TECHNICAL MEMORANDUM 001
CEQR NO. 17DCP143Q
135-01 35TH AVENUE REZONING

Date: September 1, 2017

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INTRODUCTION

The original 135-01 35th Avenue Rezoning EAS, dated May 5, 2017, and prepared in connection with the original ULURP application certified on May 8, 2017, described and analyzed a proposal to rezone the southernmost part of Queens Block 4950 from M1-1 to R7A/C2-3 and to designate it as a Mandatory Inclusionary Housing (MIH) area. The proposed actions would have facilitated the redevelopment of the project site, now occupied by a one-story commercial building, with a mixed-use building containing residential apartments, retail space, and office space. The EAS also projected that an adjacent lot, now occupied by a one-story warehouse, would be redeveloped with a similar mixed-use building.

The Applicant subsequently filed an (A) Application (C 170180A ZMQ) that changed the rezoning proposal to one from M1-1 to R7A, with no commercial overlay. A revised EAS, dated July 21, 2017, described the revised proposed actions and the developments expected to result from those actions (two residential apartment buildings) and analyzed the environmental implications of the revised actions.

Both of those documents addressed actions that would have affected the zoning of an area within Block 4950 (bounded by 32nd Avenue to the north, Linden Place to the east, 35th Avenue to the south, and Farrington Street to the west) that would have extended from 35th Avenue to a depth of 150 feet from the avenue frontage. The affected area would have measured 37,500 square feet and included Lots 1, 7 (p/o), and 103. Lot 1 is the project site, and Lot 7 was the other projected development site. The rezoning area would have included 75 percent of Lot 7, omitting only a ten-foot-wide strip at its northern edge.

The proposal has since been revised a second time to reduce the size of the affected area, which would now extend to a depth of 125 feet (rather than 150 feet) from 35th Avenue. The affected area would measure 31,250 square feet and would include portions of Lots 1, 7, and 103. All three lots would be split between an R7A district and an M1-1 district. The new R7A district (and the new MIH area) would include 96 percent of Lot 1, with the zoning district boundary located 25 feet from the northern lot line; 12 percent of Lot 7, consisting of a five-foot-wide strip along the southern edge of the lot; and 83 percent of Lot 103, with the district boundary located 25 feet from the northern lot line.

As only a five-foot-wide strip of Lot 7 would remain in the proposed rezoning area, the development assumptions previously considered for this site, analyzed as Projected Site 2 in the EAS with the use and maximized bulk regulations applicable in an R7A district, would no longer be reasonable. This Technical Memorandum analyzes the potential effects of a Reasonable Worst Case Development Scenario (RWCDS) With-Action scenario updated to reflect the revised proposed actions. Under the new RWCDS With-Action scenario, only Block 4950, Lot 1, remains a projected site. Block 4950, Lot 7 is no longer considered a projected site for analysis, as the majority portion of the lot would continue to be zoned M1-1 and the portion zoned R7A would be too narrow to develop separately.

The revision would therefore reduce the development potential resulting from the proposed actions and would therefore reduce the potential for any adverse environmental impacts. The revised proposed actions would not result in any new significant adverse impacts, and the analysis conclusions from the Revised EAS issued on June 21, 2017 remain largely unchanged.

This memorandum presents a revised project description and then addresses all of the technical areas analyzed in Part II of the July 21 supplemental report and determines whether the conclusions reached in the report remain valid for the current proposed actions.

PROJECT DESCRIPTION

PROPOSED ACTIONS

The Applicant, Stenmax Realty Inc., is seeking an amendment to zoning sectional map 10a to rezone Block 4950, Lots 1 (p/o), 7 (p/o), and 103 (p/o) (the "proposed rezoning area"), in the neighborhood of Flushing, Queens, Community District 7, from M1-1 to R7A. The Applicant is also seeking a Zoning Text Amendment to Appendix F to establish a Mandatory Inclusionary Housing (MIH) area coterminous with the rezoning area in accordance with the City's Mandatory Inclusionary Housing policy (N 160051 ZRY), in which Option 2 would be required.

Block 4950 is now entirely within an M1-1 zoning district. The block is bounded by 32nd Avenue to the north, Linden Place to the east, 35th Avenue to the south, and Farrington Street to the west. The proposed Zoning Map Amendment would rezone the southern part of the block, to a depth of 150 feet from 35th Avenue.

The proposed actions are intended to facilitate the redevelopment of Block 4950, Lot 1 (the "development site"), with a nine-story Use Group 2 residential building with 110,086 gross square feet (gsf) of floor area and 93 dwelling units. In accordance with Inclusionary Housing Program Option 2, under which 30 percent of residential floor area must be associated with income-restricted housing units for qualifying households within prescribed income bands, 27 units (30 percent) would be income-restricted, 65 units (70 percent) would be market rate, and one would be a superintendent's unit. The development would have a floor area ratio (FAR) of 4.60.

PROJECT SITE

The project site is identified as Block 4950 Lot 1, and as 135-01 35th Avenue. It is at the block's southwest corner, with frontage along both 35th Avenue and Farrington Street. The dimensions of the irregularly shaped parcel are as follows: From the intersection of the two streets, the lot extends 120 feet northward along Farrington Street, then 100 feet eastward, then 30 feet

northward, then 25 feet eastward, then 150 feet southward, then 125 feet westward along 35th Avenue. The site measures 15,750 square feet.

