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.

1. **Land Use, Zoning, and Public Policy**- This section concludes the Proposed Actions would not result in significant adverse impacts related to land use, zoning, and public policy. While the Proposed Actions would replace two warehouses and three single-family dwellings with multi-story mixed-use apartment buildings, the Proposed Actions would be in compliance with City policies to encourage the development of new housing, including affordable housing. Regarding zoning, the analysis concludes the Proposed Actions would not present impacts related to the mapping of R4, R4/C2-3, R6A, and R6A/C2-3 districts as these districts would allow for several nonconforming and/or noncomplying properties within the Project Area to be brought into conformance and/or compliance with the Zoning Resolution.

2. **Open Space**- This analysis concludes the Proposed Actions would not result in significant adverse impacts related to open space. While in the future with the Proposed Actions, there would be a below average amount of open space (0.359 acres per 1,000 residents), the open space ratio would not decrease substantially relative to the No-Action condition (0.363 acres per 1,000 residents), a decrease of 1.1%, below the 5% *CEQR Technical Manual* threshold for declaring significant adverse impacts to open space. Additionally, private open space would be provided within the Proposed Development, which would serve to meet at least a portion of the open space needs of the project-generated population.

3. **Urban Design and Visual Resources**- A detailed analysis pertaining to urban design and visual resources is included in this EAS. The analysis notes that while the Proposed Actions would facilitate denser development by replacing two warehouses and three single-family dwellings with multi-story mixed-use apartment buildings, the Proposed Actions would activate the streetscape by allowing ground floor retail in the Project Area. The analysis concludes there would be no significant adverse impacts with respect to urban design and visual resources.

4. **Hazardous Materials, Air Quality**- A detailed analysis of the potential for the Proposed Actions to result in significant adverse impacts related to hazardous materials, air quality, and noise was included in this EAS. To ensure that the Proposed Actions would not result in significant adverse impacts, an (E) Designation (E-549) would be established on the development sites as part of the approval of the Proposed Actions. Refer to "Determination of Significance Appendix: (E) Designation" for the applicable requirements. The analyses conclude that with the (E) Designation requirements in place, the Proposed Actions would not result in significant adverse 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
Director, Environmental Assessment and Review Division	Department of City Planning, acting on behalf of the City Planning Commission
NAME	DATE
Olga Abinader	8/23/2019
SIGNATURE	

TITLE	
Chair, Department of City Planning	
NAME	DATE
Marisa Lago	8/26/2019
SIGNATURE	

Determination of Significance Appendix: (E) Designation

To ensure that the Proposed Action would not result in significant adverse impacts, an (E) Designation (E-549) will be placed on Projected Development Sites 1 and 2 (Block 769, Lots 25, 42, 36 and 38) as described below.

Air Quality

The following (E) designation (E-549) air quality text will apply to Block 769, Lots 25, 42, 36 and 38:

Block 769, Lot 25 (Projected Development Site 1, Building A): Any new residential and/or commercial development or enlargement on the above-referenced property must ensure that the heating, ventilating, air conditioning (HVAC) and hot water equipment exhaust stack(s) are located at the highest tier and at least 89' - 6" above the grade, and at least 40 feet from the lot line facing 45 Street, to avoid any potential significant adverse air quality impacts.

Block 769, Lot 42 (Projected Development Site 1, Building B): Any new residential and/or commercial development or enlargement on the above-referenced property must ensure that the heating, ventilating, air conditioning (HVAC) and hot water equipment exhaust stack(s) are located at the highest tier and at least 89' – 6" above the grade, and at least 40 feet from the lot line facing 46 Street, to avoid any potential significant adverse air quality impacts.

Block 769, Lots 36 and 38 (Projected Development Site 3): Any new residential and/or commercial development or enlargement on the above-referenced property must ensure that the heating, ventilating, air conditioning (HVAC) and hot water equipment exhaust stack(s) are located at the highest tier and at least 38 feet above the grade, and at least 35 feet from the lot line facing Ditmars Boulevard, to avoid any potential significant adverse air quality impacts.

Hazardous Materials

The following (E) designation (E-549) hazardous materials text will apply to Block 769, Lots 36 and 38:

Task 1-Sampling Protocol

The fee owners of the lots restricted by this (E) designation will be required to prepare a scope of work for any soil, gas, or groundwater sampling and testing needed to determine if contamination exists, the extent of the contamination, and to what extent remediation may be required. The scope of work will include all relevant supporting documentation, including site plans and sampling locations. This scope of work will be submitted to the Mayor's Office of Environmental Remediation (OER) for review and approval prior to implementation. It will be reviewed to ensure that an adequate number of samples will be collected and that appropriate parameters are selected for laboratory analysis.

No sampling program may begin until written approval of a work plan and sampling protocol is received from the OER. The number and location of sample sites should be selected to adequately

characterize the type and extent of the contamination, and the condition of the remainder of the site. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of the sampling data. Guidelines and criteria for choosing sampling sites and performing sampling will be 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 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.