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 this EAS. The Applicant, Housing Options and Geriatric Association Resources (H.O.G.A.R. Incorporated), is seeking a Zoning Map Amendment to rezone Bronx Block 2620, Lots 47, 48, 49, 50, 52, and 56 from an R6 to R7-2 district (the "Rezoning Area"); a Zoning Text Amendment to establish a Mandatory Inclusionary Housing area, coterminous with the Rezoning Area, with MIH Options 1 and 2; a Zoning Special Permit pursuant to Section 74-903 of the Zoning Resolution to permit a maximum Floor Area Ration (FAR) of 6.5 for a Use Group 3 non-profit institution with sleeping accommodations; and a Publicly Accessible Area (PAA) in the form of a stairway that would provide pedestrian access between Eagle Avenue and East 161st Street, two streets at different grades, in accordance with a Restrictive Declaration (the "Proposed Actions") in the Morrisania neighborhood of Bronx Community District 3. The Proposed Actions would facilitate the development of a new 14-story, 140-foot-tall, 65,747 gross square feet (gsf) mixed-use building that would contain 83 dwelling units including 50 supportive housing units for individuals living with HIV/AIDS and 33 units of affordable housing on floors 1 through 11, and a subcellar located at grade along East 161st Street that would contain a lobby, counseling offices, and multipurpose rooms for the residents of the building (the "Proposed Project") on the applicant-owned Block 2620, Lots 49, 50, 52 and 56 (the "Projected Development Site 1"). For the purpose of conducting a conservative analysis, the EAS included a second development scenario consisting entirely of community facility uses. This second scenario considers an 11-story, 135-foot-tall, 64,210 gsf community facility building containing medical office and community center uses. A significant adverse impact would occur if a proposed action would generate land uses incompatible with the surrounding area. The Proposed Actions would result in a community facility building that is residential in nature or a community facility containing medical office and community center uses to serve the surrounding residential community. The Proposed Actions would not introduce a new land use to the surrounding area under either scenario. The Proposed Actions would establish a medium density residential district that would not be incompatible with the R6, R7-2, and R8 density zoning that is presently within the surrounding area. The Proposed Actions would allow for an increase in density relative to the No-Action scenario and would be consistent with public policies including the Housing New York 2.0 plan that seek to support the construction of residential units on vacant lots. The analyses conclude that no significant adverse impacts are anticipated for Land Use, Zoning, and Public Policy, and no further analysis is warranted.

Shadows

A detailed analysis related to Shadows is included in this EAS. For the purpose of a conservative CEQR analysis, the Shadows analysis was conducted based on the taller of the two development scenarios on Projected Development Site 1. The scenario measured is a 14-story, 140-foot-tall building with an additional 25-foot bulkhead. The analysis finds that incremental shadow resulting from the Proposed Project would potentially reach two sunlight-sensitive resources: the Captain Oliver Triangle and the Palmas Del Caribe Community Garden. The Captain Oliver Triangle does not contain any active or passive resources. Incremental shadows from the Proposed Project would be cast on the Captain Oliver Triangle for 15 minutes on the March 21st and September 21st analysis days, for 10 minutes on the June 21st analysis day, and for 56 minutes between 6:59 a.m. and 7:55 a.m. on the June 21st analysis day. Shadows from the Projected Development would be cast on a small portion of the southern end of the resource and would not result in a substantial reduction of available sunlight to the vegetation within the Captain Oliver Triangle, nor would shadows affect the viability or usability of this resource. The Palmas Del Caribe Community Garden would receive incremental shadow from the Proposed Project for 3 minutes between 6:27 a.m. and 6:30 a.m. on the May 6th and August 6th analysis days. Per the 2021 CEQR Technical Manual, a significant adverse shadow impact occurs when the incremental shadow added by a proposed project falls on a Sunlight-Sensitive Resource of Concern and substantially reduces or completely eliminates direct sunlight exposure, thereby significantly altering the public's use and enjoyment of the resource or threatening the viability of vegetation or other resources. While incremental shadows would reach the Captain Oliver Triangle, incremental shadows from the Proposed Project would be limited to a small segment of the resource for a limited duration on each analysis day and would not reduce the viability, usability, or the public's enjoyment of this resource, nor result in a substantial reduction in sunlight that is available to vegetation within the resource. Incremental shadows would be cast on the Palmas Del Caribe Community Garden for 3 minutes on the May 6th and August 6th analysis days and would not affect the viability or usage of this resource, nor would the incremental shadow affect the growing of food or vegetation within this resource. The Shadows assessment concludes that the Proposed Actions would not result in significant adverse shadows impacts, and no further analysis of Shadows is warranted.

Hazardous Materials and Air Quality

An (E) designation (E-667) related to Hazardous Materials and Air Quality 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 air quality analyses conclude that with the (E) designation in place, the Proposed Actions would not result in a significant adverse impact related to hazardous materials and air quality.

Project Name: 893 Eagle Avenue Rezoning
CEQR # 20DCP076X
SEQRA Classification: Unlisted

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 Sean J. O'Rourke at +1 212-720-3425.	
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NAME Evren Ulker-Kacar, AICP	DATE 2/10/2023
SIGNATURE Evren Ulker Kacar	
TITLE Chair, City Planning Commission	
NAME Daniel R. Garodnick	DATE 2/13/2023
SIGNATURE	

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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 2620, Lots 49, 50, 52, 56

(E) Designation Requirements

To ensure that the proposed actions would not result in significant adverse impacts related to hazardous materials, and air quality an (E) designation (**E-667**) would be established as part of approval of the proposed actions on **Projected Development Site 1** as described below:

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

Hazardous Materials

The (E) designation requirements applicable to Projected Development Site 1 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 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.

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Air Quality

The (E) designation requirements for air quality would apply as follows:

> Projected Development Site 1: Any new residential and/or community facility development on the above-referenced properties must ensure the heating, ventilating, and air conditioning (HVAC) systems and hot water equipment stack is located at least 138 feet above grade to avoid any potential significant adverse air quality impacts.