

Part III: DETERMINATION OF SIGNIFICANCE (To Be Completed by Lead Agency)

INSTRUCTIONS: In completing Part III, the lead agency should consult 6 NYCRR 617.7 and 43 RCNY § 6-06 (Executive Order 91 or 1977, as amended), which contain the State and City criteria for determining significance.

1. For each of the impact categories listed below, consider whether the project may have a significant adverse effect on the environment, taking into account its (a) location; (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude.	Potentially Significant Adverse Impact	
	YES	NO
IMPACT CATEGORY		
Land Use, Zoning, and Public Policy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Socioeconomic Conditions	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Community Facilities and Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Open Space	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Shadows	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Historic and Cultural Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Urban Design/Visual Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Natural Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hazardous Materials	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Water and Sewer Infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Solid Waste and Sanitation Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Energy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Transportation	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Air Quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Greenhouse Gas Emissions	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Noise	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Public Health	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Neighborhood Character	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Construction	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2. Are there any aspects of the project relevant to the determination of whether the project may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials?

If there are such impacts, attach an explanation stating whether, as a result of them, the project may have a significant impact on the environment.

3. Check determination to be issued by the lead agency:

Positive Declaration: If the lead agency has determined that the project may have a significant impact on the environment, and if a Conditional Negative Declaration is not appropriate, then the lead agency issues a *Positive Declaration* and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).

Conditional Negative Declaration: A *Conditional Negative Declaration* (CND) may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result. The CND is prepared as a separate document and is subject to the requirements of 6 NYCRR Part 617.

Negative Declaration: If the lead agency has determined that the project would not result in potentially significant adverse environmental impacts, then the lead agency issues a *Negative Declaration*. The *Negative Declaration* may be prepared as a separate document (see [template](#)) or using the embedded Negative Declaration on the next page.

4. LEAD AGENCY'S CERTIFICATION

TITLE Acting Director, Environmental Assessment and Review Division	LEAD AGENCY Department of City Planning, acting on behalf of the City Planning Commission
NAME Olga Abinader	DATE 3/22/2019
SIGNATURE 	

REVISED 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-529) 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 R5 to R5/C2-4 district would legalize existing, non-conforming commercial uses on Lots 54 and Lot 1 in the rezoning area by facilitating commercial uses. The existing affected area is developed with predominantly low-density residential uses with two-story row homes, detached and semi-detached homes and mixed-use buildings with residential and commercial uses. The analysis concludes that no significant adverse impacts related to Land Use, Zoning and Public Policy would result from the proposed actions.

<p>No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Revised Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA).</p>	
<p>TITLE Acting Director, Environmental Assessment and Review Division</p>	<p>LEAD AGENCY Department of City Planning, acting on behalf of the City Planning Commission</p>
<p>NAME Olga Abinader</p>	<p>DATE 3/22/2019</p>
<p>SIGNATURE </p>	

<p>TITLE Chair, Department of City Planning</p>	
<p>NAME Marisa Lago</p>	<p>DATE 3/22/2019</p>
<p>SIGNATURE</p>	

*Following certification of this proposal on March 11, 2019 and issuance of the original EAS dated March 8, 2019 and Negative Declaration dated March 11, 2019, the original EAS has been revised to reflect a correction relating to the allowable use groups (Use Groups 6, 7, 8, 9 & 14) within Lot 1(Projected Development Site 2) in the future with the proposed actions. This Revised Negative Declaration supersedes the Negative Declaration issued on March 11, 2019 and reflects the Revised EAS dated March 22, 2019, which assesses this correction. This correction would not alter the conclusions of the original EAS, which found no significant adverse impacts.

Determination of Significance Appendix: (E) Designation

An (E) Designation (**E-529**) related to hazardous materials, air quality and noise will be assigned to Projected Development Site 1 (Block 4151, Lot 54) and Projected Site 2 (Block 4151, Lot 1) 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 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.

Air Quality:

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

Block 4151, Lots 54 (Projected Development Site 1):

Any new commercial development on the above-referenced property must ensure that the stack is located at the building's highest tier and at a minimum of 33 feet above the grade to avoid any potential significant adverse air quality impacts.

Block 4151, Lots 1 (Projected Development Site 2):

Any new commercial development on the above-referenced property must ensure that the stack is located at the building's highest tier and at a minimum of 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 4151, Lot 54 (Projected Development Site 1):

In order to ensure an acceptable interior noise environment, future commercial uses must provide a closed-window condition with a minimum of 23 dBA window/wall attenuation on all building's facades in order to maintain an interior noise level of 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 4151, Lot 1 (Projected Development Site 2):

In order to ensure an acceptable interior noise environment, future commercial uses must provide a closed-window condition with a minimum of 23 dBA window/wall attenuation on all building's facades in order to maintain an interior noise level of 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.