to housing they can afford, OneNYC's goal for housing is to produce and preserve affordable units, increase the overall supply of all types of new housing, and coordinate with regional partners to stimulate production of more housing to meet demand. The Proposed Actions would support the following initiatives and sub-initiatives under this goal:

- Creating and preserving 200,000 affordable housing units over ten years (since updated to 300,000 units) to alleviate New Yorker's rent burden and meet the needs of a diverse population; and supporting efforts by the private market to produce 160,000 additional new units of housing over ten years to accommodate a growing population;
- Establishing a MIH program to promote economic diversity and affordable-housing development; and
- Pursuing neighborhood planning initiatives that expand opportunities for mixed residential/commercial development, especially the attraction of retail and services to underserved neighborhoods.

The Proposed Actions would facilitate the development of approximately 51 incremental dwelling units on Proposed Development Sites 1 and 2, including 14-16 units provided pursuant to MIH. By facilitating the creation of permanent affordable housing, the Proposed Actions would support a diverse residential population and would create additional housing options, which would help strengthen the City's economy. Based on this information, the Proposed Actions are consistent with the policies of OneNYC.

Goal (Thriving Neighborhoods): New York City's neighborhoods will continue to thrive and be well-served.

OneNYC identifies three core principles for guiding the City's neighborhood planning efforts: (i) supporting vibrant, mixed residential/commercial communities that align transit, housing, and jobs, and offer residents access to essential retail and services; (ii) proactively planning for current and future growth; and (iii) engaging New Yorkers in the planning process. In particular, OneNYC outlines how neighborhood planning, including changes to existing zoning, has the potential to create a wide range of opportunities for mixed residential/commercial neighborhoods. The Proposed Actions would allow greater density and expanded residential uses, redeveloping sites which are largely underutilized into a mixed residential/commercial development including commercial uses at the street level. Based on this information, the Proposed Actions are consistent with the policies of OneNYC.

Housing New York is the City's comprehensive housing development policy, which includes a primary goal of building or preserving 200,000 units of high-quality affordable housing over the next decade (since updated to 300,000 units in Housing New York 2.0). Housing New York was developed in conjunction with the New York City Department of Housing and Preservation (HPD) to create housing opportunities for New Yorkers with a range of incomes, while fostering vibrant and diverse neighborhoods.

In response to the policy goals and objectives in Housing New York, the City Council adopted an amendment to the ZR to establish the Mandatory Inclusionary Housing (MIH) program on March 22, 2016. This program requires that a percentage of new housing be permanently affordable when an increase in residential floor area is requested (i.e. an upzoning). The primary components of Housing New York include: (i) Mandatory affordable housing: production of affordable housing would be a condition of residential development when developers build in a designated MIH area, whether rezoned as part of a City neighborhood plan or a private rezoning application; and (ii) Affordable housing would be permanent: there would be no expiration to the affordability requirement of apartments generated through MIH, making them a long-term, stable reservoir of affordable housing. MIH includes a number of possible options (officially designated by the City Council), as follows:

- Option 1: 25 percent of the residential floor area shall be provided as housing affordable to households at an average of 60 percent of the Income Index (AMI), with no unit targeted at a level exceeding 130 percent of AMI;
- Option 2: 30 percent of the residential floor area shall be provided as housing affordable to households at an average of 80 percent of the Income Index (AMI), with no unit targeted at a level exceeding 130 percent of AMI.

In addition to one or both of the options above, the City Council and the City Planning Commission could decide to apply one or both of the following options:

- Deep Affordability Option: 20 percent of the total residential floor area must be for housing units for residents with incomes averaging 40 percent of AMI and no direct subsidies could be used for these units except where needed to support more affordable housing;

- Workforce Option: 30 percent of the total residential floor area must be for housing units for residents with incomes averaging 115 percent of AMI; no units could go to residents with incomes above 135 percent AMI; no direct subsidies could be used for these affordable housing units; and this could not apply to Manhattan Community Districts 1-8.

As noted above, the Proposed Actions would support the policies and goals of Housing New York by providing new permanently affordable housing units.

The Project Area and the 400-foot radius project study area are not located within the City's Coastal zone boundary. Therefore, these areas are not subject to the provisions of the City's Waterfront Revitalization Program (WRP).

No other public policies would apply to the Proposed Actions. The Project Area—and the surrounding 400-foot radius study area—are not located within the boundaries of any 197-a Community Development Plans and also are not within a critical environmental area, a significant coastal fish and wildlife habitat, a wildlife refuge, or a special natural waterfront area. No historic districts or individually designated historic resources are located within the Project Area (see 'Historic and Cultural Resources' section) or the surrounding 400-foot radius study area.

No-Action Scenario

In the No-Action Scenario, no new development would occur in the Project Area. No other public policy initiatives would pertain to the Project Area or to the study area by the build year of 2023. In addition, no changes are anticipated to any other public policy documents relating to the Project Area or the surrounding study area by the project build year.

With-Action Scenario

In the With-Action Scenario, 14-16 units of affordable housing pursuant to MIH (as well as market rate housing and commercial space) would be developed. These actions help to meet the city's goal of creating new, permanently affordable housing, and therefore do not have the potential to cause a significant adverse impact to public policy.

Conclusion

No impacts to public policies would occur as a result of the Proposed Actions. The Applicant believes that the Proposed Actions would be a contextually appropriate development within the study area and support existing public policies applicable to the area, including OneNYC and Housing New York. The Proposed Actions would also facilitate the development of needed affordable housing in Queens. Based on the above analyses, no potentially significant adverse impacts related to public policy would occur as a result of the Proposed Actions. No further analysis is required.

2. Shadows

Introduction

Per the CEQR Technical Manual, the purpose of a shadows analysis is to assess whether new structures may cast shadows on sunlight sensitive publicly accessible resources or other resources of concern such as natural resources, and to assess the significance of their impact.

Sunlight sensitive resources of concern include Open Space Resources (see Open Space above), Architectural Resources (specifically features of landmark or historic structures that depend on direct sunlight), Natural Resources (see Natural Resources below), and "Green-streets".

Threshold Assessment

Per the CEQR Technical Manual, a shadows assessment is required if proposed actions would lead to the development of a structure at least 50 feet tall. Shorter structures that might cast substantial new shadows on an adjacent park, historic resource, or an important natural resource also require an analysis. The tallest building height on any of Projected Development Sites described above is 95 feet tall. For the purposes of presenting a conservative analysis an additional 10 ft has been added to the Proposed Project height to account for the addition rooftop mechanical bulkhead.

Preliminary Screening Assessment

Per the CEQR Technical Manual, a preliminary assessment of shadows impact, determines whether shadows from a proposed or projected development could reach a sunlight sensitive resource. The first step in conducting the screening assessment is to develop a base map that illustrates the proposed site location in relationship to the sunlight-sensitive resources. This base map is incorporated in Figure 7-1, Tier I Shadows Screening Assessment. The figure demonstrate that Proposed Development Sites 1 and 2 do not have the potential to cast shadows on any sunlight-sensitive resources. There are no sunlight sensitive natural resources or sunlight sensitive archaeological resources that could be affected by shadows cast by development on the
Projected Development Sites.

Tier I Assessment

Per the CEQR Technical Manual, a Tier I shadow assessment creates a longest shadow study area. The longest shadow study area encompasses the Project Area and a perimeter around the area's boundary with a radius equal to the longest shadow that could be cast by the proposed structure. The longest shadow cast by the Projected Development Sites is 4.3 times the height of the tallest structure: 408.5 Feet. Figure 7-1, Tier I Shadows Screening Assessment demonstrate that the no sunlight sensitive resources have the potential to receive shadows from the Projected Development Sites. Based on the results of the Tier 1 Assessment, a Tier II assessment is therefore not required.

Figure 7-1 - Tier 1 Shadow Screening Assessment



Data Source(s):
(1) New York City Department of City Planning, Information Technology Division: MapPLUTO Data;
(2) NYC Department of Information Technology and Telecommunications: NYC Street Centerlines;
(3) NYC Department of Information Technology and Telecommunications: Pavement Edge;
(4) NYC Department of Information Technology and Telecommunications: Building Footprints;
(5) NYC Department of Information Technology and Telecommunications: Open Space (Parks);
(6) NYC Department of Information Technology and Telecommunications: Hydrography;

Conclusion

As discussed above, the Projected Developments are not expected to cast any shadows on the any sunlight-sensitive resources. The shadows created by the Projected Developments are not anticipated to result in significant adverse impacts to any open space resources and no further analysis is warranted.

9. Historic and Cultural Resources

Introduction

Historic and cultural resources include both architectural and archaeological resources. The 2021 City Environmental Quality Review (CEQR) Technical Manual identifies historic and cultural resources as districts, buildings, structures, sites, and objects of historical, aesthetic, cultural, and archaeological importance. This includes designated New York City Landmarks (NYCL); properties calendared for consideration as landmarks by the New York City Landmarks Preservation Commission (NYCLPC); properties listed in the State/National Registers of Historic Places (S/NR) or contained within a district listed in or formally determined eligible for S/NR listing; properties recommended by the New York State Board for listing on the S/NR; National Historic Landmarks (NHL); and properties not identified by one of the programs listed above, but that meet their eligibility requirements.

An assessment of historic/archaeological resources is usually needed for projects that are located adjacent to historic or landmark structures or within historic districts, or projects that require in-ground disturbance, unless such disturbance occurs in an area that has already been excavated. As discussed in this chapter, the Project Area contains no individual landmarks nor eligible resource but would require in-ground disturbance Therefore, it is necessary to assess the potential impacts of the Proposed Actions on historic architectural resources.

Archaeological resources are considered only in those areas where new excavation or ground disturbance is likely and would result in new in-ground disturbance compared to No-Action conditions; these are limited to any area that may be developed in the Project Area and include projected as well as potential development sites. Because the Proposed Actions would induce development that could result in new in-ground disturbance, they have the potential to affect archaeological resources, and therefore an assessment of the potential effects on archaeological resources is also provided in this chapter.

Study Area

According to CEQR Technical Manual guidance, impacts on historic architectural resources are considered on those sites affected by the Proposed Actions and in the area surrounding identified development sites. The historic resources study area is therefore defined as the area to be rezoned plus an approximate 400-foot radius around the Project Area, which is typically adequate for the assessment of historic architectural resources, in terms of physical, visual, and historical relationships.

Preliminary Assessment

Archeological Resources

Archaeological resources are the physical remnants, usually buried, of past activities on a site. They can include pre-contact archaeological resources associated with the Native American populations who used or occupied a site, or archaeological resources associated with the historic period, which began with the settlement of Europeans in the New York area beginning in the 17th century. In developed areas and in urban regions, archaeological resources are often disturbed or destroyed by grading, excavation, and the installation and improvement of infrastructure. However, some archaeological resources do survive in an urban environment and are often sealed beneath the surface and protected from further disturbance.

In accordance with CEQR Technical Manual guidance, archaeological resources are assessed only in areas where excavation is likely and would result in new in-ground disturbance. In-ground disturbance is any disturbance to an area not previously excavated, including new excavation that is deeper and/or wider than previous excavation on the same site. For projects that would result in new in-ground disturbance, assessment of both prehistoric and historic archaeological resources is appropriate.

As discussed above, the Proposed Actions would facilitate construction on both Projected Development Site 1 and Projected Development Site 2 within the Study Area, resulting in new in-ground disturbances. As such, an assessment of archaeological resources is necessary for the Proposed Actions. As detailed in the CEQR Technical Manual, only the area of subsurface work for a project is considered the impact area for archaeological resources. Environmental review for archaeological resources is a predictive endeavor. For prehistoric resources, it is appropriate to determine whether there are known prehistoric archaeological resources within a half- mile radius of the site. For historic archaeological resources, it is appropriate to determine if there are known historic archaeological resources in the nearby area, such as on the present-day full tax lot or within the boundaries of the nearest adjacent mapped streets.

As discussed above (see Project Description) all lots within the Project Area are currently occupied. However, the Proposed Actions would result in incremental excavation on Projected Development Site 1 and Projected Development Site 2. In a letter dated March 16th, 2022 the New York City Landmarks Preservation Commission (NYCLPC) determined that the Projected Development site consisted of properties with no archeological or architectural significance.

Architectural Resources

The NYCLPC designates historically significant properties in the City as NYCLs and/or Historic Districts, following the criteria provided in the Local Laws of the City of New York, NYC Charter, Administrative Code, Title 25, Chapter 3. Buildings, properties, or objects are eligible for landmark status when a part is at least 30 years old. Landmarks have a special character or special historical or aesthetic interest or value as part of the development, heritage, or cultural characteristics of the city, state, or nation. There are four types of landmarks: individual landmark, interior landmark, scenic landmark, and historic district.

In a letter dated March 16th, 2022 the New York City Landmarks Preservation Commission (NYCLPC) determined that the Projected Development site consisted of properties with no archeological or architectural significance.

Conclusion

As discussed above, the Proposed Actions would not result in significant adverse impacts to historic or cultural resources within the Study Area and further analysis is not warranted.

4. Urban Design and Visual Resources

Introduction

Per the CEQR Technical Manual, an urban design assessment considers whether and how a project may change the experience of a pedestrian in the project area. The assessment focuses on the components of a proposed project that may have the potential to alter the arrangement, appearance, and functionality of the built environment.

A preliminary assessment is appropriate 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:

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

As discussed above in the Land Use, Zoning, and Public Policy section, the Proposed Actions include zoning map amendments and a zoning text amendment. These actions would both permit the modification of yard, height, and setback requirements and result in an increase in built floor area beyond what would be allowed 'as-of-right' in the current R5/C1-2 and R5 zoning districts.

The Project Area is presently mapped with R5/ C1-2 zoning districts. The floor area ratio (FAR) of 1.25 typically produces three-and four-story attached houses and small apartment houses. With a height limit of 40 feet, R5 districts provide a transition between lower- and higher-density neighborhoods and are widely mapped in Queens as a whole. Astoria in particular is mapped with R5 and R5 contextual districts near commercial corridors and in most inland areas in the neighborhood.

To ensure compatibility with neighborhood scale, the maximum street wall height of a new building is 30 feet and the maximum building height is 40 feet. Above a height of 30 feet, a setback of 15 feet is required from the street wall of the building; in addition, any portion of the building that exceeds a height of 33 feet must be set back from a rear or side yard line. Detached houses must have two side yards that total at least 13 feet, each with a minimum width of five feet. Semi-detached houses need one eight-foot-wide side yard. Apartment houses need two side yards, each at least eight feet wide. Front yards must be 10 feet deep or, if deeper, a minimum of 18 feet to prevent cars parked on-site from protruding onto the sidewalk. Cars may park in the side or rear yard, in the garage or in the front yard within the side lot ribbon; parking is also allowed within the front yard when the lot is wider than 35 feet. Off-street parking is required for 85% of the dwelling units in the building, but requirements are lower for income-restricted housing units (IRHU) and are further modified within the Transit Zone.

The Proposed Actions would rezone the R5/C1-2 portions of the Project Area to R6A/C1-3. The Proposed Actions would rezone certain R5/C1-2 portions of the Project Area to R5.

The Proposed Actions would facilitate the development of two new, mixed-use residential and commercial developments. These developments would be 65 feet in height but are analyzed at 85 feet in height for conservative analysis purposes. The Proposed Actions would permit the modification of yard, height, and setback requirements in the Project Area and result in an increase in built floor area beyond what would be allowed 'as-of-right' absent the Proposed Actions. The Projected and Potential Developments are also anticipated to result in a different built form at the street level. An assessment of urban design and visual resources is therefore warranted.

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.

Existing Building Bulk, Use, Type, and Arrangement

As discussed above, the Project Area currently contains a mix of uses including single-family and multi-family residences, community facility uses, limited commercial uses, transportation and utility uses, and open space facilities. These uses are located in a range of low-rise buildings (one- to two-stories) and mid-rise buildings. The Project Area itself contains single and multifamily family residential buildings, one and two-story commercial buildings, and a surface parking lot. There are Pre-War buildings in the Project Area that are taller and contain high lot coverage than adjacent buildings constructed after the adoption of the 1968 Zoning Resolution.

No-Action Scenario

If Proposed Actions are not approved, the built form, use, type, and arrangement of the Study Area and surrounding area would remain unchanged, as no new development is expected to occur within the Project Area or anywhere else within the Study Area. The bulk and height of existing developments are rendered in **Figure 10-1: Urban Design Rendering View Map and Figures 10-2 through Figures 10-3: Urban Design Diagram.**

With-Action Scenario

If the Proposed Actions are approved, the built form, use, type, and arrangement of the Study Area and surrounding area would remain largely unchanged, however the Proposed Developments would introduce new building heights, bulk, and density to two

Figure 10-1 - Urban Design Rendering Key Map

1 Projected Development Site

1 Rendering View Location



Data Source(s):
(1) New York City Department of City Planning, Information Technology Division: MapPLUTO Data;
(2) ESRI, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AerioGRID, IGN, and the GIS User Community

41-18 31st Avenue, Queens
Figure 10-2: Urban Design Diagram,
Projected Development Site 1

No-Action Scenario
31st Avenue facing west (Site at left)



With-Action Scenario
31st Avenue facing west (Site at left)



41-18 31st Avenue, Queens
Figure 10-3: Urban Design Diagram,
Projected Development Site 2

No-Action Scenario
Newtown Road facing north (Site ahead)



With-Action Scenario
Newtown Road facing north (Site ahead)



specific sites. The bulk and height of these developments are rendered in **Figure 10-1: Urban Design Rendering View Map and Figures 10-2 through Figures 10-3: Urban Design Diagram.** As seen in the reference figures, the increased height, bulk and density in the With-Action Scenario would change the appearance of the built environment, but this change would not negatively affect the pedestrian's experience of the area. The Proposed Developments would retain a cohesive street-wall and active ground floor uses to the Project Area. The ground floor commercial retail uses on both Projected Development Sites 1 and 2 are considered "active" in that they generate interest and promote interaction from pedestrians. The ground floor commercial retail uses in both Projected Development Sites are situated at an intersection that marks the beginning of a local active node for the surrounding neighborhood. The activation of this intersection may be considered to be an improvement over the existing blank wall conditions on both Projected Development Sites.

Block Form, Street Pattern, and Street Hierarchy

As discussed above, the Study Area is characterized by low and moderate-density residential uses, with 31st Avenue and Newtown Road both containing residential and commercial uses. Steinway Street to the west is the primary commercial corridor for the area and carries New York City Transit's E/M/R subway line for a portion of its route. There is a consistent street grid pattern throughout the Study Area, with roads oriented east-west, and larger north-south connections (like Steinway Street). The intersection of Newtown Road, 31st Avenue, and 43rd Street form a three-street intersection that makes for an extra wide intersection with six corner lots.

