



**City Environmental Quality Review  
ENVIRONMENTAL ASSESSMENT STATEMENT FULL FORM**

Please fill out, print and submit to the appropriate agency (see instructions)

**PART I: GENERAL INFORMATION**

**PROJECT NAME**

**1. Reference Numbers**

CEQR REFERENCE NUMBER (To Be Assigned by Lead Agency)	BSA REFERENCE NUMBER (If Applicable)
ULURP REFERENCE NUMBER (If Applicable)	OTHER REFERENCE NUMBER(S) (If Applicable) (e.g. Legislative Intro, CAPA, etc)

**2a. Lead Agency Information**

NAME OF LEAD AGENCY

**2b. Applicant Information**

NAME OF APPLICANT

NAME OF LEAD AGENCY CONTACT PERSON

NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON

ADDRESS

ADDRESS

CITY STATE ZIP

CITY STATE ZIP

TELEPHONE FAX

TELEPHONE FAX

EMAIL ADDRESS

EMAIL ADDRESS

**3. Action Classification and Type**

**SEQRA Classification**

UNLISTED  TYPE I; SPECIFY CATEGORY (see 6 NYCRR 617.4 and NYC Executive Order 91 of 1977, as amended):

**Action Type** (refer to Chapter 2, "Establishing the Analysis Framework" for guidance)

LOCALIZED ACTION, SITE SPECIFIC  LOCALIZED ACTION, SMALL AREA  GENERIC ACTION

**4. Project Description:**

**4a. Project Location: Single Site** (for a project at a single site, complete all the information below)

ADDRESS	NEIGHBORHOOD NAME	
TAX BLOCK AND LOT	BOROUGH	COMMUNITY DISTRICT
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS		
EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION IF ANY:		ZONING SECTIONAL MAP NO:

**4b. Project Location: Multiple Sites** (Provide a description of the size of the project area in both City Blocks and Lots. If the project would apply to the entire city or to areas that are so extensive that a site-specific description is not appropriate or practicable, describe the area of the project, including bounding streets, etc.)

**5. REQUIRED ACTIONS OR APPROVALS** (check all that apply)

**City Planning Commission:** YES  NO

- CITY MAP AMENDMENT
- ZONING MAP AMENDMENT
- ZONING TEXT AMENDMENT
- UNIFORM LAND USE REVIEW PROCEDURE (ULURP)
- CONCESSION
- UDAAP
- REVOCABLE CONSENT
- ZONING CERTIFICATION
- ZONING AUTHORIZATION
- HOUSING PLAN & PROJECT
- SITE SELECTION — PUBLIC FACILITY
- FRANCHISE
- DISPOSITION — REAL PROPERTY

ZONING SPECIAL PERMIT, SPECIFY TYPE:

- MODIFICATION OF
- RENEWAL OF
- OTHER

**Board of Standards and Appeals:** YES  NO

- SPECIAL PERMIT
- EXPIRATION DATE MONTH DAY YEAR
- VARIANCE (USE)
- VARIANCE (BULK)

SPECIFY AFFECTED SECTION(S) OF THE ZONING RESOLUTION

**Department of Environmental Protection:** YES  NO

**Other City Approvals:** YES  NO

- |                                                                                                                                      |                                                            |
|--------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|
| <input type="checkbox"/> LEGISLATION                                                                                                 | <input type="checkbox"/> RULEMAKING                        |
| <input type="checkbox"/> FUNDING OF CONSTRUCTION; SPECIFY                                                                            | <input type="checkbox"/> CONSTRUCTION OF PUBLIC FACILITIES |
| <input type="checkbox"/> POLICY OR PLAN; SPECIFY                                                                                     | <input type="checkbox"/> FUNDING OF PROGRAMS; SPECIFY      |
| <input type="checkbox"/> LANDMARKS PRESERVATION COMMISSION APPROVAL ( <i>not subject to CEQR</i> )                                   | <input type="checkbox"/> PERMITS; SPECIFY:                 |
| <input type="checkbox"/> 384(b)(4) APPROVAL                                                                                          | <input type="checkbox"/> OTHER; EXPLAIN                    |
| <input type="checkbox"/> PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC) ( <i>not subject to CEQR</i> ) |                                                            |

**6. State or Federal Actions/Approvals/Funding:** YES  NO  IF "YES," IDENTIFY

**7. Site Description:** *Except where otherwise indicated, provide the following information with regard to the directly affected area. The directly affected area consists of the project site and the area subject to any change in regulatory controls.*

**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 11x17 inches in size and must be folded to 8.5 x 11 inches for submission.*

- |                                                        |                                     |                                                                                                                                     |
|--------------------------------------------------------|-------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Site location map             | <input type="checkbox"/> Zoning map | <input type="checkbox"/> Photographs of the project site taken within 6 months of EAS submission and keyed to the site location map |
| <input type="checkbox"/> Sanborn or other land use map | <input type="checkbox"/> Tax map    | <input type="checkbox"/> For large areas or multiple sites, a GIS shape file that defines the project sites                         |

**PHYSICAL SETTING** (*both developed and undeveloped areas*)

Total directly affected area (sq. ft.):	Type of waterbody and surface area (sq. ft.):	Roads, building and other paved surfaces (sq. ft.)
Other, describe (sq. ft.):		

**8. Physical Dimensions and Scale of Project** (*if the project affects multiple sites, provide the total development below facilitated by the action*)

Size of project to be developed: \_\_\_\_\_ (gross sq. ft.)

Does the proposed project involve changes in zoning on one or more sites? YES  NO

If 'Yes,' identify the total square feet owned or controlled by the applicant: \_\_\_\_\_ Total square feet of non-applicant owned development: \_\_\_\_\_

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 disturbance (if known):

Area: \_\_\_\_\_ sq. ft. (width x length) Volume: \_\_\_\_\_ cubic feet (width x length x depth)

Does the proposed project increase the population of residents and/or on-site workers? YES  NO  Number of additional residents? \_\_\_\_\_ Number of additional workers? \_\_\_\_\_

Provide a brief explanation of how these numbers were determined:

Does the project create new open space? YES  NO  If Yes: \_\_\_\_\_ (sq. ft)

Using Table 14-1, estimate the project's projected operational solid waste generation, if applicable: \_\_\_\_\_ (pounds per week)

Using energy modeling or Table 15-1, estimate the project's projected energy use: \_\_\_\_\_ (annual BTUs)

**9. Analysis Year** *CEQR Technical Manual Chapter 2*

ANTICIPATED BUILD YEAR (DATE THE PROJECT WOULD BE COMPLETED AND OPERATIONAL):	ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS:
-------------------------------------------------------------------------------	-----------------------------------------------

WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? YES  NO  IF MULTIPLE PHASES, HOW MANY PHASES: \_\_\_\_\_

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE:

**10. What is the Predominant Land Use in Vicinity of Project?** (*Check all that apply*)

- RESIDENTIAL  MANUFACTURING  COMMERCIAL  PARK/FOREST/OPEN SPACE  OTHER, Describe: \_\_\_\_\_

**DESCRIPTION OF EXISTING AND PROPOSED CONDITIONS**

The information requested in this table applies to the directly affected area. The directly affected area consists of the project site and the area subject to any change in regulatory control. The increment is the difference between the No-Action and the With-Action conditions.

	<b>EXISTING CONDITION</b>	<b>NO-ACTION CONDITION</b>	<b>WITH-ACTION CONDITION</b>	<b>INCREMENT</b>
<b>Land Use</b>				
<b>Residential</b>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	
If yes, specify the following				
No. of dwelling units				
No. of low- to moderate income units				
No. of stories				
Gross Floor Area (sq.ft.)				
Describe Type of Residential Structures				
<b>Commercial</b>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	
If yes, specify the following:				
Describe type (retail, office, other)				
No. of bldgs				
GFA of each bldg (sq.ft.)				
<b>Manufacturing/Industrial</b>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	
If yes, specify the following:				
Type of use				
No. of bldgs				
GFA of each bldg (sq.ft.)				
No. of stories of each bldg				
Height of each bldg				
Open storage area (sq.ft.)				
If any unenclosed activities, specify				
<b>Community Facility</b>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	
If yes, specify the following:				
Type				
No. of bldgs				
GFA of each bldg (sq.ft.)				
No. of stories of each bldg				
Height of each bldg				
<b>Vacant Land</b>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	
If yes, describe:				
<b>Publicly Accessible Open Space</b>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	
If yes, specify type (mapped City, State, or Federal Parkland, wetland—mapped or otherwise known, other)				
<b>Other Land Use</b>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	
If yes, describe				
<b>Parking</b>				
<b>Garages</b>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	
If yes, specify the following:				
No. of public spaces				
No. of accessory spaces				
Operating hours				
Attended or non-attended				

	<b>EXISTING CONDITION</b>	<b>NO-ACTION CONDITION</b>	<b>WITH-ACTION CONDITION</b>	<b>INCREMENT</b>
<b>Parking (continued)</b>				
<b>Lots</b>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	
If yes, specify the following:				
No. of public spaces				
No. of accessory spaces				
Operating hours				
<b>Other (includes street parking)</b>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	
If yes, describe				
<b>Storage Tanks</b>				
<b>Storage Tanks</b>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	
If yes, specify the following:				
Gas/Service stations	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	
Oil storage facility	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	
Other, identify:	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	
If yes to any of the above, describe:				
Number of tanks				
Size of tanks				
Location of tanks				
Depth of tanks				
Most recent FDNY inspection date				
<b>Population</b>				
<b>Residents</b>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	
If any, specify number				
Briefly explain how the number of residents was calculated:				
<b>Businesses</b>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	
If any, specify the following:				
No. and type				
No. and type of workers by business				
No. and type of non-residents who are not workers				
Briefly explain how the number of businesses was calculated:				
<b>Zoning*</b>				
Zoning classification				
Maximum amount of floor area that can be developed (in terms of bulk)				
Predominant land use and zoning classifications within a 0.25 mile radius of proposed project				
Attach any additional information as may be needed to describe the project.				
If your project involves changes in regulatory controls that affect one or more sites not associated with a specific development, it is generally appropriate to include the total development projections in the above table and attach separate tables outlining the reasonable development scenarios for each site.				

\*This section should be completed for all projects, except for such projects that would apply to the entire city or to areas that are so extensive that site-specific zoning information is not appropriate or practicable.

**PART II: TECHNICAL ANALYSES**

**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, answer the subsequent questions for that technical area and consult the relevant chapter of the CEQR Technical Manual for guidance on providing additional analyses (and attach supporting information, if needed) 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 often only means that more information is required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant to either provide additional information to support the Full EAS Form. For example, if a question is answered ‘No,’ an agency may request a short explanation for this response.

	YES	NO
<b>1. LAND USE, ZONING AND PUBLIC POLICY:</b> <a href="#">CEQR Technical Manual Chapter 4</a>		
(a) Would the proposed project result in a change in land use or zoning that is different from surrounding land uses and/or zoning? Is there the potential to affect an applicable public policy? If “Yes”, complete a preliminary assessment and attach.		
(b) Is the project a large, publicly sponsored project? If “Yes”, complete a PlaNYC assessment and attach.		
(c) Is any part of the directly affected area within the City’s Waterfront Revitalization Program boundaries? If “Yes”, complete the <a href="#">Consistency Assessment Form</a> .		
<b>2. SOCIOECONOMIC CONDITIONS:</b> <a href="#">CEQR Technical Manual Chapter 5</a>		
(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?		
(b) If ‘Yes’ to any of the above, attach supporting information to answer the following questions, as appropriate. If ‘No’ was checked for each category above, the remaining questions in this technical area do not need to be answered.		
<b>(1) Direct Residential Displacement</b>		
• If more than 500 residents would be displaced, would these displaced residents represent more than 5% of the primary study area population?		
• If ‘Yes,’ is the average income of the directly displaced population markedly lower than the average income of the rest of the study area population?		
<b>(2) Indirect Residential Displacement</b>		
• Would the expected average incomes of the new population exceed the average incomes of the study area populations?		
• If ‘Yes,’ would the population increase represent more than 5% of the primary study area population or otherwise potentially affect real estate market conditions?		
• If ‘Yes,’ would the study area have a significant number of unprotected rental units?		
Would more than 10 percent of all the housing units be renter-occupied and unprotected?		
Or, would more than 5 percent of all the housing units be renter-occupied and unprotected where no readily observable trend toward increasing rents and new market rate development exists within the study area?		

	YES	NO
<b>(3) Direct Business Displacement</b>		
• Do any of the displaced businesses provide goods or services that otherwise could not be found within the trade area, either under existing conditions or in the future with the proposed project?		
• Do any of the displaced businesses provide goods or services that otherwise could not be found within the trade area, either under existing conditions or in the future with the proposed project?		
• Or, is any category of business to be displaced the subject of other regulations or publicly adopted plans to preserve, enhance, or otherwise protect it?		
<b>(4) Indirect Business Displacement</b>		
• Would the project potentially introduce trends that make it difficult for businesses to remain in the area?		
• Would the project capture the retail sales in a particular category of goods to the extent that the market for such goods would become saturated as a result, potentially resulting in vacancies and disinvestment on neighborhood commercial streets?		
<b>(5) Affects on Industry</b>		
• Would the project significantly affect business conditions in any industry or any category of businesses within or outside the study area?		
• Would the project indirectly substantially reduce employment or impair the economic viability in the industry or category of businesses?		
<b>3. COMMUNITY FACILITIES: <u>CEQR Technical Manual Chapter 6</u></b>		
<b>(a)</b> 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>(b)</b> Would the project exceed any of the thresholds outlined in <b>Table 6-1 in Chapter 6</b> ?		
<b>(c)</b> If 'No' was checked above, the remaining questions in this technical area do not need to be answered. If 'Yes' was checked, attach supporting information to answer the following, if applicable.		
<b>(1) Child Care Centers</b>		
• Would the project result in a collective utilization rate of the group child care/Head Start centers in the study area that is greater than 100 percent?		
• If Yes, would the project increase the collective utilization rate by 5 percent from the No-Action scenario?		
<b>(2) Libraries</b>		
• Would the project increase the study area population by 5 percent from the No-Action levels?		
• If Yes, would the additional population impair the delivery of library services in the study area?		
<b>(3) Public Schools</b>		
• Would the project result in a collective utilization rate of the elementary and/or intermediate schools in the study area that is equal to or greater than 105 percent?		
• If Yes, would the project increase this collective utilization rate by 5 percent from the No-Action scenario?		
<b>(4) Health Care Facilities</b>		
• Would the project affect the operation of health care facilities in the area?		
<b>(5) Fire and Police Protection</b>		
• Would the project affect the operation of fire or police protection in the area?		
<b>4. OPEN SPACE: <u>CEQR Technical Manual Chapter 7</u></b>		
<b>(a)</b> Would the project change or eliminate existing open space?		
<b>(b)</b> Is the project located within an underserved area in the <b>Bronx, Brooklyn, Manhattan, Queens, or Staten Island</b> ?		
<b>(c)</b> If 'Yes,' would the proposed project generate more than 50 additional residents or 125 additional employees?		
<b>(d)</b> Is the project located within a well-served area in the <b>Bronx, Brooklyn, Manhattan, Queens, or Staten Island</b> ?		
<b>(e)</b> If 'Yes,' would the project generate more than 350 additional residents or 750 additional employees?		
<b>(f)</b> If the project is not located within an underserved or well-served area, would it generate more than 200 additional residents or 500 additional employees?		
<b>(g)</b> If 'Yes' to any of the above questions, attach supporting information to answer the following:		
• Does the project result in a decrease in the open space ratio of more than 5%?		
• If the project is within an underserved area, is the decrease in open space between 1% and 5%?		
• If 'Yes,' are there qualitative considerations, such as the quality of open space, that need to be considered?		

	YES	NO
<b>5. SHADOWS: <a href="#">CEQR Technical Manual Chapter 8</a></b>		
(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?		
(c) If 'Yes' to either of the above questions, attach supporting information explaining whether the project's shadow reach any sunlight-sensitive resource at any time of the year.		
<b>6. HISTORIC AND CULTURAL RESOURCES: <a href="#">CEQR Technical Manual Chapter 9</a></b>		
(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; is listed or eligible for listing on the New York State or National Register of Historic Places; or is within a designated or eligible New York City, New York State, or National Register Historic District? If "Yes," list the resources and attach supporting information on whether the proposed project would affect any of these resources.		
<b>7. URBAN DESIGN AND VISUAL RESOURCES: <a href="#">CEQR Technical Manual Chapter 10</a></b>		
(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 that is not currently allowed by existing zoning?		
(c) If "Yes" to either of the above, please provide the information requested in <a href="#">Chapter 10</a> .		
<b>8. NATURAL RESOURCES: <a href="#">CEQR Technical Manual Chapter 11</a></b>		
(a) Is any part of the directly affected area within the Jamaica Bay Watershed? If "Yes", complete the <a href="#">Jamaica Bay Watershed Form</a> .		
(b) Does the proposed project site or a site adjacent to the project contain natural resources as defined in <a href="#">Section 100 of Chapter 11</a> ? If "Yes," list the resources: Attach supporting information on whether the proposed project would affect any of these resources.		
<b>9. HAZARDOUS MATERIALS: <a href="#">CEQR Technical Manual Chapter 12</a></b>		
(a) Would the proposed project allow commercial or residential use in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?		
(b) Does the proposed project site have existing institutional controls (e.g. (E) designations or a Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?		
(c) Does the project require soil disturbance in a manufacturing zone or any development on or near a manufacturing zone or existing/historic facilities listed in Appendix 1 (including nonconforming uses)?		
(d) Does 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?		
(e) Does the project result in development where underground and/or aboveground storage tanks (e.g. gas stations) are or were on or near the site?		
(f) Does the project result in renovation of interior existing space on a site with potential compromised air quality, vapor intrusion from on-site or off-site sources, asbestos, PCBs or lead-based paint?		
(g) Does the project result in development on or near a government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, municipal incinerators, coal gasification or gas storage sites, or railroad tracks and rights-of-way?		
(h) Has a Phase I Environmental Site Assessment been performed for the site? If "Yes," were RECs identified? Briefly identify:		
(i) Based on a Phase I Assessment, is a Phase II Assessment needed?		
<b>10. WATER AND SEWER INFRASTRUCTURE: <a href="#">CEQR Technical Manual Chapter 13</a></b>		
(a) Would the project result in water demand of more than one million gallons per day?		
(b) Is the proposed project located in a combined sewer area and result in at least 1,000 residential units or 250,000 SF or more of commercial space in Manhattan or at least 400 residential units or 150,000 SF or more of commercial space in the Bronx, Brooklyn, Staten Island or Queens?		
(c) Is the proposed project located in a <a href="#">separately sewerred area</a> and result in the same or greater development than that listed in <a href="#">Table 13-1 in Chapter 13</a> ?		
(d) Does the proposed project involve development on a site five acres or larger where the amount of impervious surface would increase?		
(e) Would the proposed project involve development on a site one acre or larger where the amount of impervious surface would increase and is located within the <a href="#">Jamaica Bay Watershed</a> or in certain <a href="#">specific drainage areas</a> including: Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek?		
(f) Would the proposed project be located in an area that is partially sewerred or currently unsewerred?		
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a WWTP and/or generate contaminated stormwater in a separate storm sewer system?		
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?		
(i) If "Yes" to any of the above, conduct the appropriate preliminary analyses and attach supporting documentation.		
<b>11. SOLID WASTE AND SANITATION SERVICES: <a href="#">CEQR Technical Manual Chapter 14</a></b>		
(a) Would the proposed project have the potential to generate 1000,000 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?		

