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 actions. Based on a review of information about the project contained in this environmental assessment statement (EAS) and any attachments hereto, which are incorporated by reference herein, the lead agency has determined that the proposed actions 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 not have a significant adverse impact on the environment. Reasons supporting this determination are noted below.

Land Use, Zoning, and Public Policy

A detailed analysis of land use, zoning, and public policy is included in the EAS. The proposed actions affecting Block 3043, Lots 46, 72, 77, and 80 in the Tremont neighborhood of Bronx Community District 6 include a zoning map amendment to rezone the project area from C4-5X, R6A, and M1-4/R7A to a C4-4D district, and a zoning text amendment to Zoning Resolution (ZR) Appendix F to designate a new Mandatory Inclusionary Housing (MIH) area coterminous with the rezoning area. The Project Area is bound by a line 195 feet south of and parallel to East 178th Street, Bathgate Avenue to the west, East Tremont Avenue to the south, and Third Avenue to the east. The Proposed Actions would facilitate the development of a 14-story (140-foot tall) mixed-use building, including 178,475 gross square feet (gsf) of residential uses, 12,817 gsf of commercial uses, and 10,696 gsf of community facility uses. The proposed development would include 205 dwelling units (DUs), of which 25-30% (51-60 units) would be permanently affordable pursuant to MIH. The applicant intends to provide 204 affordable units and one superintendent's unit on Block 3043, Lots 46, 72, 77, 80 (the "Projected Development Site 1"). Two non-Applicant-owned sites, Lots 43 and 84, are also identified as Projected Development Site 2 and would be assumed to redeveloped as a 57,328 gsf building with 51,925 gsf of residential area, 5,702 gsf or local retail area, and 61 DUs, of which 25-30% (15-18 units) would be affordable. The proposed actions could create additional zoning capacity in the area, but would not result in land uses or structures incompatible with the underlying zoning in the surrounding area and proposed uses would be consistent with those already present in the surrounding area. The proposed actions would not constitute a significant adverse impact to land use, zoning and public policy.

Community Facilities

A detailed analysis related to Early Childhood Programs is included in the EAS. A significant adverse impact related to Early Childhood Programs may result if the proposed actions would result in a collective utilization rate of the Early Childhood Programs in the study area that is greater than 100% in the With-Action Scenario; and an increase of five percent or more in the collective utilization rate of the Early Childhood Programs in the study are between the No-Action and With-Action Scenarios. With the Proposed Actions, the Early Childhood Program study area would experience a utilization rate of 54.9 percent, an increase of 0.9 percentage points over No-Action conditions. As such, the Proposed Actions would not result in significant adverse impacts on publicly funded child care facilities.

Open Space

A detailed analysis related to Open Space is included in the EAS. The proposed actions would not result in any direct significant adverse impacts on any open space resources. Indirect effects occur when a proposed action would add enough population to noticeably diminish the ability of an open space to serve the existing or future population. The proposed actions would result in a net increase of approximately 225 new residents. As a result of the proposed actions, the open space ratios for total, passive, and active open space would remain below the City's optimal open space ratio guidance for project areas with open space ratios below the CEQR Technical Manual. Total open space ratios ranging between 0.51 to 1.0 acres per 1,000 residents could tolerate a two percent change; active open space ratios ranging between 0.01 to 0.40 acres per 1,000 residents could tolerate a one percent change, and; passive open space ratios ranging between 0.21 to 0.30 acres per 1,000 residents could tolerate a three percent change. The future No-Action to With-Action ratios would not decrease by more than one percent compared to No-Action conditions (0.58, 0.5166, and 0.6651 percent, respectively), which would not exceed the percent changes outlined in the CEQR Technical Manual. The EAS also considers qualitative factors and also identifies several factors that will offset existing and projected demand for open space. These factors include the good condition and low use levels of study area open spaces, that the population to be generated by the Proposed Actions is not expected to place heavy demand on facilities, and that significant open spaces (ranging from 38 to 127 acres) are located within a half-mile of the study area boundaries. Additionally, project-generated open space includes two rooftop terrace spaces (approximately 3,127 gsf of combined passive space) for building tenants, which would alleviate the demand for open space generated by the project. With consideration of both quantitative and qualitative assessments, the proposed actions would not result in a significant adverse impact to open space and no further analysis is required.

