

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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Check determination to be issued by the lead agency:		
<input type="checkbox"/> 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 <i>Positive Declaration</i> and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).		
<input type="checkbox"/> Conditional Negative Declaration: A <i>Conditional Negative Declaration</i> (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.		
<input checked="" type="checkbox"/> 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 <i>Negative Declaration</i> . The <i>Negative Declaration</i> may be prepared as a separate document (see template) or using the embedded <i>Negative Declaration</i> 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 February 8, 2019	
SIGNATURE 		

NEGATIVE DECLARATION (Use of this form is optional)

Statement of No Significant Effect

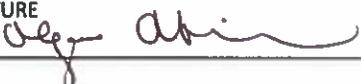
Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York and 6 NYCRR, Part 617, State Environmental Quality Review, assumed the role of lead agency for the environmental review 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 the 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.

Noise
 1. An (E) designation (E-522) for Noise has been incorporated into the proposed actions. Refer to "Determination of Significance Appendix: (E) Designation" for a list of sites affected by the (E) designation and applicable (E) designation requirements. The analyses conducted for air quality conclude that with the (E) Designation requirements in place, the proposed actions would not result in significant adverse impacts related to noise.

Hazardous Materials
 1. An (E) designation (E-522) for hazardous materials has been incorporated into the proposed actions. Refer to "Determination of Significance Appendix: (E) Designation" for a list of sites affected by the (E) designation and applicable (E) designation requirements. The review conducted for hazardous materials concludes that with the (E) Designation requirements in place, the proposed actions would not result in significant adverse impacts related to hazardous materials.

TITLE Acting Director, Environmental Assessment and Review Division	LEAD AGENCY Department of City Planning
NAME Olga Abinader	DATE February 8, 2019
SIGNATURE 	

TITLE Chair, Department of City Planning	
NAME Marisa Lago	DATE February 11, 2019
SIGNATURE	

Project Name: 76th Drive and Austin Street Rezoning
CEQR #: 19DCP023Q
SEQRA Classification: Unlisted

Appendix 4: (E) Designation

To ensure that there would be no significant adverse hazardous materials impacts associated with the proposed project, an E designation (E-522) for hazardous materials and noise will be placed on the project sites.

The E-designation requirements related to noise and hazardous materials would apply to:

Projected Development Site 1:

Block 3342 Lot 1

Block 3342 Lot 61

Hazardous Materials

To ensure that there would be no significant adverse noise impacts associated with the proposed project, an E designation (E-522) will be placed on the Projected Development Site 1 (Block 3342 Lots 1 and 61) as follows:

An (E) Designation for hazardous materials would be placed on the proposed development site (Block 3342, Lots 1 and 61) to ensure requirements pertaining hazardous materials are addressed during future redevelopment, which would impose pre- and post -construction requirements overseen by the New York City Office of Environmental Remediation (OER).

A Remedial Investigation (RI) would be conducted for the proposed development site that included the collection of soil, groundwater, and soil vapor samples with laboratory analysis for a full suite of analytical parameters. Prior to such testing, an RI Work Plan and Health and Safety Plan (HASP) for the investigation would be submitted to OER for review and approval. Based on the results of the RI, a Remedial Action Work Plan (RAWP) and associated Construction Health and Safety Plan (CHASP) would be prepared for implementation during the subsurface disturbance associated with the Proposed Project. The RAWP and CHASP would address requirements for items such as: petroleum tank removal, dust control, and contingency measures should unforeseen petroleum tanks or soil contamination is encountered. The RAWP would also include any necessary requirements for vapor controls should the RI reveal the potential for soil vapor intrusion. The RAWP and CHASP would be subject to OER approval and, following construction, occupancy permits could only be issued once OER received documentation that the RAWP and CHASP were properly implemented.

Applicable regulatory requirements would be followed at the development site and the projected and potential development sites with oversight from OER, e.g., properly disposing of any excess soil; reporting to New York State Department of Environmental

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Conservation (NYSDEC) any signs of a petroleum spill (removing and registering encountered tanks); and following applicable DEP requirements should dewatering be required. Demolition would be conducted in compliance with applicable regulatory requirements, e.g., for ACM, LBP, etc.

The (E) Designation program is administered by OER. Approval of a hazardous materials remedy by OER is required prior to the granting of building permits by the Department of Buildings. The text of the (E) Designation for hazardous materials is as follows:

- Task 1:
The applicant submits to OER, for review and approval, a Phase 1 ESA for the Project Site along with a soil, soil gas 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.
- 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. All demolition or rehabilitation would be conducted in accordance with applicable requirements for disturbance, handling and disposal of suspect lead-paint and asbestos-containing materials. In addition to the requirements for lead-based paint and asbestos, requirements (including those of NYSDEC) should petroleum tanks and/or spills be identified and for off-site disposal of soil/fill would need to be followed.

Noise

To preclude the potential for significant adverse impacts related to noise, an (E) designation would be incorporated into the rezoning proposal for Block 3342, Lots 1 and 61. E-522 has been assigned to this project. The text for the E-designation is as follows:

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Block 3342, Lots 1 and 61 (Projected Development Site 1): In order to ensure an acceptable interior noise environment, future community facility uses must provide a closed-window condition with a minimum of 28 dBA window/wall attenuation on all building's facades in order to maintain an interior noise level of 45 dBA. 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 or air conditioning sleeves containing air conditioners.