	YES	NO
<b>12. ENERGY: <a href="#">CEQR Technical Manual Chapter 15</a></b>		
(a) Would the proposed project affect the transmission or generation of energy?		
<b>13. TRANSPORTATION: <a href="#">CEQR Technical Manual Chapter 16</a></b>		
(a) Would the proposed project exceed any threshold identified in <a href="#">Table 16-1 in Chapter 16</a> ?		
(b) If "Yes," conduct the screening analyses, attach appropriate back up data as needed for each stage, and answer the following questions:		
(1) 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? <i>**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 peakhour. See <a href="#">Subsection 313 in Chapter 16</a> for more information.</i>		
(2) Would the proposed project result in more than 200 subway/rail or bus 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) or 200 subway trips per station or line?		
(3) 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?		
<b>14. AIR QUALITY: <a href="#">CEQR Technical Manual Chapter 17</a></b>		
(a) <i>Mobile Sources:</i> Would the proposed project result in the conditions outlined in <a href="#">Section 210 in Chapter 17</a> ?		
(b) <i>Stationary Sources:</i> Would the proposed project result in the conditions outlined in <a href="#">Section 220 in Chapter 17</a> ? If "Yes," would the proposed project exceed the thresholds in the <a href="#">Figure 17-3, Stationary Source Screen Graph</a> ? (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) designations or a Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?		
(f) If "Yes," conduct the appropriate analyses and attach any supporting documentation.		
<b>15. GREENHOUSE GAS EMISSIONS: <a href="#">CEQR Technical Manual Chapter 18</a></b>		
(a) Is the proposed project a city capital project, a power plant, or would fundamentally change the City's solid waste management system?		
(b) If "Yes," would the proposed project require a GHG emissions assessment based on the guidance in <a href="#">Chapter 18</a> ?		
(c) If "Yes," attach supporting documentation to answer the following: Would the project be consistent with the City's GHG reduction goal?		
<b>16. NOISE: <a href="#">CEQR Technical Manual Chapter 19</a></b>		
(a) Would the proposed project generate or reroute vehicular traffic?		
(b) Would the proposed project introduce new or additional receptors (see <a href="#">Section 124 in Chapter 19</a> ) 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-designations or a Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?		
(e) If "Yes," conduct the appropriate analyses and attach any supporting documentation.		
<b>17. PUBLIC HEALTH: <a href="#">CEQR Technical Manual Chapter 20</a></b>		
(a) Would the proposed project warrant a public health assessment based upon the guidance in <a href="#">Chapter 20</a> ?		
<b>18. NEIGHBORHOOD CHARACTER: <a href="#">CEQR Technical Manual Chapter 21</a></b>		
(a) Based upon the analyses conducted for the following technical areas, check Yes if any of the following technical areas required 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 here why or why not an assessment of neighborhood character is warranted based on the guidance in Chapter 21, "Neighborhood Character." Attach a preliminary analysis, if necessary.		



		YES	NO
19.	<b>CONSTRUCTION IMPACTS:</b> <i>CEQR Technical Manual Chapter 22</i> Would the project's construction activities involve (check all that apply):		
	• Construction activities lasting longer than two years;		✓
	• Construction activities within a Central Business District or along an arterial or major thoroughfare;		✓
	• Require 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 community facilities or disruption in its service;		✓
	• Activities within 400 feet of a historic or cultural resource; or		✓
	• Disturbance of a site containing natural resources.		✓

If any boxes are checked, explain why or why not a preliminary construction assessment is warranted based on the guidance of 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 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

John Young

of NYC Department of City Planning, Queens office

APPLICANT/SPONSOR

NAME THE ENTITY OR OWNER

the entity which seeks the permits, approvals, funding or other governmental action described in this EAS.

Check if prepared by:  APPLICANT/REPRESENTATIVE OR  LEAD AGENCY REPRESENTATIVE (FOR CITY-SPONSORED PROJECTS)

John D. Young  
APPLICANT/SPONSOR NAME:

New York City Department of City Planning  
LEAD AGENCY REPRESENTATIVE NAME:

[Signature]  
SIGNATURE:

12/12/12  
DATE:

**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 of 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 effect on the environment. 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.	Potential Significant Adverse Impact	
	YES	NO
<b>IMPACT CATEGORY</b>		
<b>Land Use, Zoning, and Public Policy</b>		✓
<b>Socioeconomic Conditions</b>		✓
<b>Community Facilities and Services</b>		✓
<b>Open Space</b>		✓
<b>Shadows</b>		✓
<b>Historic and Cultural Resources</b>		✓
<b>Urban Design/Visual Resources</b>		✓
<b>Natural Resources</b>		✓
<b>Hazardous Materials</b>		✓
<b>Water and Sewer Infrastructure</b>		✓
<b>Solid Waste and Sanitation Services</b>		✓
<b>Energy</b>		✓
<b>Transportation</b>		✓
<b>Air Quality</b>		✓
<b>Greenhouse Gas Emissions</b>		✓
<b>Noise</b>		✓
<b>Public Health</b>		✓
<b>Neighborhood Character</b>		✓
<b>Construction Impacts</b>		✓
2. Are there any aspects of the project relevant to the determination 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? If there are such impacts, explain them and state where, as a result of them, the project may have a significant impact on the environment.		✓

**3. LEAD AGENCY'S CERTIFICATION**

Director, Environmental Assessment and Review Division

New York City Department of City Planning

TITLE

LEAD AGENCY

Robert Dobruskin

*Robert Dobruskin*

NAME

SIGNATURE

**Attachment 1  
Applicable Zoning Districts**

**Special Long Island City Mixed Use District**

Vernon Boulevard, R6A/C1-5

21<sup>st</sup> Street, R6A/C1-5

Jackson Avenue, R7-X/C2-5, M1-5/R7-3, M1-6/R10, M1-5/R9

Second Street, M1-4/R6B, M1-5/R8A

Borden Avenue, M1-4/R6B, M1-5/R7X

44<sup>th</sup> Drive, M1-4/R7A, C5-3

48<sup>th</sup> Avenue, M1-4/R7A, R6A/C1-5, M1-4/R6B, M1-4/R7A

Court Square (2), M1-5/R7-3

Crescent Street, M1-5/R9, M1-5/R7-3, M1-6/R10

43<sup>rd</sup> Avenue, M1-6/R10, M1-5/R7-3, M1-5/R9

Queens Plaza South, M1-6/R10, M1-5/R9

Queens Plaza North, M1-6/R10, M1-5/R9

41<sup>st</sup> Avenue, M1-5/R7-3, M1-2/R6A

40<sup>th</sup> Road, M1-5/R7-3, M1-2/R5D, M1-3/R7X

40<sup>th</sup> Avenue, M1-2/R5D, M1-3/R7X

39<sup>th</sup> Avenue, M1-2/R5D, M1-2/R6A, M1-3/R7X

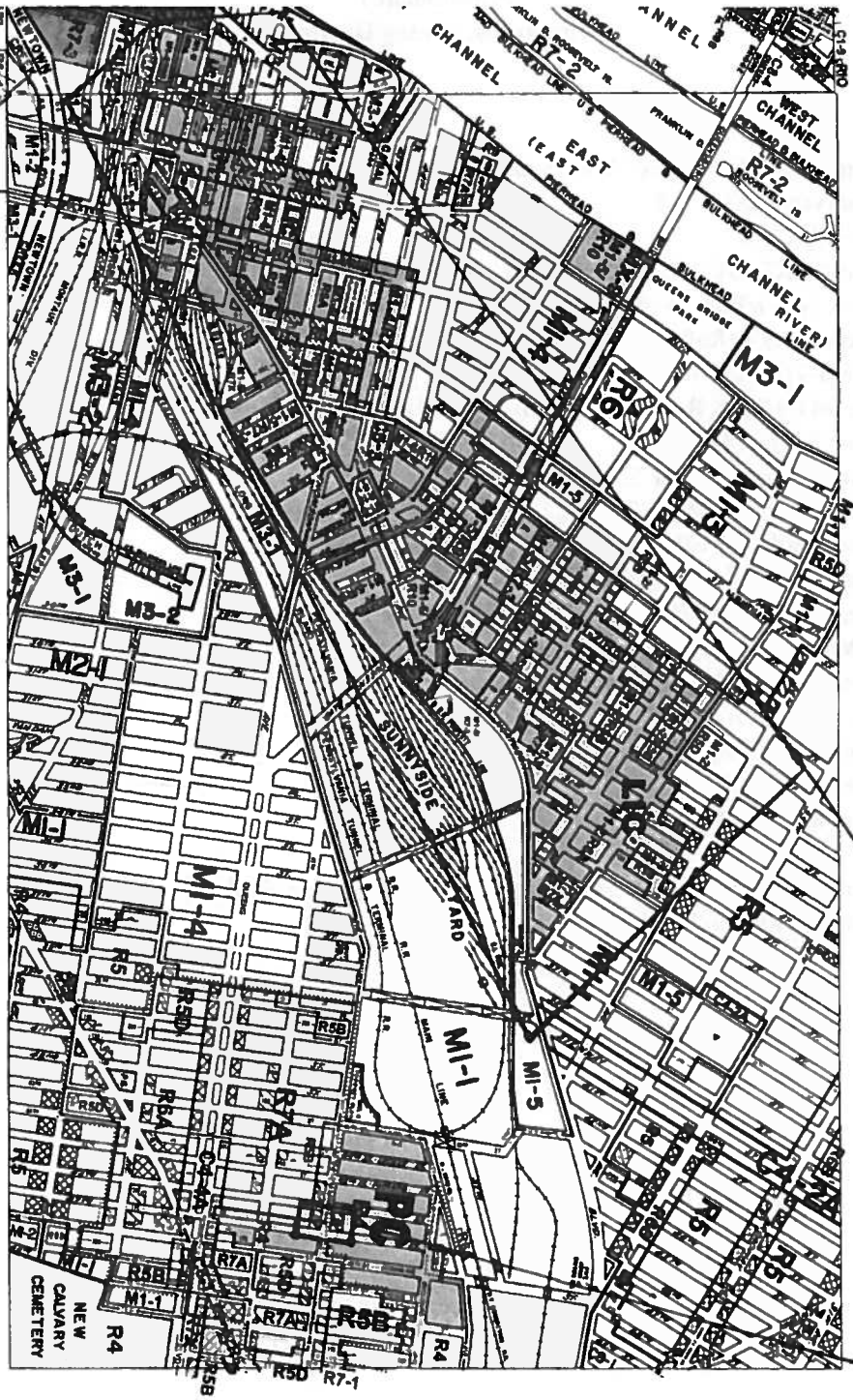
38<sup>th</sup> Avenue, M1-2/R6A, M1-3/R7X

37<sup>th</sup> Avenue, M1-2/R6A, M1-3/R7X

36<sup>th</sup> Avenue, M1-2/R5B

**Special Planned Community Preservation District (Sunnyside Gardens)**

Skillman Avenue, R4/C1-3



LIC District

PC District (Sunnyside Gardens)

0 600 1200 1800 FEET

C1-1 C1-2 C1-3 C1-4 C1-5 C1-6 C1-7 C1-8 C1-9 C1-10  
 C2-1 C2-2 C2-3 C2-4 C2-5 C2-6 C2-7 C2-8 C2-9 C2-10  
 C3-1 C3-2 C3-3 C3-4 C3-5 C3-6 C3-7 C3-8 C3-9 C3-10  
 C4-1 C4-2 C4-3 C4-4 C4-5 C4-6 C4-7 C4-8 C4-9 C4-10  
 C5-1 C5-2 C5-3 C5-4 C5-5 C5-6 C5-7 C5-8 C5-9 C5-10  
 C6-1 C6-2 C6-3 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9 C6-10  
 C7-1 C7-2 C7-3 C7-4 C7-5 C7-6 C7-7 C7-8 C7-9 C7-10  
 C8-1 C8-2 C8-3 C8-4 C8-5 C8-6 C8-7 C8-8 C8-9 C8-10  
 C9-1 C9-2 C9-3 C9-4 C9-5 C9-6 C9-7 C9-8 C9-9 C9-10  
 C10-1 C10-2 C10-3 C10-4 C10-5 C10-6 C10-7 C10-8 C10-9 C10-10

NOTE: Where the provisions for zoning district boundaries appear on the zoning map, such provisions are deemed to conform to the provisions of the Zoning Resolution.

**ZONING MAP**  
 THE NEW YORK CITY PLANNING COMMISSION

**Major Zoning Classifications:**  
 The number(s) and/or letter(s) that follow on R, C or M denote description indicated, but other content as described in the text of the Zoning Resolution.

- R - RESIDENTIAL DISTRICT
- C - COMMERCIAL DISTRICT
- M - MANUFACTURING DISTRICT

**SPECIAL PURPOSE DISTRICT**  
 The number(s) and/or letter(s) that follow on S denote description indicated, but other content as described in the text of the Zoning Resolution.

**ARDC(S) REZONED**

**Effective Date(s) of Rezoning:**  
 07-28-2011 C 110207 ZMC

**Special Requirements:**  
 For a list of lots subject to CDR environmental requirements, see APPENDIX C.  
 For a list of lots subject to "D" restrictive covenants, see APPENDIX D.  
 For residential housing designated areas on this map, see APPENDIX F.

CITY MAP CHANGE(S)  
 A 04-30-2011 C 100488 MAJ

**MAP KEY**

8c	9a	9c
8d	9b	9d
12c	13a	13c

96 ZONING MAP

NOTE: Zoning information as shown on this map is subject to change without notice. For the most current information, please refer to the Zoning Resolution and the Department of City Planning website at [www.dcp.nyc.gov](http://www.dcp.nyc.gov). For more information, contact the Zoning Information Office at (212) 312-3131.

# Long Island City: Land Use and Zoning



**Legend**

- Special Long Island City Mixed Use District
- DK Dutch Kills Subdistrict
- OP Queens Plaza Subdistrict
- GS Court Square Subdistrict
- HP Hunters Point Subdistrict
- Zoning Districts

**Land Use**

- One and Two Family Detached
- One and Two Family Semi Detached
- One and Two Family Attached
- Multi Family Walkup Buildings
- Multi Family Elevator Buildings
- Mixed Commercial/Residential Buildings
- Commercial/Office Buildings
- Industrial/Manufacturing
- Transportation/Utilities
- Public Facilities & Institutions
- Open Space
- Parking Facilities
- Vacant

Small Sidewalk Cafes Only  
 Unenclosed Sidewalk Cafes

## Attachment 2

### I. Project Description

The Department of City Planning is proposing zoning text amendments to Article I, Chapter 4 (SIDEWALK CAFÉ REGULATIONS) and Article 11, Chapter 7 (SPECIAL LONG ISLAND CITY MIXED USE DISTRICT) for the following purposes:

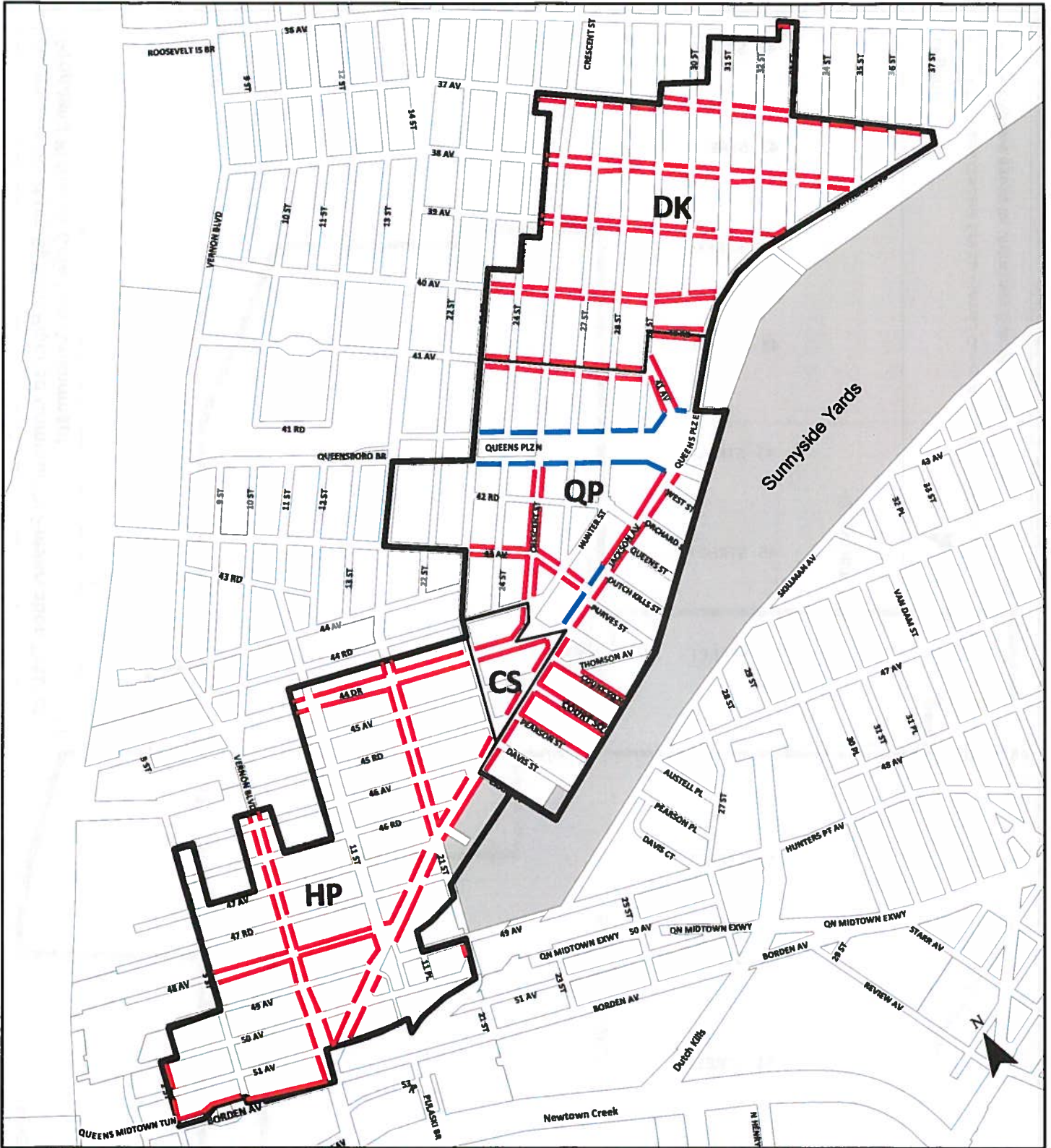
1. To allow unenclosed and unenclosed small sidewalk cafes (small sidewalk cafes) along 20 streets within the Special Long Island City Mixed Use District (LIC District) and small sidewalk cafes along 1.5 blocks of Skillman Avenue within the Special Planned Community Preservation District [PC District (Sunnyside Gardens)].

Cafes and restaurants are allowed by the underlying districts in the LIC and PC districts. However, sidewalk cafes are allowed in special zoning districts only if the special district is listed in Section 14-44 (Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted). The proposed sidewalk cafe amendments would affect all or portions of 196 block fronts within the LIC District and all or portions of two block fronts within the PC District (Sunnyside Gardens). The proposed zoning text amendments would allow unenclosed and small sidewalk cafes on six existing and 14 emerging retail corridors within the LIC District and allow small sidewalk cafes on a one and one half block portion of Skillman Avenue within the PC District (Sunnyside Gardens). Skillman Avenue is the retail corridor within the PC District (Sunnyside Gardens). A minimum clear sidewalk width of eight feet would be provided for in the case of unenclosed sidewalk cafes in the LIC District and minimum clear sidewalk widths of five and one half feet and 10 and 1/2 feet would be provided for in the case of small sidewalk cafes in the LIC District and PC District (Sunnyside Gardens), respectively. The resulting sidewalk cafes would enliven the streets where they would be allowed and would not adversely affect pedestrian circulation.

