



CITY PLANNING COMMISSION  
CITY OF NEW YORK

OFFICE OF THE CHAIR

## **NEGATIVE DECLARATION**

### **Project Identification**

CEQR No. 16DCP168Q  
ULURP Nos. M851031(D) ZSQ  
SEQRA Classification: Unlisted

### **Lead Agency**

City Planning Commission  
120 Broadway, 31<sup>st</sup> Floor  
New York, NY 10271  
Contact: Robert Dobruskin  
(212) 720-3423

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

#### **193-02 Horace Harding Expressway Special Permit Modification**

The Applicant, FM Realty Company of New York, LLC, is seeking a modification to a previously approved Special Permit (M851031(C)ZSQ) and Restrictive Declaration, as well as a new Special Permit pursuant to Zoning Rezoning (ZR) Section 74-95 ("Modifications of Housing Quality Special Permits") collectively the "Proposed Action," affecting a property located at 193-02 Horace Harding Expressway (Block 7117, Lot 189, the "Project Site") within the Fresh Meadows-Utopia neighborhood of Queens, Community District 8. The Proposed Action would facilitate a proposal by the Applicant to occupy an approximately 1,180 gross square foot (gsf) vacant portion of the ground floor of an existing 38,250 gsf mixed-use building with one additional dwelling unit (the "Proposed Development").

The Project Site is currently zoned C4-2, which allows a maximum floor area ratio (FAR) of 3.4 for commercial uses, a maximum FAR of 4.8 for community facility uses, and between 0.78 and 2.43 FAR for residential uses. The building at the Project Site contains approximately 32,805 gsf of residential use (39 dwelling units) and approximately 3,512 gsf of commercial uses.

Any new development on the Project Site is subject to site plan approvals and a Restrictive Declaration, recorded against the Project Site in connection with prior City Planning Commission (CPC) actions.

The building at the Project Site was developed pursuant to CPC actions granted in 1986, which included a rezoning from R4 (PC) to C4-2 (C 851030 ZMQ) and a special permit (C 851031 ZSQ) pursuant to ZR Section 74-95 ("Modifications of Housing Quality Special Permits") to utilize housing quality regulations. The original CPC approval allowed a six-story building with 38

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dwelling units on the upper three floors, medical and dental offices on the ground floor and second floor, and an accessory cellar-level parking garage with 31 parking spaces. Subsequent to the 1986 CPC approvals, the plans were modified to reduce the building to five stories and eliminate the medical and dental offices from the ground and second floors. On July 31, 1991, the CPC approved a modification of the special permit (M 851031 (C) ZSQ) and Restrictive Declaration to permit use of the eastern portion of the ground floor as a real estate management office for use by the owners of the affected property. The December 18, 1986 Restrictive Declaration requires that the development substantially conform to the site plan and drawings submitted in connection with the special permit application. It also requires any changes to the ground floor use be considered a major modification requiring discretionary approval.

With the Proposed Action, the building at the Project Site would contain one additional dwelling unit for a total of 40 dwelling units (33,985 gsf of residential use) and 2,332 gsf of commercial use on the ground floor. The residential unit would occupy ground floor space originally approved for commercial office uses in connection with the 1991 CPC approvals. The amount of accessory parking (37 spaces) would remain unchanged.

Absent the Proposed Action, the Project Site is expected to remain under existing conditions.

The Proposed Development is expected to be completed by 2018.

**Statement of No Significant Effect:**

The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement, dated May 5, 2017, prepared in connection with ULURP application no. M851031(D) ZSQ. The City Planning Commission has determined that the Proposed Action will have no significant effect on the quality of the environment.

**Supporting Statement:**

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

1. In connection with the 1986 CPC approvals affecting the Project Site, a Conditional Negative Declaration (CEQR No. 85-299Q) included the following conditions related to noise:

For the residential portions of the building, the applicant must provide a minimum of 35 dB(A) window-wall attenuation so that with windows closed, the internal noise level does not exceed 45 dB(A). Additionally, an alternate means of

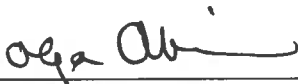
ventilation conforming to sub-article 1206 of the NYC Building Code is required and includes but is not limited to the following options: provisions for central air conditioning and provisions for air conditioners or HUD approved fans.

The building at the Project Site meets the above-referenced conditions, and the residential unit will satisfy the above-referenced window-wall attenuation. No significant adverse impacts related to noise are expected to occur in the future with the Proposed Action.

2. No other significant effects on the environment which would require an Environmental Impact Statement are foreseeable.

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

Should you have any questions pertaining to this Negative Declaration, you may contact Christopher Lee at (212) 720-3429.



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Olga Abnader, Deputy Director  
Environmental Assessment & Review Division  
Department of City Planning

Date: May 19, 2017

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Marisa Lago, Chair  
City Planning Commission

Date: May 22, 2017