No-Action Scenario

If the Proposed Actions are not approved, the block form, street pattern and street hierarchy will remain the same as the current existing conditions.

With-Action Scenario

If the Proposed Actions are approved, the block form, street pattern and street hierarchy would remain the same as the current existing conditions. The Proposed Development would increase the allowable height on the affected blocks. This increase would occur on the wide intersection described above. No new street will be built within the Study Area. The developments on the Proposed and Projected Development Sites are not expected to introduce a significant number of new curb cuts. Those sites that are projected to include on-site parking facilities would be accessed via two curb cuts, one for each of the two proposed developments.

Streetscape Elements

The Study Area includes street trees along both major commercial corridors and along local residential streets. Certain frontages of the Project Area currently do not contain street trees. There are a few New York City Transit (NYCT) bus stops near the Study Area, including service for the Q18, Q101 and Q104 buses. Many of these stops include bus shelters.

Sidewalks in the Study Area are generally 10-feet wide in front of all buildings. Sidewalks along certain limited segments within the Study Area are between 15 and 20 feet wide. Low-height fencing is present along the frontages of many residential buildings in the Study Area.

No-Action Scenario

In the No-Action Scenario, the streetscape elements will remain. There are currently no plans that would significantly alter sidewalk widths, add or remove street trees, or introduce new bus shelters.

With-Action Scenario

In the With-Action Scenario, the required street tree coverage would be increased along the frontages of the Projected Development Sites. Certain landscape elements will also be introduced. The remaining streetscape elements would otherwise remain unchanged.

Visual Resources

There are no natural features in the Project Area or within the surrounding Study Area. Therefore, no natural features are visible from the Project Area or from any point within the Study Area. There are no notable features or buildings existing in the immediate vicinity of the study area. Therefore, based on the criteria in the CEQR Technical Manual, the Proposed Actions would not result in the obstruction of views of a natural or built visual resource. The Proposed Actions would not result in the significant alteration of views from streets. Therefore, no significant impacts related to visual resources are expected.

Conclusion

The Proposed Actions would allow physical alteration of the Project Area beyond that allowed by existing zoning. As discussed above, the Proposed Developments would introduce new bulk, height, and density to the Study Area. The increased height, bulk and density in the With-Action Scenario would change the appearance of the built environment, but this change would not negatively affect the pedestrian's experience of the area. The Proposed Developments would introduce a street-wall and active ground floor uses to the Project Area, which is currently primarily characterized low and moderate density residential and commercial buildings. Further, the Proposed Actions would not result in development that would alter the block form, street pattern, nor street hierarchy of the Study Area. The Proposed Actions would result in the introduction of new street trees and some landscaping but would not otherwise introduce new streetscape elements. The Proposed Actions are not anticipated to result in a significant adverse impact to urban design or visual resources in the Study Area and no further analysis is warranted.

5. Hazardous Materials

Introduction

A hazardous material is any substance that poses a threat to human health or the environment. Substances that can be of concern include but are not limited to, heavy metals, volatile and semivolatile organic compounds, methane, polychlorinated biphenyls, and hazardous wastes (defined as substances that are chemically reactive, ignitable, corrosive, or toxic). According to the CEQR Technical Manual, the potential for significant adverse impacts from hazardous materials can occur when: a) hazardous materials exist on a site and b) an action would increase pathways to their exposure; or c) an action would introduce new activities or processes using hazardous materials.

In accordance with the CEQR Technical Manual guidelines, an assessment was conducted to determine whether the proposed action could lead to increased exposure of people or the environment to hazardous materials and whether the increased exposure would result in significant adverse public health impacts or environmental damage. Since the Proposed Actions are anticipated to result in increased ground disturbance, an assessment of Hazardous Materials is required. Environmental Studies Corp. has performed a Phase I Environmental Site Assessment (ESA). Summaries of the findings of the Phase I ESA is included below.

Environmental Studies Corp. has performed a Phase I Environmental Site Assessment (ESA) of the subject property referred to as the 31st Avenue & Newtown Road Rezoning Development Site 1, which consists of Lot Numbers 43, 44, 45 and 46 on Block 692, in the Borough of Queens, New York City, New York. The addresses of the project site are 42-14 through 42-20 31st Avenue and 31-02 43rd Street (Lot 43), and 31-04 43rd Street (Lot 44), 31-06 43rd Street (Lot 45), and 31-08 43rd Street (Lot 46). This Phase I ESA was prepared in accordance with the latest ASTM Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (ASTM Designation E 1527-13).

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

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

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

EXECUTIVE SUMMARY

Site Description

The subject property at 42-14 through 42-20 31st Avenue and 31-02 through 31-08 43rd Street, Queens, New York consists of four adjacent tax lots with a total combined area of approximately 10,780 square feet. Lot 43 (42-14 through 42-20 31st Ave. & 31-02 43rd St.) is approximately 3,500 square feet and is fully occupied by a 1- and 2-story (plus cellar) commercial building. The eastern portion of the building contains a restaurant (Spyce Astoria), and the western part appeared to be vacant at the time of the site visit. Lot 44 (31-04 43rd Street) is approximately 1,280 square feet in area and contains a 2-story, 2-family apartment building. Lot 45 (31-06 43rd Street) and Lot 46 (31-08 43rd Street) are each approximately 3,000 square feet in area, and each contains a 2-story commercial building. The exterior portions of Lots 45 and 46 contain an outdoor dining area.

Current Operations/Hazardous Substances

The operations at the project site consist of a restaurant and a 2-family apartment building. No evidence of operations involving the storage or use of hazardous substances were observed at the project site.

Site History

Research into the history of the project site shows that the buildings on Lot 43 were constructed sometime between 1936 and 1948. The identified former uses/occupants of these buildings include retail stores, restaurants, a Knights of Columbus hall, and a locksmith. Prior to the construction of these buildings, this lot contained a 2-story bakery, a retail store, a private garage and a stable. These structures were constructed sometime

between 1898 and 1915. Prior to the construction of these buildings, Lot 43 was vacant land as shown on the 1898 Sanborn map.

The existing 2-story, 2-family apartment building on Lot 44 was constructed sometime between 1915 and 1936. This lot was vacant and undeveloped prior to the construction of the apartment building, as shown on the 1898 and 1915 Sanborn maps.

Lot 45 contained two small, 1-car garages (accessory structures for adjoining dwellings) from at least 1936 to circa 2001, at which time these structures were demolished and the existing 2-story commercial building was constructed. Prior to the construction of the 1-car garages, Lot 45 was vacant and undeveloped, as shown on the 1898 and 1915 Sanborn maps. The existing 2-story commercial building has been occupied by a restaurant since its construction.

Lot 46 contained a 2-story dwelling and detached garage from at least 1915 to circa 2001, at which time the buildings were demolished and the existing 2-story commercial building was constructed. Prior to the construction of the buildings, Lot 46 was vacant and undeveloped, as shown on the 1898 Sanborn map. The existing 2-story commercial building has been occupied by a restaurant since its construction.

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

Site Drainage

Petroleum Storage Tanks

There are two fuel oil tank fillports located in the sidewalk in front of the building on Lot 43. These fillports are located very close to the foundation of the building, which indicates that they are likely connected to an aboveground tank in the basement. Additionally, a fuel oil tank vent line was observed along the east wall of the 2-story apartment building on Lot 44. It is also likely that there is a small aboveground fuel oil tank located in the basement of the building on Lot 44. There were not any indications of additional aboveground storage tanks (ASTs), or underground storage tanks (USTs), observed at the property during the site visit.

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

that out-of-service tanks are required to be properly closed or removed in accordance with NYSDEC and New York City Fire Department (FDNY) requirements.

Asbestos/Lead-Based Paints/PCBs
Given the age of the buildings on Lots 43 and 44 (constructed prior to 1980), it is possible that they contain asbestos building materials and lead-based paints in underlying layers. However, it is likely that the commercial building located on Lot 43 has been significantly renovated since the 1990s, and therefore is considered unlikely to contain significant quantities of asbestos building materials or lead-based paints. No transformers or other electrical equipment suspected of containing PCBs were observed at the project site.

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

Surrounding Land Use
The property is adjoined to the north by 31st Avenue, beyond which is a mixed-use building (residential with ground floor commercial), and an auto repair and detailing shop. Adjacent and to the south of the site are residential uses. Adjacent and to the east is 43rd Street, beyond which is a gasoline filling station and auto-repair garage, and residential dwellings. The property is adjoined to the west by 42nd Street, beyond which is a mixed-use building (i.e., residential with ground floor retail). Land uses in the immediate vicinity of the property (i.e., within approximately 500 feet of the site) are predominantly residential with commercial/retail uses located along 31st Avenue and Newtown Road. There were not any heavy industrial uses identified in the immediate vicinity of the project site.

A review of Sanborn historical maps shows that historical land uses in the immediate area of the subject property have been predominantly residential and commercial/retail since at least the 1930s. A gasoline filling station is shown at 42-09 through 42-13 31st Avenue on the 1948 through 1992 Sanborn maps. This site is located adjacent and to the north of the property, across 31st Avenue. Additionally, a gasoline filling station appears at 43-10 31st Avenue on the 1936 through 2006 Sanborn maps. This station is located adjacent and to the east of the project site, across 43rd Street.
There are 56 NYSDEC-reported spill incidents identified within ½ mile of the project site. There are 11 PBS facilities with USTs, and 39 PBS facilities with ASTs, identified within ¼ mile of the subject property, and there are four historical dry-cleaning sites located within 1/8 mile of the project site.

