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 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, Air Quality, and Noise
An (E) designation (E-479) for Hazardous Materials, Air Quality and Noise 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, Air Quality or Noise.

Land Use, Zoning and Public Policy
This EAS includes a detailed Land Use, Zoning and Public Policy section, which analyzes the potential significance of the proposed map and text amendments on land use, zoning and public policy in the study area. The proposed actions would rezone the affected area from M1-2 zoning district to an R7A/C2-4 zoning district. The analysis concludes that the proposed actions would not result in significant adverse impacts on Land Use, Zoning or Public Policy.

Open Space
This EAS includes a detailed Open Space section, which analyzes the potential significance of the proposed map and text amendments on open space resources in the study area. The proposed action would potentially add up to approximately 212 residents and approximately 36 employees to the neighborhood. The analysis concludes that the proposed actions would not result in significant adverse impacts on Open Space resources.

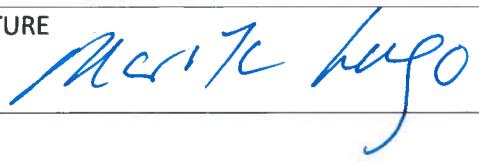
Shadows
This EAS includes a detailed Shadows section, which analyzes the potential of the proposed map and text amendments to create significant shadow impacts on Heffernan Triangle, a public plaza controlled by the NYC Department of Parks and Recreation located near the Project Site. The analysis concludes that the proposed actions would not result in significant adverse Shadow impacts.

Urban Design and Visual Resources
This EAS includes a detailed Urban Design and Visual Resources section. This section analyzes whether the proposed actions, which would facilitate a new mixed-use residential and commercial retail building on the Project Site, would have the potential to affect urban design and visual resources in the study area. The analysis concludes that the proposed actions would not result in significant adverse impacts related to Urban Design or Visual Resources.

Transportation
This EAS includes a detailed Transportation section. This section analyzed whether the proposed actions would have the potential to affect transportation networks in the study area. The analysis concludes that the proposed actions would not result in significant adverse impacts related to Transportation.

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
NAME	DATE
Olga Abinader	5/4//2018
SIGNATURE	

TITLE Chair, City Planning Commission	
NAME Marisa Lago	DATE 5/7/2018
SIGNATURE 	

Project Name: 3901 Ninth Avenue Rezoning
CEQR #: 18DCP107K
SEQRA Classification: Unlisted

Determination of Significance Appendix: (E) Designation (E-479)

To ensure that there would be no significant adverse hazardous materials, air quality or noise impacts associated with the proposed project, an (E) designation (E-479) will be placed on the project sites as follows:

The E designation requirements related to hazardous materials, air quality, and noise would apply to:

Projected Site 1:
Block 5583, Lot 6

Projected Site 2
Block 5583, Lots 12, 13, and 15

Projected Site 3
Block 5583, Lots 16 and 17

Hazardous Materials

Task 1
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
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.

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Air Quality

Any new development on the above-referenced properties must ensure that the HVAC stack is located at a height at least 98 feet above grade to avoid any potential significant adverse air quality impacts.

Noise

In order to ensure an acceptable interior noise environment, future residential/ commercial uses on the above-referenced properties must provide a closed window condition with minimum attenuation of 31 dB(A) window/wall attenuation on all facades 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 must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning.