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 finds that 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.

1. Hazardous Materials, Air Quality, and Noise

An (E) designation (E-534) for hazardous materials, air quality, and noise has been incorporated into the proposed actions. Refer to Appendix 1:(E) Designation", attached to this Determination of Significance, for a list of sites affected by the (E) designation and applicable (E) designation requirements. The analyses conducted for hazardous materials, air quality, and noise conclude that with the (E) Designation requirements in place, the proposed actions would not result in significant adverse impacts to hazardous materials, air quality, or noise.

2. Land Use, Zoning and Public Policy

The EAS includes a Land Use, Zoning and Public Policy section. The proposed rezoning from R4-1 to R4-1/C2-3 district would legalize existing, non-conforming commercial uses on all or part of four properties (Block 16125, Lots 22, part of lots 23, 24, and 64) in the rezoning area by facilitating commercial uses. The existing affected area currently permits residential and community facility uses but prohibits commercial and manufacturing uses. This EAS also includes a consistency assessment with the Waterfront Revitalization Program (WRP #16-102). The analysis concludes that no significant adverse impacts related to Land Use, Zoning and Public Policy would result from the proposed actions.

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
Acting Director, Environmental Assessment and Review Division	Department of City Planning, acting on behalf of the City Planning Commission
NAME	DATE
Olga Abinader	5/3/2019
SIGNATURE	

TITLE	
Chair, Department of City Planning	
NAME	DATE
Marisa Lago	5/6/2019
SIGNATURE	

Determination of Significance Appendix: (E) Designation

An (E) Designation **(E-534)** related to hazardous materials, air quality and noise will be assigned to Projected Development Site 1 (Block 16125, Lots 24 & 64) and Projected Site 2 (Block 16125, Lot 23) in order to preclude significant adverse impacts, as noted below.

Hazardous Materials:

The (E) Designation requirements for hazardous materials are 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 he 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.

Air Quality:

The (E) Designation requirements for air quality are as follows:

Block 16125, Lot 23, 24, 64 (Projected Development Sites 1&2)
Any new commercial development on the above-referenced property must ensure that the HVAC stack(s) is located at the building's highest level and at least 33 feet above the grade to avoid any potential significant adverse air quality impacts.

Noise:

The (E) Designation requirements for noise are as follows:

Block 16125, Lots 23, 24 and 64 (Projected Development Sites 1 & 2)
To ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed-window condition with a minimum of 33 dBA window/wall attenuation on western façade facing Beach 92nd Street or facades within 50 feet from Beach 92nd Street facing Rockaway Freeway or Beach Channel Drive and 31 dBA of attenuation on all other facades to ensure an interior noise level not greater than 45 dBA for residential and hotel uses and not greater than 50 dBA for commercial uses. 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, central air conditioning.