Given the number of off-site, potential sources of contamination located in the immediate vicinity of the project site, the potential for groundwater contamination exists in the area of the subject property from these off-site sources of contamination.

Phase II Testing

Further testing on the applicant controlled Projected Development Site 1 cannot be completed at this time. The site is currently occupied by existing (active) business as described in this EAS. The presence of active businesses and the absence of non-paved construction ready areas within the Projected Development Site 1 Projected Development Site 1 (Block 692, Lots 43, 44, 45, and 46) precludes the ability to conduct the necessary testing required as part of a Phase II Environmental Site Assessment prior to the completion of this EAS and approval of the Proposed Actions. As discussed above there are existing operating businesses on Projected Development Site 1. These businesses, Restaurants and Night Club), are occupied during normal business hours and late into the night. Outside of business hours the site receives deliveries from large commercial vehicles and trucks. The presence of these vehicles and equipment outside of business hours and the presence of an operational business at other times of the day makes soil sampling and further testing impossible at this stage of the approval process. Further, the sites all occupy 100% of their respective lot area, sampling would need to occur within the building footprint.

Conclusions

A Phase I Environmental Site Assessment was completed in conformance with the scope and limitations of ASTM Practice E 1527-13 of the property referred to as the 31st Avenue and Newtown Road Rezoning Development Site 1, Block 692, Lots 43, 44, 45 & 46, Queens, New York, the property. Any exceptions to or deletions from this standard are described in section A of this report. This assessment has revealed no evidence of Historical Recognized Environmental Conditions or Controlled Recognized Environmental Conditions in connection with the property. This assessment has revealed no evidence Recognized Environmental Conditions in connection with the property, with the following exception:

- The potential for groundwater contamination in the area of the project site from historical off-site sources of contamination in the immediate vicinity of the subject property.

Prior to any soil disturbance on these properties, an (E) designation related to hazardous materials will be assigned to Rezoning Area as described below.

Further, although Phase I testing was not completed on Projected Development Site 2 (non-applicant owned). Testing should likewise be conducted on this site prior to any in-ground disturbance.

To avoid any potential impacts associated with hazardous materials, an (E) designation (E-690) will be established on the Projected Development Site 1 (Block 692, Lots 43, 44, 45, and 46) and on Projected Development Site 2 (Block 694, Lots 1 and 4).

The text of the (E) designation (E-690) 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.

Conclusion

The implementation of the preventative and remedial measures outlined in the (E) designation would preclude the potential for significant adverse hazardous materials impacts from the Proposed Actions. Therefore, no further analysis is warranted.

17. AIR QUALITY

INTRODUCTION

Analysis Framework

Ambient air quality, or the quality of the surrounding air, may be affected by air pollutants produced by motor vehicles, referred to as "mobile sources"; by fixed facilities, usually referenced as "stationary sources"; or by a combination of both. Under CEQR, an air quality assessment determines both a proposed project's effects on ambient air quality as well as the effects of ambient air quality on the project. The analysis followed the *New York City Environmental Quality Review 2020 Technical Manual*.

MOBILE SOURCE

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

Screening Analysis

Project-Generated Traffic

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

The Proposed Actions would not exceed the *CEQR Technical Manual Table 16-1* threshold criterions. As such, the project-generated peak hour auto traffic would not exceed 170 net vehicles trips at any given hour at any intersection during any peak hour.

For the HDDVs screen, all the project-generated traffic was assumed to travel on a local street (12 HDDVs), which is the most conservative approach. Detailed trip calculation was provided by the NYC Department of City Planning (DCP), Environmental Assessment and Review Division (EARD) transportation team. The detailed trip calculation was based on the project increment (51 dwelling units and local retail decrease of 3,408 gsf). The HDDVs screen assumed that all autos are LDGT1 class vehicles. The worst-case HDDVs or its equivalent in vehicular emissions would result in a maximum of 1 equivalent trucks. Table 17-1 shows the project-generated traffic (inbound and outbound combined) and the results of the *CEQR Technical Manual* Equivalent Truck Calculation for each peak-hour period.

Table 17-1: *CEQR Technical Manual* Equivalent Truck Calculations

Peak-Hour Period	Truck Per Hour	Auto Per Hour	Equivalent Truck
AM	0	2	1
MD	0	(1)	0
PM	0	(2)	(1)
Sat MD	0	(2)	(1)

As seen in Table 17-1, the Proposed Actions $PM_{2.5}$ equivalent truck calculation in vehicular emission does not exceed the 12 HDDVs screening threshold criterion. Therefore, HDDVs detailed analysis is not warranted.

The With-Action condition would result in 19 off-street parking spaces (12 spaces at Projected Development Site 1 and 7 at Projected Development Site 2). The number of spaces (19) is less than the *CEQR Technical Manual* threshold that would require a transportation analysis (*Table 16-1, Minimum Development Densities Potentially Requiring Transportation Analysis*). Additionally, the Proposed Project would not exceed the *CEQR Technical Manual* threshold of 170 peak hour vehicle trips that would require a mobile source air quality analysis (Chapter 17, Section 210). Furthermore, based on analyses of much larger parking garages in the city, given the small number of incremental parking spaces, the potential for significant adverse air quality impacts is unlikely, and therefore, a dispersion analysis for the parking facility was not conducted. In addition, the Proposed Project is not located near an atypical roadway or other major mobile source of pollutant.

STATIONARY SOURCES

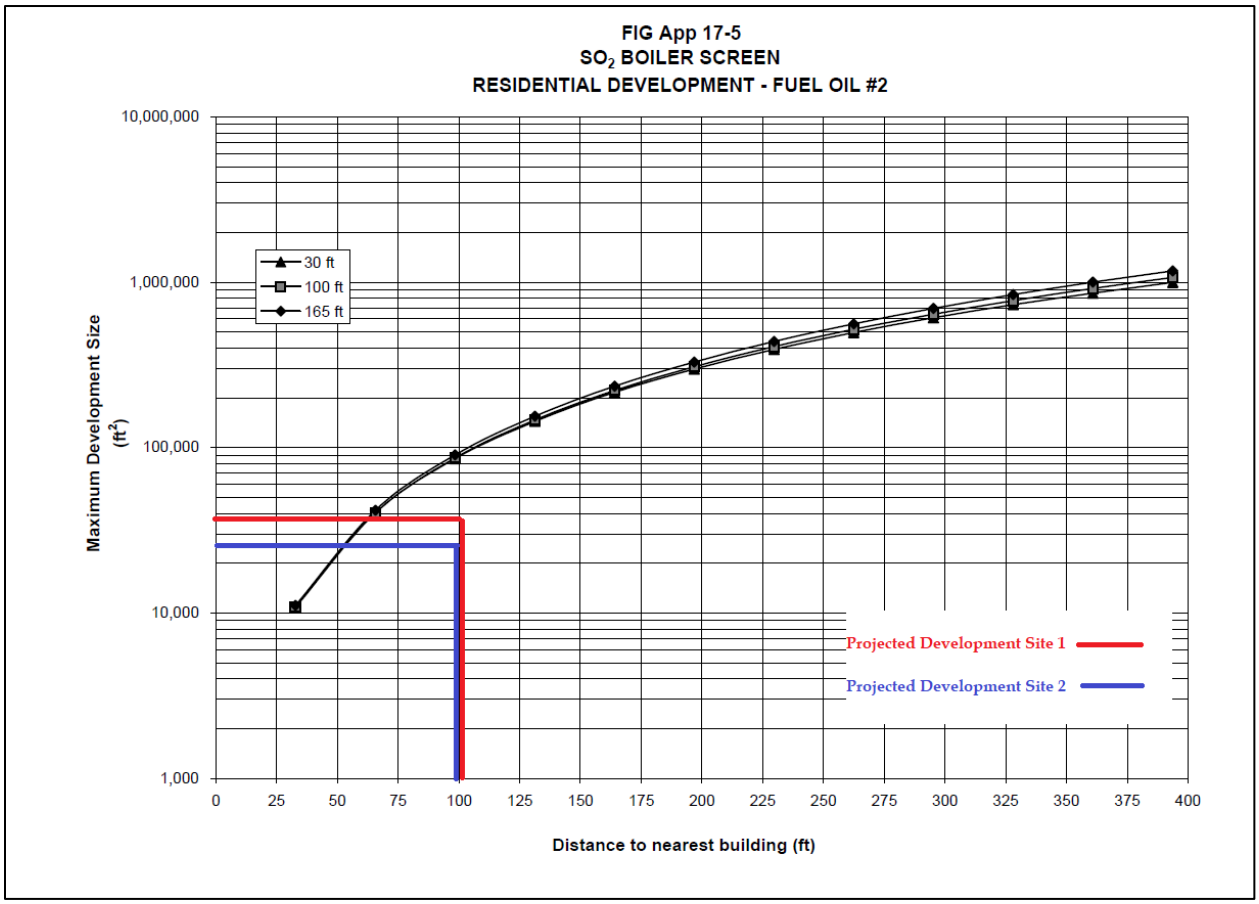
HVAC Systems – Screening Analysis

The potential for the heat and hot water system(s) to have a significant adverse impact on nearby receptors depends on the type of fuel that would be used by the heating ventilation, and air conditioner (HVAC) and hot water system, the height of the stack venting the emissions, the distance to the nearest building of similar or greater height, the building's use, and the square footage of the development that would be served by the system. The *CEQR Technical Manual* provides a screening analysis based on these factors. This CEQR screening procedure is applicable to buildings that are not less than 30 feet from the nearest building of similar or greater height.