2. To establish a minimum base height in Section 117-532 (Setback regulations for buildings that exceed the maximum base height) for two blocks fronting along the elevated #7 tracks in Area C of the Queens Plaza Subdistrict (QP Subdistrict) of the LIC District.

Under current zoning regulations, buildings with base heights as low as 10 to 15 feet, depending on the ground floor use, could be developed on two blocks within Area C of the Queens Plaza Subdistrict. These base heights are too low to establish a strong pedestrian scale along the streets on which they front and are inconsistent with the urbanized built form of the surrounding blocks. The proposed zoning text amendment to Section 117-532 would establish a minimum base height of 40 feet for buildings or portions of buildings facing Davis Street between the Sunnyside Yards and a point 75 feet from Jackson Avenue and 60 feet for the remaining street frontages of the two blocks, thereby ensuring predictable, pedestrian-scaled building bases for new buildings on these two blocks. A zoning text change is also proposed for Section 117-56 to allow projects associated with ULURP applications filed prior to the date of this amendment to proceed under the current provisions.



An application for a special permit to increase the allowable floor area ratio (FAR) from 5.0 to 8.0 is expected to be filed for a proposed development on Block 86/72, which is currently developed with a loft building complex known as 5Pointz. 5 Pointz is home to a handful of industrial businesses and its exterior walls are used to exhibit graffiti. Block 86/72 is bounded by Davis Street, the Sunnyside Yards, Crane Street, and Jackson Avenue and is one of the two blocks affected by the proposed zoning text amendment to Section 117-532. The special permit application affecting Block 86/72 is expected to be filed by the time this proposed text amendment is voted on.

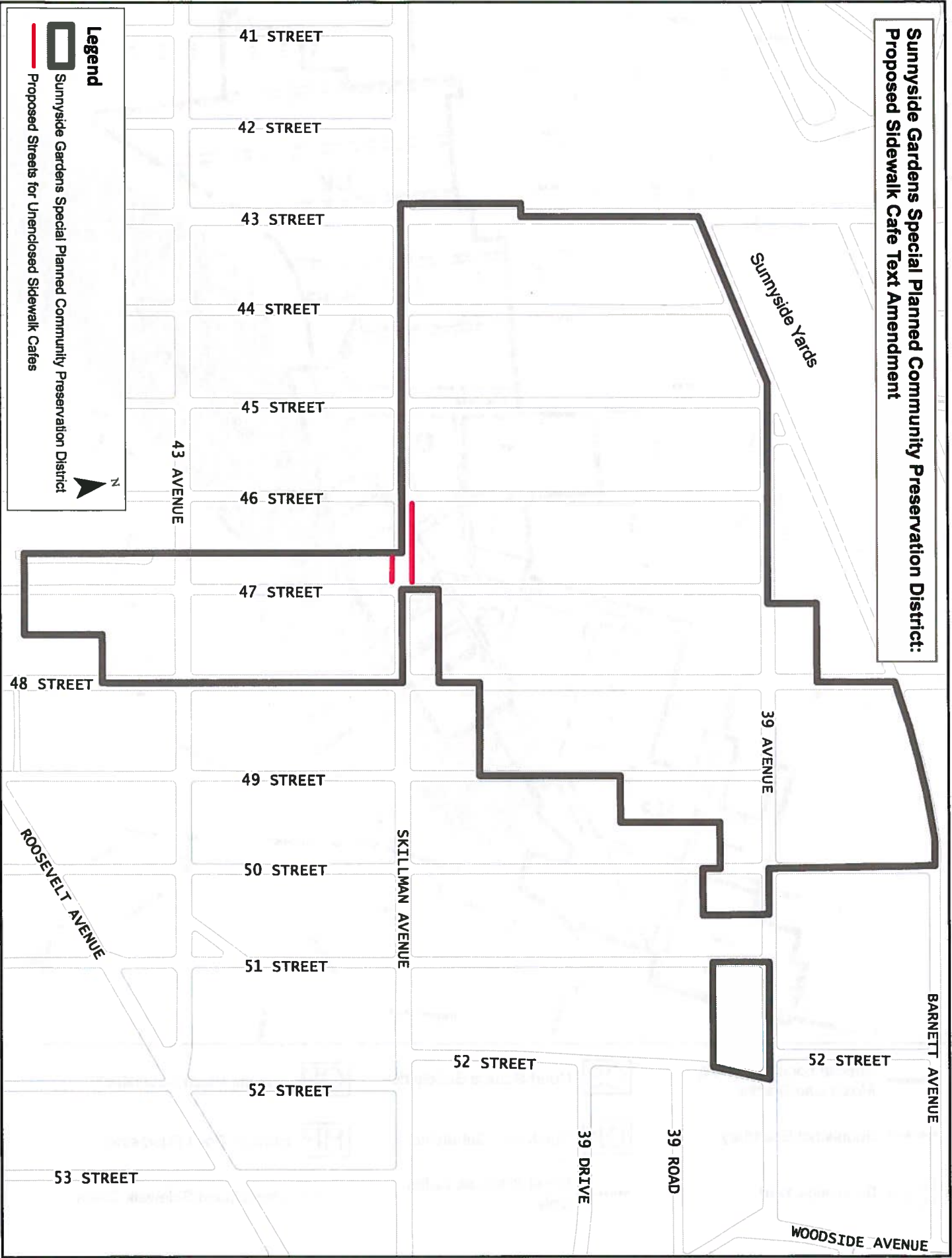


- Special Long Island City Mixed Use District**
- Subdistrict Boundary**
- Sunnyside Yard**
- CS**
**Court Square Subdistrict**
- DK**
**Dutch Kills Subdistrict**
- Small Sidewalk Cafes Only**
- QP**
**Queens Plaza Subdistrict**
- HP**
**Hunters Point Subdistrict**
- Unenclosed Sidewalk Cafes**

**Sunnyside Gardens Special Planned Community Preservation District:  
Proposed Sidewalk Cafe Text Amendment**

**Legend**

-  Sunnyside Gardens Special Planned Community Preservation District
-  Proposed Streets for Unenclosed Sidewalk Cafes



41 STREET

42 STREET

43 STREET

44 STREET

45 STREET

46 STREET

47 STREET

48 STREET

49 STREET

50 STREET

51 STREET

52 STREET

52 STREET

53 STREET

43 AVENUE

SKILLMAN AVENUE

Sunnyside Yards

39 AVENUE

ROOSEVELT AVENUE

39 DRIVE

39 ROAD

BARNETT AVENUE

WOODSIDE AVENUE



The proposed text amendment to Section 117-56 would allow the special permit project to proceed under the current height and setback provisions. Preliminary plans under the special permit for the Block 86/72 project call for approximately 350 additional housing units in addition to the approximately 600 units allowed as-of-right, an additional 1,000 square feet of ground floor local retail space in addition to the roughly 50,000 square feet of retail space allowed as-of-right, approximately 1,000 square feet of artist work space, and approximately 32,000 square feet of publicly accessible open space and a 250-space public parking garage that are requirements of the special permit for additional floor area (at least 20,000 square feet of public open space is required). Currently, the proposed project would have a building base that would wrap around a central private landscaped courtyard. The building's base height would range from 60 feet along Jackson Avenue, the first 73 feet of Davis Street from its intersection with Jackson Avenue, and the east and west ends of Crane Street. A 20 foot base would occupy the middle portion of the Crane Street frontage and a 40 foot base would occupy the balance of the Davis Street frontage. Two residential towers would be built above the base, with the taller tower near Jackson Avenue.

## II. Purpose and Need

### Sidewalk Cafe Modifications

Sidewalk cafes are only allowed within special zoning districts if the Special Zoning District is listed in Section 14-44 (Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted) of the Zoning Resolution. Because sidewalk cafes are desired along certain streets within these two special districts, zoning text amendments are proposed for the following sections:

- Section 14-44 to list the LIC District and the PC District (Sunnyside Gardens);
- Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted) to allow small sidewalk cafes in the PC District, along Jackson Avenue from 44th Drive to the prolongation of Dutch Kills Street, and along Queens Plaza North and Queens Plaza South; and
- Sections 117-03 (District Plan and Maps), 117-05 (Permitted Sidewalk Café Locations), and 117-00 (Appendix A) to specify streets where unenclosed and small sidewalk cafes would be allowed within the LIC District.

An unenclosed sidewalk café is a sidewalk café of any size, consisting of readily removable tables, chairs, or railings with no overhead coverage other than umbrellas or a retractable awning affixed to the building wall and a sidewalk width of eight feet or 50 percent of the sidewalk width, whichever is greater, from the curb to the building line, must be free of all obstructions and reserved for pedestrians.

A small sidewalk café is defined as a single row of tables and chairs adjacent to the street line where such table and chairs occupy a space on the sidewalk no greater than four feet, six inches from the street line. The small sidewalk café is limited to tables and chair only, serving stations or other pieces of furniture are not allowed. Small sidewalk cafes may not have a railing, structure, or other barrier between the café and the remaining area of the sidewalk. Overhead coverings are limited to retractable awnings affixed to the building wall not extending further over the sidewalk than four feet six inches.

### *LIC District*

Unenclosed and small sidewalk cafes would be allowed on all or portions of 196 block fronts on the following streets within the LIC District:

<u>Street Name</u>	<u>Zoning District</u>	<u>Sidewalk Width</u>
Vernon Boulevard	R6A/C1-5	approximately 15 feet
21 <sup>st</sup> Street	R6A/C1-5	approximately 15 feet
Jackson Avenue	R7-X/C2-5, M1-5/R7-3, M1-6/R10, M1-5/R9,	approximately 20 feet*
Second Street	M1-4/R6B, M1-5/R8A	approximately 15 feet
Borden Avenue	M1-4/R6B, M1-5/R7X	approximately 15 feet
44 <sup>th</sup> Drive	M1-4/R7A, C5-3	approximately 20 feet
48 <sup>th</sup> Avenue	M1-4/R7A, R6A/C1-5, M1-4/R6B, M1-4/R7A	approximately 15 feet
Court Square (north)	M1-5/R7-3	approximately 15 feet
Court Square (south)	M1-5/R7-3	approximately 17 feet
Crescent Street**	M1-5/R9, M1-5/R7-3, M1-6/R10	approximately 17 feet
43 <sup>rd</sup> Avenue	M1-6/R10, M1-5/R7-3, M1-5/R9	approximately 18 feet
Queens Plaza North	M1-6/R10, M1-5/R9	approximately 15 feet***
Queens Plaza South	M1-6/R10, M1-5/R9	approximately 15 feet***
41 <sup>st</sup> Avenue	M1-5/R7-3, M1-2/R6A	approximately 13 feet
40 <sup>th</sup> Road	M1-5/R7-3, M1-2/R5D, M1-3/R7X	approximately 15 feet
40 <sup>th</sup> Avenue	M1-2/R5D, M1-3/R7X	approximately 15 feet
39 <sup>th</sup> Avenue	M1-2/R5D, M1-2/R6A, M1-3/R7X,	approximately 15 feet
38 <sup>th</sup> Avenue	M1-2/R6A, M1-3/R7X	approximately 18.5 feet
37 <sup>th</sup> Avenue	M1-2/R6A, M1-3/R7X	approximately 18.5 feet
36 <sup>th</sup> Avenue	M1-2/R5B	approximately 18.5 feet

\* Approximately 10 feet between 44th Drive and the prolongation of Dutch Kills Street where only small sidewalk cafes would be allowed.

\*\* Only that portion between Queens Plaza South and 44th Drive.

\*\*\*Only small sidewalk cafes would be allowed.

In the Commercial and Mixed-use zoning districts listed above, retail uses, including restaurants, cafes, and bars, are allowed on the ground floors of all of the affected districts. Allowing unenclosed sidewalk cafes along Vernon Boulevard and Jackson Avenue, two established retail corridors, would legalize several unenclosed sidewalk cafes that were inadvertently allowed and also allow new unenclosed cafes. The remaining streets where unenclosed sidewalk cafes would be allowed within the LIC District are either characterized by existing ground floor non-residential uses or are proximate to new apartment or office buildings. New unenclosed sidewalk cafes would enliven these streets and support the growing residential, employee, student, and tourist populations along them. The minimum sidewalk width along the streets where unenclosed sidewalk cafes would be allowed is 15 feet, ensuring at least eight feet of clear pedestrian space within the sidewalk. Small sidewalk cafes would be allowed along Jackson Avenue between 44th Drive and the prolongation of Dutch Kills Street, where the sidewalk narrows to 10 feet, and Queens Plaza North and Queens Plaza South, where the sidewalk widths are 15 feet but

pedestrian volumes are high. The resulting clear sidewalk would be at least five and one half feet along Jackson Avenue and 15 and 1/2 feet along Queens Plaza North and Queens Plaza South. In all cases, the resulting clear sidewalk widths would be sufficient to handle existing and projected pedestrian volumes.

*PC District (Sunnyside Gardens)*

Skillman Avenue, a two-way street running east-west through Sunnyside Gardens, is the neighborhood's nearest retail corridor. A variety of lower density residence districts and a C1-3 District are mapped on several full or partial block fronts between 45th Street on the west and 51st Street on the east. Small sidewalk cafes are allowed on these blocks as per a zoning text amendment adopted in 2011. However, sidewalk cafes are not allowed on one full block front on the north side of Skillman Avenue between 46th and 47th streets and the eastern half of one block front on the south side of Skillman Avenue between 46th and 47th streets because these blocks fall within the PC District (Sunnyside Gardens). Therefore, Section 14-43 would be modified to allow small unenclosed sidewalk cafes on the portion of Skillman Avenue within the PC District (Sunnyside Gardens) to establish a consistent sidewalk cafe policy for Skillman Avenue. The sidewalk width along Skillman Avenue is approximately 15-feet; small sidewalk cafes are allowed to occupy no more than four and one half feet of the sidewalk therefore a 10 and 1/2 foot clear path would be provided for pedestrians.

Section 117-532 Minimum Base Height Modifications

The proposed zoning text amendment for Section 117-532 would establish a minimum base height for new or enlarged buildings on two blocks between Jackson Avenue, Davis Street, the Sunnyside Yard, and Crane Street located within Area C of the QP Subdistrict. The proposed minimum base heights of 40 and 60 feet are currently allowed but not required. Under the current provisions, building bases could be as low as 10 or 15 feet, depending on the ground floor use, whereas building bases on the surrounding blocks in the rest of Area C would have a pedestrian-scaled building base of at least 60 feet. The proposed minimum base heights of 40 feet along Davis Street between the Sunnyside Yard and a point within 75 feet of Jackson Avenue and 60 feet on the remaining frontages of the two blocks, would allow sufficient design flexibility to respond to the elevated subway tracks for the #7 line that runs above Davis Street yet also ensure an urban- and pedestrian-scaled building base commonly found along many of the city's streets. The proposed minimum base heights are allowed but not required. As aforementioned, Section 117-56 would also be modified to grandfather projects associated with ULURP applications filed prior to the adoption of this amendment. To date, no ULURP applications have been filed, although one application affecting Block 86/72 is likely to be filed in late 2012 or early 2013.

**III. Projected Development and Likely Effects**

Sidewalk Cafe Modifications

Cafes and restaurants are allowed by the underlying districts in the LIC and PC districts. However, sidewalk cafes are allowed in special zoning districts only if the special district is listed in Section 14-44 (Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted). The proposed zoning text amendments would allow new unenclosed and small sidewalk cafes along the primary thoroughfares within the LIC District, legalize several existing unenclosed sidewalk cafes along Vernon Boulevard and Jackson Avenue, and allow small sidewalk cafes on that portion of Skillman Avenue within the PC District (Sunnyside Gardens). This text amendment would not induce new cafes since they are already allowed; rather it would reinforce and enliven established and emerging retail corridors. Absent the proposed action, the existing sidewalk cafes would be removed.

Section 117-532 Minimum Base Height Modifications

While the two blocks in Area C between Jackson Avenue, Pearson Street, the Sunnyside Yard, and Crane Street were rezoned in 2001 as part of the Department of City Planning's LIC Rezoning project, no developments were

projected on the block between Pearson Street, the Sunnyside Yards, Davis Street, and Jackson Avenue. A City Planning Commission Special Permit, pursuant to Section 117-56, was approved for an office building on the block between Davis Street, the Sunnyside Yards, Crane Street, and Jackson Avenue (Block 86/72); however, the special permit lapsed. The property owner is currently working with the department on a new special permit application for a residential development on this block. Preliminary plans under the special permit call for approximately 350 additional housing units over the approximately 600 units allowed as-of-right, an additional 1,000 square feet of ground floor local retail space in addition to the roughly 50,000 square feet of retail space allowed as-of-right, approximately 1,000 square feet of artist work space, and approximately 32,000 square feet of publicly accessible open space and a 250-space public parking garage that are requirements of the special permit for additional floor area (at least 20,000 square feet of public open space is required). Currently, the proposed project would have a base structure that would wrap around a central private landscaped courtyard. The building's base height would range from 60 feet along Jackson Avenue, the first 73 feet of Davis Street from its intersection with Jackson Avenue, and the east and west ends of Crane Street. A 20 foot base would occupy the middle portion of the Crane Street frontage and a 40 foot base would occupy the balance of the Davis Street frontage. Two residential towers would be built above the base, with the taller tower near Jackson Avenue.

The zoning changes proposed for Section 117-532, which would establish a minimum base height for two blocks between Pearson Street, the Sunnyside Yards, Davis Street, and Jackson Avenue, would not affect the development proposed for Block 86/72 because a related zoning text amendment is proposed for Section 117-56 that would allow projects to proceed under the current zoning provisions if a ULURP application is filed prior to the date of adoption of this amendment (in the event this amendment is adopted).

The proposed zoning text amendments for sidewalk cafes and the minimum base height modification would not result in new development nor result in any changes to the amount, type, or location of development. Instead, the likely effect of the proposed zoning text amendments is a continuation of existing activities within the LIC District and the PC District (Sunnyside Gardens) and an enhanced pedestrian experience. Within the LIC District, a clear path of at least eight feet would be provided for in the case of unenclosed sidewalk cafes and five and one half feet in the case of small sidewalk cafes. Within the PC District (Sunnyside Gardens), a clear path of at least 10.5 feet would be provided for. The resulting sidewalk cafes would be consistent with and supportive of development trends in the affected areas and would not adversely affect pedestrian circulation. The proposed minimum base heights of 40 and 60 feet for two blocks within Area C of the QP Subdistrict are already allowed and would not result in new development.

The proposed amendment to Section 117-56 would grandfather projects associated with ULURP applications filed prior to the adoption of this amendment. To date, no applications have been filed; however, the property owner of Block 86/72 is expected to file a special permit application for an additional 3.0 FAR in late 2012 or early 2013. The special permit application would be filed to allow for the development of approximately 350 additional units over the approximately 600 units allowed as-of-right, an additional 1,000 square feet of ground floor local retail space in addition to the roughly 50,000 square feet of retail space allowed as-of-right, approximately 1,000 square feet of artist work space, and approximately 32,000 square feet of publicly accessible open space and a 250-space public parking garage that are requirements of the special permit for additional floor area (at least 20,000 square feet of public open space is required). Currently, the proposed project would have a building base that would wrap around a central private landscaped courtyard. The building's base height would range from 60 feet along Jackson Avenue, the first 73 feet of Davis Street from its intersection with Jackson Avenue, and the east and west ends of Crane Street. A 20 foot base would occupy the middle portion of the

Crane Street frontage and a 40 foot base would occupy the balance of the Davis Street frontage. Two residential towers would be built above the base, with the taller tower near Jackson Avenue.

