

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 and Air Quality

1. An (E) designation (E-521) for hazardous materials and air quality has been incorporated into the proposed action. 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 action would not result in significant adverse impacts to hazardous materials or air quality.

Prior Actions

2. As part of a prior minor modification proposal affecting Block 1929, Lots 57, 17 and 29, within the Ennis Francis Large Scale Residential Development (LSRD), an Environmental Assessment Statement (EAS) and Conditional Negative Declaration (CND) were issued (CEQR number 10DCP028M) in September 2010. The 2010 CND accounted for a Restrictive Declaration related to hazardous materials and archaeological resources affecting development in the LSRD. The hazardous materials and archaeological resources concerns have been resolved as they pertain to Lots 17 and 29, and development has occurred within the LSRD. As noted below under "Historic and Cultural Resources," the Applicant agrees to record and execute a new Restrictive Declaration to address the remaining archaeological concerns affecting Lot 57. As noted above, an (E) designation for hazardous materials has been incorporated into the proposal affecting Lot 57. The proposed action is not anticipated to affect the conclusions of the prior environmental review.

Historic and Cultural Resources

3. The proposed action is classified as a Type I pursuant to SEQRA as the development site is substantially contiguous to Hotel Theresa, a designated individual landmark building.

Architectural Resources

The proposed action would not result in any types of visual or contextual impacts to the known historic resources within the study area. As all of the new buildings that could be developed under the proposed action would be residential, commercial, or community facility structures of heights and bulk consistent with those urban design features of the area, the proposed action would not introduce any incompatible visual, audible, or atmospheric elements to the settings of historic resources.

Archaeological Resources

In a letter dated November 14, 2017, the NYC Landmarks Preservation Commission (LPC) determined that there is a reasonable likelihood, based on the sites' location and characteristics, that it contains significant archaeological resources. As part of the Proposed Project, the Applicant will enter into a Restrictive Declaration agreeing to conduct archaeological identification, investigation, and mitigation in accordance with the CEQR Technical Manual and NYC LPC guidelines for archaeological work in New York City.

The Restrictive Declaration is binding on the Applicant, and the property's successors and assigns and serves as a mechanism to assure the archaeological testing be conducted and that any necessary mitigation measures be undertaken prior to any site disturbance (i.e., site grading, excavation, demolition, or building construction). The Restrictive Declaration will be prepared in a form acceptable to LPC and recorded with the City's Department of Finance at a future date. Consequently, no significant adverse impact to archaeological resources are expected to result from the proposed action.

Land Use, Zoning and Public Policy

4. This EAS includes a detailed Land Use, Zoning and Public Policy section, which analyzes the potential significance of the proposed minor modification to the existing LSRD on land use, zoning and public policy in the study area. The proposed action would allow development in accordance with the adjusted zoning districts underlying the LSRD area to facilitate the development of two new contiguous buildings. The development site is located entirely within an R8 zoning district and will develop in accordance with R8 as of right regulations. In regard to public policy, the proposed action is found to be consistent with the intent of the Harlem East Harlem Urban Renewal Plan, as well as consistent with the City's policies to provide new affordable housing opportunities in areas where residents would have access to economic opportunity, social services, and local commercial services. The analysis concludes that the proposed actions would not result in significant adverse impacts on land use, zoning or public policy.

Shadows

5. This EAS includes a detailed Shadows analysis. This analysis concludes that incremental shadows would be cast on the Adam Clayton Powell Jr. Boulevard Malls and the Harriet Tubman Memorial; neither of which contain any active or passive resources, and therefore, any incremental shadows would not impact the Open Space Utilization of these resources. The analysis concludes that the proposed actions would not result in significant adverse impacts related to urban design or visual resources. The shadows cast on Harriet Tubman Memorial would not reach vegetation. The Adam Clayton Powell Jr. Boulevard Malls area that is covered in shadow by the proposed buildings is a median directly across from existing 11- and 12-story buildings. The intervening shadow cast by the proposed buildings affects a small portion of the southern tip of the median. Further, the shadows cast on Adam Clayton Powell Jr. Boulevard Malls on March 21st, May 6th and June 21st occur in the evening hours for 13 minutes on March 21st, 2 hours and 8 minutes on May 6th and 2 hours and 42 minutes on June 21st—lengths of time that would not reduce direct sunlight exposure to less than the minimum time necessary for the survival of the street trees that are affected during growing season. As such, the proposed action 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 action.

Community Facilities and Services

6. 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 action.

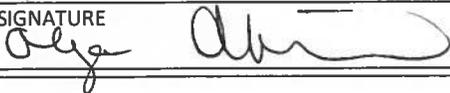
Public Schools

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 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 action, the collective utilization rate for both elementary and intermediate schools would be below 100 percent. Further, the proposed action would result in a one percent increase in utilization from the no-action condition for primary schools and zero percent increase in utilization from the no-action condition for intermediate schools. Therefore, pursuant to the CEQR Technical Manual methodology, the proposed action would not result in significant adverse impacts related to public schools.

Transportation

7. The EAS includes a detailed transportation analysis for vehicle, transit, and pedestrian trips generated by the proposed action. The proposed action would not result in an increase of 50 or more vehicular-trip ends either cumulatively, or individually, to any one intersection within the study area. Therefore, the proposed action would not result in significant adverse impacts related to traffic, parking or circulation. The proposed action would not lead to an increase of 200 or more subway or bus trips to any one transit line, stop, station, or platform. Therefore, the proposed action would not lead to any significant adverse subway or bus impacts related to circulation or capacity. The results of the pedestrian LOS analyses indicate that no significant adverse pedestrian impacts are projected to occur at any of the crosswalks, street corners, or sidewalks as a result of the proposed action.

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 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 1/25/2018	
SIGNATURE 			
TITLE Chair, City Planning Commission			
NAME Marisa Lago		DATE 1/28/2018	
SIGNATURE			

Project Name: Ennis Francis Houses LSRD
CEQR #: 19DCP041M
SEQRA Classification: Type I

Determination of Significance Appendix: (E) Designation (E-521)

To ensure that there would be no significant adverse hazardous materials or air quality impacts associated with the proposed project, an (E) designation (E-521) will be placed on the project site (Block 1929, Lot 57).

Hazardous Materials

Task 1

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

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.

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Air Quality

Scenario 1, The Reasonable Worst Case Development:

(Block 1929, Lot 57): 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) systems and hot water systems, ensure that the stack(s) is located at the highest tier and at least 213 feet above grade to avoid any potential significant air quality impacts.

Scenario 2, Proposed Development:

Building A (Block 1929, Lot 57): 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) systems and hot water systems, ensure that the stack(s) is located at the highest tier and at least 192 feet above grade, and at least 393 feet from the lot line facing Fredrick Douglass Boulevard to avoid any potential significant air quality impacts.

Building B (Block 1929, Lot 57): 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) systems and hot water systems, ensure that the stack(s) is located at the highest tier and at least 209 feet above grade to avoid any potential significant air quality impacts.