The project site is currently improved with a single-story, 13-foot-tall retail building, constructed during the 1920s, that is divided into numerous small commercial spaces fronting on both 35th Avenue and Farrington Street. The building covers the entire site and has 15,658 square feet above grade, for a 0.99 FAR, which is just below the maximum of 1.00 permitted in the M1-1 district. There is also a partial cellar, but there is no available estimate of the square footage. The current occupants include two restaurants, a bakery, a restaurant supplies store, a beauty products supply store, a nail salon, and a paint store.

Of the lot's 15,750 square feet, 15,125 square feet (96 percent) is within the proposed rezoning area. The excluded portion is a 625 sf, 25-foot-by-25-foot square at the northeastern edge of the lot. Because the majority of the lot would be within the new zoning district and, on the portion of the lot remaining in the M1-1 district, the linear dimension between the zoning district boundary and

the zoning lot boundary would be no more than 25 feet, the R7A use and bulk regulations could be applied to the entire lot.

PROPOSED REZONING AREA

In addition to the project site, two other parcels are partly within the proposed rezoning area.

Block 4950, Lot 103 (135-19 35th Avenue), to the immediate east of the project site, measures 18,750 square feet and is rectangular in shape, with 125 feet of frontage along 35th Avenue and 150 feet of frontage along Linden Place. A 15,625 sf (83 percent), 125-foot-by-125-foot portion of the lot is within the proposed rezoning area, and a 3,125 sf, 125-foot-by-25-foot portion is excluded. Lot 103 currently contains an attended parking facility constructed around 1957 with 2,550 square feet of floor area, for a total built FAR of 0.14. The Department of Cultural Affairs (DCA) has ownership of the lot. It was recently renovated for parking use in conjunction with Flushing Town Hall.

Block 4950, Lot 7 (33-65 Farrington Street) is located to the north and west of the project site. The 4,000 square foot rectangular lot has 40 feet of frontage along Farrington Street and a depth of 100 feet. The boundary between the existing M1-1 district and the new R7A district would be located five feet north of the parcel's southern lot line; 500 (12 percent) of the lot's 4,000 square feet would be within the proposed rezoning area. Lot 7 is developed with a one-story warehouse that covers the entire lot, for an FAR of 1.00.

In its entirety, the proposed rezoning area measures 31,250 square feet and is rectangular in shape, with 250 feet of frontage along 35th Avenue and 125 feet of frontage along Farrington Street and Linden Place.

ANALYSIS FRAMEWORK

Existing Conditions

As is discussed above, the project site is currently improved with a single-story, 13-foot-tall retail building that is divided into numerous small commercial spaces fronting on both 35th Avenue and Farrington Street. The building covers the entire site and has 15,658 square feet above grade, for a 0.99 FAR, and a partial cellar with unknown square footage.

Lot 7 is developed with a one-story warehouse that covers the entire lot, for an FAR of 1.00.

City-owned Lot 103 contains an attended parking facility with 2,550 square feet of floor area, for an FAR of 0.14. It is used for parking in conjunction with Flushing Town Hall.

The Future without the Proposed Actions

In the absence of the proposed actions, it is assumed that no reuse or redevelopment of the project site or Lots 7 and 103 would occur. The one-story commercial building divided into small retail, personal service, and restaurant spaces and the one-story warehouse would remain.

The Future with the Proposed Actions

In the future with the proposed actions, the project site would be redeveloped in accordance with the regulations applicable to an R7A zoning district and an MIH area in which MIH program Option 2 is required. The existing one-story retail building would be replaced by a new residential (Use Group 2) building.

Under the reasonable worst case development scenario, the new development on the project site would have nine stories, a cellar, and a sub-cellar. The building would contain 110,086 gsf. Of this total, 72,442 square feet would count as zoning floor area, for an FAR of 4.60 The development would have 93 dwelling units. A 52-space accessory parking garage, accessible via a curb cut onto Farrington Street, would be located in the cellar and sub-cellar. The cellar would also contain utilities and storage space. The ground floor would contain residential apartments, 1,130 square feet of indoor recreation space, the lobby (entered from Farrington Street), and the garage entrance ramp. Residential apartments would occupy the upper floors. The building would have a rooftop height of 95 feet, with setbacks after the seventh and eighth floors. The ground floor would be approximately 15 feet tall, and the upper floors would each be 10 feet tall.

In compliance with MIH program Option 2, 27 of the dwelling units (30 percent) would be income-restricted residential units marketed exclusively to qualifying households, all of which would have incomes not exceeding 130 percent of the income index cited in ZR Section 23-911, and with the weighted average of the income bands for the income-restricted units not exceeding 80 percent of the index, and 65 (70 percent) would be market rate; there would also be a superintendent's unit. This does not mean, however, that 27 units would be "affordable." For CEQR purposes, dwelling units are considered "affordable" if they are available exclusively to low- and moderate-income households with income not exceeding 80 percent of the Area Median Income (AMI). Because the income-restricted Inclusionary Housing units may include ones available to middle-income households with incomes up to approximately 130 percent of AMI, not all of the income-restricted units would be considered affordable housing. It is conservatively assumed that 19 (20 percent) of the 93 units would be affordable.

