NYC PLANNING

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Marisa Lago, *Director*
Department of City Planning

Ezio Vlacich
c/o Steven M. Sinacori
Akerman LLP
520 Madison Avenue, 20th Floor
New York, New York 10022

Re:	**42-01 28th Avenue Rezoning**
CEQR No.	20DCP043Q
ULURP No(s).	190517ZMQ and N190518ZRQ
SEQRA Classification:	Unlisted
Queens Community District:	QN01

Dear Steven Sinacori,

Under City Environmental Quality Review, the lead agency is required to determine whether a proposed action may have a significant adverse impact on the environment. In accordance with this regulation, the City Planning Commission has determined that the proposed action would not have a significant adverse impact on the environment.

Enclosed is the Negative Declaration for CEQR No. 20DCP043Q, 42-01 28th Avenue Rezoning, including supporting statements for the finding that the proposed actions would not have a significant adverse impact on the environment. The Negative Declaration was issued on August 17, 2020.

Sincerely,

Stephanie Shellooe, AICP, Deputy Director — August 17, 2020 (Date)

cc: Project File
Marisa Lago, Chair
City Planning Commissioners
Raju Mann, Director, City Council Land Use Division
Sharon Lee, Queens Borough President
Queens Community Board QN01

Olga Abinader, *Director*, (212) 720-3493 | oabinad@planning.nyc.gov
Stephanie Shellooe, AICP, *Deputy Director*, (212) 720-3328 | sshellooe@planning.nyc.gov
120 Broadway, 31st Floor, New York, N.Y. 10271 | Fax: (212) 720-3488

NEGATIVE DECLARATION

Statement of No Significant Effect

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York and 6 NYCRR, Part 617, State Environmental Quality Review, the Department of City Planning acting on behalf of the City Planning Commission assumed the role of lead agency for the environmental review of the proposed actions. Based on a review of information about the project contained in this environmental assessment statement (EAS) and any attachments hereto, which are incorporated by reference herein, the lead agency has determined that the proposed actions would not have a significant adverse impact on the environment.

Reasons Supporting this Determination

The above determination is based on information contained in this EAS, which finds the proposed actions sought before the City Planning Commission would not have a significant adverse impact on the environment. Reasons supporting this determination are noted below.

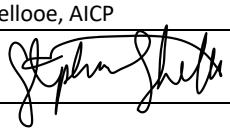
Land Use, Zoning, and Public Policy

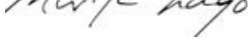
A detailed analysis of land use, zoning, and public policy is included in the EAS and that analysis determined that no significant adverse impacts would occur. The proposed actions are a Zoning Map Amendment to rezone the project area from an R5 zoning district on Block 685, Lots 1, 3, 5, 7, and p/o Lot 10 to an R6A zoning district and from an R5/C1-2 zoning district on Block 701, Lots 1, 3, 5, 6, 8, 108, and p/o Lot 9 to an R6A/C1-2 zoning district and a Zoning Text Amendment to establish a Mandatory Inclusionary Housing area with MIH options 1 and 2 coterminous with the rezoning area in the Astoria neighborhood of Queens Community District 1. The Proposed Actions would facilitate a proposal by the Applicant to construct a new eight-story and cellar mixed commercial and residential building that would replace the five existing buildings on the Proposed Development Site/Projected Development Site 1 (Block 701, Lots 5, 6, 8, 108 and 9). The development would have a total floor area of 67,356 gross square feet (gsf) including 45,731 gsf of residential space and a projected 54 dwelling units. The proposed actions are not expected to alter the existing land use development patterns in the surrounding project study area in the future as development includes one-, two-, and multi- family residences, mixed-use buildings, commercial uses, and community facilities. The provision of affordable housing in the Project Area would be in compliance with City policies to encourage the development of new housing, especially affordable housing, in underutilized areas of the City. The proposed rezoning would also bring the existing non-complying buildings on the 7 other parcels closer to compliance with the bulk provisions of the Zoning Resolution.

Hazardous Materials, Air Quality, and Noise

An (E) designation (E-578) related to hazardous materials and noise would be established as part of the approval of the proposed actions. Refer to "Determination of Significance Appendix: (E) designation" for the applicable (E) designation requirements. The hazardous materials and noise analyses conclude that with the (E) designation in place, the proposed actions would not result in significant adverse impacts related to hazardous materials and noise.

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA). Should you have any questions pertaining to this Negative Declaration, you may contact Rupsha Ghosh at 212-720-3250.

TITLE	LEAD AGENCY
Deputy Director, Environmental Assessment and Review Division	Department of City Planning on behalf of the City Planning Commission 120 Broadway, 31st Fl. New York, NY 10271 | 212.720.3328
NAME Stephanie Shellooe, AICP	DATE August 14, 2020
SIGNATURE 	

TITLE	
Chair, City Planning Commission	
NAME Marisa Lago	DATE August 17, 2020
SIGNATURE 	

Project Name: 42-01 28th Avenue Rezoning
CEQR # 20DCP043Q
SEQRA Classification: Unlisted

Determination of Significance Appendix

The Proposed Action(s) were determined to have the potential to result in changes to development on the following site(s):

Development Site	Borough	Block and Lot
Projected Development Site 1	QN	Block 701, Lots 5, 6, 8, 9, 108

(E) Designation Requirements

To ensure that the proposed actions would not result in significant adverse impacts related to hazardous materials and noise an (E) designation (**E-578**) would be established as part of approval of the proposed actions on **Projected Development Site 1** as described below:

Development Site	Hazardous Materials	Air Quality	Noise
Projected Development Site 1	X		X

Hazardous Materials

The (E) designation requirements applicable to **Projected Development Site 1** for hazardous materials would apply as follows:

Task 1-Sampling Protocol

The applicant submits to OER, for review and approval, a Phase I of the site along with a soil, groundwater and soil vapor testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented. If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of samples should be selected to adequately characterize the site, specific sources of suspected contamination (i.e., petroleum based contamination and non-petroleum based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2-Remediation Determination and Protocol

A written report with findings and a summary of the data must he submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

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

A construction-related health and safety plan should be submitted to OER and would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil, groundwater and/or soil vapor. This plan would be submitted to OER prior to implementation.

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Noise

The (E) designation requirements for noise would apply as follows:

> **Projected Development Site 1:** To ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed-window condition with a minimum of 28 dBA window/wall attenuation on all facades in order to maintain an interior noise level not greater than 45 dBA for residential uses or not greater than 50 dBA for commercial uses. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.