## 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 and Air Quality

An (E) designation (E-546) for hazardous materials and air quality has been incorporated into the proposed actions. Refer to Appendix 1: (E) Designation", attached to this Determination of Significance, for a list of sites affectedby the (E) designation and applicable (E) designation requirements. The analyses conducted for hazardous materials and air quality conclude that with the (E) Designation requirements in place, the proposed actions would not result in significant adverse impacts to hazardous materials or air quality.

2. Land Use, Zoning, and Public Policy

The EAS includes a Land Use, Zoning, and Public Policy section. The proposed rezoning from R3-A to R3-A/C1-2 district would legalize existing, non-conforming commercial uses on Block 4646, Lots 8 and 11 and allow for a change in use on Block 4646, Lots 12 and 14 by facilitating commercial uses. The existing affected area currently permits residential and community facility uses but prohibits commercial uses. The analysis concludes that no significant adverse impacts related to Land Use, Zoning, and Public Policy would result from the proposed actions.

3. Shadows

The EAS includes a Tier 3 Shadows Analysis. The analysis showed that projected development within the Affected Area would reach an approximately 9 square foot area of McKee Triangle for approximately 2 minutes on December 21st. Due to the small area of this open space resource that would be affected and the short duration of the new shadow outside of the growing season, it is concluded that the Proposed Action would not result in any significant adverse shadows impacts to open space resources.

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

An (E) Designation **(E-546)** related to hazardous materials and air quality will be assigned to Projected Development Site 1 (Block 4646, Lot 8 (hazardous materials only)) and Projected Development Sites 2, 3, and 4 (Block 4646, Lots 11, 12, and 14) 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 4646, Lot 11 (Projected Development Site 2):**
Any new residential/commercial development or enlargement on the above-referenced property must ensure that the HVAC stack is located at the highest tier or at least 23 feet above grade, and is at least 24 feet from the northern lot line facing 15th Avenue and at least 30 feet from the western lot line facing 147th Street to avoid any potential significant adverse air quality impacts.

**Block 4646, Lot 12 (Projected Development Site 3):**
Any new residential/commercial development or enlargement on the above-referenced property must ensure that the HVAC stack is located at the highest tier or at least 29 feet above grade to avoid any potential significant adverse air quality impacts.

**Block 4646, Lot 14 (Projected Development Site 4):**
Any new commercial development or enlargement on the above-referenced property must ensure that the HVAC stack is located at the highest tier or at least 31 feet above grade to avoid any potential significant adverse air quality impacts.