#### **IV. Framework for Analysis**

This Environmental Assessment Statement has been prepared in accordance with the procedures set forth in the *CEQR Technical Manual*. For each technical area, the *CEQR Technical Manual* defines thresholds which, if met or exceeded, require that a detailed technical analysis be undertaken.

As discussed above, the proposed zoning text amendments would not result in new or increased development in the City, nor would they affect the type, amount or location of future development. The likely effects of the proposed sidewalk café text amendments would be limited to an enhanced street life along the affected streets and a legalization of several existing sidewalk cafes and the likely effects of the proposed establishment of a minimum base height would be a predictable building type with pedestrian-scaled building bases.

Consequently, the proposed text amendments do not raise the potential to meet or exceed thresholds for potential environmental impacts for any of the impact categories in the CEQR Manual. Analyses were not required for the following CEQR categories: Socioeconomic Conditions, Community Facilities and Services, Open Space, Shadows, Historic Resources, Natural Resources, Hazardous Materials, Waterfront Revitalization Program, Infrastructure, Solid Waste and Sanitation Services, Energy, Traffic and Parking, Transit and Pedestrians, Air Quality, Noise, Construction Impacts and Public Health. The proposed project has no potential to result in significant adverse impacts related to these categories.

However, because the proposed zoning text amendments would affect land use and streetscapes by allowing small sidewalk cafes on one and one half blocks along Skillman Avenue within the PC District (Sunnyside Gardens) and unenclosed and small sidewalk cafes along 20 streets within the LIC District and establish a minimum base height for new buildings or enlargements on two blocks with the LIC District, analyses were conducted for the following categories: Land Use, Zoning and Public Policy, Urban Design/Visual Resources and Neighborhood Character. These analyses are discussed further below.

#### **A. LAND USE, ZONING AND PUBLIC POLICY**

The proposed action involves zoning text amendments that would amend zoning regulations pertaining to the location of sidewalk cafes within the LIC District and PC District (Sunnyside Gardens), the minimum base height provisions of Section 117-532 pertaining to Area C of the QP Subdistrict of the LIC District, and to Section 117-56 to grandfather projects associated with ULURP applications filed prior to the adoption of this amendment. The proposed zoning text amendments would allow unenclosed and small sidewalk cafes on 20 streets within the LIC District and small sidewalk cafes on Skillman Avenue within the PC District (Sunnyside Gardens), establish a minimum base height for buildings or other structures on two blocks within the LIC District that have frontage along Davis Street, a narrow street with the #7 elevated subway line running above it, and grandfather projects for which a ULURP application has been filed prior to the date of adoption of this proposed zoning text amendment.

#### ***Existing Conditions***

The two blocks affected by the proposed zoning text amendments to 117-532 and 117-56 are characterized by a variety of land use and building types. Block 86/72 is dominated by an industrial loft building complex known as 5 Pointz. The building has frontages on Jackson Avenue and Crane and Davis streets and ranges in height from 32 to 55 feet. Its exterior walls are covered by an ever-changing tableau of graffiti curated by the property owner

and a group of graffiti artists. 5 Pointz is occupied by a mix of light industrial businesses with a combined employment of approximately 30. The majority of the building is not used. Other uses on Block 86/72 include three, three-story buildings along Jackson Avenue at and near its intersection with Davis Street, a public parking lot abutting the Sunnyside Yards at the far eastern end of the block, and a single-story building located in between the public parking lot and 5 Pointz. The three-story buildings along Jackson Avenue are occupied with ground floor retail and office space and upper story apartments. The single-story building abutting the public parking lot is vacant.

The block between Pearson Street, the Sunnyside Yards, Davis Street, and Jackson Avenue is equally mixed in character. The Davis Street frontage is characterized by a row of single-story buildings interrupted only for narrow driveways and occupied by light industrial businesses ranging from ignition repair to heating system installers. The Jackson Avenue frontage is characterized by five three-story buildings with ground floor local retail uses and upper story apartments. A single story building used by a car service company occupies the corner of Jackson Avenue and Pearson Street. The remaining Pearson Street frontage is occupied by a row of 13 three-story residences, generally 16 feet wide, occasionally interrupted by a two-story industrial building. A 197-unit apartment building is under construction at the intersection of Pearson Street and the Sunnyside Yards. The building's base height will be 100 feet in height and the overall building height will be 147 feet tall. The base height will comply with the proposed changes to Section 117-532.

Elevated tracks for the #7 subway line run in between these two blocks above Davis Street. The structure is approximately 30 feet in height and is painted a dark green. The structure continues west across Jackson Avenue where it continues to turn onto Queens Plaza and east into the Sunnyside Yards.

***Future No-Action***

An application for a special permit for additional floor area pursuant to Section 117-56 is expected to be filed for the 5Pointz site by the time this proposed text amendment is voted on. The proposed text amendment to Section 117-56 would allow the Block 86/72 project to proceed under the current provisions. Preliminary plans under the special permit call for approximately 350 additional housing units over the approximately 626 units allowed as-of-right, an additional 1,000 square feet of ground floor local retail space in addition to the roughly 50,000 square feet of retail space allowed as-of-right, approximately 1,000 square feet of artist work space, and approximately 32,000 square feet of publicly accessible open space and a 250-space public parking garage that are requirements of the special permit for additional floor area (at least 20,000 square feet of public open space is required). Currently, the proposed project would have a building base that would wrap around a central private landscaped courtyard. The building's base height would range from 60 feet along Jackson Avenue, the first 73 feet of Davis Street from its intersection with Jackson Avenue, and the east and west ends of Crane Street. A 20 foot base would occupy the middle portion of the Crane Street frontage and a 40 foot base would occupy the balance of the Davis Street frontage. Two residential towers would be built above the base, with the taller tower near Jackson Avenue.

Additionally, a 147-unit unit building under construction at the intersection of Pearson Street and the Sunnyside Yards would be completed and occupied. The building's base height of 100 feet would comply with the proposed text changes to Section 117-532 that are the subject of this application.

There are no other known developments at this time.

*Future With-Action*

Sidewalk Café Modifications

The operation of a sidewalk cafe is attached to that of a primary use, usually a cafe, restaurant, or an eating and drinking establishment. While the proposed action is expected to allow unenclosed and small sidewalk cafes on 20 streets within the LIC District and small sidewalk cafes on one and one half blocks within the PC District (Sunnyside Gardens), the proposed action is not expected to affect those primary uses to which sidewalk cafes are attached. The proposed action would not affect the land use and zoning regulations governing these primary uses nor is it expected to result in new development or result in any changes to the amount, type, or location of development.

Section 117-532 Minimum Base Height Modification

Five FAR, commercial, residential, community facility, and manufacturing developments are currently allowed on the two blocks between Jackson Avenue, Pearson Street, the Sunnyside Yards, and Crane Street, the two blocks where a minimum base heights of 40 and 60 feet would be established. The proposed minimum base heights are currently allowed but not required. The proposed zoning text amendment to Section 117-532 would ensure that new buildings or other structures relate to the street in a manner that's consistent with development on adjacent blocks and that contributes to a lively pedestrian environment. While the proposed zoning text amendment would affect the amount and location of development within the base of a new building or other structure, that same building base is currently allowed by the existing zoning. The proposed action would not affect the land uses that are already allowed on these two blocks nor is it expected to result in new development or result in any changes to the amount of development. The proposed text amendment to Section 117-56 would allow the Block 86/72 project to proceed under the current provisions, as discussed above. Preliminary plans under the special permit call for a approximately 350 additional housing units over the approximately 600 units allowed as-of-right, an additional 1,000 square feet of ground floor local retail space in addition to the roughly 50,000 square feet of retail space allowed as-of-right, approximately 1,000 square feet of artist work space, and approximately 32,000 square feet of publicly accessible open space and a 250-space public parking garage that are requirements of the special permit for additional floor area (at least 20,000 square feet of public open space is required). Currently, the proposed project would have a building base that would wrap around a central private landscaped courtyard. The building's base height would range from 60 feet along Jackson Avenue, the first 73 feet of Davis Street from its intersection with Jackson Avenue, and the east and west ends of Crane Street. A 20 foot base would occupy the middle portion of the Crane Street frontage and a 40 foot base would occupy the balance of the Davis Street frontage. Two residential towers would be built above the base, with the taller tower near Jackson Avenue.

The zoning changes proposed for Section 117-532, which would establish a minimum base height for two blocks between Pearson Street, the Sunnyside Yards, Davis Street, and Jackson Avenue, would not affect the development proposed for Block 86/72 because a related zoning text amendment is proposed for Section 117-56 that would allow projects to proceed under the current rules if a ULURP application is filed prior to the date of adoption of this amendment (in the event this amendment is adopted).

*Summary of Potential Effects*

The proposed zoning text amendments associated with sidewalk cafes in the LIC District and the PC District (Sunnyside Gardens) and minimum base heights on two blocks within Area C of the QP Subdistrict of the LIC District would not have a significant adverse effect on land use, zoning, and public policy and no further assessment is warranted.

### **Historic and Cultural Resources**

The Department of City Planning is proposing zoning text amendments to Article I, Chapter 4 (SIDEWALK CAFÉ REGULATIONS) and Article 11, Chapter 7 (SPECIAL LONG ISLAND CITY MIXED USE DISTRICT).

The proposed action would allow unenclosed and unenclosed small sidewalk cafes along 1.5 blocks of Skillman Avenue within the Special Planned Community Preservation District [PC District (Sunnyside Gardens)]. Skillman Avenue, a two-way street running east-west through Sunnyside Gardens, is the neighborhood's nearest retail corridor. A variety of low density residence districts and a C1-3 District are mapped on several full or partial block fronts between 45th Street on the west and 51st Street on the east. Small sidewalk cafes are allowed on these blocks as per a zoning text amendment adopted in 2011. However, sidewalk cafes are not allowed on one full block front on the north side of Skillman Avenue between 46th and 47th streets and the eastern half of one block front on the south side of Skillman Avenue between 46th and 47th streets because these blocks fall within the PC District (Sunnyside Gardens). Therefore, Section 14-43 would be modified to allow small unenclosed sidewalk cafes on the portion of Skillman Avenue within the PC District (Sunnyside Gardens) to establish a consistent sidewalk cafe policy for Skillman Avenue. The sidewalk width along Skillman Avenue is approximately 15-feet; small sidewalk cafes are allowed to occupy no more than four and one half feet of the sidewalk therefore a 10 and 1/2 foot clear path would be provided for pedestrians.

Cafes and restaurants are allowed under current zoning regulations. The proposed action would allow small sidewalk cafes on one and a half blocks in Sunnyside Gardens. The proposed action would not directly affect any historical or cultural resources since it would not change the permitted uses or induce new development. Any alterations or issuance of a DOB permit to buildings within the historic district would need a Certificate of Appropriateness or a Certificate of No Effect from the Landmarks Commission. Therefore, the proposed action is not anticipated to have any adverse affects on the environment and no further analysis is necessary.



## B. URBAN DESIGN AND VISUAL RESOURCES

### *Introduction*

This chapter considers the potential of the Proposed Action to affect urban design and visual resources. As defined in the 2012 *City Environmental Quality Review (CEQR) Technical Manual*, urban design is the totality of components that may affect a pedestrian's experience of public space. A visual resource can include views of the waterfront, public parks, landmark structures or districts, otherwise distinct buildings, and natural resources. Since the Proposed Action could result in the potential for a pedestrian to observe, from the street level, a physical alteration beyond what is allowed by existing zoning, a preliminary assessment of urban design and visual resources is warranted.

Per the 2012 *CEQR Technical Manual*, the following analysis focuses on where the Proposed Action would be most likely to influence land use patterns and the built environment. This analysis addresses the urban design and visual resources of the study area for existing conditions, the future without the Proposed Action (the No-Action condition) and the future with the Proposed Action (With-Action condition) in the 2022 analysis year when the full build-out pursuant to the Proposed Action is expected to be completed.

The proposed zoning changes regarding sidewalk cafes are intended to reinforce the pedestrian character of the streets where they would be allowed. The proposed zoning changes for Section 117-532 would affect two blocks between Pearson Street, the Sunnyside Yards, Crane Street, and Jackson Avenue and are intended to promote building base heights that are both pedestrian-scaled and consistent with development allowed on the remaining 32 blocks of the Queens Plaza Subdistrict.

### *Methodology*

As defined in the *CEQR Technical Manual*, urban design is the totality of components that may affect a pedestrian's experience of public space and this analysis considers the effects of the Proposed Action on the experience of a pedestrian in the study area. Generally, the preliminary assessment focuses on those project elements that have the potential to alter the built environment, or urban design, of the project area, which is collectively formed by the following components:

- Street Pattern and Streetscape—the arrangement and orientation of streets define location, flow of activity, street views, and create blocks on which buildings and open spaces are arranged. Other elements including sidewalks, plantings, street lights, curb cuts, and street furniture also contribute to an area's streetscape.
- Buildings—building size, shape, setbacks, pedestrian and vehicular entrances, lot coverage and orientation to the street are important urban design components that define the appearance of the built environment.
- Open Space—open space includes public and private areas that do not include structures, including parks and other landscaped areas, cemeteries, and parking lots.
- Natural Features—natural features include vegetation, and geologic and aquatic features that are natural to the area.
- View Corridors and Visual Resources—visual resources include significant natural or built features, including important views corridors, public parks, landmarks structures or districts, or otherwise distinct buildings.

However, the rezoning area does not have natural features, built or natural visual resources, according to the definitions in the *CEQR Technical Manual*. Moreover, the proposed action would not affect the street hierarchy, reconfigure blocks or directly affect open space. Therefore, this section will analyze the urban design characteristics of the study areas, which include the streetscape and buildings.

An area's urban design components and visual resources together comprise the "look" of the neighborhood: the physical appearance, including the sizes and shapes of buildings, their arrangement on blocks, the street pattern, and noteworthy views that give an area a distinctive character. The potential for a project to affect visual character, the urban design, and/or the visual resources of an area is considered in a CEQR analysis.

A detailed assessment of urban design and visual resources is not necessary for many projects. A preliminary screen looks for whether a project would have substantially different built form or setbacks than exist in an area and whether substantial new, aboveground construction would occur in an area that has important views, natural resources or landmark structures.

### *Study Area*

In accordance with the *2012 CEQR Technical Manual*, the analysis begins with a preliminary assessment to determine whether the changes to the pedestrian environment are sufficiently significant to require greater explanation and further study in the form of a detailed analysis. Examples include projects that would potentially obstruct view corridors, compete with icons in the skyline, or make substantial alterations to the streetscape of an area by noticeably changing the scale of buildings.

The proposed action would establish a minimum base height of 40 feet for buildings or other structures developed along Davis Street between the Sunnyside Yards and a point within 75 feet of Jackson Avenue and a minimum base height of 60 feet for all other frontages of two blocks between Jackson Avenue, Pearson Street, the Sunnyside Yards, and Crane Street. These two blocks comprise the urban design study area. The proposed minimum base height is currently allowed but not required.

Since the urban design and visual resources analysis is a site specific-based technical analysis, the anticipated development on these blocks forms the basis for this preliminary assessment.

### Sidewalk Café Modifications

The proposed zoning text amendments associated with sidewalk cafes in the LIC District and the PC District (Sunnyside Gardens) are not expected to result in any changes to the amount, type, or location of development; nor would they affect the buildings, block arrangement, the street pattern; nor interfere with important views or landmark structures. Consequently, the proposed action would not result in significant adverse impacts related to urban design and visual resources or create substantial urban design changes in the directly affected areas. However, the proposed action is expected to allow unenclosed and small sidewalk cafes on 20 streets within the LIC District and small sidewalk cafes on one and one half blocks within the PC District (Sunnyside Gardens) and it would therefore have an effect on the streetscape and neighborhood character as further discussed in the following Neighborhood Character section.

### Section 117-532 Minimum Base Height Modification

#### *Existing Conditions*

The study area, located between Jackson Avenue, Pearson Street, the Sunnyside Yards, and Crane Street, is generally occupied by a mix of single-story light industrial buildings (generally 20 feet in height), three-story, narrow rowhouses (generally 30 feet in height), three- and four-story walk up buildings occupied by ground floor commercial and upper story housing (generally 30 and 40 feet in height), a site at 45-46 Pearson Street currently being developed with an as-of-right 197-unit apartment building (with a base height of 100 feet and a total building height of 147 feet), and Block 86/72, which occupies a nearly century-old complex of interconnected

loft buildings that occupies nearly the entire block bounded by Davis Street, the Sunnyside Yards, Crane Street, and Jackson Avenue (ranging in height from 32 to 55 feet).

Jackson Avenue, the study area's main thoroughfare, is a 100-foot wide, two way street. Crane and Davis streets are 60-foot wide two-way streets. The Sunnyside Yards is an approximately 300-acre active train yard used by the Long Island Railroad, Amtrak, and New Jersey Transit trains. Approximately 30-foot tall elevated subway tracks for the #7 subway line run above Davis Street, over Jackson Avenue, and continue north up 23rd Street to Queens Plaza and south into the Sunnyside Yard.

#### ***Future No-action Scenario***

The existing LIC/M1-5/R7-3 zoning would remain in effect. The existing height and setback provisions can result in a variety of mixed building forms in the area. As shown in Figure 1, a one story base with tall tower setback from the street is possible under the existing zoning. It is expected that in the Future without the Proposed Action building forms would continue to be unpredictable, creating an inconsistent streetscape.

