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 (EAS) 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 finds the proposed 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.

Hazardous Materials and Air Quality

An (E) designation (E-561) for hazardous materials and air quality has been incorporated into the proposed actions. Refer to "Determination of Significance Appendix: (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 or air quality.

Land Use, Zoning, and Public Policy

The EAS includes a detailed analysis of Land Use, Zoning, and Public Policy and determined that no significant adverse impacts would occur. A significant adverse impact would occur if a proposed action would generate a land use incompatible with the surrounding area. The proposed actions include a zoning map amendment to rezone Block 3603, Lots 1, 7, 10, 19, 42, 45, 49, 53, and part of Lot 25 (the "Rezoning Area") in Brooklyn, Community District 16, from an existing M1-1 zoning district to an MX district (M1-4/R6A and M1-4/R7A equivalent districts). The zoning text amendments would establish the Rezoning Area as a Mandatory Inclusionary Housing Area in Appendix F of the Zoning Resolution (ZR), create a new MX zoning district, allow the floor area ratios set forth in ZR Section 23-154 to apply to residential uses, and modify the use regulations in the proposed MX district. The surrounding area contains a mix of residential, community facility, commercial, and manufacturing uses. The proposed actions would not introduce new land uses to the Rezoning Area or surrounding area, but would allow these uses to exist in a combination not permitted as-of-right. The proposed actions would facilitate the applicant's proposed project which includes approximately 124 affordable dwelling units, 62 supportive housing single-occupancy units, 3,040 gross square feet (gsf) of ground-floor community facility space, approximately 39,000 gsf of ground-floor light manufacturing space. The zoning text amendment would allow light manufacturing uses within the proposed project upon the submission to the Department of Buildings of a restrictive declaration requiring the use of building design measures approved by the Department of Environmental Protection. As such, the proposed actions would not introduce a new land use, nor affect the existing mixed-use character of the area, which represent the thresholds of impact significance in the CEQR Technical Manual (TM). Furthermore, the proposed actions would have no adverse effect on zoning or public policy.

Community Facilities

The EAS includes a detailed analysis of publicly funded child care facilities. The proposed actions would facilitate the development of 147 affordable dwelling units, which would generate approximately 26 additional children under the age of six who would be eligible for publicly funded child care programs. The CEQR TM indicates that if the utilization rate exceeds 100 percent, and is reduced by over 5 percent, a significant adverse impact may be identified. A detailed analysis showed that, as a result of the Proposed Actions, child care facilities in the study area would operate at 106.6 percent utilization, with a deficit of 197 slots, which represents an increase in the child care facility utilization rate by 0.87 percentage points over the No Action condition. Although the utilization rate exceeds 100 percent in the With Action condition, the change in utilization rate would be less than 5 percentage points; therefore, the proposed actions would not result in a significant adverse impact on the utilization of child care facilities.

Shadows

The EAS includes a detailed shadows analysis, which focuses on incremental shadows cast on two sunlight-sensitive resources; Newport Community Garden and Newport Playground. The CEQR TM states that a significant adverse shadow impact could occur on a sunlight sensitive resource if that resource would receive less than four to six hours of direct sunlight per day during the growing season. The CEQR TM also states that the features of a natural resource indicate its sensitivity to shadows. The detailed analysis shows that incremental shadow would

increase shadow duration on Newport Community Garden and Newport Playground. All of Newport Community Garden, excluding the northeast corner, would receive at least 6.5 hours of direct sunlight per day throughout the growing season and no area would receive less than 4 hours of direct sunlight per day. With the proposed project, the majority of garden area would not experience a substantial reduction in direct sunlight and would support the same variety of plant life as in the existing condition. Within the growing season, almost all areas of Newport Playground affected by new shadow would continue to receive at least 6 hours of direct sunlight per day, a quantity sufficient to support the park's trees and a variety of other plant life, and would not reduce its usability. As such, the proposed actions would not result in a significant adverse shadows impact to nearby sunlight sensitive resources, and no further analysis is warranted.

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 Rachel Antelmi at (212) 720-3621.

TITLE	**LEAD AGENCY**
Director, Environmental Assessment and Review Division	Department of City Planning, acting on behalf of the City Planning Commission 120 Broadway, 31st Fl. New York, NY 10271 | (212) 720-3493
NAME Olga Abinader	**DATE** January 31, 2020
SIGNATURE	
TITLE Chair, City Planning Commission	
NAME Marisa Lago	**DATE** February 3, 2020
SIGNATURE	

Project Name: 803 Rockaway Avenue Rezoning
CEQR #: 19DCP220K
SEQRA Classification: Type I

Determination of Significance Appendix: (E) Designation (E-561)

Hazardous Materials

To ensure that there would be no significant adverse hazardous materials impacts associated with the proposed project, an E designation (E-561) will be placed on the project site as follows:

BLOCK 3603 LOT 19 (PROJECTED DEVELOPMENT SITE B)
BLOCK 3603, LOT 42 (PROJECTED DEVELOPMENT SITE C)

Task 1 - Sampling Protocol

The applicant submits to OER, for review and approval, a Phase 1A 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. An OER-approved construction-related health and safety plan would be implemented during evacuation and construction and activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This plan would be submitted to OER for review and approval prior to implementation.

Air Quality

To ensure that there would be no significant adverse hazardous materials impacts associated with the proposed project, an E designation (E-561) will be placed on the project site as follows:

BLOCK 3603, LOTS 1, 10, 45, 49, AND 53 (PROJECTED DEVELOPMENT SITE A)

Thatford Avenue Tower

Any new development on the Thatford Avenue Tower must utilize only natural gas in any fossil fuel-fired heating and hot water equipment, be fitted with low NOx (30 ppm) burners, have heating and hot water exhaust stacks located at least 85 feet above grade, no more than 78 feet from the lot line facing Newport Street, and no more than 46 feet from the lot line facing Thatford Avenue, to avoid potential significant air quality impacts.

Paint Spray Booth Make-Up Air Unit
Any new development on the Thatford Avenue Tower must utilize only natural gas in any fossil fuel-fired paint spray booth make-up unit, the exhaust must be located at least 78 feet above grade, and no more than 132 feet from the lot line facing Newport Street, to avoid potential significant air quality impacts.

Rockaway Avenue Tower
Any new development on the Rockaway Avenue Tower must utilize only natural gas in any fossil fuel-fired heating and hot water equipment, and have heating and hot water exhaust stacks located at least 95 feet above grade, and no more than 41 feet from the lot line facing Newport Street, to avoid potential significant air quality impacts.

BLOCK 3603 LOT 19 (PROJECTED DEVELOPMENT SITE B)
Any new development on Site B must utilize only natural gas in any fossil fuel-fired heating and hot water equipment, be fitted with low NOx (30 ppm) burners, and have heating and hot water exhaust stacks located at least 98 feet above grade, to avoid any potential significant air quality impacts.

BLOCK 3603, LOT 42 (PROJECTED DEVELOPMENT SITE C)
Any new development or enlargement on the above-referenced property must utilize only natural gas in any fossil fuel-fired heating and hot water equipment, be fitted with low NOx (30 ppm) burners, and ensure that heating and hot water exhaust stack(s) are located at least 88 feet above grade. Heating and hot water exhaust stack(s) must be located at least 60 feet from the lot line facing Rockaway Avenue, to avoid any potential significant air quality impacts.