Neither Lot 7 nor Lot 103 would be redeveloped as a result of the proposed actions. The majority of the lot would remain within the M1-1 district, and only a 500 square foot, five-foot-wide strip would be rezoned. Because the R7A use and bulk regulations would apply only to that small portion of the lot, redevelopment or reuse for residential purposes would not be feasible. It is therefore assumed that the existing warehouse would remain. Lot 103 is under the control of the City's Department of Cultural Affairs. It is therefore assumed that the lot would continue to be used for parking for Flushing Town Hall.

The total anticipated development within the proposed rezoning area would consist of 110,086 gsf of residential space containing 93 dwelling units (64 market rate units, a superintendent's unit, and 28 income-restricted Inclusionary Housing units, including 19 units affordable to low- and moderate-income households). Compared with future no-action conditions, the future with-action scenario would have 93 more dwelling units, and 15,658 gsf less retail space.

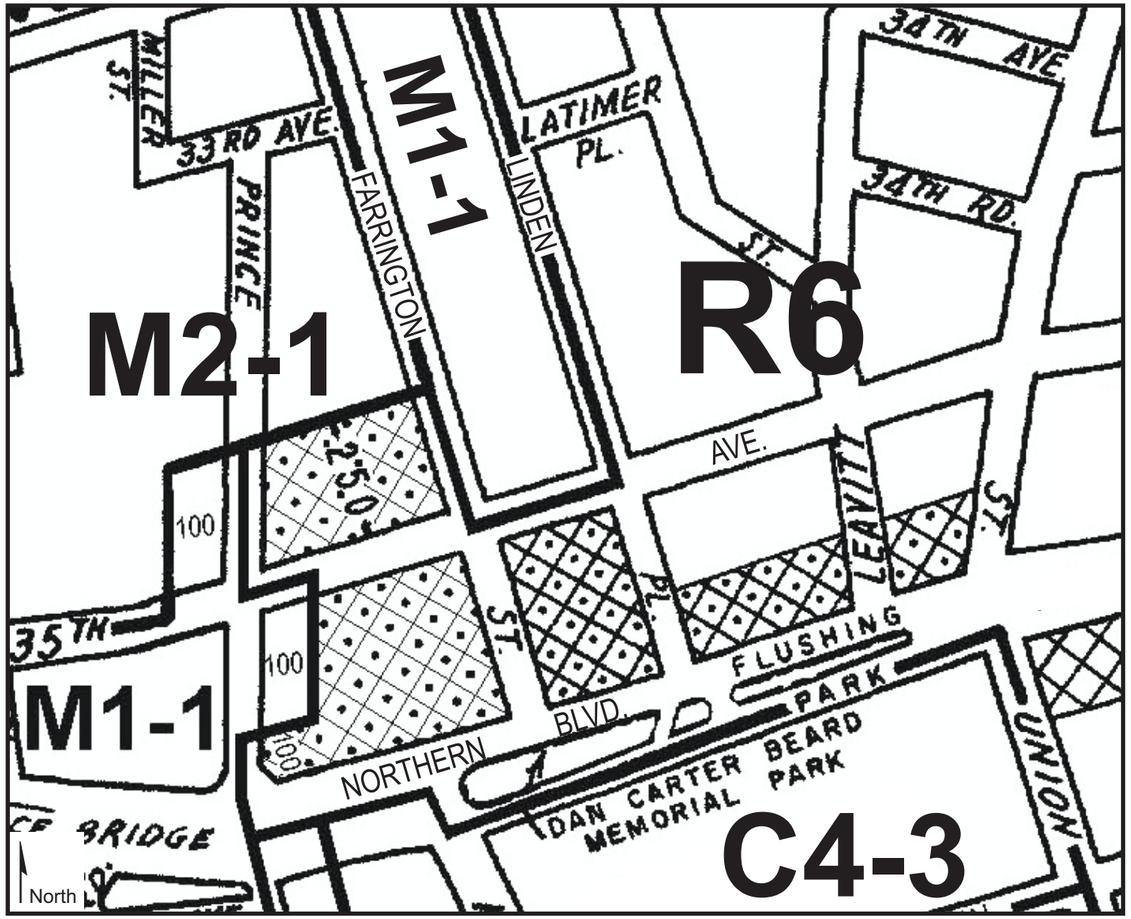
The difference between the no-action and with-action scenarios is presented in the table on the following page.

DESCRIPTION OF EXISTING AND PROPOSED CONDITIONS (RWCDS)

