NEGATIVE DECLARATION (Use of this form is optional)

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 project. Based on a review of information about the project contained in this environmental assessment statement and any attachments hereto, which are incorporated by reference herein, the lead agency has determined that the proposed project 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 that finds the proposed project and related actions sought before the City Planning Commission would have no significant effect on the quality of the environment. Reasons supporting this Determination are noted below.

Open Space: A detailed analysis of open space is included in this EAS. The detailed open space analysis concludes that no direct or indirect impacts on the quality or quantity of open space available to residents and workers in the area would occur. The Proposed Actions would reduce the open space ratio by a maximum of 1.72 percent, which is below the CEQR Technical Manual threshold of a 5 percent reduction in the open space ratio to constitute a significant adverse impact. The Proposed Actions include a disposition of several City-owned lots, one of which contains a NYC Parks GreenThumb community garden, as well as an acquisition of an applicant-owned site that would be transferred to the jurisdiction of the NYC Department of Parks and Recreation. The acquired site would serve to replace the community garden and increase the amount of publicly accessible open space in the study area by approximately 3,500 square feet (sf). The Proposed Actions would not result in any significant adverse impacts on open space resources.

Shadows: A detailed analysis of shadows is included in this EAS. The detailed shadow analysis finds that incremental shadow would fall on five sunlight-sensitive open space resources and one sunlight-sensitive feature of a historic resource: Betsy Head Park, Betsy Head Park Pool, Betsy Head Play Center, Thomas S Boyland Community Garden, Newport Gardens, and P.S. 125 Playground (see Table F-1 on page F-5 in the EAS). The incremental shadows cast on Betsy Head Park as a result of the project would cover 10-25% of the playground, park and pool, and would range from approximately 10 to 60 minutes. The incremental shadows cast on Thomas S Boyland Community Garden would last for a maximum of approximately three hours on the longest day of the year, before 9:00 a.m., at about a maximum of 50% of the area. The incremental shadows cast on Newport Gardens would last for approximately 60 minutes on the longest day of the year, in the late afternoon at about a maximum of 50% of the area. The incremental shadows cast on the P.S. 125 Playground would last for approximately 60 minutes on the shortest day of the year, in the early afternoon at about a maximum of 50% of the area. No other open space, historic, or other resources would be affected by shadows from the proposed project. The Proposed Actions would not result in any significant shadows impacts.

Hazardous Materials, Air Quality and Noise: An (E) designation for Hazardous Materials, Air Quality and Noise has been incorporated into the proposed actions. Refer to "Appendix 1: (E) Designation" for a list of the sites affected by the proposed (E) designation and applicable (E) designation requirements. With these measures in place, the proposed actions would not result in significant adverse impacts to Hazardous Materials, Air Quality or Noise.

Urban Design and Visual Resources: The EAS contains a detailed analysis of urban design and visual resources. It concludes that the proposed actions would not result in any significant impacts to the urban design, view corridors or visual resources in the vicinity of the project area. The Proposed Actions would would result in a planned development that is consistent with the height and scale of existing and planned developments in the study area, and its mix of residential, local retail, and community facility uses would be consistent with existing land use trends. There are no visual resources or unique view corridors in the area. The Proposed Actions would therefore not result in significant adverse impacts on urban design and visual resources.

Transportation: A detailed analysis of traffic and pedestrian impacts is included in this EAS. The traffic analysis concludes that the 2024 With Action traffic values would continue to operate at favorable Level of Service (LOS) B service levels at all three peak hours. The pedestrian analysis concludes that the sidewalk and corner analysis locations would continue to operate at favorable Level of Service (LOS) A or B service levels in the 2024 With-Action condition during all three peak hours. No impacts would occur for transit, vehicular or pedestrian safety, or parking. Therefore, the Proposed Actions would not result in any significant adverse transportation impacts.

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).

TITLE	LEAD AGENCY
Deputy Director, Environmental Assessment and Review Division	Department of City Planning, acting on behalf of the City Planning Commission
NAME: Olga Abinader	DATE: 6/22/2018
SIGNATURE: Olga Abinader	

TITLE	
Chair, Department of City Planning	
NAME: Marisa Lago	DATE: 6/25/2018
SIGNATURE: Marisa Lago	

Appendix 1: (E) Designations

Hazardous Materials

To ensure that the proposed actions would not result in significant adverse hazardous materials impacts, an E designation (E-485) will be incorporated as described below.

The E designation requirements related to hazardous materials would apply to the following sites, shown in Table I-1 below:

Table I-1
(E) Designation Mapping

Site	Block	Lot	(E)-Designation
A	3589	21	E-485
B	3574	1	E-485
C	3588	27, 32, 33, 34, 35, 36	E-485
D	3573	1	E-485
E	3587	1, 27	E-485
F	3602	12	E-485
G	3560	1	E-485

The text of the (E) Designation would be the following:

Task 1—Sampling Protocol

The applicant submits to OER, for review and approval, a Phase I ESA of the site 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.

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 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.

For the City-owned acquisition site, similar requirements to those associated with the (E) Designation, would be required through a Land Disposition Agreement (LDA) or similar binding documents between the City of New York and prospective developers.

Air Quality

To ensure that the proposed actions would not result in significant adverse air quality impacts, an E designation (E-485) will be placed on the following sites:

Building A (Block 3589, Lot 21)

Any fossil fuel-fired heating and hot water equipment in any new development on the above-referenced property must use only natural gas and be fitted with low NOx burners with NOx emissions not to exceed 30 parts per million (ppm). Fossil fuel-fired heating and hot water exhaust stacks must be located at a height of 98 feet above local grade and a distance of at least 30 feet from the western lot line facing Chester Street.