The Proposed Actions includes two six-story mixed-use, predominantly residential buildings. The Projected Development Site 1 would contain 38,188 gross square foot (gsf) of floor area and would rise to a height of 65-foot above grade. The Projected Development Site 2 would contain 23,686 gsf of floor area and would rise to a height of 65-foot above grade. According to 15 RCNY 2-15, no new boiler or burner installations may use No. 6 or No. 4 fuel oils. Therefore, the highest-emitting fuel that could be used is No. 2 fuel oil.

A distance of 100 feet was applied in the project-project screening analysis, which is the shortest distance between the Projected Development Sites. Figure 17-1 (using Figure 17-5 of the *CEQR Technical Manual Appendices*) shows the project-on-project (Projected Development Site 1 on Projected Development Site 2 and vice versa) screening analysis nomograph.

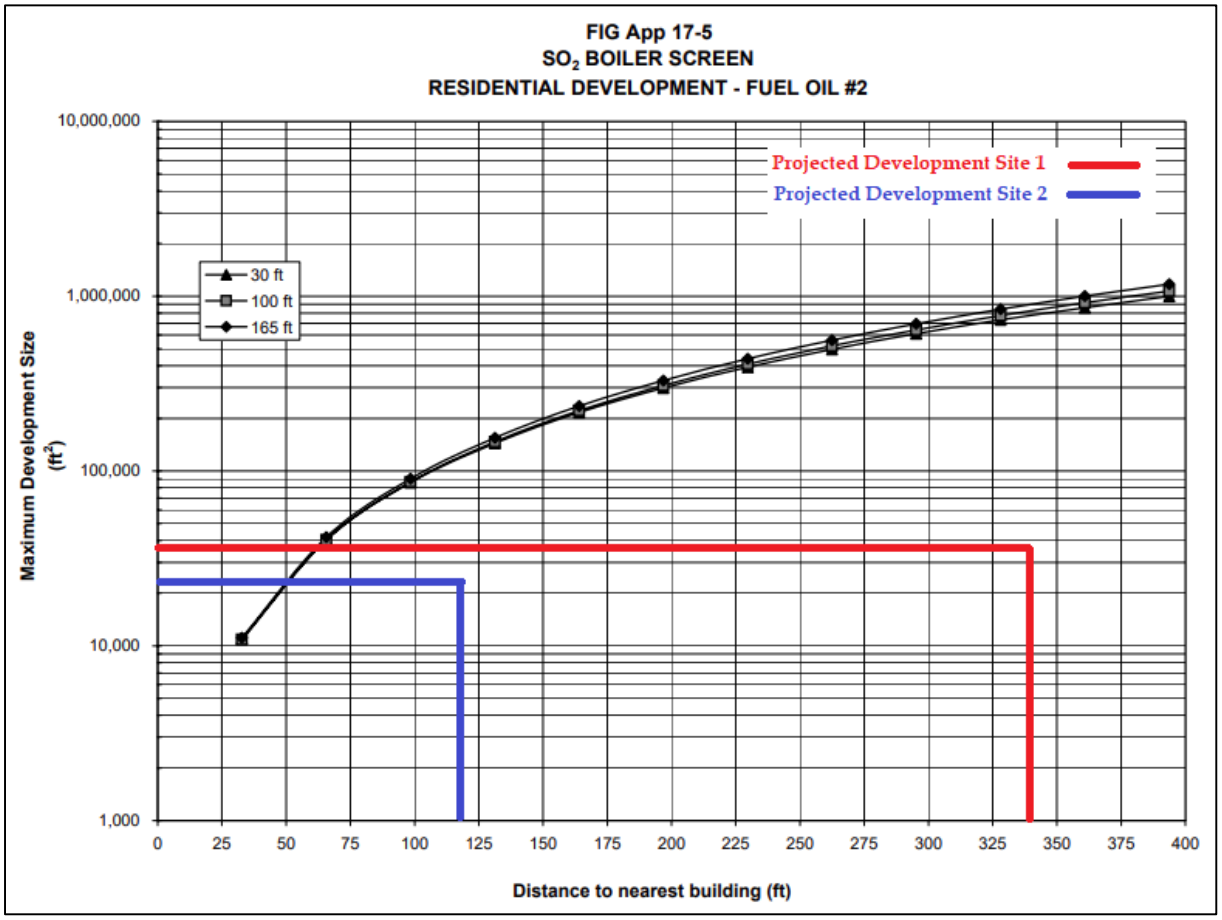
Figure 17-1: Project-on-Project - HVAC Screening Analysis



As seen in the screening analysis Figure 17-1 (using Figure 17-5 of the *CEQR Technical Manual Appendices*), the lines are below the curve. As such, the Proposed Actions passes the project-on-project HVAC screening analysis.

Because the Projected Development Sites are far apart, project-on-existing screening analyses were conducted for each Projected Development Site, based on DCP guidance. The nearest existing building similar or greater in height than the Projected Development Sites is the 6-story residential building located at 44-02 Newtown Road (Block 709, Lot 28). This building is located approximately 340 feet from Projected Development Site 1 and 120 feet from Projected Development Site 2. Figure 17-2 (using Figure 17-5 of the *CEQR Technical Manual Appendices*) shows the project-on-existing screening analysis.

Figure 17-2: Project-on-Existing HVAC Screening Analysis



As seen in the screening analysis Figure 17-2 (using Figure 17-5 of the *CEQR Technical Manual Appendices*), the lines are below the curve. As such, the Proposed Actions passes the HVAC screening analysis on existing land uses.

Industrial Source

Per the *CEQR Technical Manual*, projects that would result in new uses (particularly schools, hospitals, parks, and residences) within 400 feet of manufacturing processing facilities, may result in potentially significant adverse impacts related to stationary sources.

No facility with an active Air Facility registration, located within 400 feet of the Proposed Development, was identified in the New York State Department of Environmental Conservation online database[1] (map application). A single facility, within 400 feet of either Projected Development Sites, with a current permit for an engine generator was identified in the New York City Department of Environmental Protection (DEP) online Clean Air Tracking System (CATS) database. This facility, located at 45-11 31st Avenue (Block 714, Lot 1), is a public-school building. The DEP permit application PR002120, associated with the public-school building, is registered to the New York City Department of Education (DOE). A copy of permit PR002120 was obtained through a Freedom of Information Law (FOIL) request with the DEP. Per PR002120 permit

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

application, the facility operates an emergency generator at an average use of 1 hour per day and 26 hours per year. Emergency equipment are exempt; therefore, no analysis is required.

No other existing industrial manufacturing facility that is a potential air toxics emitter was identified in the 400 feet study area. Therefore, no analysis was warranted.

Major and Large Source

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

No existing large combustion source(s), such as power plants, cogeneration facilities, etc., located within 1,000 feet of the proposed project, was identified in the database[2]. In addition, no odor producing facility was identified in the 1,000 feet study area. As such, no analysis was warranted, and no significant adverse air quality impacts are predicted from these types of facilities.

CONCLUSION

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

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

Noise

Environmental Studies Corp (ESC) conducted noise monitoring on Wednesday, April 14, 2021 and Tuesday, April 20, 2021 in support of zoning map amendment. The Rezoning Area consists of lots on three blocks (one full, two partial) within the Astoria neighborhood of Queens Community District 1. The Rezoning Area includes Block 692, Lots 43, 44, 45, 46, 148, 49, 50, 37 (p/o), 38, 39, 140, 343 and 243; Block 693, Lots 35 (p/o), 36, 37, 38, 39 (p/o), 40 (p/o), 41 (p/o), 42 (p/o) and 137; and Block 694, Lots 1 and 4.

The Rezoning Area is bounded by 31st Avenue to the north, 44th Street to the east, Newtown Road to the south and 42nd Street to the west. 31st Avenue is a wide, eastwest street that is characterized by predominantly residential uses with some ground-level, neighborhood-serving retail establishments. Newtown Road is a narrow street that diagonally connects three corridors with high pedestrian and vehicular traffic: Steinway Street, Broadway, and Northern Boulevard.

An assessment of the potential for adverse effects on project occupants from ambient noise is warranted. The projected development would not create a significant stationary noise generator. Additionally, project-generated traffic would not double vehicular traffic on nearby roadways, and therefore would not result in a perceptible increase in vehicular noise. Therefore, this noise assessment is limited to an assessment of ambient noise that could adversely affect occupants of the development. The predominant noise source at the Affected Area is vehicular traffic on surrounding streets.

Framework of Noise Analysis
Noise is defined as any unwanted sound, and sound is defined as any pressure variation that the human ear can detect. Humans can detect a large range of sound pressures, from 20 to 20 million micropascals, but only those air pressure variations occurring within a particular set of frequencies are experienced as sound. Air pressure changes that occur between 20 and 20,000 times a second, stated as units of Hertz (Hz), are registered as sound.

Because the human ear can detect such a wide range of sound pressures, sound pressure is converted to sound pressure level (SPL), which is measured in units called decibels (dB). The decibel is a relative measure of the sound pressure with respect to a standardized reference quantity. Because the dB scale is logarithmic, a relative increase of 10 dB represents a sound pressure that is 10 times higher. However, humans do not perceive a 10-dB increase as 10 times louder. Instead, they perceive it as twice as loud.