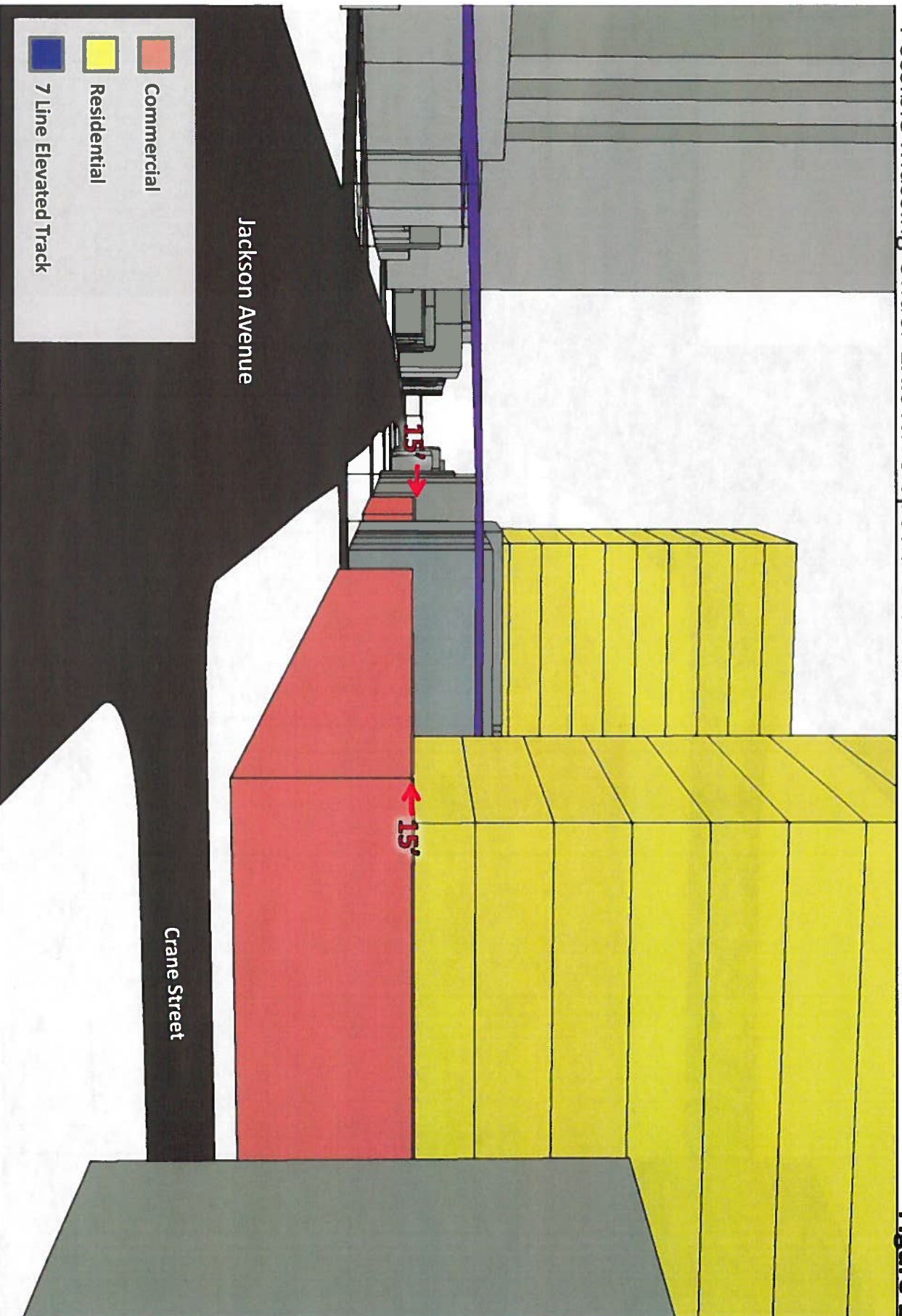
An application for a special permit for additional floor area is expected to be filed for Block 86/72 by the time this proposed text amendment is voted on. Preliminary plans under the special permit call for approximately 350 housing units in addition to the approximately 600 units allowed as-of-right, an additional 1,000 square feet of ground floor local retail space in addition to the roughly 50,000 square feet of retail space allowed as-of-right, approximately 1,000 square feet of artist work space, and approximately 32,000 square feet of publicly accessible open space and a 250-space public parking garage that are requirements of the special permit for additional floor area (at least 20,000 square feet of public open space is required). Currently, the proposed project would have a building base that would wrap around a central private landscaped courtyard. The building's base height would range from 60 feet along Jackson Avenue, the first 73 feet of Davis Street from its intersection with Jackson Avenue, and the east and west ends of Crane Street. A 20 foot base would occupy the middle portion of the Crane Street frontage and a 40 foot base would occupy the balance of the Davis Street frontage. Two residential towers would be built above the base, with the taller tower near Jackson Avenue.

The zoning changes proposed for Section 117-532, which would establish a minimum base height for two blocks between Pearson Street, the Sunnyside Yards, Davis Street, and Jackson Avenue, would not affect the development proposed for Block 86/72 because a related zoning text amendment is proposed for Section 117-56 that would allow projects to proceed under the current rules if a ULURP application is filed prior to the date of adoption of this amendment (in the event this amendment is adopted). It is anticipated that the site currently under construction at 45-46 Pearson Street and the proposed Block 86/72 project would be completed in the future without the proposed action.

#### ***Future With-Action Scenario***

The existing LIC/M1-5/R7-3 zoning regulations would remain in effect and the proposed action would not induce development. The current zoning allows residential, office, retail and most community facility and light industrial uses generally as-of-right. The maximum FAR is 5.0, except for development on Block 86/72, where it's possible for apply for a special permit for an additional 3.0 FAR is at least 20,000 square feet of public open space and a 250-space public parking garage are provided. The proposed zoning text amendment to Section 117-532 would establish a minimum base height of 40 feet for buildings or portions thereof facing Davis Street between the Sunnyside Yard and a point within 75 feet of Jackson Avenue and 60 for the remaining blocks frontages of the two affected blocks. These minimum base heights are currently allowed but not required. Other height and setback provisions include a maximum base height of 100 feet. There would not be a maximum

Possible Massing Under **EXISTING** Special District Text



**Figure 1**

Possible Massing Under a MODIFIED Special District Text

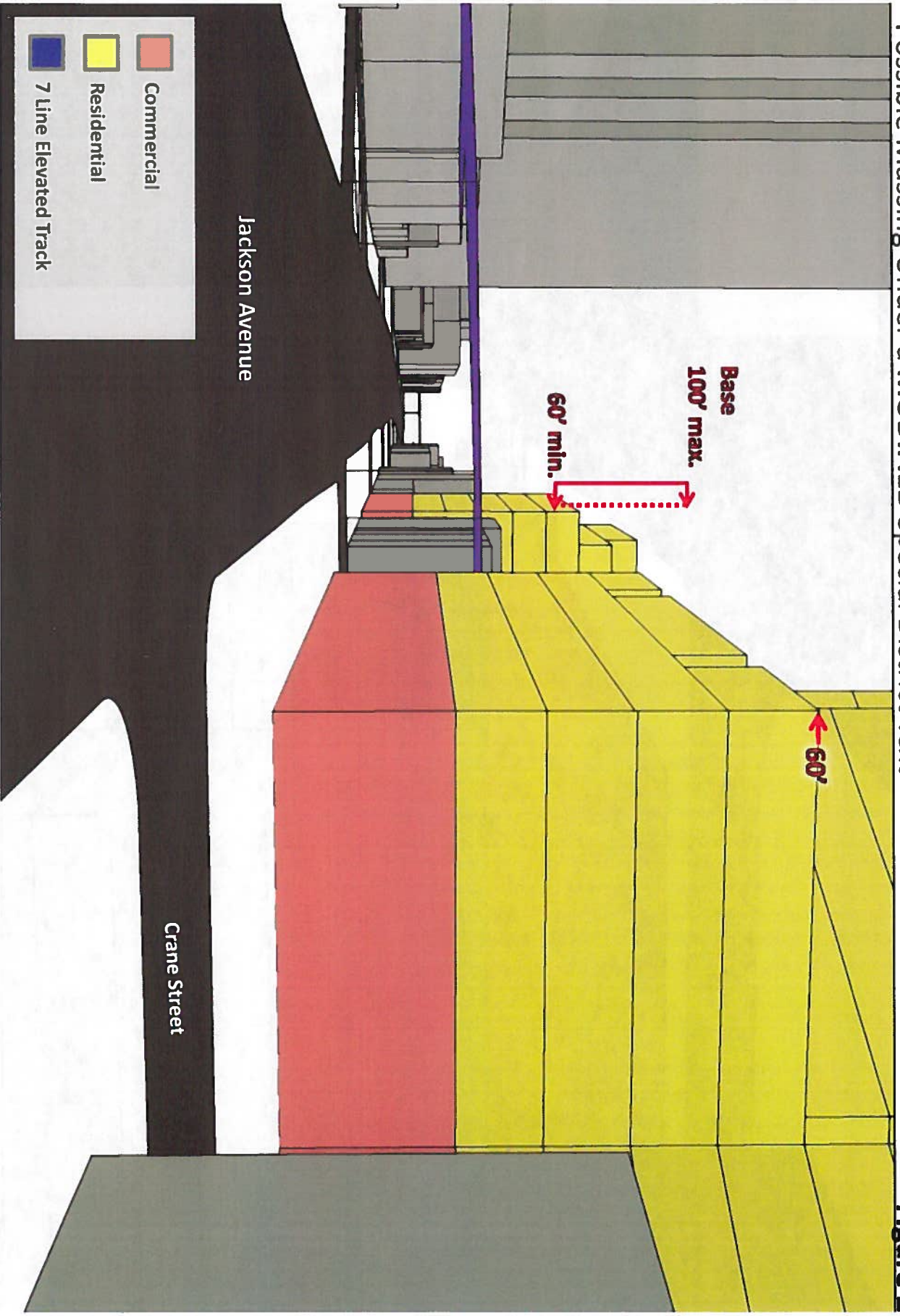


Figure 2

building height. Street walls are generally required at the street line along wide streets on narrow streets within 50 feet of a wide street; on the remaining narrow street frontage street walls may generally be setback up to eight feet from the street line.

The site currently under construction at 45-46 Pearson Street would be completed and comply under the proposed minimum base heights. The proposed text amendment to Section 117-56 would allow the Block 86/72 project to proceed under the current provisions, as discussed above.

### *Analysis*

Development under the proposed text amendment would help create a livelier and more appealing streetscape with a consistent street wall. Only one building is being developed in the study area pursuant to the LIC Special District. While it will have a complying 100 foot building base, other developments could try to maximize views by building a one or two-story base with a tower above. This would create an inconsistent and unattractive streetscape. The proposed text amendment would require a minimum base height, which is intended to promote an appealing streetscape with a human scale. The proposed zoning text amendment is intended to improve the neighborhood's urban design and pedestrian experience. Consistent and predictable building forms at the proposed base height would give a scale of development on the remaining blocks of Subarea C of the QP Subdistrict of the LIC District that attracts foot traffic down these side streets.

The current plans for the Block 86/72 development differ slightly from the proposed text amendment. The portions of the building base proposed for the Davis Street and Jackson Avenue frontages would be 60 and 40 feet in height and would comply with the proposed change to Section 117-532. A portion of the proposed frontage along Crane Street would be 20 feet.

### *Conclusion*

No significant adverse impacts related to urban design and visual resources are anticipated since the proposed action would not alter an entrenched, consistent urban context, or obstruct a natural or built visual corridor. Moreover, the proposed action would not alter topography, natural features, street hierarchy, block shapes, or building arrangements. The proposed action would encourage greater continuity in the streetscapes by requiring a more consistent street wall and a more active streetscape than exists today (See Figure 1 and Figure 2). These changes would enhance a pedestrian's experience of the area. The proposed action seeks to establish a consistent, predictable and vibrant urban fabric with appropriate building forms that would unify the otherwise haphazard built context and streetscapes. Moreover, currently under construction and known proposed developments do not conflict with the intended urban design of the proposed text amendment. Therefore, the proposed action is not expected to have a significant adverse impact on urban design and no further analysis is necessary.

### **C. NEIGHBORHOOD CHARACTER**

The *CEQR Technical Manual* defines neighborhood character as "an amalgam of the various elements that give neighborhoods their distinct "personality." These can include land use, urban design, visual resources, historic resources, socioeconomics, traffic, and noise. For neighborhood character, CEQR considers how those elements combine to create the context and feeling of a neighborhood, and how an action would affect that context. Thus, to determine an action's effects on neighborhood character, these contributing elements are considered together. An assessment of neighborhood character is generally needed when the action would exceed certain preliminary thresholds for neighborhood character, or when it appears that the action would have moderate effects on several of the elements that contribute to neighborhood character that in combination could have an effect on neighborhood character.

### Sidewalk Café Modifications

The proposed actions associated with sidewalk cafes, which would allow unenclosed and small sidewalk cafes on 20 streets within the LIC District and small sidewalk cafes on one and one half blocks within the PC District (Sunnyside Gardens), is expected have an effect on the streetscape and neighborhood character. In general, the sidewalk café zoning text amendments are expected to reinforce the character of existing retail corridors and help to enliven emerging retail corridors. Pedestrian circulation is not expected to be adversely affected by allowing sidewalk cafes within the LIC District or PC District (Sunnyside Gardens).

Within the LIC District, unenclosed sidewalk cafes would be allowed on 17 streets having a minimum sidewalk width of 15 feet and small sidewalk cafes would be allowed along Queens Plaza North (approximately 20 feet), Queens Plaza South (approximately 20 feet), and Jackson Avenue from 44th Drive to the prolongation of Dutch Kills Street (approximately 10 feet). Vernon Boulevard, Jackson Avenue, 21st Street, Queens Plaza North, and Queens Plaza South are established local retail thoroughfares. Typical buildings along these three streets have ground floor non-residential uses and two- to four-stories of residential uses above. The sidewalk cafes currently operating along Vernon Boulevard and Jackson Avenue have helped to enliven the character of these streets. The generally commercial or industrial character of the remaining 13 streets is gradually changing due to the development of new apartment and commercial buildings. Restaurants and cafes are allowed on the ground floors of these new buildings and sidewalk cafes would help to enliven the streets.

Within the PC District (Sunnyside Gardens), Skillman Avenue is the retail corridor. The sidewalk width is 15-foot and small sidewalk cafes are currently allowed on the portions of Skillman Avenue not within the PC District. One sidewalk cafe already exists on the southeast corner of 46th Street and Skillman Avenue and an application for a sidewalk cafe at the southwest corner of the same intersection is currently under review. The proposed action, affecting one block on the north side of Skillman Avenue between 46th and 47th streets and the eastern half of the block between 46th and 47th streets on the south side of Skillman Avenue, would ensure a consistent sidewalk cafe policy for Skillman Avenue and would not adversely affect pedestrian circulation.

### Section 117-532 Minimum Base Height Modification

The zoning text amendment proposed for Section 117-532 of the LIC District would establish a minimum base height for new buildings or enlargements developed on two blocks between Jackson Avenue, Pearson Street, the Sunnyside Yards, and Crane Street. For developments facing Davis Street, a narrow street with elevated subway tracks running above it, the minimum base height would 40 feet between the Sunnyside Yard and point within 75 feet of Jackson Avenue and 60 feet for the remaining block frontages. The proposed minimum base heights are already allowed but not required. In general, the proposed zoning text amendment is expected to ensure a predictable and pedestrian scaled building base. The proposed zoning text amendment to Section 117-56 would ensure that projects already undergoing their own public review process would not have to request additional waivers.

### *Summary of Potential Effects*

The proposed zoning text amendments would have positive effects on neighborhood character, and would not result in significant adverse impacts on land use, urban design and visual resources, historic resources, socioeconomic conditions, traffic and parking, air quality, and noise. Consequently, there would be no significant adverse impact, and no additional analysis is required.

#### D. TRANSIT AND PEDESTRIANS

As stated above, the proposed action related to the zoning text amendments for sidewalk cafes would not result in an increase in development, or in a change in the amount, type or location of development, and so consequently the proposed action would not exceed the 200 new dwelling units the *CEQR Technical Manual* (Table 30-1) lists as the minimum development density potentially requiring transit and pedestrian analysis. Therefore, detailed analyses of transit and pedestrian conditions are not required and no significant adverse impacts to transit and pedestrian conditions would occur as a result of the proposed action.

##### *Summary of Potential Effects*

The proposed action is expected to have a positive effect on the pedestrian realm by ensuring that sidewalk cafes would only be allowed on streets with adequate pedestrian circulation space within the LIC District and PC District (Sunnyside Gardens). In the case of the LIC District, where unenclosed sidewalk cafes would be allowed as-of-right, the Department of Consumer Affairs (DCA) requires that a minimum of eight feet or 50 percent of the sidewalk width, whichever is greater, from the curb to the building line be free of all obstructions and reserved for pedestrian use. This rule would ensure that an eight foot sidewalk would be provided for on the 17 streets where unenclosed sidewalk cafes would be allowed. DCA provides for the minimum eight-foot clear path sidewalk as follows:

1. The minimum distance for a clear path shall be measured from the portion of the curb line which is nearest the curb line or the nearest obstruction. In no event may recesses in the sidewalk café frontage be used to satisfy this unobstructed width requirement, except that the corners of the sidewalk café may be rounded or mitered. A clearance of eight feet shall be maintained around the corners of sidewalk cafes, measured in radius.
2. For the purpose of the minimum clear path, but not the clearance from the corners of the sidewalk cafes, parking meters, traffic signs, and trees which have gratings flush to the grade, without fences or guards, shall not count as obstructions.
  - a. There shall be a minimum of nine feet clearance at intersections of street line, free of all obstructions with no exception, measured from the outer edge of the sidewalk café to the curb side obstacle. The corner of the sidewalk café wall may be rounded or mitered. Such distance shall be measured from the outer edge of the sidewalk café to either the curb line or the nearest obstruction.
  - b. All sidewalk cafes shall maintain a minimum clearance of fifteen feet from large obstructions, such as bus stop shelters, newsstands, subway entrances or any other object larger than fifteen square feet in area. The closed end of a subway entrance located along the front line may abut a sidewalk café.

In the case of the PC District (Sunnyside Gardens), the portion of Jackson Avenue within the LIC District, and Queens Plaza North and Queens Plaza South, where small sidewalk cafes would be allowed as-of-right, DCA defines an unenclosed small sidewalk cafe as a single row of tables and chairs adjacent to the street line where such table and chairs occupy a space on the sidewalk no greater than four feet, six inches from the street line. A small sidewalk cafe is limited to chairs and tables only; serving stations or other pieces of furniture are not allowed. Small sidewalk cafes are also not allowed to have a railing, structure, or other barrier between the cafe and the remaining area of the sidewalk. A 10 and 1/2 foot clear sidewalk would be provided for along Skillman Avenue, a



15 and one half foot sidewalk would be provided for along Queens Plaza North and Queens Plaza South, and a five and one half foot sidewalk would be provided for along Jackson Avenue through this proposed zoning text amendment. These sidewalk widths are sufficient to accommodate existing and project pedestrian volumes.

**LIC Sidewalk Cafes and  
117-532 (Setback regulations for buildings that exceed the maximum base height)**

Matter Underlined is new, to be added;  
Matter in ~~Strikeout~~ is old, to be deleted;  
Matter within # # is defined in Section 12-10;  
\* \* \* indicate where unchanged text appears in the Zoning Resolution

\* \* \*

**14-43  
Locations Where Only Small Sidewalk Cafes Are Permitted**

#Small sidewalk cafes# may be located wherever #sidewalk cafes# are permitted, pursuant to Section 14-011 (Sidewalk cafe locations). In addition, only #small sidewalk cafes# shall be allowed on the following #streets#, subject to the underlying zoning.

\* \* \*

Queens:

Queens Boulevard - from a line 100 feet west of 39th Place to 48th Street  
~~Skillman Avenue - from 45th Street to a line 100 feet east of 46th Street, south side only~~  
~~Skillman Avenue - from 48th Street to 52nd Street.~~  
Skillman Avenue from 45<sup>th</sup> Street to a line 100 feet east of 51st Street, including that portion within the Special Planned Community Preservation District (Sunnyside Gardens).  
North side of Jackson Avenue from 44th Drive to the prolongation of Dutch Kills Street  
Queens Plaza North from 23rd Street to Northern Boulevard  
Queens Plaza South from 23rd Street to Jackson Avenue

\* \* \*

**14-44  
Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted**

#Enclosed# or #unenclosed sidewalk cafes# shall be permitted, as indicated, in the following special zoning districts, where allowed by the underlying zoning. #Small sidewalk cafes#, however, may be located on #streets# or portions of #streets# within special zoning districts pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

\* \* \*

Queens	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
Forest Hills District <sup>1</sup>	No	Yes
Downtown Jamaica District	No	Yes
<u>Long Island City Mixed Use District<sup>2</sup></u>	<u>No</u>	<u>Yes</u>
Southern Hunters Point District	No	Yes
Willets Point District	No	Yes

-----  
<sup>1</sup> #Sidewalk cafes# are not allowed on Austin Street

<sup>2</sup> See Appendix A in Article XI, Chapter 7

\* \* \*

## Article XI - Special Purpose Districts

### Chapter 7

#### Special Long Island City Mixed Use District

\* \* \*

### 117-03

#### District Plan and Maps

The regulations of this Chapter implement the #Special Long Island City Mixed Use District# Plan.