Building B (Block 3574, Lot 1)

Any fossil fuel-fired heating and hot water equipment in any new development on the above-referenced property must use only natural gas and be fitted with low NOx burners with NOx emissions not to exceed 30 ppm. Fossil fuel-fired heating and hot water exhaust stack(s) must be located at a height of 98 feet above local grade and at a distance of at least 24 feet from the eastern lot line facing Chester Street, 40 feet from the western lot line facing Bristol Street, and 50 feet from the southern lot line facing Livonia Avenue.

Building C (Block 3588, Lots 27, 32, 33, 34, 35, and 36)

Any fossil fuel-fired heating and hot water equipment in any new development on the above-referenced property must use only natural gas and be fitted with low NOx burners with NOx emissions height of 98 feet above local grade and a distance of at least 30 feet away from the eastern lot line facing Chester Street, 41 feet from the western lot line facing Bristol Street, and 37 feet from the northern lot line facing Livonia Avenue.

Building D (Block 3573, Lot 1)

Any fossil fuel-fired heating and hot water equipment in any new development on the above-referenced property must use only natural gas and be fitted with low NOx burners with NOx emissions not to exceed 30 ppm. Fossil fuel-fired heating and hot water exhaust stacks must be located at a height of 98 feet above local grade and a distance of at least 33 feet away from the eastern lot line facing Bristol Street and 25 feet away from the southern lot line facing Livonia Avenue.

Building E (Block 3587, Lots 1 and 27)

Any fossil fuel-fired heating and hot water equipment in any new development on the above-referenced property must use only natural gas and be fitted with low NOx burners with NOx emissions not to exceed 30 ppm. Fossil fuel-fired heating and hot water exhaust stacks must be located at a height of 98 feet above local grade and at a distance of at least 37 feet away from the eastern lot line facing Bristol Street and 33 feet away from the northern lot line facing Livonia Avenue.

Building F (Block 3602, Lot 12)

Any fossil fuel-fired heating and hot water equipment in any new development on the above-referenced property must use only natural gas and be fitted with low NOx burners with NOx emissions not to exceed 30 ppm, with exhaust stacks located at a height of 103 feet above local grade.

Building G (Block 3560, Lot 1)

Any fossil fuel-fired heating and hot water equipment in any new development on the above-referenced property must use only natural gas and be fitted with low NOx burners with NOx emissions not to exceed 30 ppm, with exhaust stacks located at a height of 103 feet above local grade.

Noise

To ensure that the proposed action would not result in significant adverse noise impacts, an E designation (E-485) will be incorporated as described below.

The text for the (E) Designation would be as follows:

To ensure an acceptable interior noise environment, the Project Sites building façade(s) must provide minimum composite building façade attenuation as shown in Table M-8 of the Marcus Garvey Extension EAS in order to ensure an interior L10 noise level not greater than 45 dBA for residential and community facility uses or not greater than 50 dBA for commercial uses. To maintain a closed-window condition in these areas, an alternate means of ventilation that brings outside air into the buildings without degrading the acoustical performance of the building façade(s) must also be provided. The specific attenuation requirements for each of the Project Sites are shown below in Table M-8:

Table M-8

Required Attenuation at Project Sites (in dBA)

Project Site	Façade(s)	Elevation	Representative Receptor Site	Maximum Predicted L_{eq} Value	Maximum Predicted L_{10} Value	Minimum Required Attenuation[1,2]
A (Block 3589, Lot 21)	North[3,4]	Below Elevated Subway	3	79.0	77.4	35
	East/South/West		5	71.4	74.1	31
	All	Above Elevated Subway	9	75.8	76.6	33
B (Block 3574, Lot 1)	North	All	5	71.4	74.1	31
	East	Below Elevated Subway	5	71.4	74.1	31
	South[3,4]		3	79.0	77.4	35
	East/South[3]	Above Elevated Subway	9	75.8	76.6	33
	West	All	8	70.6	73.0	28
C (Block 3568, Lots 27, 32, 33, 34, 35, and 36)	North[3,4]	Below Elevated Subway	3	79.0	77.4	35
	East		5	71.4	74.1	31
	North/East[3]	Above Elevated Subway	9	75.8	76.6	33
	South	All	5	71.4	74.1	31
	West	All	8	70.6	73.0	28
D (Block 3573, Lot 1)	North/West[4]	All	4	73.7	72.6	31
	East	All	8	70.6	73.0	28
	South[3,4]	Below Elevated Subway	3	79.0	77.4	35
		Above Elevated Subway	9	75.8	76.6	33
E (Block 3587, Lots 1 and 27)	North[3,4]	Below Elevated Subway	3	79.0	77.4	35
		Above Elevated Subway	9	75.8	76.6	33
	East	All	8	70.6	73.0	28
	South/West[4]	All	4	73.7	72.6	31
F (Block 2602, Lot 12)	North	All	6	65.5	66.7	N/A
	East/South/West	All	7	64.9	66.6	N/A
G (Block 3560, Lot 1)	North/West[4]	All	1	74.8	66.8	31
	East/South	All	2	65.5	69.0	N/A

Notes:

[1] Attenuation values are shown for residential and community facility uses; commercial uses would require 5 dBA less attenuation.

[2] "N/A" indicates that the L_{10} value is less than 70 dBA. The CEQR Technical Manual does not address noise levels this low, therefore there is no minimum attenuation guidance.

[3] Attenuation requirements on these façades would wrap around on the east and west façades for the first 50 feet.

[4] Due to site-specific circumstances at certain locations, the required attenuation values are conservatively based on the values shown.