NEGATIVE DECLARATION

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-518) 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

The EAS includes a detailed Land Use, Zoning and Public Policy section. The analysis concludes that the proposed actions would not result in significant adverse impacts related to land use, zoning, or public policy. The proposed actions would facilitate the development of both market rate and affordable residential units, in addition to community facility and commercial space on land that is currently underutilized. The proposed R6B, R7X, and R7X/C1-3 zoning would allow bulk and uses similar to the surrounding R6, R7A, and C1-3 and C2-3 commercial overlay zoning districts. As such, the proposed actions would not generate new land uses that would be incompatible with existing land uses within the study area. The proposed actions affect an area within the boundaries of the City's Waterfront Revitalization Program. An analysis was conducted (WRP Number: WRP#14-006) that determined that the proposed actions comply with New York State's approved Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program. The analysis concludes that no significant adverse impacts related to Land Use, Zoning and Public Policy would result from the proposed actions.

Community Facilities

A detailed analysis of Community Facilities and Services was conducted for Public Schools and no significant adverse impacts are expected as a result of the proposed actions.

Public Schools

Pursuant to CEQR Technical Manual methodology, a significant impact on schools may occur if the collective utilization rate of the elementary and/or intermediate schools in the sub-district area that is equal to or greater than 100 percent in the With-Action condition, and if the proposed project results in an increase of five percent or more in the collective utilization rate between the No-Action and the With-Action conditions. The analysis concludes that with the proposed actions, the collective utilization rate for both elementary and intermediate schools would be above 100 percent, however, the proposed actions would result in a one percent increase in utilization from the no-action condition for primary schools and a 0.3 percent increase in utilization from the no-action condition for intermediate schools. Therefore, pursuant to the CEQR Technical Manual methodology, the proposed actions would not result in significant adverse impacts related to public schools.

Shadows

This EAS conducted a detailed Shadows analysis which found that incremental shadows would be cast on two publicly accessible sunlight-sensitive open space resources and one private open space resource associated with the Noguchi Museum. The shadows cast on these sunlight-sensitive resources as a result of the proposed actions would not be significant enough in size or duration to effect public utilization of the open spaces or the growth of vegetation. As such, the proposed actions would not affect the vitality or usage of the sunlight-sensitive resources identified in the study area, and significant adverse impacts from shadows would not result from the proposed actions.

TITLE	LEAD AGENCY
Acting Director, Environmental Assessment and Review Division	Department of City Planning, acting on behalf of the City Planning Commission
NAME Olga Abinader	DATE 4/19/2019
SIGNATURE Olga Abinader	

TITLE	
Chair, City Planning Commission	
NAME Marisa Lago	DATE 4/22/2019
SIGNATURE Marisa Lago	

Project Name: Vernon Boulevard Broadway Rezoning
CEQR #: 12DCP139Q
SEQRA Classification: Unlisted

Determination of Significance Appendix: (E) Designation (E-518)

Hazardous Materials

To ensure that there would be no significant adverse hazardous materials impacts associated with the proposed project, an E designation (E-518) will be placed on the project site as follows:

Block 315, Lot 1:

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.

Project Name: Vernon Boulevard Broadway Rezoning
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Air Quality

To ensure that there would be no significant adverse hazardous materials impacts associated with the proposed project, an E designation (E-531) will be placed on the project site as follows:

Block 315, Lot 1 (Building A):
Any new residential or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC) and hot water equipment and ensure that the HVAC and hot water equipment stack is located at the building's highest level and at least 58 feet above the grade, and is no more than 70 feet from the lot line facing 33rd Road to avoid any potential significant adverse air quality impact.

Block 315, Lot 1 (Building B):
Any new residential or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC) and hot water equipment and ensure that the HVAC and hot water equipment stack is located at the building's highest level and at least 98 feet above the grade, and is no more than 200 feet from the lot line facing 33rd Road to avoid any potential significant adverse air quality impact.

Noise

To ensure that there would be no significant adverse hazardous materials impacts associated with the proposed project, an E designation (E-518) will be placed on the project site as follows:

Block 315, Lot 1 (Proposed Building A):
To ensure an acceptable interior noise environment, future residential/commercial/community facility uses must provide a closed-window condition with a minimum of 28 dBA window/wall attenuation on facades facing 33rd Road to ensure an interior noise level not greater than 45 dBA for residential and community facility uses or not greater than 50 dBA for commercial uses. 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, air conditioning.

Block 315, Lot 1 (Proposed Building B):
To ensure an acceptable interior noise environment, future residential/commercial/community facility uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation on facades facing 10th Street to ensure an interior noise level not greater than 45 dBA for residential and community facility uses or not greater than 50 dBA for commercial uses. 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, air conditioning.

Block 315, Lot 1 (Proposed Building C):
To ensure an acceptable interior noise environment, future residential/commercial/community facility uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation on facades facing 10th Street and 28 dBA of attenuation on facades facing Vernon Boulevard or 11th Street to ensure an interior noise level not greater than 45 dBA for residential and community facility uses or not greater than 50 dBA for commercial uses. 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, air conditioning.