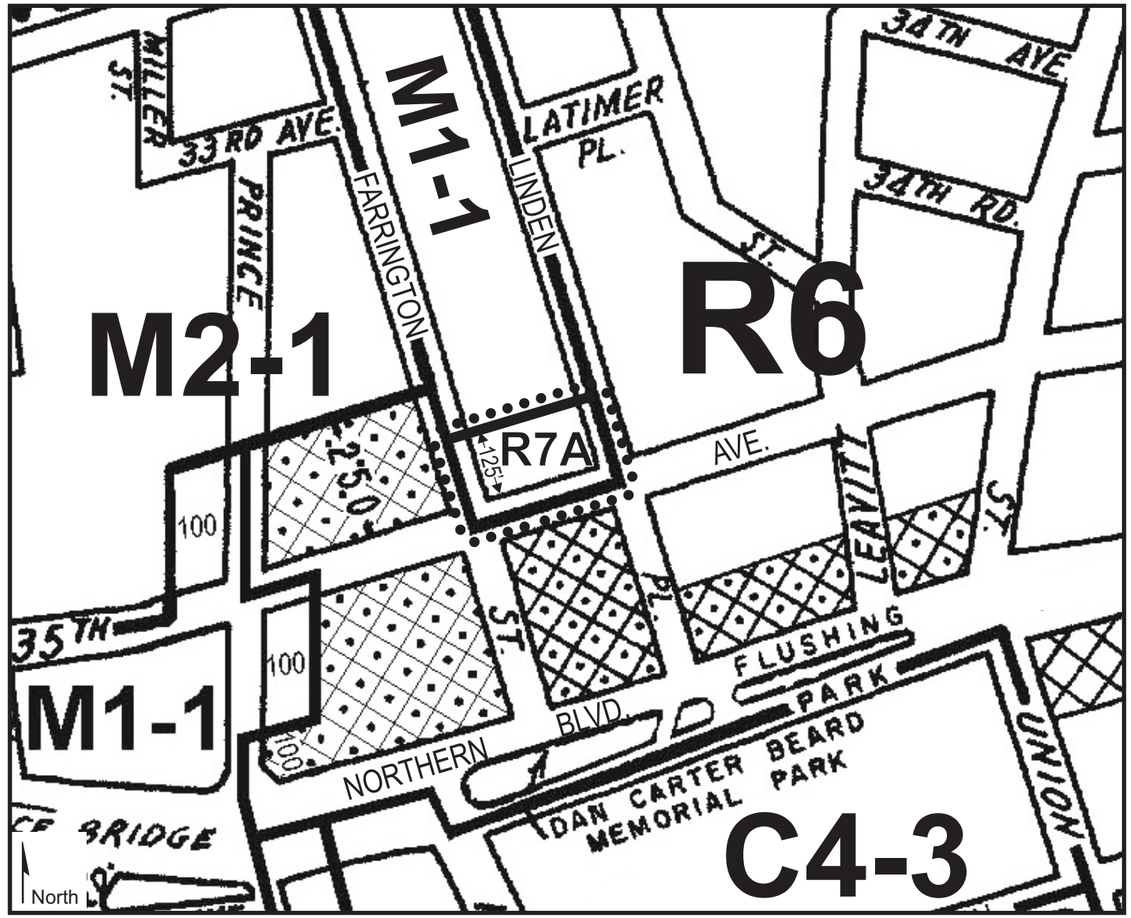
Development Site (Block 4950, Lots 1)

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
LAND USE				
Residential	NO	NO	YES	
If "yes," specify the following:				
Describe type of residential structures			Multi-family Building	
No. of dwelling units			93	+93
No. of low- to moderate-income units			19	+19
Gross floor area (sq. ft.)			110,086	+110,086
Commercial	YES	YES	NO	
If "yes," specify the following:				
Describe type (retail, office, other)	Retail	Retail		
Gross floor area (sq. ft.)	15,658	15,658		-15,658
Manufacturing/Industrial	NO	NO	NO	
If "yes," specify the following:				
Type of use				
Gross floor area (sq. ft.)				
Open storage area (sq. ft.)				
If any unenclosed activities, specify:				
Community Facility	NO	NO	NO	
If "yes," specify the following:				
Type				
Gross floor area (sq. ft.)				
Vacant Land	NO	NO	NO	
If "yes," describe:				
Other Land Uses	NO	NO	NO	
If "yes," describe:				
Garages	NO	NO	YES	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces			52	+52
Lots	NO	NO	NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces				
ZONING				
Zoning classification	M1-1	M1-1	R7A	-
Maximum amount of floor area that can be developed	1.0 FAR (C or M) 2.4 FAR (CF)	1.0 FAR (C or M) 2.4 FAR (CF)	4.6 (MIH) 4.0 (RES/CF)	+4.6 RES +1.6 CF -1.0 C -1.0 M
Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed project	Commercial, Manufacturing, Residential	Commercial, Manufacturing, Residential	Commercial, Manufacturing, Residential	

Zoning Change Map



Current Zoning Map (10a)



Proposed Zoning Map (10a) - Project Area is outlined with dotted lines

Rezoning from M1-1 to R7A

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

135-01 35th Avenue, Queens

FINANCE NEW • YORK
MARTHA E. STARK
COMMISSIONER

N
W E
S

NYC Digital Tax Map

Effective Date : 12-08-2008 09:20:33
End Date : Current

Queens Block: 4950



Legend

- Streets
- Miscellaneous Text
- Possession Hooks
- Boundary Lines
- Lot Face Possession Hooks
- Regular
- Underwater
- Tax Lot Polygon
- Condo Number
- Tax Block Polygon

- Zoning District Line
- Special District Line
- Development Site
- Area Proposed to be Rezoned
- C2-2 Commercial Overlay
- M2-1 Existing Zoning District
- R7A Proposed Zoning District

