

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. The proposed actions are a Zoning Map Amendment to rezone the project area (Queens, Block 595, Lots 19, 26 and 27 and a portion of Lot 10) from a C4-4A district to a C4-4D 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 project area includes approximately 15,825 square feet and comprises the northern portion of Queens Block 595 with frontage along 30th Street, Newtown Avenue, and 31st Street. The proposed actions would facilitate the development of a mixed use building containing approximately 102 residential units (up to 31 of which would be affordable pursuant to MIH), 8,400 gross square feet (gsf) of ground floor retail space, and approximately 5,696 gsf of community facility on the ground floor to be occupied by the Astoria Performing Arts Committee for a 99-seat black box theatre along with office space. Zoning controls would also be modified on a portion of Lot 10 within the project area but given the small area affected by the proposed actions, Lot 10 is not expected to be redeveloped as a result of the proposed actions. The proposed actions are anticipated to introduce new commercial, community facility and residential uses to the project area that would be compatible with surrounding land uses, given the existing character of Newtown Avenue and the surrounding area, a mixed-use neighborhood developed with mid- to high-density buildings. Therefore, the change in land use and zoning would not constitute a significant adverse impact.

Open Space
 A detailed analysis related to open space is included in the EAS. According to the 2014 CEQR Technical manual, a significant adverse open space impact may occur if a proposed action would reduce the open space ratio by more than five percent in areas that are currently below the City's median community district open space ratio of 1.5 acres per 1,000 residents. The proposed actions would introduce approximately 239 new residents and 24 workers to the proposed rezoning area. The population introduced by the proposed actions would result in a 0.46 percent decrease in the study area's open space ratio, less than the 2014 CEQR Technical Manual impact threshold of one percent for areas considered under-served by open space. Therefore, the proposed actions would not result in significant adverse impacts to open space.

Shadows
 A detailed analysis related to shadows is included in the EAS. According to the 2014 CEQR Technical Manual, an adverse shadow impact is considered to occur when the shadow from a proposed project falls upon a publicly accessible open space, a historic landscape, or other resource if the features that make the resource significant depend on sunlight, or if the shadow falls on an important natural feature and adversely affects its uses or threatens the survival of important vegetation. The proposed actions would result in a new 145-foot tall building that would introduce incremental shadows to a nearby open space resource, Athens Square. Incremental shadows would occur on three of the four analysis days during the early morning hours and would not extend past 10am. Incremental shadows would be limited to the eastern portion of the park. Athens Square would continue to receive adequate sunlight during the morning, afternoon and evening hours and would not affect vegetation or usability of the park. Therefore, the proposed actions would not result in significant adverse impacts related to shadows.

Hazardous Materials, Air Quality, and Noise
 An (E) designation (E-593) related to hazardous materials, air quality, 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. This (E) designation supersedes the (E) designation (E-245) established as part of the Astoria Rezoning (CEQR No. 10DCP019Q). The hazardous materials, air quality, and noise analyses conclude that with the (E) designation in place, the proposed actions would not result in a significant adverse impact related to hazardous materials, air quality, or 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 Stephanie Shellooe at 212-720-3328.

TITLE Deputy Director, Environmental Assessment and Review Division	LEAD AGENCY Department of City Planning on behalf of the City Planning Commission 120 Broadway, 31 st Fl. New York, NY 10271 212.720.3328
NAME Stephanie Shellooe, AICP	DATE December 11, 2020
SIGNATURE 	

Project Name: 30-02 Newtown Ave Rezoning

CEQR # 20DCP090Q

SEQRA Classification: Unlisted

TITLE Chair, City Planning Commission	
NAME Marisa Lago	DATE December 14, 2020
SIGNATURE	

Project Name: 30-02 Newtown Ave Rezoning

CEQR # 20DCP090Q

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	Queens	Block 595, Lots 19, 26 and 27

(E) Designation Requirements

To ensure that the proposed actions would not result in significant adverse impacts related to hazardous materials, air quality, and noise an (E) designation (**E-593**) would be established as part of approval of the proposed actions on **Projected Development Site 1** as described below. This (E) designation supersedes the (E) designation (E-245) established as part of the Astoria Rezoning (CEQR No. 10DCP019Q).

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

Project Name: 30-02 Newtown Ave Rezoning

CEQR # 20DCP090Q

SEQRA Classification: Unlisted

Air Quality

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

Projected Development Site 1: *Any new residential or community facility development and/or enlargement on the above-referenced property must ensure that the heating, ventilation, and air conditioning (HVAC) systems and hot water equipment stack is located at the highest tier or at least 118 feet above grade to avoid any potential significant adverse air quality impacts.*

Noise

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

Projected Development Site 1: *To ensure an acceptable interior noise environment, future residential/community facility uses must provide a closed-window condition with a minimum of 40 dBA window/wall attenuation on the facades facing 31st Street and the facades facing 30th Avenue within 100 feet of 31st Street and the facades facing Newtown Avenue within 50 feet of 31st Street and 31 dBA of attenuation of the facades facing Newtown Avenue beyond 50 feet of 31st Street and 28 dBA of attenuation of the facades facing 30th Street and the facades facing 30th Avenue beyond 100 feet of 31st Street to maintain an interior noise level not greater than 45 dBA for residential and community facility uses as illustrated in the EAS. 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.*