Sound is often measured and described in terms of its overall energy, taking all frequencies into account. However, the human hearing process is not the same at all frequencies. Humans are less sensitive to low frequencies (less than 250 Hz) than mid-frequencies (500 Hz to 1,000 Hz) and are most sensitive to frequencies in the 1,000- to 5,000-Hz range. Therefore, noise measurements are often adjusted, or weighted, as a

function of frequency to account for human perception and sensitivities. The most common frequency weightings used are the A- and C-weightings. These weight scales were developed to allow sound level meters, which use filter networks to approximate the characteristic of the human hearing mechanism, to simulate the frequency sensitivity of human hearing. The A-weighting is the most commonly used for environmental measurements, and sound levels measured using this weighting are denoted as dBA. The letter "A" indicates that the sound has been filtered to reduce the strength of very low and very high frequency sounds, much as the human ear does. C-weighting gives nearly equal emphasis to sounds of most frequencies. Mid-range frequencies approximate the actual (unweighted) sound level, while the very low and very high frequency bands are significantly affected by C-weighting.

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: 2021 CEQR Technical Manual	

The following is typical of human response to relative changes in noise level:

- 3-dBA change is the threshold of change detectable by the human ear;
- 5-dBA change is readily noticeable; and
- 10-dBA change is perceived as a doubling or halving of the noise level.

The SPL that humans experience typically varies from moment to moment. Therefore, various descriptors are used to evaluate noise levels over time. Some typical descriptors are defined below.

- L_{eq} is the continuous equivalent sound level. The sound energy from the fluctuating SPLs is averaged over time to create a single number to describe the

mean energy, or intensity, level. High noise levels during a measurement period will have a greater effect on the L_{eq} than low noise levels. L_{eq} has an advantage over other descriptors because L_{eq} values from various noise sources can be added and subtracted to determine cumulative noise levels.

- L_{max} is the highest SPL measured during a given period of time. It is useful in evaluating L_{eq}s for time periods that have an especially wide range of noise levels.

- $L_{eq(24)}$ is the continuous equivalent sound level over a 24-hour time period.

The sound level exceeded during a given percentage of a measurement period is the percentile-exceeded sound level (L_X). Examples include L_{10}, L_{50}, and L_{90}. L_{10} is the A-weighted sound level that is exceeded 10% of the measurement period.

The decrease in sound level caused by the distance from any single noise source normally follows the inverse square law (i.e., the SPL changes in inverse proportion to the square of the distance from the sound source). In a large open area with no obstructive or reflective surfaces, it is a general rule that at distances greater than 50 feet, the SPL from a point source of noise drops off at a rate of 6 dB with each doubling of distance away from the source. For "line" sources, such as vehicles on a street, the SPL drops off at a rate of 3 dBA with each doubling of the distance from the source. Sound energy is absorbed in the air as a function of temperature, humidity, and the frequency of the sound. This attenuation can be up to 2 dB over 1,000 feet. The drop-off rate also will vary with both terrain conditions and the presence of obstructions in the sound propagation path.

Noise Standards and Guidelines

In 1983, the New York City Department of Environmental Protection (NYCDEP) adopted the City Environmental Quality Review (CEQR) noise exposure guidelines for exterior noise levels. As shown in Table 19-2 below, noise standards classify noise exposure into four categories based on noise level limits and land use, for vehicular traffic, rail, and aircraft noise sources: Acceptable, Marginally Acceptable, Marginally Unacceptable and Clearly Unacceptable, Table 19-3 of the *CEQR Technical Manual* defines attenuation requirements for buildings based on exterior noise exposure levels. Recommended noise attenuation values for buildings are designed to maintain interior noise levels of 45 dBA (*L_{10} or Ldn, depending on the source*) or below.

Table 19-2: Noise Exposure Guidelines for Use in City Environmental Impact Review

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	Ldn < 60 dBA		Ldn < 60 dBA		Ldn < 60 dBA		Ldn < 75 dBA
2. Hospital, Nursing Home		$L_{10} \leq 55$ dBA		55<L_{10}≤65 dBA		65<L_{10}≤80 dBA		L_{10}>80dBA	
3. Residence, residential hotel or motel	7 am to 10 pm	$L_{10} \leq 65$dBA		65<L_{10}≤70 dBA		70<L_{10}≤80 dBA		L_{10}>80dBA	
	10 pm to 7 am	L10≤55dBA		55<L_{10}≤70 dBA		70<L_{10}≤80 dBA		L_{10}>80dBA	
4. School, museum, library, court house of worship, transient hotel or motel, public meeting room, auditorium, out-patient public		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		Same as Residential Day (7 AM-10		Same as Residential Day (7 AM –10 PM)		Same as Residential Day (7 AM-10	
6. Industrial, public areas only[4]	Note 4	Note 4		Note 4		Note 4		Note 4	

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

Notes:

(i) In addition, any new activity shall not increase the ambient noise level by 3 dBA 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 an 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).

Table 19-3 CEQR TM: Attenuation Values to Achieve Acceptable Interior Noise Levels

	Marginally Unacceptable				Clearly Unacceptable
Noise Level with Proposed Project	70 < L_{10} ≤ 73	73 < L_{10} ≤ 76	76 < L_{10} ≤ 78	78 < L_{10} ≤ 80	80 < L_{10}
Attenuation[1]	(i) 28 dB(A)	(ii) 31 dB(A)	(iii) 33 dB(A)	(iv) 35 dB(A)	36 + (L_{10} - 80)^2 dB(A)

Source: New York City of Environmental Protection

Notes:

1 The above composite window-wall attenuation values are for residential dwellings. Commercial and office spaces/meeting rooms would be 5 dB(A) less in each category. All the above categories require a closed window situation

and hence an alternate means of ventilation.
[2] Required attenuation values increase by 1 dB(A) increments for L_{10} values greater than 80 dBA.

Measurement Location and Equipment

Since vehicular traffic is the predominant noise sources in the area of the proposed project, noise monitorings were conducted during peak weekday vehicular travel periods (AM, Midday, PM) on a typical midweek day. The weather condition is normal with calm wind and is considered suitable for an ambient noise measurement.

A Type 1 sound level meter (Larson Davis 831) with wind shield was used to conduct the noise monitoring. The meter was calibrated prior to and following each monitoring session. The meter was placed on a tripod at a height of approximately five feet above the ground, away from any reflective surfaces.

The noise measurements were conducted at the following locations (as shown in Figure 19-1):

L1: Intersection of Newton Road and 44th Street (Figure 19-2);

L2: Intersection of 31st Avenue and 44th Street (Figure 19-3);

L3: Intersection of 31st Avenue and Newton Road, southeast corner (Figure 19-4);

L4: Intersection of 31st Avenue and Newton Road, southwest corner (Figure 19-5);

L5: Intersection of 31st Avenue and 42nd Street (Figure 19-6);

L6: Sidewalk of 42nd Street, southwest corner of Rezoning Area (Figure 19-7);

L7: Sidewalk of Newton Road, south edge of Rezoning Area (Figure 19-8).

Figure 19-1: Noise Monitoring Locations





Figure 19-2: Meter Setup at Location 1



Figure 19-3: Meter Setup at Location 2



Figure 19-4: Meter Setup at Location 3



Figure 19-5: Meter Setup at Location 4



Figure 19-6: Meter Setup at Location 5



Figure 19-7: Meter Setup at Location 6



Figure 19-8: Meter Setup at Location 7

Measurement Conditions
Monitoring was conducted during typical midweek conditions, on April 14, 2021 (Wednesday) and April 20, 2021 (Tuesday). The weather was dry and wind speeds were moderate during all monitoring periods. The sound meter was calibrated before and after each monitoring session.

Existing Conditions
Based on the noise measurements, the predominant source of noise is vehicular traffic.

Table 19-4, 19-5, 19-6, 19-7, 19-8, 19-9 and 19-10 below *contains the results for the measurements taken at the Project Sites:*

Table 19-4 *Noise Levels (dB) at Location 1*			
April 20, 2021 (Tuesday)			
Time	**8:14 am – 8:34 am**	**13:09 pm – 13:29 pm**	**17:22 pm – 17:42 pm**
L_{eq}	62.1	60.9	60.4
L_{max}	86.6	83.8	83.0
L_{10}	60.4	61.5	62.2
L_{50}	54.6	54.5	55.8
L_{90}	52.0	50.4	51.6
L_{min}	50.1	47.3	49.7

Table 19-5 *Noise Levels (dB) at Location 2*			
April 20, 2021 (Tuesday)			
Time	**7:24 am – 7:44 am**	**12:45 pm – 13:05 pm**	**16:59 pm – 17:19 pm**
L_{eq}	64.8	63.4	67.6
L_{max}	84.6	80.0	89.6
L_{10}	67.2	66.3	66.8
L_{50}	60.2	59.8	61.7
L_{90}	54.5	54.0	56.7
L_{min}	52.0	49.5	52.3

Table 19-6 *Noise Levels (dB) at Location 3*			
Tuesday, April 20, 2021			
Time	**7:47 am – 8:07 am**	**12:22 pm – 12:42 pm**	**16:36 pm – 16:26 pm**
L_{eq}	63.3	64.0	68.7
L_{max}	75.9	81.9	94.9
L_{10}	67.0	66.2	65.7
L_{50}	59.6	60.2	59.4
L_{90}	55.5	55.2	54.9
L_{min}	52.6	50.5	52.5