Area Map

135-01 35th Avenue, Queens
Block 4950, Lot 1

Project Information

- 600' Radius
- Development Site
- Project Area
- Zoning Districts

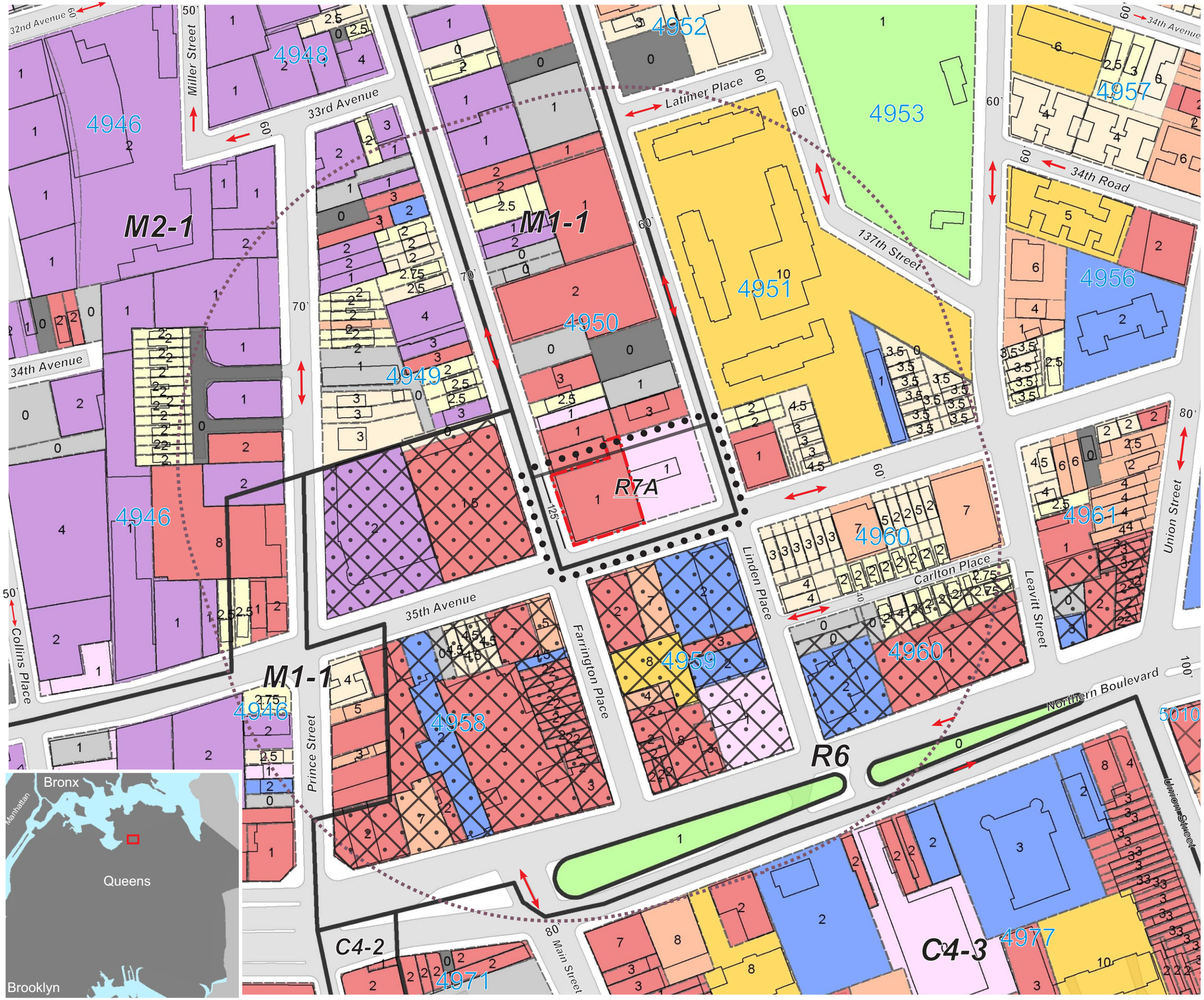
Existing Commercial Overlays

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

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

Land Uses

- One & Two Family Residential Buildings
- Multi-Family Residential Buildings
- Mixed Residential & Commercial Buildings
- Commercial/Office Buildings
- Industrial/Manufacturing
- Transportation/Utility
- Public Facilities & Institutions
- Open Space
- Parking Facilities
- Vacant Land



Prepared by Urban Cartographics March 2016


400 Feet
Rezoning Boundary
Development Site / Projected Development Site 1
32 AV
MILLER ST
33 AV
LATIMER PL
137 ST
LEAVITT ST
34 AV
34 RD
LINDEN PL
FARRINGTON ST
LINNEAUS PL
COLLINS PL
35 AV
CARLTON PL
PRINCE ST
NORTHERN BLVD
Flushing Greens
Legend
Projected Development Site (Applicant-owned)
Proposed Rezoning Area
North
0
200
400
600 Feet

TECHNICAL ANALYSES

LAND USE, ZONING, AND PUBLIC POLICY

Land Use

Under the current proposed actions, only one of the two developments anticipated in the July 21, 2017, EAS would occur. One rather than two sites would be redeveloped; the existing warehouse on Lot 7 would remain; and 93 rather than 111 dwelling units would be built.