The District Plan includes the following maps in Appendices A, B and C:

Appendix A ~~Map of the #Special Long Island City Mixed Use District#~~ and Subdistricts Plan Map, Including Permitted #Sidewalk Cafe#—Locations

Appendix B Court Square Subdistrict Plan Map and Description of Improvements

Appendix C Queens Plaza Subdistrict Plan Maps:

Map 1 - Designated Districts within the Queens Plaza Subdistrict

Map 2 - Ground Floor Use and Frontage

Map 3 - Sidewalk Widening, Street Wall Location and Ground Floor Use.

The maps are hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter apply.

\* \* \*

**117-05**  
**Permitted Sidewalk Cafe Locations**

#Unenclosed sidewalk cafes#, including #small sidewalk cafes#, shall be permitted in the #Special Long Island City Mixed Use District# only on the #streets# indicated on the map in Appendix A (Special Long Island City Mixed Use District and Subdistricts Plan Map, including Permitted Sidewalk Cafe Locations) of this Chapter, subject to all other applicable regulations of Article I, Chapter 4.

\* \* \*

**117-532**  
**Setback regulations for buildings that exceed the maximum base height**

All portions of #buildings or other structures# that exceed the maximum base height specified in the table in this Section shall comply with the following provisions:

- (a) At a height not lower than the minimum base height or higher than the maximum base height specified in the table for the applicable area, a setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street# and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#, except such dimensions may include the depth of any permitted recesses in the #street wall#.

<u>Area</u>	<u>Minimum Base Height<sup>*</sup></u>	<u>Maximum Base Height</u>
A-1	60	---
A-2	60	150
B	100	150
C*	60	100

~~\* except that there shall be no minimum base height for #buildings or other structures# on those #blocks# in Area C adjacent to a #narrow street# along which there is an elevated structure.~~

\* for #buildings or other structures# on Davis Street located 75 feet or more from Jackson Avenue, the minimum base height shall be 40 feet.

\* \* \*

**117-56**  
**Special Permit for Bulk Modifications on Blocks 86/72 and 403**

For any #development# or #enlargement# on a #zoning lot# that has at least 50,000 square feet

of #lot area# located on #Block# 86/72 or #Block# 403 in Area C as shown on Map 1 (Designated Districts within the Queens Plaza Subdistrict) in Appendix C of this Chapter, the City Planning Commission may increase the #floor area ratio# up to a maximum of 8.0 and may modify the #street wall# regulations of paragraphs (a) and (b) of Section 117-531 (Street wall location) and paragraph (a) of Section 117-532 (Setback regulations for buildings that exceed the maximum base height), provided that:

- (a) a public open area of not less than 20,000 square feet and a #public parking garage# containing no fewer than 250 spaces shall be included on the #zoning lot#, and further provided the Commission finds that:
  - (1) the public open area is designed so that it provides recreational opportunities for the community;
  - (2) the portion of the #development# or #enlargement# adjacent to the public open area shall be either a retail #use#, other #use# or treatment that complements the open area;
  - (3) such modification of the #street wall# requirements is necessary to accommodate the public open area or the #public parking garage# and will result in a better site plan;
  - (4) the #public parking garage# is located and designed in such a way so that it shall not adversely affect the quality of the design, access to, or use of the public open area; and
  - (5) where the Commission permits parking on the roof of such #public parking garage#, such roof parking shall be so located as not to impair the essential character or future use or development of adjacent areas.

Design elements of the open area including lighting, paving, seating, #signs# and planting areas shall be specified in the application. The provisions of Section 37-751 (Public space signage systems) and 37-77 (Maintenance) shall apply.

- (b) The #public parking garage# shall be subject to the following conditions:
  - (1) the floor space on one or more #stories# of the #public parking garage#, up to a height of 23 feet above #curb level# shall be exempt from the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS);
  - (2) the entrances and exits shall be located so that they will not be hazardous to traffic safety nor likely to unduly inhibit pedestrian movement; and
  - (3) at the vehicular entrances, a minimum of 12 reservoir spaces shall be provided and the total number of reservoir spaces shall be equivalent to five percent of any spaces in excess of 250, up to a maximum of 50 reservoir spaces.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for sanitation and security, which may include conditions for lighting and landscaping or limitations on the manner and/or hours of operation.

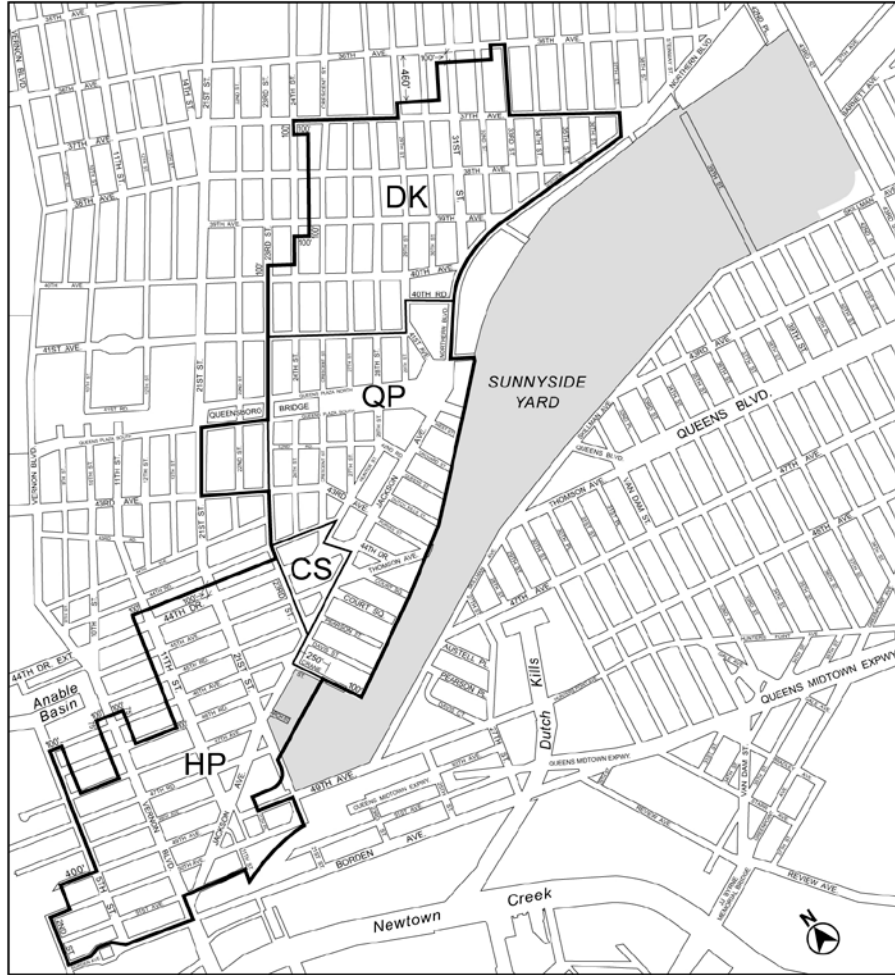
Any building on Block 86/72 for which an application for a special permit for #bulk# modifications has been filed with the Department of City Planning, pursuant to this Section, prior to (effective date of this amendment), may be started or continued pursuant to the regulations in effect at the time of such application and, if such application is granted by the City Planning Commission and the City Council, may be #developed# or #enlarged# pursuant to the terms of such permit, including minor modifications thereto and, to the extent not modified under the terms of such permit, in accordance with the regulations in effect at the time of such application.

\* \* \*

Appendix A

Special Long Island City Mixed Use District and Subdistricts Plan Map, including Permitted Sidewalk Cafe Locations

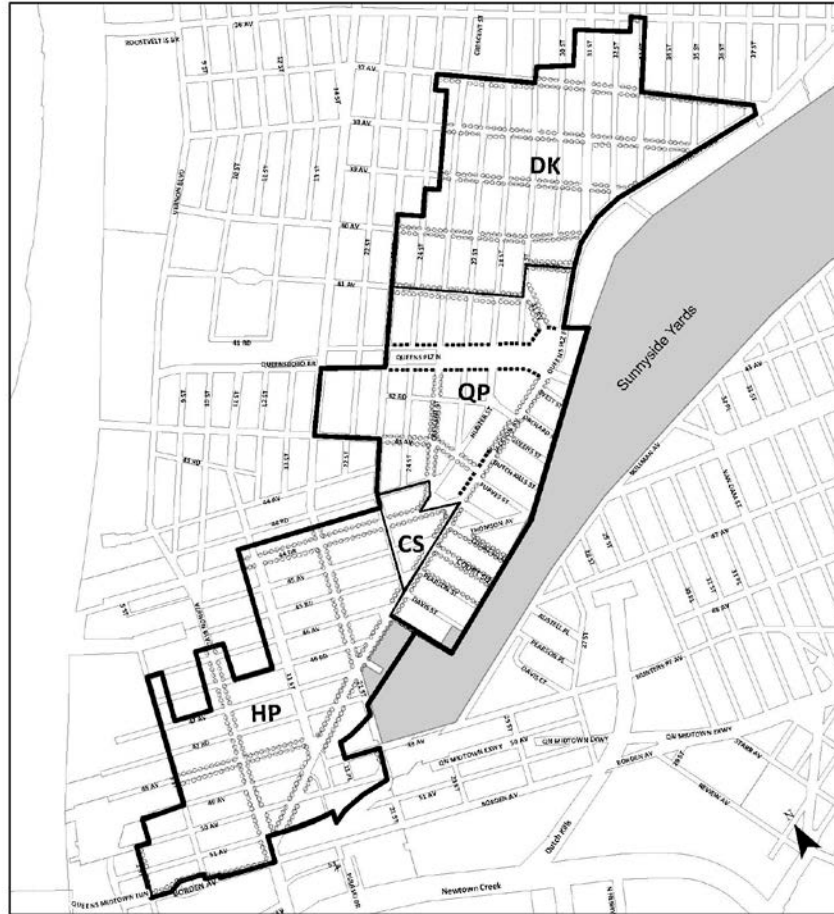
*To be deleted*



- |                                               |                                    |                                     |
|-----------------------------------------------|------------------------------------|-------------------------------------|
| — Special Long Island City Mixed Use District | <b>CS</b> Court Square Subdistrict | <b>QP</b> Queens Plaza Subdistrict  |
| — Subdistrict Boundary                        | <b>DK</b> Dutch Kills Subdistrict  | <b>HP</b> Hunters Point Subdistrict |
| ■ Sunnyside Yard                              |                                    |                                     |

To be added

REVISED MAP

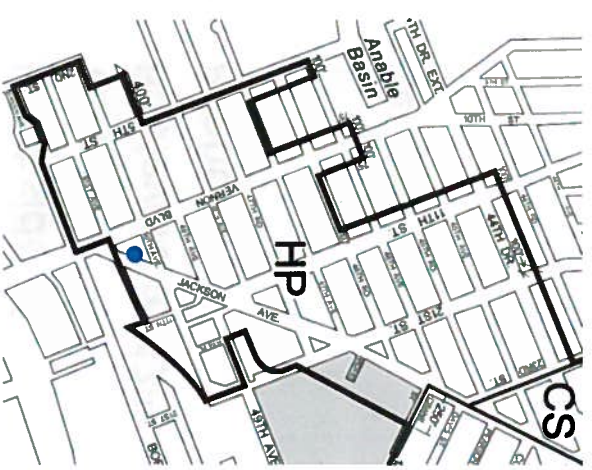


- Special Long Island City Mixed Use District
- Subdistrict Boundary
- Sunnyside Yard
- CS Court Square Subdistrict
- DK Dutch Kills Subdistrict
- ..... Small Sidewalk Cafes Only
- QP Queens Plaza Subdistrict
- HP Hunters Point Subdistrict
- Unenclosed Sidewalk Cafes

\* \* \*



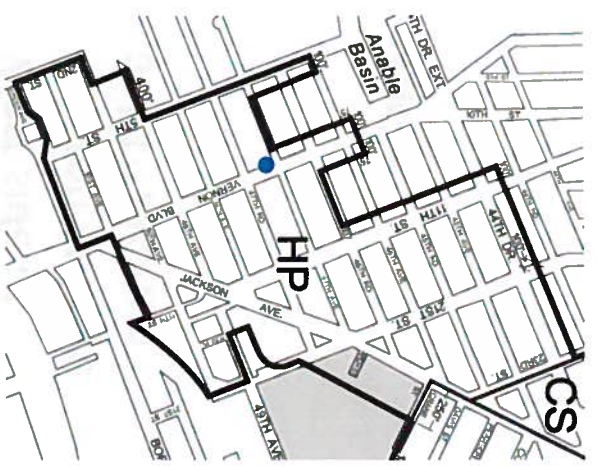
# Jackson Avenue



West side of  
Jackson Avenue  
at 51<sup>st</sup> Avenue

19' 8"

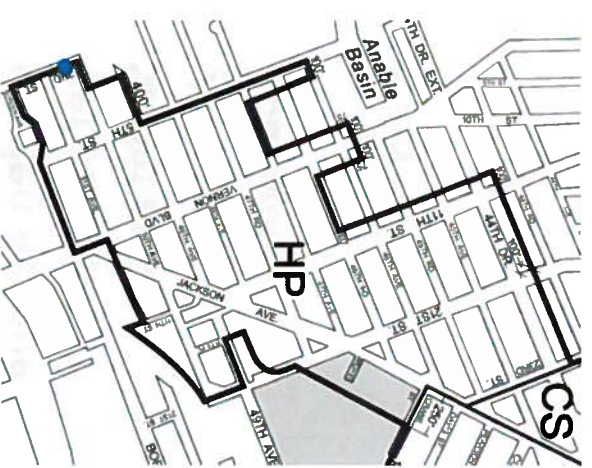
# Vernon Boulevard



West side of  
Vernon  
Boulevard at 47<sup>th</sup>  
Avenue

**14' 10"**

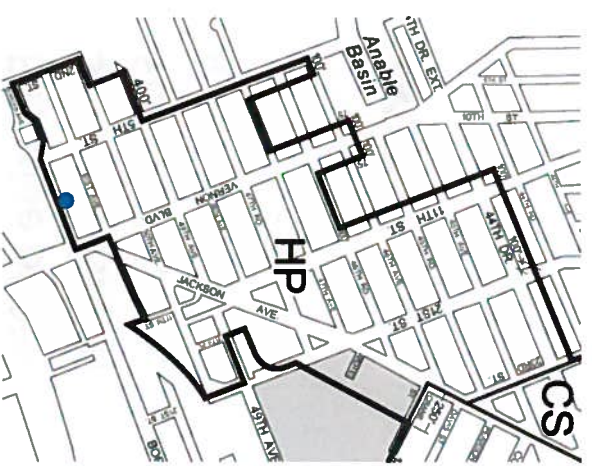
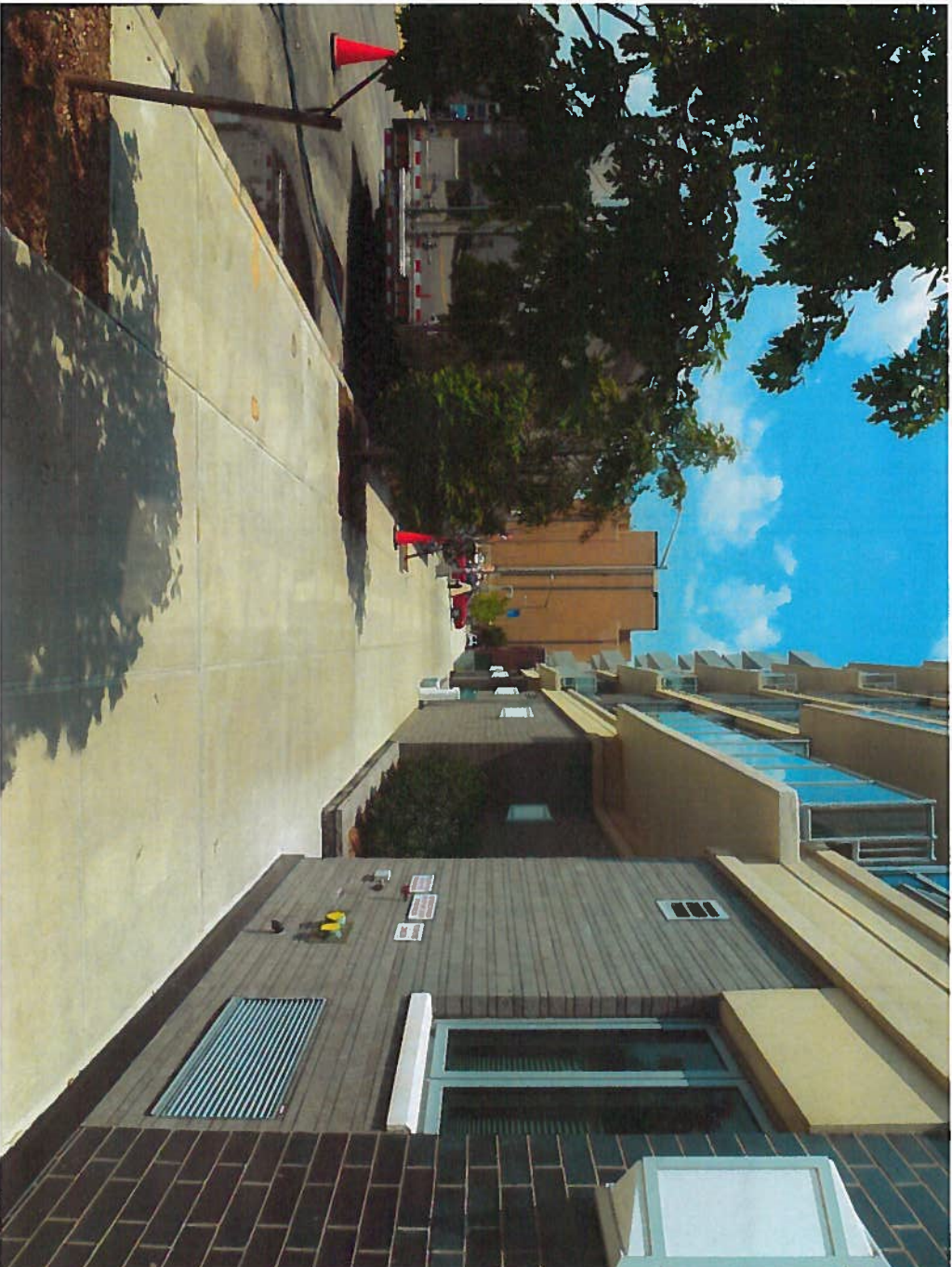
# Second Street



East side of 2nd  
Street between  
50th and 51st  
avenues

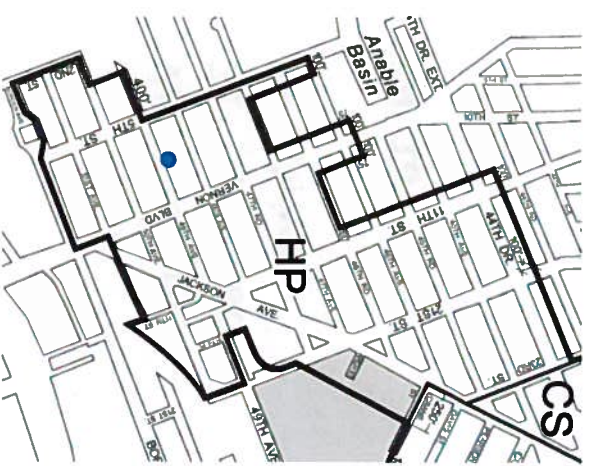
15' 1"

