CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

NEGATIVE DECLARATION

March 4. 2013

Project Identification
CEQR No. 11DCP069Q
ULURP No. 110178ZMQ
SEQRA Classification: Unlisted

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

Name, Description and Location of Proposal:

23rd Street Rezoning

The applicant, T.F. Cusanelli Architects P.C., is seeking a zoning map amendment to rezone a portion of Tax Block 555 (Lots 1, 36, 38, 40, 42 and a portion of lot 5) from an R5 district to an R5/C1-4 district by extending an adjacent C1-4 commercial overlay. The proposed action would legalize a 3-story building located on lot 36, which does not comply with side yard requirements under the existing R5 zoning district. The affected area is generally bounded by Broadway, 23rd Street, 33rd Avenue, and 21st Street in the Astoria neighborhood of Queens in Community District 1.

The rezoning area is comprised of 6 contiguous tax lots, containing a row of 5 attached 3-story residential buildings. The four buildings on lots 1, 42, 40 and 38 are complete and occupied, and a certificate of occupancy for the ground floor development is listed for medical office, however ground floor is currently residential. The northernmost building at 32-12 23rd Street, on tax lot 36, is unoccupied. The existing R5 district allows a maximum residential Floor Area Ratio ("FAR") of 1.25 and a maximum community facility FAR of 2.0. As built, the developed lots within the rezoning area have an average FAR of approximately 1.55.

The Applicant proposes to extend an existing C1-4 commercial overlay to 33rd Avenue, at a depth of 100 feet. No side yards are required within this zoning district. Under the proposed action, the buildings would comply with zoning and the Department of Buildings (DOB) would be able to issue a certificate of occupancy for the vacant building.

Absent the proposed action, the applicant would demolish and remove the non-compliant building on tax lot 36. The proposed project is expected to be completed in 2014.

To avoid the potential for significant adverse impacts related to hazardous materials, an (E) designation has been incorporated into the proposed action, as described below.

The proposed action includes an (E) designation on the project site (Block 555, Lot 36) in order to preclude future hazardous materials impacts, which could occur as a result of the proposed action. The (E) designation number is E-300.

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

> **To preclude the potential for significant adverse impacts, we understand that an (E) designation will be placed on Block 555, Lot 36 of the Project Site. Pursuant to ZR Section 11-15 (Environmental Requirements), prior to any DOB permit or action being filed for, including the application for and acceptance of a permanent certificate of occupancy in connection with the existing building on Block 555, Lot 36 that will be legalized as a result of the proposed action, the Department of Buildings shall be furnished with a notice issued by OER stating that OER does not object to the issuance of such building permit or temporary or permanent certification of occupancy.**
>
> **The fee owner of Block 555, Block 36 must submit to OER for review and approval, a Phase 1 of Block 555, Lot 36 along with a soil and groundwater 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 sample sites should be selected to adequately characterize the site, the specific source 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.**
>
> **A written report with findings and a summary of the data must be 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 the 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.**

With these provisions in place, no significant adverse impacts due to hazardous materials are expected as the result of the proposed action.

Statement of No Significant Effect:

The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement, dated March 1, 2013, prepared in connection with the ULURP Application (No. 110178ZMQ). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

Supporting Statement:

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

1. The (E) designation for hazardous materials would ensure that the proposed action would not result in significant adverse impacts

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

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

Should you have any questions pertaining to this Negative Declaration, you may contact Ingrid Young at (212) 720-3425.

Celeste Evans

Date: March 1, 2013

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

Date: March 4, 2013

Amanda M. Burden, FAICP, Chair
City Planning Commission