The EAS concludes that the projected residential development would be consistent with existing land use patterns and current land use trends, and the change in the proposed zoning boundary does not affect this conclusion. As the EAS states, the proposed action would not have a significant adverse impact on land use.

Zoning

Under both the current and the earlier proposed actions, a portion of an M1-1 district would be rezoned as R7A and designated an MIH area. The difference is that a 31,250 square foot area would be rezoned under the current proposal, mapped to a depth of 125 feet from 35th Avenue, as opposed to a 37,500 square foot area under the earlier proposal, mapped to a depth of 150 feet from 35th Avenue.

The EAS concludes that the proposed zoning map amendment would result in greater continuity of the zoning along 35th Avenue within the study area (where the affected area's M1-1 zoning is an anomaly) and that a residential district is better suited to the land uses along the avenue (which include residential apartment buildings, homes, and houses of worship but no industrial uses) than is a manufacturing district. Although the revised proposal reduces the extent to which the proposed residential district would extend into the interior of the block, it would still rezone the lots that front on 35th Avenue. As the EAS concludes, the proposed action would not have a significant adverse impact related to zoning.

Public Policy (Mandatory Inclusionary Housing)

Under both the current and the previous proposals, the proposed rezoning area would be designated an MIH area, so that the proposed actions would legally mandate that the proposed project comply with the pertinent Inclusionary Housing Program requirements. In accordance with Option 2, 30 percent of the dwelling units within any new residential development would be set aside for qualifying households. The proposed action would be consistent with MIH policy.

OPEN SPACE

The proposed actions would not have a direct impact on open space resources. Because development resulting from the proposed actions would have introduced an estimated 325 new residents into the area, a number that exceeds the 200-resident CEQR analysis threshold, an assessment was performed to determine whether the proposed actions would have an indirect adverse impact by reducing the ability of the open space network to serve the area's residential population. As a result of the change in the proposed zoning boundary, the amount of development resulting from the rezoning would be reduced, and the anticipated development would add 271 rather than 325 new residents.

The EAS concludes that the anticipated population increase would not be large enough to significantly exacerbate the shortage of open space in the study area and would not cause a significant adverse indirect open space impact. That would also be true for a smaller increase in the number of area residents. As the EAS states, the proposed actions would not cause a significant adverse impact on the ability of the area's open space resources to serve the area's population.

SHADOWS

The EAS assesses two adjacent with-action developments that would have identical rooftop heights of 95 feet. The buildings would occupy Lot 1 (the project site) and Lot 7, a smaller lot to the immediate north of the project site. As a result of the change in the zoning boundary, Lot 7 would not be a viable redevelopment site, so the more northerly of the two developments projected in the EAS would not be built. The proposed project would be as described in the EAS. Under the current proposal, therefore, shadows would not extend as far northward as is shown in the Tier 1 and Tier 2 shadow diagrams in the EAS.

The Tier 2 shadow diagram shows that no sunlight-sensitive resources would be located within the range of the longest shadows cast by either the proposed project or the projected development on Lot 7. The projected development under the revised proposal consists of only the proposed project, and the EAS demonstrates that it would not cast shadows on any nearby sunlight-sensitive resource. As the EAS states, the proposed action would not have a significant adverse shadows impact.

HISTORIC AND CULTURAL RESOURCES

Archaeological Resources

In correspondence dated January 3, 2017, LPC staff stated that the proposed rezoning area has "no archaeological significance." Under the revised proposal, the rezoning area would be smaller than, but entirely contained within, the area assessed by the LPC. The revision would therefore not alter the conclusion in the EAS that redevelopment resulting from the proposed actions would not have an adverse impact on archaeological resources.

Architectural Resources

The proposed rezoning area contains utilitarian one-story retail, warehouse, and parking structures and does not contain architectural resources. In correspondence dated January 3, 2017, LPC staff stated that the site has "no Architectural significance."

There are two designated landmarks within a 400-foot radius of the proposed rezoning area: Flushing Municipal Courthouse, at the northeastern corner of Linden Place and Northern Boulevard; and the interior of the former RKO Keith's Flushing Theater on Northern Boulevard between Farrington Street and Linden Place. They are located to the southeast and southwest, respectively, of the proposed rezoning.

The change in the proposed zoning boundary would remove 6,250 square feet from the proposed rezoning area that is analyzed in the EAS and would therefore reduce the boundaries of the 400-foot-radius study area. The change would not add additional architectural resources that are not addressed in the EAS. Because the change would affect the northern boundary of the rezoning area and the two landmarks are located to the south, both remain within the 400-foot radius. The

change would preclude the development that was previously anticipated on Lot 7, but it would not affect the proposed project.

The EAS concludes that the proposed actions would not adversely affect either landmark. There are no direct sight lines between the courthouse and the rezoning area, and new development within the rezoning area would not cast shadows on the courthouse. The proposed actions would therefore not alter the setting of the historic courthouse. The proposed project would not affect the interior of a windowless theater building located a block away from the proposed rezoning area. These conclusions hold true under the revised proposal. As the EAS states, the proposed actions would not have a significant adverse impact on either archaeological or architectural resources.