# Borden Avenue



North side of  
Borden Avenue  
between 5<sup>th</sup>  
Street and  
Vernon  
Boulevard  
15' 5"

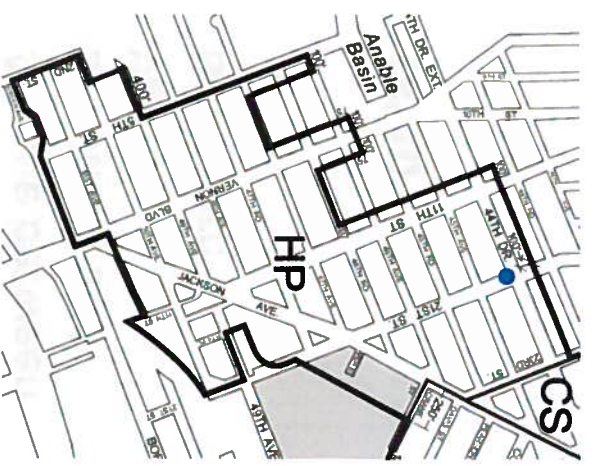
# 48th Avenue



North side of 48th  
Avenue between  
5th Street and  
Vernon  
Boulevard

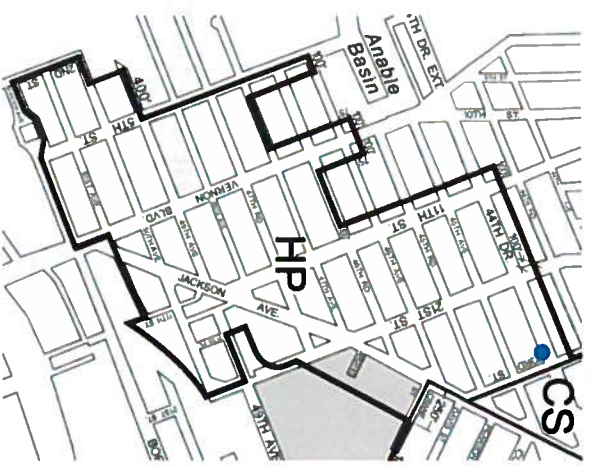
18' 10"

# 21st Street



West side of  
21st Street at  
44th Drive  
**14' 10"**

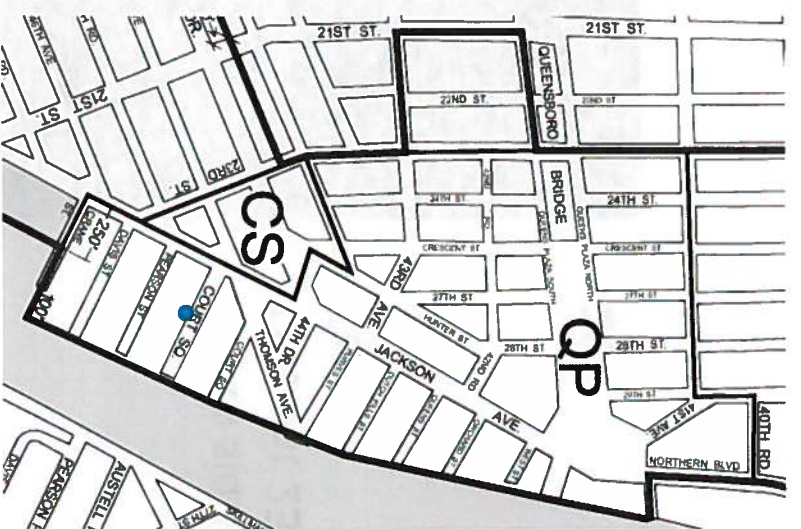
# 44<sup>th</sup> Drive



South side of 44<sup>th</sup>  
Drive at 23<sup>rd</sup>  
Street

20'

# Court Square South



South side of Court Square

17'8"



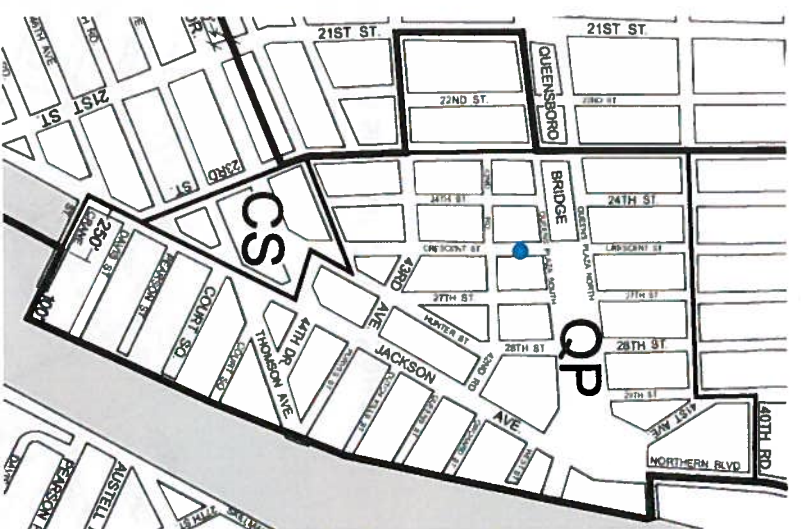
# Court Square North



North side of Court Square

14'8"

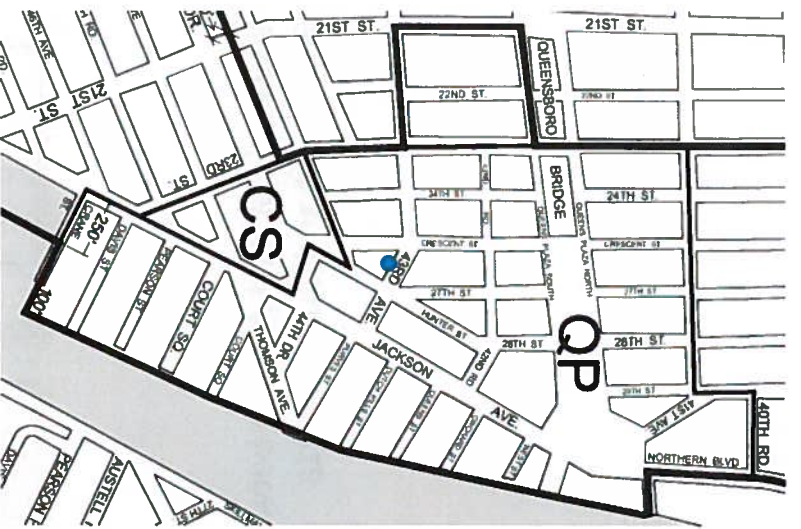
# Crescent Street



Eastside of Crescent Street between  
Queens Blvd. and 42nd Avenue

**17'4"**

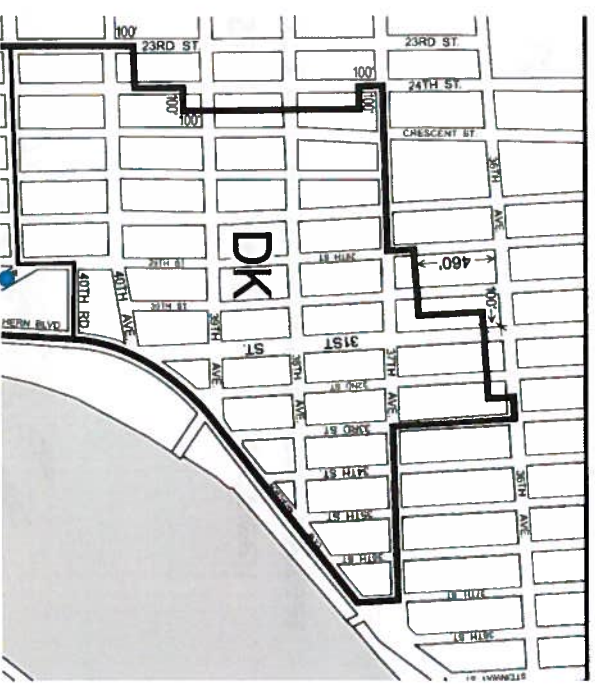
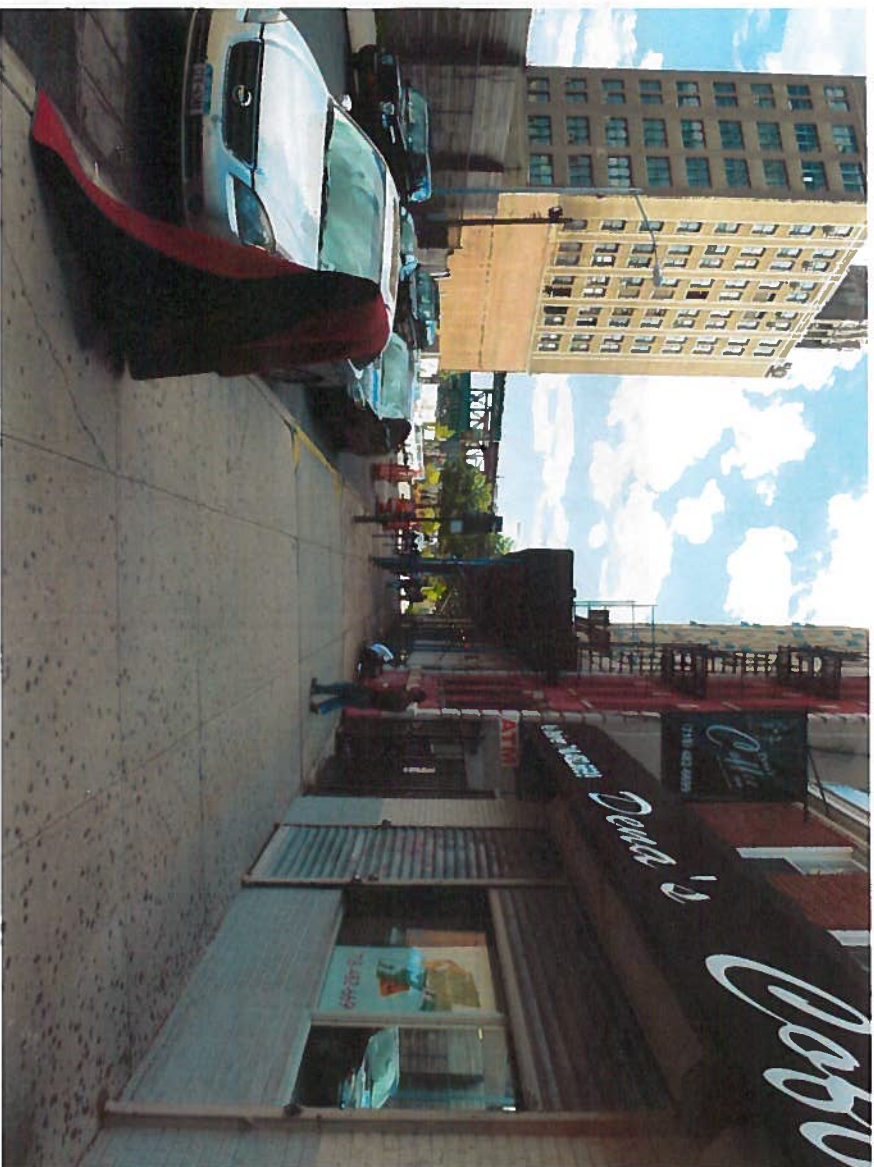
# 43rd Avenue



South side of 43rd Avenue between  
and Hunter Street and Crescent Street

18'

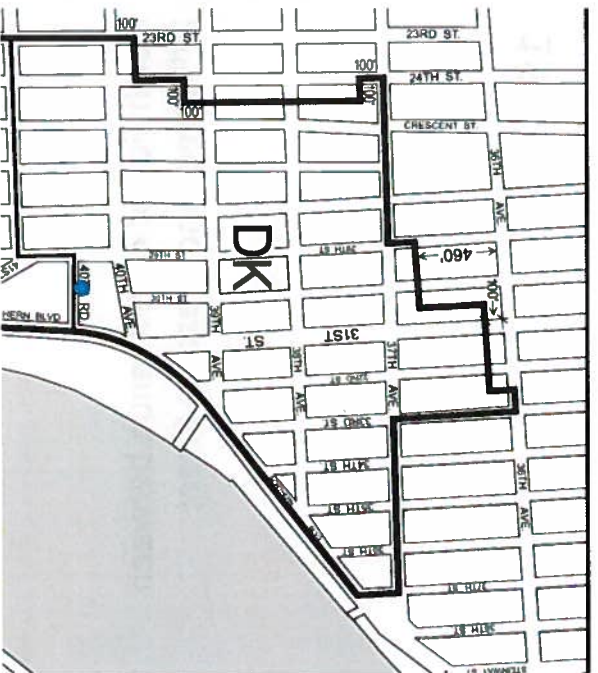
# 41st Avenue



West side of 41st Avenue between  
29th Street and Queens Plaza

**15'1"**

40th Road



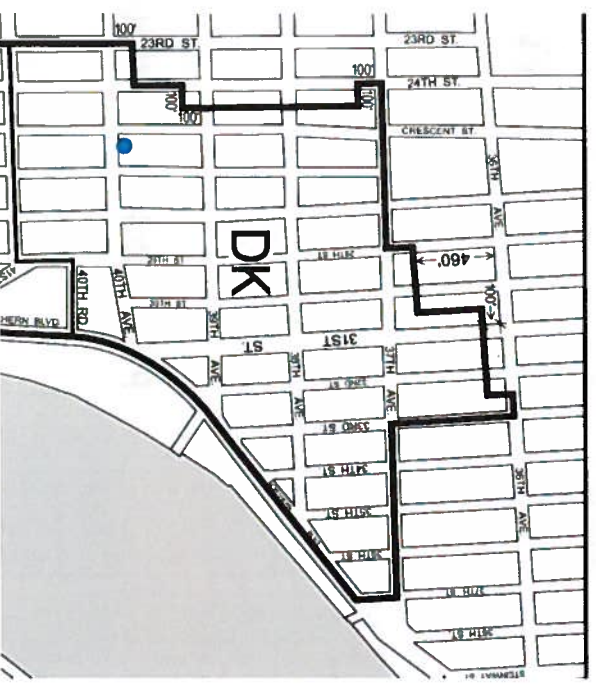
North side of 40th Road

14'10"

# 40th Avenue

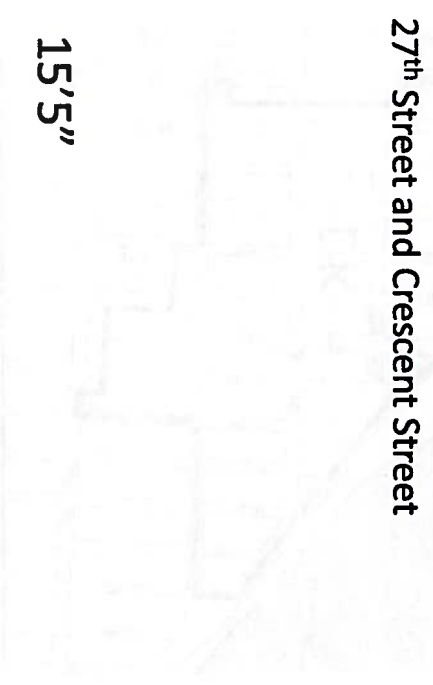


40th Avenue



North side of 40th Avenue between  
27th Street and Crescent Street

15'5"



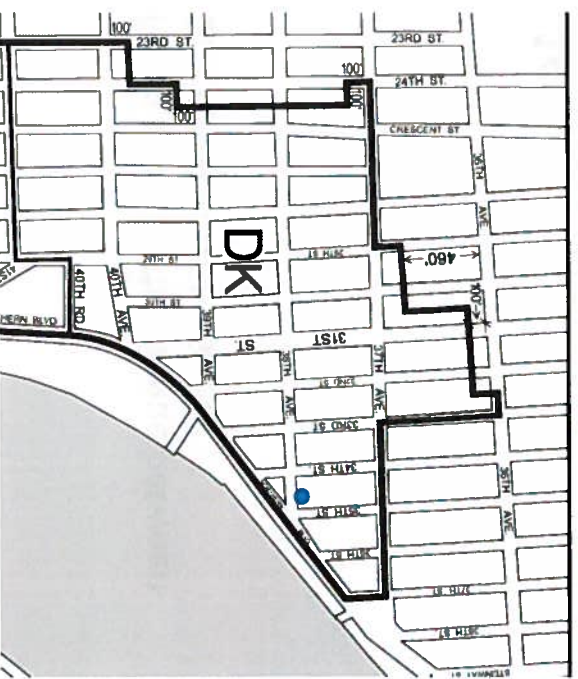
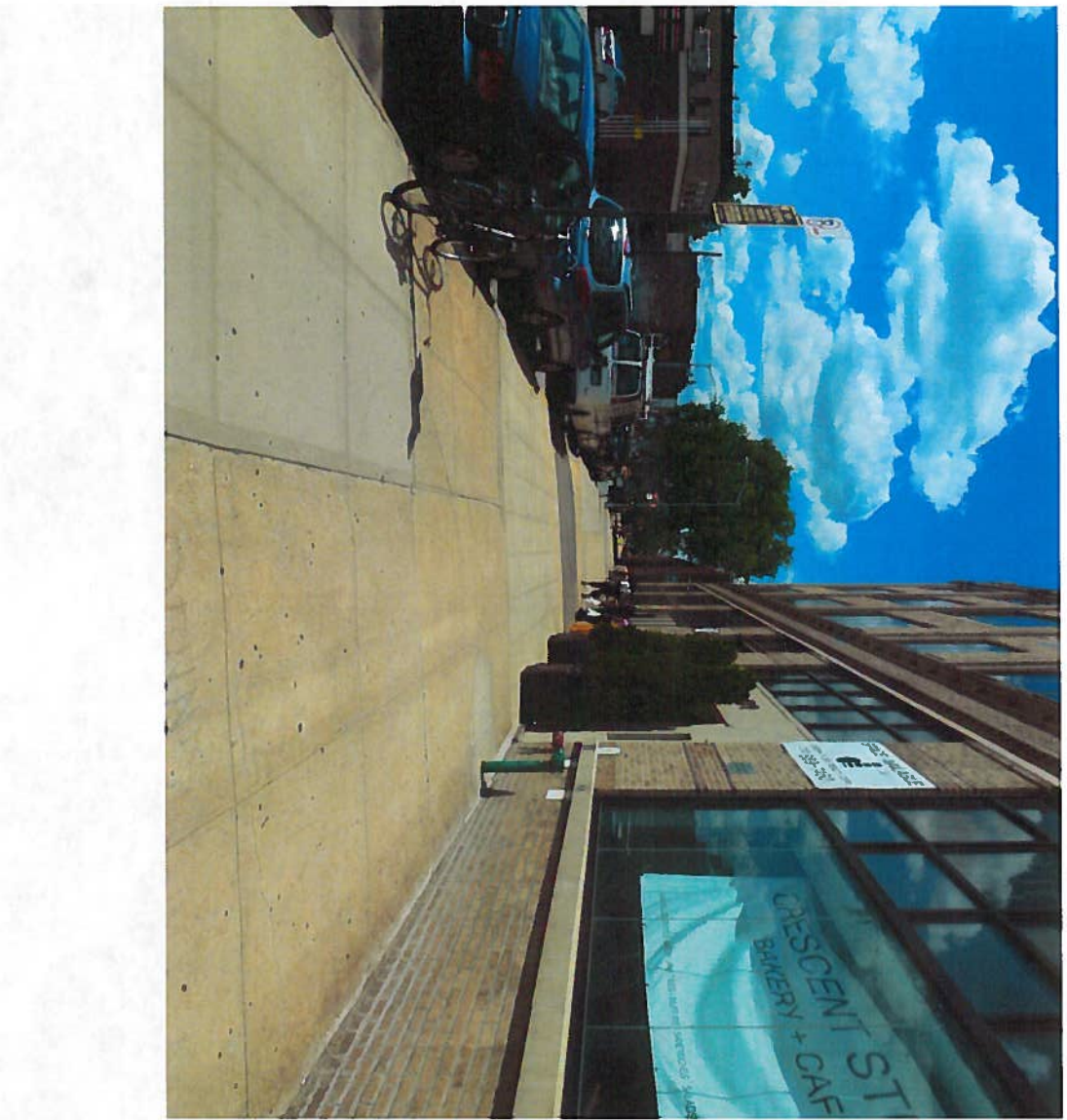
# 39th Avenue



