E-319

CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

August 19, 2013

NEGATIVE DECLARATION

Project Identification
CEQR No. 07DCP024Q
ULURP No. 070194ZMQ & 090033MMQ
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:

North Conduit Rezoning
The applicant, Tserpes Holding, LLC., proposes zoning and city map amendments to rezone an area located on the eastern portion of the block bounded by North Conduit Avenue, 135th Avenue and 142nd Street, extinguish an existing grading easement, and demap an unimproved portion of North Conduit Avenue in the Ozone Park neighborhood of Queens, Community District 12. The proposed actions would rezone Lots 2 and 6 and a portion of North Conduit Avenue at southwest corner of Block 12095 from R3-2 and R3A to C4-2. Additionally, the proposed city map changes consists of extinguishing a temporary easement on the northerly side of North Conduit Avenue between 140th and 142nd Streets and eliminating from the city map an unimproved section of North Conduit Avenue occupying a portion of the southwesterly corner of Block 12095.

The proposed actions would facilitate a proposal by the applicant to develop a 138,384 square foot (s.f.), 13-story, 344 room hotel building with 96 accessory parking spaces (21 on-grade and 75 in the cellar level).

The temporary easement was created for the purpose of constructing slopes and embankments for the Nassau Expressway that has long been completed. Extinguishment of the easement would allow the applicant to site portions of the proposed building within the easement area. The demapping of North Conduit Avenue would allow the applicant to acquire this street-area and integrate it into the overall hotel plan for the purpose of generating floor area for the hotel. A portion of tax lot 6 will be taken pursuant to a street widening action (C 110388 MMQ) that was approved by the City Planning Commission in October 2012.

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The rezoning area is currently occupied by 40,702 s.f. of vacant land and is zoned R3-2 and R3A, which permit Use Groups 1-4. R3-2 districts permit a variety of housing types and R3A districts permit only one- and two-family detached residences. Both R3-2 and R3A districts allow a maximum residential FAR of 0.6, which includes a 0.1 attic allowance, and community facility uses at a maximum FAR of 1.0.

The proposed C4-2 district permits up to 3.4 FAR for commercial development (Use Groups 5, 6, 8-10 and 12). Residential development is permitted at an R6 equivalent, allowing up to 2.43 FAR, or 3.9 FAR for nonprofit housing for the elderly, or 3.0 FAR on a wide street using the optional Quality Housing Program (QH Program). Community facility development is permitted at 4.8 FAR. C4-2 districts have no fixed height limits and building envelopes are governed by the sky exposure plane, except when under Quality Housing provisions where buildings are limited to 55 feet and 70 feet on narrow and wide streets, respectively.

Absent the proposed action, the applicant has stated that site would be developed with an approximately 25,000 square feet community facility building with 83 at-grade accessory parking spaces. The proposed project is expected to be completed by 2015.

The proposed action includes an (E) designation on the project site (Block 12095, Lots 2 and 6) in order to preclude future noise impacts, which could occur as a result of the proposed action. The (E) designation number is E-319.

There are two levels of required noise attenuation depending upon the ambient noise levels, 28 dBA and 31 dBA.

The text of the (E) designation for facades requiring 28 dBA would be as follows:

> **In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 28 dB(A) window/wall attenuation in all façades in order to maintain an interior noise level of 45 dB(A). In order to maintain a closed window condition, an alternate means of ventilation that brings outside air into the building without degrading the acoustical performance of the building must also be provided. Alternate means of ventilation include, but are not limited to, central air conditioning. The specific attenuation requirements to be implemented for the specified facades are provided in the North Conduit Rezoning EAS, Table 12 (CEQR No. 07DCP024Q), August 2013.**

For facades requiring 31 dBA noise attenuation, the following (E) designation noise text would apply:

> **In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 31 dB(A) window/wall attenuation in all façades in order to maintain an interior**

noise level of 45 dB(A). In order to maintain a closed window condition, an alternate means of ventilation that brings outside air into the building without degrading the acoustical performance of the building must also be provided. Alternate means of ventilation include, but are not limited to, central air conditioning. The specific attenuation requirements to be implemented for the specified facades are provided in the North Conduit Rezoning EAS, Table 12 (CEQR No. 07DCP024Q), August 2013.

With the placement of the (E) designation, no significant noise impacts would be 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 August 15, 2013, prepared in connection with the ULURP Application (Nos. 070194ZMQ & 090033MMQ). 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 noise 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 Jonathan Keller at (212) 720-3419.

Celeste Evans

Date: August 16, 2013

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

Date: August 19, 2013

Amanda M. Burden, FAICP, Chair
City Planning Commission