

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 that finds 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. Land Use, Zoning, and Public Policy:** A Land Use, Zoning and Public Policy analysis is included in this EAS. The Proposed Action involves a Zoning Text Amendment to Section 43-121 of the Zoning Resolution concerning the expansion of existing manufacturing buildings. Currently, Section 43-121 permits manufacturing buildings that were in existence prior to December 15, 1961 to expand by up to 150 percent of the original built floor area. The Proposed Action would extend these provisions to all buildings developed for a manufacturing use prior to December 31, 1965. The analysis concludes that the Proposed Action would facilitate a development consistent in use with the existing land uses in the surrounding area. It further concludes that the Proposed Action would not have a significant impact pertaining to Zoning. Finally, the analysis concludes the Proposed Action would not adversely impact any applicable Public Policy and is consistent with the New York City Waterfront Revitalization Program.
- 2. Shadows:** A Shadows analysis is included in this EAS. The Shadows analysis states that the Proposed Action would result in an increase in building height adjacent to a sunlight-sensitive resource (Dutch Kills). The analysis reveals that the incremental shadow cast on Dutch Kills would occur for 20 minutes during the end of the May 6/August 6 Analysis Day. The analysis concludes that the incremental shadow would not result in significant adverse impacts on any sunlight-sensitive resource.
- 3. Urban Design and Visual Resources:** An Urban Design and Visual Resources analysis is included in this EAS. The analysis concludes that the Proposed Action would not block any views to the Dutch Kills visual resource, and no significant adverse impacts related to urban design or visual resources would result from the Proposed Action.
- 4. Hazardous Materials and Noise:** An (E) Designation (E-520) for hazardous materials and noise has been incorporated into the Proposed Action. Refer to "Appendix 1: (E) Designation," attached to this Determination of Significance, for the applicable (E) designation requirements. The analyses conducted for Hazardous Materials and Noise conclude that with the (E) designation requirements in place, the Proposed Action would not result in significant adverse impacts pertaining to hazardous materials or noise.

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 January 25, 2019
SIGNATURE 	

TITLE Chair, City Planning Commission	
NAME Marisa Lago	DATE January 28, 2019
SIGNATURE	

Appendix 1: (E) Designations

To ensure that there would be no significant adverse noise impacts associated with the proposed project, an (E) designation (E-520) will be placed on the project site as follows:

The (E) designation requirements would apply to:

Projected Development Site 1: Block 115, Lot 1

The (E) designation text is as follows:

Hazardous Materials

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.

Noise

Block 115, Lot 1 (Projected Development Site 1): To ensure an acceptable interior noise environment, future commercial uses must provide a closed-window condition with a minimum of 28 dB(A) window/wall attenuation on all building's facades 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.