Shadows

A detailed analysis related to Shadows is included in the EAS. The analysis found that incremental shadows from the development facilitated by the proposed actions would be cast on two sunlight sensitive resources: El Batey De Doña Provi Garden and Walter Gladwin Park. New incremental shadows would be cast on El Batey De Doña Provi Garden on the March 21/September 21 analysis day for 11 minutes and on the December 21 analysis day for four hours and seven minutes. New incremental shadows at Walter Gladwin Park would be cast on the June 21 analysis day for 1 minute. The extent and duration of the incremental shadows would not significantly reduce or completely eliminate direct sunlight exposure on any of the sunlight-sensitive features found within both open spaces and would not significantly alter the public's use of the open space resources or threaten the viability of vegetation or other sunlight-sensitive features. Incremental shadows generated by the proposed actions would not result in a significant adverse impact and no further analysis is needed.

Urban Design and Visual Resources

A detailed analysis related to Urban Design and Visual Resources is included in the EAS. The proposed actions would result in physical changes in the project area beyond the bulk and form currently permitted as-of-right including two new buildings that the analysis finds would comply with the proposed zoning's contextual height and setback regulations, and would not affect street patterns, hierarchy or block forms. While the urban design character and the pedestrian experience in the study area would change as a result of the proposed actions, these changes would not meet the CEQR Technical Manual thresholds for significant adverse urban design impacts nor

Project Name: 521 East Tremont Avenue Rezoning
CEQR # 22DCP123X
SEQRA Classification: Type I

would it alter the arrangement, appearance, or functionality of the project area such that the alternation would negatively affect a pedestrian's experience of the area. The With-Action condition would introduce continuous streetwalls along East Tremont, Third, and Bathgate Avenues that would be consistent with surrounding developments, and the one visual resource in the project area, Walter Gladwin Park, would not be obstructed by the proposed actions. The proposed actions would not result in any significant adverse impacts to urban design and visual resources, and no further analysis is needed.

Hazardous Materials and Noise
An (E) designation (E-687) related to hazardous materials and noise would be established as part of the approval of the proposed actions. Refer to "Determination of Significance Appendix: (E) designation" for the applicable (E) designation requirements. The hazardous materials and noise analyses conclude that with the (E) designation in place, the proposed actions would not result in a significant adverse impact related 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). Should you have any questions pertaining to this Negative Declaration, you may contact Jameson Mitchell at +1 212-720-3422.

TITLE Director, Environmental Assessment and Review Division	LEAD AGENCY Department of City Planning on behalf of the City Planning Commission 120 Broadway, 31st Fl. New York, NY 10271 | 212.720.3328
NAME Stephanie Shellooe	DATE September 16, 2022
SIGNATURE	
TITLE Chair, City Planning Commission	
NAME Daniel R. Garodnick	DATE September 19, 2022
SIGNATURE	

Project Name: 521 East Tremont Avenue Rezoning
CEQR # 22DCP123X
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Determination of Significance Appendix

The Proposed Action(s) were determined to have the potential to result in changes to development on the following site(s):

Development Site	Borough	Block and Lot
Projected Development Site 1	Bronx	Block 3043, Lots 46, 72, 77, and 80
Projected Development Site 2	Bronx	Block 3043, Lots 43 and 84

(E) Designation Requirements

To ensure that the proposed actions would not result in significant adverse impacts related to hazardous materials and noise an (E) designation (**E-687**) would be established as part of approval of the proposed actions on **Projected Development Sites 1 and 2** as described below:

Development Site	Hazardous Materials	Air Quality	Noise
Projected Development Site 1	X		X
Projected Development Site 2	X		X

Hazardous Materials

The (E) designation requirements applicable to **Projected Development Sites 1 and 2** for hazardous materials would apply 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.

Noise

The (E) Designation requirements for noise would apply as follows:

Projected Development Site 1: *To ensure an acceptable interior noise environment, future residential and community facility and/or commercial uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation on the facades facing East Tremont Avenue and Third Avenue to maintain an interior noise level not greater than 45 dBA for residential and community facility uses or not greater than 50 dBA for commercial office uses as illustrated in the EAS. 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.*

Projected Development Site 2: *To ensure an acceptable interior noise environment, future residential and/or commercial uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation on the facade facing East Tremont Avenue and the façade facing Bathgate Avenue within 50 feet of East Tremont Avenue to maintain an interior noise level not greater than 45 dBA for residential uses or not greater than 50 dBA for commercial office uses as illustrated in the EAS. 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.*