North side of 39th Avenue between  
27th Street and 28th Street

14' 10"

# 38th Avenue

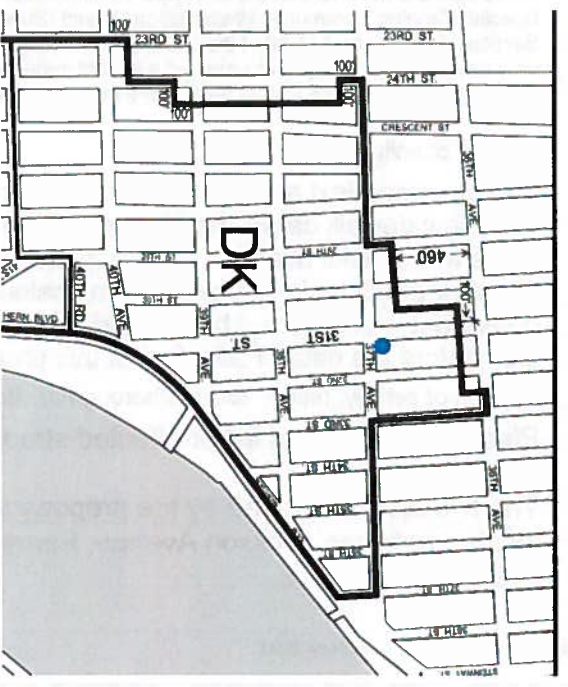


North side of 38th Avenue between  
34th Street and 35th Street

**18'8"**



# 37th Avenue



North side of 37th Avenue  
Between 32<sup>nd</sup> Street and 33<sup>rd</sup>  
Street

18'3"

For Internal Use Only:  
Date Received: \_\_\_\_\_

WRP no. \_\_\_\_\_  
DOS no. \_\_\_\_\_

## NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's designated coastal zone, must be reviewed and assessed for their consistency with the New York City Waterfront Revitalization Program (WRP). The WRP was adopted as a 197-a Plan by the Council of the City of New York on October 13, 1999, and subsequently approved by the New York State Department of State with the concurrence of the United States Department of Commerce pursuant to applicable state and federal law, including the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. As a result of these approvals, state and federal discretionary actions within the city's coastal zone must be consistent to the maximum extent practicable with the WRP policies and the city must be given the opportunity to comment on all state and federal projects within its coastal zone.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, other state agencies or the New York City Department of City Planning in their review of the applicant's certification of consistency.

### A. APPLICANT

1. Name: NYC Department of City Planning, Queens office
2. Address: 120-55 Queens Boulevard, Kew Gardens, Queens 11415
3. Telephone: 718.286.3168 Fax: \_\_\_\_\_ E-mail: jyoung@planning.nyc.gov
4. Project site owner: n/a

### B. PROPOSED ACTIVITY

1. Brief description of activity:

This application seeks to amend sections 14-43, 14-44, 117-03, 117-06, and 117-00, Appendix A, of the Zoning Resolution to allow unenclosed sidewalk cafes on 19 streets within the boundaries of the Special Long Island City Mixed Use District (LIC District) and allow small sidewalk cafes on the portion of Skillman Avenue within the Special Planning Community Preservation District (Sunnyside Gardens). This application would also modify Section 117-532 and 117-56 of the LIC District to establish a minimum base height for two blocks having frontage on a narrow street along which runs an elevated subway line and exempt from the new provisions projects subject to a ULURP application filed before the date of adoption of this proposed application.

2. Purpose of activity:

The proposed text amendments will allow new unenclosed sidewalk cafes and legalize existing sidewalk cafes, thereby enlivening existing and merging retail corridors within these two special districts. The proposed minimum base height modification would allow for predictable and pedestrian-scaled building bases on these two blocks, consistent with adjacent blocks and exempt projects subject to a ULURP application filed before the date of adoption of this proposed zoning text amendment.

3. Location of activity: (street address/borough or site description):

Please see attached list of affected streets for the sidewalk cafe text amendments.

The two blocks affected by the proposed amendment to Section 117-532 are located between Jackson Avenue, Pearson Street, the Sunnyside Yards, and Crane Street.

**Proposed Activity Cont'd**

4. If a federal or state permit or license was issued or is required for the proposed activity, identify the permit type(s), the authorizing agency and provide the application or permit number(s), if known:

n/a

5. Is federal or state funding being used to finance the project? If so, please identify the funding source(s).  
no federal or state funding is being used.

6. Will the proposed project require the preparation of an environmental impact statement?

Yes \_\_\_\_\_ No  If yes, identify Lead Agency:

7. Identify city discretionary actions, such as a zoning amendment or adoption of an urban renewal plan, required for the proposed project.

An application for zoning text amendments is required.

**C. COASTAL ASSESSMENT**

Location Questions:	Yes	No
1. Is the project site on the waterfront or at the water's edge?	_____	<input checked="" type="checkbox"/>
2. Does the proposed project require a waterfront site?	_____	<input checked="" type="checkbox"/>
3. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land underwater, or coastal waters?	_____	<input checked="" type="checkbox"/>
Policy Questions	Yes	No

The following questions represent, in a broad sense, the policies of the WRP. Numbers in parentheses after each question indicate the policy or policies addressed by the question. The new Waterfront Revitalization Program offers detailed explanations of the policies, including criteria for consistency determinations.

Check either "Yes" or "No" for each of the following questions. For all "yes" responses, provide an attachment assessing the effects of the proposed activity on the relevant policies or standards. Explain how the action would be consistent with the goals of those policies and standards.

4. Will the proposed project result in revitalization or redevelopment of a deteriorated or under-used waterfront site? (1)	_____	<input checked="" type="checkbox"/>
5. Is the project site appropriate for residential or commercial redevelopment? (1.1)	<input checked="" type="checkbox"/>	_____
6. Will the action result in a change in scale or character of a neighborhood? (1.2)	_____	<input checked="" type="checkbox"/>

**Policy Questions cont'd**

**Yes No**

- |                                                                                                                                                                                                         |       |   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|---|
| 7. Will the proposed activity require provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (1.3)                                       | _____ | ✓ |
| 8. Is the action located in one of the designated Significant Maritime and Industrial Areas (SMIA): South Bronx, Newtown Creek, Brooklyn Navy Yard, Red Hook, Sunset Park, or Staten Island? (2)        | _____ | ✓ |
| 9. Are there any waterfront structures, such as piers, docks, bulkheads or wharves, located on the project sites? (2)                                                                                   | _____ | ✓ |
| 10. Would the action involve the siting or construction of a facility essential to the generation or transmission of energy, or a natural gas facility, or would it develop new energy resources? (2.1) | _____ | ✓ |
| 11. Does the action involve the siting of a working waterfront use outside of a SMIA? (2.2)                                                                                                             | _____ | ✓ |
| 12. Does the proposed project involve infrastructure improvement, such as construction or repair of piers, docks, or bulkheads? (2.3, 3.2)                                                              | _____ | ✓ |
| 13. Would the action involve mining, dredging, or dredge disposal, or placement of dredged or fill materials in coastal waters? (2.3, 3.1, 4, 5.3, 6.3)                                                 | _____ | ✓ |
| 14. Would the action be located in a commercial or recreational boating center, such as City Island, Sheepshead Bay or Great Kills or an area devoted to water-dependent transportation? (3)            | _____ | ✓ |
| 15. Would the proposed project have an adverse effect upon the land or water uses within a commercial or recreation boating center or water-dependent transportation center? (3.1)                      | _____ | ✓ |
| 16. Would the proposed project create any conflicts between commercial and recreational boating? (3.2)                                                                                                  | _____ | ✓ |
| 17. Does the proposed project involve any boating activity that would have an impact on the aquatic environment or surrounding land and water uses? (3.3)                                               | _____ | ✓ |
| 18. Is the action located in one of the designated Special Natural Waterfront Areas (SNWA): Long Island Sound- East River, Jamaica Bay, or Northwest Staten Island? (4 and 9.2)                         | _____ | ✓ |
| 19. Is the project site in or adjacent to a Significant Coastal Fish and Wildlife Habitat? (4.1)                                                                                                        | _____ | ✓ |
| 20. Is the site located within or adjacent to a Recognized Ecological Complex: South Shore of Staten Island or Riverdale Natural Area District? (4.1 and 9.2)                                           | _____ | ✓ |
| 21. Would the action involve any activity in or near a tidal or freshwater wetland? (4.2)                                                                                                               | _____ | ✓ |
| 22. Does the project site contain a rare ecological community or would the proposed project affect a vulnerable plant, fish, or wildlife species? (4.3)                                                 | _____ | ✓ |
| 23. Would the action have any effects on commercial or recreational use of fish resources? (4.4)                                                                                                        | _____ | ✓ |
| 24. Would the proposed project in any way affect the water quality classification of nearby waters or be unable to be consistent with that classification? (5)                                          | _____ | ✓ |
| 25. Would the action result in any direct or indirect discharges, including toxins, hazardous substances, or other pollutants, effluent, or waste, into any waterbody? (5.1)                            | _____ | ✓ |
| 26. Would the action result in the draining of stormwater runoff or sewer overflows into coastal waters? (5.1)                                                                                          | _____ | ✓ |
| 27. Will any activity associated with the project generate nonpoint source pollution? (5.2)                                                                                                             | _____ | ✓ |
| 28. Would the action cause violations of the National or State air quality standards? (5.2)                                                                                                             | _____ | ✓ |

**Policy Questions cont'd**

**Yes No**

- |                                                                                                                                                                                                           | Yes        | No         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|------------|
| 29. Would the action result in significant amounts of acid rain precursors (nitrates and sulfates)? (5.2C)                                                                                                | _____      | ✓<br>_____ |
| 30. Will the project involve the excavation or placing of fill in or near navigable waters, marshes, estuaries, tidal marshes or other wetlands? (5.3)                                                    | _____      | ✓<br>_____ |
| 31. Would the proposed action have any effects on surface or ground water supplies? (5.4)                                                                                                                 | _____      | ✓<br>_____ |
| 32. Would the action result in any activities within a federally designated flood hazard area or state-designated erosion hazards area? (6)                                                               | ✓<br>_____ | _____      |
| 33. Would the action result in any construction activities that would lead to erosion? (6)                                                                                                                | _____      | ✓<br>_____ |
| 34. Would the action involve construction or reconstruction of a flood or erosion control structure? (6.1)                                                                                                | _____      | ✓<br>_____ |
| 35. Would the action involve any new or increased activity on or near any beach, dune, barrier island, or bluff? (6.1)                                                                                    | _____      | ✓<br>_____ |
| 36. Does the proposed project involve use of public funds for flood prevention or erosion control? (6.2)                                                                                                  | _____      | ✓<br>_____ |
| 37. Would the proposed project affect a non-renewable source of sand ? (6.3)                                                                                                                              | _____      | ✓<br>_____ |
| 38. Would the action result in shipping, handling, or storing of solid wastes, hazardous materials, or other pollutants? (7)                                                                              | _____      | ✓<br>_____ |
| 39. Would the action affect any sites that have been used as landfills? (7.1)                                                                                                                             | _____      | ✓<br>_____ |
| 40. Would the action result in development of a site that may contain contamination or that has a history of underground fuel tanks, oil spills, or other form or petroleum product use or storage? (7.2) | _____      | ✓<br>_____ |
| 41. Will the proposed activity result in any transport, storage, treatment, or disposal of solid wastes or hazardous materials, or the siting of a solid or hazardous waste facility? (7.3)               | _____      | ✓<br>_____ |
| 42. Would the action result in a reduction of existing or required access to or along coastal waters, public access areas, or public parks or open spaces? (8)                                            | _____      | ✓<br>_____ |
| 43. Will the proposed project affect or be located in, on, or adjacent to any federal, state, or city park or other land in public ownership protected for open space preservation? (8)                   | _____      | ✓<br>_____ |
| 44. Would the action result in the provision of open space without provision for its maintenance? (8.1)                                                                                                   | _____      | ✓<br>_____ |
| 45. Would the action result in any development along the shoreline but NOT include new water-enhanced or water-dependent recreational space? (8.2)                                                        | _____      | ✓<br>_____ |
| 46. Will the proposed project impede visual access to coastal lands, waters and open space? (8.3)                                                                                                         | _____      | ✓<br>_____ |
| 47. Does the proposed project involve publicly owned or acquired land that could accommodate waterfront open space or recreation? (8.4)                                                                   | _____      | ✓<br>_____ |
| 48. Does the project site involve lands or waters held in public trust by the state or city? (8.5)                                                                                                        | _____      | ✓<br>_____ |
| 49. Would the action affect natural or built resources that contribute to the scenic quality of a coastal area? (9)                                                                                       | _____      | ✓<br>_____ |
| 50. Does the site currently include elements that degrade the area's scenic quality or block views to the water? (9.1)                                                                                    | _____      | ✓<br>_____ |

**Policy Questions cont'd**

**Yes No**

51. Would the proposed action have a significant adverse impact on historic, archeological, or cultural resources? (10)

\_\_\_\_\_

52. Will the proposed activity affect or be located in, on, or adjacent to an historic resource listed on the National or State Register of Historic Places, or designated as a landmark by the City of New York? (10)

\_\_\_\_\_

**D. CERTIFICATION**

The applicant or agent must certify that the proposed activity is consistent with New York City's Waterfront Revitalization Program, pursuant to the New York State Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If the certification can be made, complete this section.

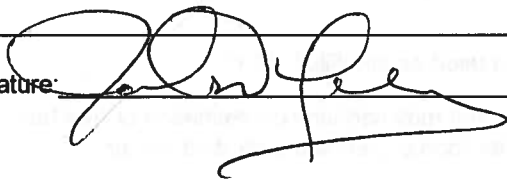
"The proposed activity complies with New York State's Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent Name: John Young

Address: 120-55 Queens Boulevard, Kew Gardens, New York 11415

Telephone: 718.286.3168

Applicant/Agent Signature: \_\_\_\_\_



Date: 12.13.12

## **Application for Zoning Text Amendments for Unenclosed Sidewalk Cafes and Sections 117-532 and 117-56 Affecting Minimum Base Heights**

### **Waterfront Revitalization Program Consistency Assessment**

The Department of City Planning is proposing zoning text amendments to Article I, Chapter 4 (SIDEWALK CAFÉ REGULATIONS) and Article 11, Chapter 7 (SPECIAL LONG ISLAND CITY MIXED USE DISTRICT) for the following purposes:

1. To allow unenclosed and unenclosed small sidewalk cafes (small sidewalk cafes) along 19 streets within the Special Long Island City Mixed Use District (LIC District) and small sidewalk cafes along 1.5 blocks of Skillman Avenue within the Special Planned Community Preservation District [PC District (Sunnyside Gardens)].

Sidewalk cafes are allowed in special zoning districts only if the special district is listed in Section 14-44 (Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted). The proposed sidewalk cafe amendments would affect all or portions of 195 block fronts within the LIC District and all or portions of two block fronts within the PC District (Sunnyside Gardens) (see Figure ). The proposed zoning text amendments would allow unenclosed and small sidewalk cafes on five existing and 14 emerging retail corridors within the LIC District and allow small sidewalk cafes on a 1.5 block portion of Skillman Avenue within the PC District (Sunnyside Gardens). Skillman Avenue is the retail corridor within the PC District (Sunnyside Gardens). A minimum clear sidewalk width of eight feet would be provided for in the case of unenclosed sidewalk cafes in the LIC District and minimum sidewalk widths of five and one half feet and 15 and 1/2 feet in the LIC District and 10 and 1/2 feet in the PC District (Sunnyside Gardens). The resulting sidewalk cafes would enliven the streets where they would be allowed and would not adversely affect pedestrian circulation.

2. To establish a minimum base height in Section 117-532 (Setback regulations for buildings that exceed the maximum base height) for two blocks fronting along the elevated #7 tracks in Area C of the Queens Plaza Subdistrict (QP Subdistrict) of the LIC District and amend Section 117-56 (Special Permit for Bulk Modifications on Blocks 86/72 and 403) to ensure that projects subject to a ULURP application filed before the date of adoption of this proposed amendment would be subject to the original height and setback provisions.

Buildings with base heights as low as 10 to 15 feet, depending on the ground floor use, could be developed on two blocks within Area C of the Queens Plaza Subdistrict. These base heights are too low to establish a strong pedestrian scale along the streets on which they front and are inconsistent with the urbanized built form of surrounding blocks. The proposed zoning text amendment to Section 117-532 would establish a minimum base height of 40 feet for buildings or portions of buildings facing Davis Street between the Sunnyside Yards and a point 75 feet from Jackson Avenue and 60 feet for the remaining street frontages of the two blocks, thereby ensuring predictable, pedestrian-scaled building bases for new buildings on these two blocks.

This supplemental report accompanies the New York City Waterfront Revitalization Program Consistency Assessment form, and provides detailed information in response to questions on the form. Numerations below correspond to that of the form.

**C. Coastal Assessment, Policy Questions**

**Question 5** Is the project site appropriate for residential or commercial redevelopment?

**Policy 1.1** Encourage commercial and residential development in appropriate Coastal Zone areas.

The "sites" affected by the proposed zoning text amendments which fall within the coastal zone boundary are two Vernon Boulevard sidewalk frontages between 45th Road and 46th Road, one Vernon Boulevard sidewalk frontage between 51st Avenue and Borden Avenue, two Borden Avenue sidewalk frontages between Vernon Boulevard and Second Street, and two Second Street sidewalk frontages between Borden Avenue and 50th Avenue. All of these frontages are located inland, approximately one to three blocks from the waterfront. These frontages are affected by the proposed zoning text amendments for sidewalk cafes, which is consistent with Policy 1.1. New sidewalk cafes would attract people to the waterfront, provide a place for waterfront park users to relax after a visit to the waterfront, and enliven the streetscape on blocks in the vicinity of the waterfront.

**Question 32** Would the action result in any activities within a federally designated flood hazard area or state designated erosion hazards area?

**Policy 6** Minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future conditions caused by climate change.

Blocks subject to the sidewalk cafe text changes in the LIC District as well as Block 86, the block bounded by Davis Street, the Sunnyside Yards, Crane Street, and Jackson Avenue that is subject to the text change proposed for Section 117-532, are subject to Policy 6. The sidewalk cafe text amendments will only result in moveable tables and chairs and an awning affixed to a building. In the event of floods or other emergency weather events, the tables and chairs would be brought inside and the awning would be retracted. Therefore, the proposed zoning text amendment is consistent with Policy 6.

In the event of the minimum base height to be established for developments on Block 86, the proposed zoning text amendment would not induce development, it would only establish minimum base heights for new buildings or enlargements on the block. The minimum base heights are currently allowed but not required. A development proposed for this block pursuant to Section 117-56, is undergoing its own WRP review and as per the zoning text amendment proposed for Section 117-56, the development would be subject to the original height and setback provisions.