URBAN DESIGN AND VISUAL RESOURCES

Urban Design

The July 21, 2017, EAS assesses the potential urban design impact of two redevelopments, one on Lot 7, an interior lot fronting on Farrington Street, and the other on Lot 1 (the project site), a larger site fronting on both Farrington Street and 35th Avenue. Both redevelopments would involve the demolition of a one-story commercial building and its replacement with a new nine-story residential building. Under the current proposal, the existing warehouse on Lot 7 would remain, and only the corner lot would be redeveloped. The proposed development on that site would be the same as described in the EAS.

The EAS states the following:

> As discussed above under Existing Conditions, the urban design study area contains a diverse mix of building types, heights, and styles, including low-rise retail buildings and warehouses of the type that now occupy the two redevelopment sites in the proposed rezoning area, but also apartment buildings and hotels of up to ten stories, some with ground floor retail space. As is also discussed under Existing Conditions, the development along the south side of 35th Avenue in the immediate vicinity of the project site lack a consistent sense of place or scale. The new development resulting from the proposed action would thus not contrast with a consistent urban design character.
>
> Furthermore, the proposed and projected developments' urban design context will have been considerably altered by the 2020 Build Year and will then be dominated by Farrington Tower. Because the proposed rezoning would be to a contextual district with prescribed maximum base and building heights, whereas Farrington Tower is within a non-contextual R6 district, the new developments would be almost 60 feet shorter than the Farrington. The new developments would present less of a contrast with the hotel-condo building than would the two existing one-story buildings that now occupy Lots 1 and 7 and will face the Farrington when it is completed. The new developments would, in fact, create a more cohesive streetscape along the avenue by forming part of a transition of building heights, from buildings as short as two stories to buildings of from 55 to 70 feet in height to the adjacent 95-foot-tall developments within the proposed rezoning area to the 154-foot-tall Farrington Tower.
>
> The proposed action would not affect the topography, street system, block forms, or building arrangements within the area including and surrounding the proposed rezoning area.

This assessment remains valid under the current proposal, under which only the proposed development would be built, not the smaller previously projected development that would have fronted on the side street rather than 35th Avenue. As the EAS states, the proposed action would not result in a significant adverse urban design impact.

Visual Resources

The EAS identifies one significant visual resource in the vicinity of the proposed rezoning area, which is the 1862 Romanesque Revival Flushing Municipal Courthouse (also known as Flushing Town Hall) at the corner of Linden Place and Northern Boulevard. There are no significant view corridors in the vicinity of the proposed rezoning area.

The EAS notes that there are no direct sight lines between the Flushing Municipal Courthouse and the rezoning area, and new development within the rezoning area would not cast shadows on the courthouse. This remains true under the revised proposal. As the EAS states, the proposed actions would therefore not alter the setting of the landmark and would not result in a significant adverse impact to visual resources.

HAZARDOUS MATERIALS

A Phase I ESA was prepared for the project site, which revealed the following:

- Possible contamination of the project site from past auto and truck repair and auto body operations at the site.
- Possible contamination from buried petroleum storage tanks at the site.
- The possible presence of buried petroleum storage tanks at the site that have not been properly closed or removed in accordance with NYSDEC and FDNY requirements.
- The possible presence of asbestos-containing building materials and lead-based paints in the subject building.
- Possible groundwater contamination below the site from potential off-site sources.

Because a Phase II investigation and possibly remediation are needed, it has been determined that an (E) designation will be placed on the project site. The (E) designation (E-424) requires that the following actions be taken before construction activities take place:

> Sampling Protocol: The applicant will submit to the Office of Environmental Remediation (OER), for review and approval, the Phase I report and 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. No sampling will begin until written approval of a protocol is received from OER. The number and location of samples will 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 will 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 will be provided by OER upon request.

Remediation Determination: After completion of the testing phase and laboratory analysis a written report with findings and a summary of the data will be submitted to OER for review and approval. Based upon its review of the results, OER will determine whether the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

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

Health and Safety Plan: A construction-related health and safety plan will be submitted to OER and 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 will be submitted to OER prior to implementation.

The EAS states that the (E) designation will also be placed on the one other potential development site within the rezoning area (Lot 7). Under the revised proposal, however, Lot 7 is no longer a potential development site. The (E) designation will therefore be placed only on the project site (Block 4950, Lot 1).

As the EAS concludes, with the (E) designations in place, no significant adverse impacts related to hazardous materials are expected, and no further analysis is warranted.

AIR QUALITY

Mobile Source Emissions

The July 21, 2017, EAS states that the with-action development (then anticipated to be two residential buildings with a total of 111 dwelling units) would not generate enough new traffic to cause a significant adverse mobile source air quality impact. The with-action development is now anticipated to be a one 93-unit residential building, which would generate fewer vehicle trips.

The EAS also addresses the accessory 52-space parking garage within the proposed project, concluding that the number of spaces would be below the 80-space analysis analysis threshold applicable in Zone 3 (locations within a half-mile of a subway station). Within which the proposed rezoning area is located. This project element would not be affected by the change in proposed zoning district boundary.

As the EAS states, the proposed actions would not cause a significant adverse mobile source air quality impact.

Project-Generated Stationary Source Emissions

The EAS assesses the potential effects of the exhaust from the HVAC systems of two projected 95-foot-tall residential buildings, one containing 110,086 gsf, the other containing 22,400 gsf, that would be adjacent to one another. The EAS assesses (1) the potential of the combined exhaust from the two buildings to have an adverse air quality impact on the inhabitants of an a nearby building of similar or greater height that either currently exists or will exist under future no-action

conditions and (2) the potential for the exhaust from one of the two developments to have an adverse air quality impact on residents of the other development.