Table 19-7 *Noise Levels (dB) at Location 4*			
Wednesday, April 14, 2021			
Time	**8:03 am – 8:23 am**	**12:39 pm – 12:59 pm**	**16:40 pm – 17:00 pm**
L_{eq}	71.7	63.6	65.7
L_{max}	96.4	77.6	87.8
L_{10}	68.5	66.9	66.7
L_{50}	60.4	60.3	61.0
L_{90}	54.2	54.2	56.5
L_{min}	49.9	48.6	52.5

Table 19-8 *Noise Levels (dB) at Location 5*			
Wednesday, April 14, 2021			
Time	**7:37 am – 7:57 am**	**13:06 pm – 13:26 pm**	**17:06 pm – 17:26 pm**
L_{eq}	65.9	65.3	65.1
L_{max}	86.5	89.5	85.3
L_{10}	67.5	66.7	66.4
L_{50}	60.4	61.0	61.4
L_{90}	53.5	55.5	55.7
L_{min}	50.4	52.1	52.6

Table 19-9 *Noise Levels (dB) at Location 6*			
Wednesday, April 14, 2021			
Time	**7:15 am – 7:35 am**	**13:30 pm – 13:50 pm**	**17:29 pm – 17:49 pm**
L_{eq}	56.0	59.0	62.3
L_{max}	71.4	78.1	79.5
L_{10}	59.4	61.3	63.7
L_{50}	51.8	56.1	54.4
L_{90}	47.2	51.3	50.0
L_{min}	44.7	46.0	47.0

Table 19-10 *Noise Levels (dB) at Location 7*			
Wednesday, April 14, 2021			
Time	**8:27 am – 8:47 am**	**12:16 pm – 12:36 pm**	**16:17 pm – 16:37 pm**
L_{eq}	56.7	55.6	62.9
L_{max}	75.1	72.7	89.4
L_{10}	59.6	58.9	61.2
L_{50}	52.0	52.3	54.2
L_{90}	48.3	47.1	49.9
L_{min}	45.6	42.4	46.2

Table 19-11, 19-12, 19-13, 19-14, 19-15, 19-16, and 19-17 *below contains the traffic counts and vehicle classifications during each monitoring period for 20 minutes:*

Table 19-11 ***Location 1:*** *Traffic volumes and vehicle classifications*			
	8:14 am – 8:34 am	**13:09 pm – 13:29 pm**	**17:22 pm – 17:42 pm**
Car/ Taxi/ Van/SUV	46	48	50
Bus	3	0	0
Medium Truck	3	4	1
Heavy Truck	0	0	0
Motorcycle	2	3	1

Table 19-12 ***Location 2:*** *Traffic volumes and vehicle classifications*			
	7:24 am – 7:44 am	**12:45 pm – 13:05 pm**	**16:59 pm – 17:19 pm**
Car/ Taxi/ Van/SUV	127	137	230
Bus	6	0	0
Medium Truck	5	5	5
Heavy Truck	0	1	1
Motorcycle	3	6	8

Table 19-13 ***Location 3:*** *Traffic volumes and vehicle classifications*			
	7:47 am – 8:07 am	**12:22 pm – 12:42 pm**	**16:36 pm – 16:26 pm**
Car/ Taxi/ Van/SUV	164	202	245
Bus	6	0	0
Medium Truck	5	8	0
Heavy Truck	1	0	0
Motorcycle	1	3	6

Table 19-14 ***Location 4:*** *Traffic volumes and vehicle classifications*			
	8:03 am – 8:23 am	**12:39 pm – 12:59 pm**	**16:40 pm – 17:00 pm**
Car/ Taxi/ Van/SUV	190	182	290
Bus	5	0	0
Medium Truck	5	7	4
Heavy Truck	4	2	0
Motorcycle	3	6	1

Table 19-15 ***Location 5:*** *Traffic volumes and vehicle classifications*			
	7:37 am – 7:57 am	**13:06 pm – 13:26 pm**	**17:06 pm – 17:26 pm**
Car/ Taxi/ Van/SUV	123	206	231
Bus	7	0	0
Medium Truck	3	6	3
Heavy Truck	3	1	0
Motorcycle	0	6	0

Table 19-16 ***Location 6:*** *Traffic volumes and vehicle classifications*			
	7:15 am – 7:35 am	**13:30 pm – 13:50 pm**	**17:29 pm – 17:49 pm**
Car/ Taxi/ Van/SUV	28	71	56
Bus	1	0	0
Medium Truck	3	1	0
Heavy Truck	0	0	0
Motorcycle	0	2	3

Table 19-17 ***Location 7:*** *Traffic volumes and vehicle classifications*			
	8:27 am – 8:47 am	**12:16 pm – 12:36 pm**	**16:17 pm – 16:37 pm**
Car/ Taxi/ Van/SUV	46	35	60
Bus	0	0	0
Medium Truck	2	1	0
Heavy Truck	0	0	0
Motorcycle	0	1	0

Stationary Source

It is assumed that the building mechanical systems (i.e., HVAC systems) would be designed to meet all applicable noise regulations (i.e., Subchapter 5, §24-227 of the New York City Noise Control Code, the New York City Department of Buildings Code) and to avoid producing levels that would result in any significant increase in ambient noise levels. Therefore, the Proposed Actions would not result in any significant adverse noise impacts related to building mechanical equipment.

Determination of Impacts/Building Attenuation Requirements

The 2020 *CEQR Technical Manual* Table 19-2 contains noise exposure guidelines. For a residential use such as would occur under the proposed action, an L_{10} of between 65 and 70 dB(A) is identified as marginally acceptable general external exposure. An L_{10} of between 70 and 80 dB(A) is identified as marginally unacceptable general external exposure.

Based on the results of the noise monitoring, no window/wall attenuation is required for either projected site. Therefore, there would be no potential adverse noise impacts from proposed action.

21. Neighborhood Character

Introduction

The CEQR Technical Manual states that a neighborhood character assessment is generally required when a proposed action would have the potential to result in a significant adverse impact in the following areas: land use, zoning and public policy, urban design, visual resources, historic resources, socioeconomic conditions, open space, shadows, transportation or noise within the neighborhood; or if it would have moderate effects on several of the elements that contribute to neighborhood character. The Proposed Actions would not have the potential to result in any significant adverse impacts to the pertinent analysis areas related to neighborhood character, as discussed below.

Land Use, Zoning, and Public Policy

As stated in the Land Use, Zoning and Public Policy section, the Proposed Actions would not result in significant adverse impacts related to land use, zoning, or public policy. Although the Land Use, Zoning, and Public Policy technical area of the EAS provides a detailed analysis, a neighborhood character assessment is not warranted as the project does not have the potential to result in any significant adverse Land Use, Zoning, or Public Policy impacts.

Regarding land use, the Project Area presently contains a mix of residential, commercial, and automobile related uses. No significant adverse impacts related to land use would occur as a result of the proposed rezoning. Regarding zoning, the proposed zoning map amendment (with MIH) is appropriate given the context of the Rezoning Area. The Rezoning Area is in an area developed with a mix of pre-existing commercial and residential uses. This existing development is largely compatible with the development resulting from the Proposed Actions. Thus, the increase in height and FAR permitted by this proposal is not inconsistent with that which is already permitted in the area.

Shadows

As stated in the Shadows section, there are no sunlight-sensitive resources within the Study Area which would be negatively impacted by incremental development resulting from the Proposed Actions.

Historic and Cultural Resources

As stated in the Historic and Cultural Resources section, the Landmarks Preservation Commission (LPC) has issued a finding that the Project Area does not contain architectural or archeological resources. No additional historic or cultural resources in the Project Area or the surrounding area would be affected by the Proposed Actions.

Urban Design and Visual Resources

As stated in the Urban Design and Visual Resources section, the Proposed Actions would not be anticipated to result in any significant adverse impact to Urban Design and Visual Resources.

The Proposed Developments would adhere to the underlying floor area, yard, height, and setback regulations of the proposed zoning districts. In the Applicant's opinion, the proposed zoning map amendment is appropriate given the context of the area. The Project Area is located within a mixed use residential and commercial area with a variety of densities and land uses.

Transportation
As noted in the Transportation section, the Proposed Actions do exceed the impact thresholds for traffic, transit or pedestrian impacts. Therefore, the Proposed Actions are not anticipated to significantly impact traffic in the surrounding area, nor significantly impact the pedestrian experience or transit operations.

Noise
The Proposed Actions required a noise analysis due to ambient noise levels in the vicinity of the Project Area that could have a potentially adverse impact on future residents. As demonstrated in the noise assessment, the proposed action would not result in significant adverse noise impacts.

Conclusion
While a combination of moderate changes in several of these technical areas may potentially have a significant effect on neighborhood character, the Proposed Actions would be compatible with the mixed-use character of the neighborhood and, as discussed in the relevant sections of this EAS, are not anticipated to result in any significant adverse impacts on land use, zoning and public policy; shadows; historic and cultural resources; urban design and visual resources; transportation or noise.

The Proposed Actions would not alter the character of the neighborhood, impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. Therefore, no significant adverse impacts on neighborhood character are anticipated as a result of the Proposed Actions.

