

E-321



CITY PLANNING COMMISSION  
CITY OF NEW YORK

OFFICE OF THE CHAIR

September 23, 2013

### NEGATIVE DECLARATION

#### **Project Identification**

CEQR No. 12DCP096Q  
ULURP No. 120178ZMQ  
SEQRA Classification: Unlisted

#### **Lead Agency**

City Planning Commission  
22 Reade Street  
New York, NY 10007  
Contact: Robert Dobruskin  
(212) 720-3423

#### **Name, Description and Location of Proposal:**

##### Union Turnpike Rezoning

The applicant, Zirk Union Turnpike, LLC, proposes a zoning map amendment to rezone lots within a R3-2 and R3-2/C1-2 district to an R5D district with a C1-3 overlay (Block 6831, Lots 1, 7, 21 and 22). The proposed actions would facilitate a proposal by the applicant to redevelop a vacant property with a four-story, 68,850 square foot (sf) mixed-use development located at 158-15 Union Turnpike (Block 6831, Lot 21). The Applicant intends to develop approximately 21,312 sf of ground floor local retail and 39 dwelling units. As described further below, the environmental review analyzes a worst case scenario of 48 dwelling units and 21,312 sf of retail. Additionally, the mixed-use development would have an accessory below-grade parking garage, with 73 parking spaces, of which 53 parking spaces would be accessory to the commercial use and 20 spaces accessory to the residential use. The rezoning area is bounded by Union Turnpike, Parsons Boulevard, 79th Avenue, and 162<sup>nd</sup> Street in the Hillcrest neighborhood of the Queens, Community District 8.

The rezoning area is characterized by commercial, community facility and mixed-use development. Lots 1 and 7 are located in the R3-2/C1-2 portion of the rezoning area and consist of a drive-through restaurant and a mixed-use commercial and residential building, respectively. Lots 21 and 22 are located in the R3-2 portion of the rezoning area. Lot 22 contains a five-story, 69,597 gross square foot Use Group 4 health care facility. The Applicant owns Lot 21, the proposed development site, which consists of 21,313 square feet of vacant land. All other lots within the rezoning area are non-applicant owned.

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Pursuant to a 2009 Zoning Lot Development Agreement, Lots 21 and 22 were merged into a single zoning lot and Lot 21 retained all available development rights on the zoning lot. The total available floor area on Lot 21 under the proposed action would be 117,974 square feet. However, the full floor area cannot be fully utilized due to R5D height regulations that limit the ability of development on Lot 21 to rise higher than 40 feet. The development, as proposed by the applicant, maximizes the amount of floor area that can be constructed under the proposed R5D zoning district.

R3-2 districts are the lowest-density general residence district in which multi-family structures are permitted. A variety of housing types are permitted with a maximum FAR of 0.6, which includes a 0.1 attic allowance. Minimum lot width and lot area depend upon the housing configuration. The maximum building height is 35 feet, with a maximum perimeter wall height of 21 feet. Front yards must be at least 15 feet deep and rear yards must be at least 30 feet deep. Community facilities are permitted at an FAR of 1.0. One parking space is required for each dwelling unit. C1-2 overlays within R3-2 districts have a maximum commercial and community facility FAR of 1.0. Parking requirements for most commercial uses in C1-2 districts are one accessory parking space per 300 square feet of commercial floor space.

R5D districts allow all housing types at a maximum FAR of 2.0. A front yard of at least 5 feet is required and must be as deep as an adjacent front yard up to 20 feet. A maximum building height of 40 feet is allowed. Parking is required for 66% of the total dwelling units. Community facilities are permitted at an FAR of 2.0. C1-3 overlays within an R5D district allow a maximum commercial FAR of 2.0. In C1-3 districts most retail uses require one accessory parking space per 400 square feet of commercial floor space.

In order to analyze the potential effects of the full available buildable square footage that could be constructed as a result of the proposed action, a development consisting of approximately 21,312 square feet of ground floor local retail and 48 dwelling units. Absent the proposed action, the applicant has stated that the subject site would maximize the available floor area and be developed with a three-story, 33,809 square foot residential building containing 42 units and 42 below-grade accessory parking spaces. The proposed project is expected to be completed by 2015.

The proposed action includes an (E) designation on the project site (Block 6831, Lot 21) in order to preclude future air quality and noise impacts, which could occur as a result of the proposed action. The (E) designation number is E-321.

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

**Any new residential and/or commercial development on the property must ensure that the heating, ventilating and air conditioning stack(s) are located at least 25 and 50 feet for Oil No. 2 from the lot lines facing 79th Avenue and Parsons Boulevard, respectively, to avoid any potential significant adverse air quality impacts.**

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

**To ensure an acceptable interior noise environment, the building façade(s) of future residential uses must provide a minimum of 31 dBA composite building façade attenuation with windows closed, in order to maintain an interior noise level of 45 dBA. The minimum required composite building façade attenuation for future commercial uses would be 5 dBA less than that for residential uses. To maintain a closed-window condition, an alternate means of ventilation that brings outside air into the building without degrading the acoustical performance of the building façade(s) must also be provided.**

With the placement of the (E) designations on the above block and lot, no significant noise or air quality impacts would be expected as the result of the proposed action.

**Statement of No Significant Effect:**

The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement, dated September 19, 2013, prepared in connection with the ULURP Application (No. 120178ZMQ). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

**Supporting Statement:**

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

1. The (E) designation for air quality and noise would ensure that the proposed actions would not result in significant adverse impacts.
2. No other significant effects on the environment which would require an Environmental Impact Statement are foreseeable.

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

Should you have any questions pertaining to this Negative Declaration, you may contact Jonathan Keller at (212) 720-3419.



Celeste Evans, Deputy Director  
Environmental Assessment & Review Division  
Department of City Planning

Date: September 20, 2013



Amanda M. Burden, FAICP, Chair  
City Planning Commission

Date: September 23, 2013