For the first assessment, the closest building at least 95 feet in height would be the residential and hotel building under construction at 134-37 35TH Avenue (Block 4949, Lot 31), located on the west side of Farrington Street directly across from both of the projected development sites. For this assessment, the combined exhaust from the two developments was assessed as if it came from a single exhaust stack serving a 132,486 gsf building.

The EAS concludes that the exhaust emissions from the two developments would not cause a significant adverse air quality impact, either on the 134-37 35th Avenue residential and hotel building or on one another, if the developments' HVAC systems are fueled by natural gas rather than oil, if the exhaust stacks are both located at a height of at least 98 feet (that is, at least three feet above the roof), and if the exhaust stack of the development on Lot 7 is located at least 25 feet from the Farrington Street lot line.

As a result of the change in the proposed zoning district boundary, Lot 7 would not be a viable development site, and only the 110,086 gsf building on the project site (Lot 1) would be developed. Because the development would have less floor area than the combined square footage of 132,486 gsf that was assessed, and the exhaust volumes would therefore be lower than was projected, its exhaust emissions would not have a significant adverse impact on 134-37 35th Avenue if the conditions specified in the EAS are satisfied. Because only one new building would be developed, the assessment of potential project-on-project air quality impacts is no longer relevant.

(E) Designation

The EAS concludes that an (E) designation for air quality should be placed on the project site to restrict both the type of fuel that may be used for the HVAC system and the height at which the exhaust stack may be located. The (E) Designation (E-424) language is as follows:

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

The EAS also concludes that an air quality (E) designation should also be placed on Lot 7. Because Lot 7 would no longer be a projected or potential development site, the (E) designation would be placed only on Lot 1.

Toxic Air Emissions from Industrial Facilities

A search for nearby point sources of pollution did not identify any such sources, and the change in the location of the projected zoning district boundary would not alter this determination. As the EAS states, industrial source emissions would not have a significant air quality impact on residents of developments within the proposed rezoning area.

Major Sources and Odors

No existing large combustion sources, such as power plants or cogeneration facilities, etc., were identified within 1,000 feet of the proposed rezoning area, and no odor-producing facilities were identified. The change in the location of the projected zoning district boundary would not alter this determination. As the EAS states, no significant adverse air quality impact are predicted from odor producing facilities and major sources with a Tile V certificate of operation.

NOISE

Potential for Additional Stationary Source Noise

The EAS states the following:

> The proposed action would result in additional residential development. Unlike playgrounds, truck loading docks, loudspeaker systems, car washes, stationary diesel engines, or similar uses, residential apartment buildings are not substantial stationary noise sources. All rooftop mechanical equipment, including air conditioner compressors, would be enclosed and would comply with New York City Noise Code requirements, which limit noise levels generated by such equipment to 65 dBA during the daytime (7AM to 10 PM) and 55 dBA during the nighttime. The proposed action would therefore not have the potential to cause a significant adverse stationary source noise impact.

The change in the location of the proposed zoning district boundary eliminates the previously projected development on Lot 7 but does not alter the proposed development. The conclusion remains valid.

Potential for Additional Mobile Source Noise

The EAS states that the with-action development, then assumed to be two residential buildings with a combined total of 111 dwelling units, would have been below the CEQR threshold for a traffic impact assessment. The projected development is now a single 93-unit residential building, which would generate less traffic. It can therefore be assumed that the project-induced traffic volumes would be too low to cause a 3 dBA increase in $L_{eq(1)}$ noise levels, which would require a doubling of passenger car equivalent (PCE) traffic volumes along an adjacent street. The proposed action would therefore not have the potential to cause a significant adverse mobile source noise impact.

Potential for Existing Noise Levels to Adversely Affect New Residents

Noise monitoring was conducted at the corner of 35th Avenue and Farrington Street and at the corner of 35th Avenue and Linden Place during peak weekday morning, midday, and evening vehicular travel periods. The highest measured L_{10} noise levels were 74.5 dB(A) at the Farrington Street corner (during the morning monitoring period) and 75.0 dB(A) at the Linden Street corner (during the midday monitoring period). These noise levels are in the Marginally Unacceptable Category (between 70 and 80 dB(A)).

Window-wall noise attenuation would therefore be required to ensure an acceptable indoor noise level. Based on Table 19-3 of the *CEQR Technical Manual*, the required Outdoor Indoor Transmission Class (OITC) attenuation values to achieve acceptable interior noise levels are 31 dB(A) for the buildings and 26 dB(A) for the commercial components. Provision of this level of window-wall attenuation would ensure that no adverse impacts related to noise occur.

The EAS states that, to ensure that the required noise attenuation is provided, an (E) designation would be placed on the project site and the other potential development site in the proposed rezoning area (Block 4950, Lots 1 and 7). With regard to noise, the text of the (E) designation (E-424) will state the following:

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

Because Lot 7 would no longer be a projected or potential development site under the revised proposal, the (E) designation will be placed only on the project site (Lot 1).

SUMMARY

The proposed actions, as revised, would not cause any significant adverse environmental impacts.