



CITY PLANNING COMMISSION  
CITY OF NEW YORK

OFFICE OF THE CHAIRMAN

**NEGATIVE DECLARATION**

January 29, 2018

**Project Identification**

CEQR No. 18DCP045Q  
ULURP Nos. 180098ZMQ & N180099ZRQ  
SEQRA Classification: Unlisted

**Lead Agency**

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

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

**40-31 82<sup>nd</sup> Street Rezoning**

The Applicant, 30 GC TIC LLC, seeks a Zoning Map Amendment to rezone a portion of Queens Block 1493, Lot 15 from an R6 residential district with a C1-3 commercial overlay to a C4-5X commercial district (R7X equivalent) and a Zoning Text Amendment pursuant to Appendix F of the Zoning Resolution (ZR) to establish a Mandatory Inclusionary Housing (MIH) area on the same portion of Lot 15 that is being rezoned. The Zoning Map and Text Amendments, the Proposed Actions, would facilitate a proposal by the Applicant to develop a 13-story mixed use building on Lot 15 which is located at the intersection of 82nd Street, Ithica Street, and Baxter Avenue in the Jackson Heights/ Elmhurst neighborhood of Queens Community District 4. The Applicant's Proposed Project would rise to 145 feet and contain approximately 203,830 gross square feet (gsf) of floor area. The Proposed Project would have approximately 125,460 gsf of residential area (120 dwelling units of which up to 36 dwelling units would be affordable pursuant to MIH). The Proposed Project would also contain approximately 76,375 gsf of commercial uses in the cellar, first and second floors, approximately 1,996 gsf of community facility space, and 128 accessory parking spaces in a sub cellar level.

The Proposed Actions would allow for development on Lot 15 that would be taller, contain a larger floor area, and contain different uses than what current zoning allows. R6/C1-3 districts permit a maximum height of 70 feet (75 feet with a qualifying ground floor). With the proposed C4-5X district a maximum building height of 120 feet (125 feet with qualifying ground floor) would be permitted. Existing zoning permits a maximum 4.8 Floor to Area Ratio (FAR) for community facility use, 2.0 FAR for commercial use, and up to 2.43 FAR for residential use. The proposed

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C4-5X district would permit a maximum FAR of 4.0 for commercial uses and a maximum FAR of 5.0 for residential and community facility uses. With the designation of the majority of Lot 15 as a MIH area, the maximum permitted residential FAR would increase to 6.0. Additionally, C4-5X districts allow for Use Groups (UGs) that are not allowed in the existing R6/C1-3 district such as commercial UGs 8-10, 12, and UG 5 (hotels).

For the purposes of presenting a conservative analysis, the Reasonable Worst Case Development Scenario (RWCDS) presented in the Environmental Assessment Statement (EAS) considers two development scenarios. In the future, with the Proposed Actions the Applicant's Proposed Project (described above) would be built on Lot 15. While the Applicant's Proposed Project would result in 120 DUs, the RWCDS conservatively assumes smaller unit size resulting in a total of 147 DU. In the future with the Proposed Actions a commercial hotel (UG 5) containing 98,397 gsf (4.0 FAR) could also be developed on Lot 15. The hotel would rise to a height of 120 feet and contain up to 182 rooms. The hotel would also include 130 accessory parking spaces located in the cellar level of the building.

Absent the Proposed Actions, Lot 15 would remain in a R6/C1-3 district and be developed with an as-of-right development. A 9-story mixed-use building, with a height of 94 feet would be developed on Lot 15. The building would contain approximately 65,524 gsf of residential space contained in 77 DUs (of which none would be affordable pursuant to MIH) and 51,921 gsf of commercial space located on the cellar and first floor. 1,996 gsf of community facility space would also be located on the first floor. The as-of-right development would include approximately 130 accessory parking spaces on the sub-cellar level.

The Proposed Project is expected to be completed by 2020.

**Supporting Statement:**

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

1. The (E) designation (E-463) would ensure that the Proposed Actions would not result in significant adverse impacts related to hazardous materials, air quality or noise.
2. No other significant effects on the environment which would require an Environmental Impact Statement are foreseeable.

**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 January 26, 2018, prepared in connection with the ULURP Application (Nos. 180098ZMQ & N180099ZRQ). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

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 Kevin Corté at (212) 720-3250.



Robert Dobruskin, AICP, Director  
Environmental Assessment & Review Division  
Department of City Planning

Date: January 26, 2018



Marisa Lago, Chair  
City Planning Commission

Date: January 29, 2018