Appendix A
Agency Correspondence

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 / 77DCP690Q
Project: 31ST STREET & NEWTON ROAD
Date Received: 3/16/2022

Comments: as indicated below. Properties that are individually LPC designated or in LPC historic districts require permits from the LPC Preservation department. Properties that are S/NR listed or S/NR eligible require consultation with SHPO if there are State or Federal permits or funding required as part of the action.

Properties with no Architectural or Archaeological significance:

1) 31-15 42 STREET, BBL: 4006920037
2) 31-13 42 STREET, BBL: 4006920038
3) 31-11 42 STREET, BBL: 4006920039
4) 42-18 31 AVENUE, BBL: 4006920043
5) 31-04 43 STREET, BBL: 4006920044
6) 31-06 43 STREET, BBL: 4006920045
7) 31-08 43 STREET, BBL: 4006920046
8) 31-12 43 STREET, BBL: 4006920049
9) 31-14 43 STREET, BBL: 4006920050
10) 31-16 43 STREET, BBL: 4006920051
11) 31-09 42 STREET, BBL: 4006920140
12) 31-10 43 STREET, BBL: 4006920148
13) 31-01 42 STREET, BBL: 4006920243
14) 31-05 42 STREET, BBL: 4006920343
15) 31-19 43 STREET, BBL: 4006930034
16) 31-17 43 STREET, BBL: 4006930035
17) 43-02 NEWTOWN ROAD, BBL: 4006930036
18) 43-04 NEWTOWN ROAD, BBL: 4006930037
19) 43-08 NEWTOWN ROAD, BBL: 4006930038
20) 43-12 NEWTOWN ROAD, BBL: 4006930039
21) 43-16 NEWTOWN ROAD, BBL: 4006930040
22) 43-18 NEWTOWN ROAD, BBL: 4006930041
23) 31-18 44 STREET, BBL: 4006930042
24) 43-06 NEWTOWN ROAD, BBL: 4006930137
25) 31-02 44 STREET, BBL: 4006940001
26) 43-02 31 AVENUE, BBL: 4006940004

Gina Santucci 3/23/2022

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 35172_FSO_DNP_03232022.docx

Environmental Protection

Vincent Sapienza, P.E.
Commissioner

Angela Licata
Deputy Commissioner of Sustainability

59-17 Junction Blvd.
Flushing, NY 11373

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February 7, 2022

Stacey Barron
Associate Project Manager
Environmental Assessment and Review Division
New York City Department of City Planning
120 Broadway, 31st Floor
New York, New York 10271

Re: 31st Avenue and Newtown Road Rezoning
Block 692, Lots p/o 37, 38, 39, 43-46, 49, 50, 140, 148, 243 and 343
Block 693, Lots p/o 35, 36, 37, 38, p/o 39, p/o 40, p/o 41, p/o 42 and 137
Block 694, Lots 1 and 4
CEQR # 77DCP690Q

Dear Ms. Barron:

The New York City Department of Environmental Protection, Bureau of Sustainability (DEP) has reviewed the November 2021 Environmental Assessment Statement (EAS) and the August 2020 Phase I Environmental Site Assessment (Phase I) prepared by Environmental Studies Corporation on behalf of 42-18 Development, LLC., (applicant), for the above referenced project bounded by 31st Avenue, 44th Street, Newtown Road and 42nd Street in the Astoria neighborhood of Queens Community District 1. It is our understanding that the applicant is seeking:

1. A zoning map amendment from the New York City Department of City Planning (DCP) to rezone Block 692, Lots 140, p/o 148, 243 and 343 from a R5/C1-2 zoning district to a R6A/C1-3 zoning district, as well as Block 692, p/o 37, 38, 39, 49, 50 and Block 693, Lots p/o 35, 36, 37, 38, p/o 39, p/o 40, p/o 41, p/o 42 and 137 from a R5/C1-2 zoning district to a R5 zoning district.
2. A zoning text amendment to Appendix F of the Zoning Resolution to designate the project area as a Mandatory Inclusionary Housing Area.

The proposed actions would facilitate the redevelopment of Block 692, Lots 43, 44, 45 and 46, (Projected Development Site 1) with a new 6-story, 38,188 gross square feet (gsf), mixed-use building containing 30,188 gsf of residential space, (33 dwelling units), 8,000 gsf of commercial space, 12 residential accessory parking spaces and bike parking in the cellar, as well as the redevelopment of Block 694, Lots 1 and 4 (Projected Development Site 2) with a new 6-story, 25,837 gsf, mixed-use building containing 23,686 gsf of residential space (20 dwelling units), 2,151 gsf of commercial space and seven residential accessory parking spaces in the cellar. The applicant-owned Projected Development Site 1 is currently developed with four commercial and residential buildings, while the remainder of the project area not controlled by the applicant, Block 694, Lots 1 and 4 (Projected Development Site 2), Block 692, Lots p/o 37, 38, 39, 49, 50, 140, 148, 243 and 343 and Block 693, Lots p/o 35, 36, 37, 38, p/o 39, p/o 40, p/o 41, p/o 42 and 137, is currently developed with 20 residential and commercial buildings. It should also be noted that in the Future With-Action Scenario, Block 692, Lots p/o 37, 38, 39, 49, 50, 140, 148, 243 and 343 and Block 693, Lots p/o 35, 36, 37, 38, p/o 39, p/o 40, p/o 41, p/o 42 and 137 are not proposed for redevelopment.

Projected Development Site 1: Block 692, Lots 43, 44, 45 and 46

The August 2020 Phase I report revealed that historical on-site and surrounding area land uses consists of residential and commercial uses including Knights of Columbus hall, Spyce Astoria restaurant, Dulce Cultura restaurant, Mi Esquina Deli, retail stores, a locksmith, a bakery, a stable, dry cleaners, a laundromat, filling stations, auto repair shops, a car wash, as well as several residential buildings. Regulatory databases such as the New York State Department of Environmental Conservation SPILLS, Leaking Underground Storage Tank, Leaking Storage Tanks (LTANKS), Resource Conservation and Recovery Act Generators, and Petroleum Bulk Storage (PBS) Underground Storage Tanks (USTs) and PBS Aboveground Storage Tanks (ASTs) identified several sites in close proximity to the project site. The SPILLS database reported 18 SPILLS within a 1/8-mile radius of the project site and the LTANKS database reported 36 LTANKS within a 1/2-mile radius of the project site. The PBS USTs and the PBS ASTs databases reported 11 USTs and 39 ASTs within a 1/4-mile radius of the project site. The Phase I also reported four Historical Cleaners and two Historical Auto Stations within a 1/8-mile radius of the project site. Based on the age of the buildings that currently occupies the project site, asbestos containing materials and lead based paint could be present in the structures.

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

Projected Development Site 1: Block 692, Lots 43, 44, 45 and 46 (Site under the control or ownership of the applicant)

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

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

Projected Development Site 2: Block 694, Lots 1 and 4

- If Block 694, Lots 1 and 4 are under the control or ownership of the applicant, DCP should inform the applicant that the Phase I referenced in the EAS should be submitted for review.

- If Block 694, Lots 1 and 4 are under the control or ownership of the applicant, DCP should inform the applicant that based on the historical on-site and/or surrounding area land uses, a Phase II is necessary to adequately identify/characterize the surface and subsurface soils, groundwater and soil vapor of the subject property, and to inform and disclose the measures necessary to avoid impacts from hazardous materials. A Phase II Investigation Protocol/Work Plan summarizing the proposed drilling, soil, groundwater and soil vapor sampling activities should be developed in accordance with the *CEQR Technical Manual* and submitted for DEP review and approval. The Work Plan should include blueprints and/or site plans displaying the current surface grade and sub-grade elevations and a site map depicting the proposed soil, groundwater and soil vapor sampling locations. Soil and groundwater samples should be collected and analyzed by a NYSDOH ELAP certified laboratory for the presence of VOCs by EPA Method 8260, SVOCs by EPA Method 8270, pesticides by EPA Method 8081, PCBs by EPA Method 8082, and TAL metals (filtered and unfiltered for groundwater samples). The soil vapor sampling should be conducted in accordance with the NYSDOH October 2006 Guidance for Evaluating Soil Vapor Intrusion in the State of New York. The soil vapor samples should be collected and analyzed by a NYSDOH ELAP certified laboratory for the presence of VOCs by EPA Method TO-15. An Investigation HASP should also be submitted for DEP review and approval.

- If Block 694, Lots 1 and 4 are under the control or ownership of the applicant, DCP should also instruct the applicant that the Phase II Work Plan and HASP should be submitted for DEP review and approval prior to the start of any fieldwork.

- If Block 694, Lots 1 and 4 are not under the control or ownership of the applicant, based on prior on-site and/or surrounding area land uses which could result in environmental contamination, DEP recommends that an (E) Designation for hazardous materials should be placed on the zoning map pursuant to Section 11-15 of the New York City Zoning Resolution for the subject properties. The (E) Designation will ensure that testing and mitigation will be provided as necessary before any future development and/or soil disturbance. Further hazardous materials assessments should be coordinated through the Mayor's Office of Environmental Remediation.

Future correspondence and submittals related to this project should include the following CEQR # **77DCP690Q**. If you have any questions, you may contact Ms. Cassandra Scantlebury at (718) 595-6756.

Sincerely,

Wei Yu

Wei Yu
Deputy Director, Hazardous Materials

cc: R. Weissbard; T. Estesen; C. Scantlebury; M. Wimbish; S. Shellooe – DCP