CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

October 16, 2017

# REVISED NEGATIVE DECLARATION[1]
## Supersedes the Negative Declaration Issued on June 5, 2017

**Project Identification**
CEQR No. 17DCP165X
ULURP Nos. C170445 ZMX, C170447 ZSX, N170446 ZRX
SEQRA Classification: Unlisted

**Lead Agency**
City Planning Commission
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New York, NY 10271
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**Name, Description and Location of Proposal:**

**1776 Eastchester Road Rezoning**
The Applicant, 1776 Eastchester Realty LLC, proposes a Zoning Map Amendment to the New York City Zoning Resolution (ZR), Section 4a, to rezone portions of a M1-1 district to C4-2 (Block 4226, Lot 7502), C4-2A (Block 4226, Lots 6, 7, 10, 11, 15, 30, 35, 506, 507, 508, 509, 510, and 511), and R5 (Block 4226, Lots 30 and 35) affecting a portion of Block 4226 located in the Morris Park neighborhood of the Bronx, Community District 11 (the "Rezoning Area"). The Rezoning Area is bounded by Marconi Street to the east, Bassett Avenue to the west, Eastchester Road and Waters Place to the south, and the northern boundary of Block 4226, Lot 7502 to the north. The Applicant also seeks a Zoning Text Amendment to amend Appendix F (Inclusionary Housing Designated Areas) to establish a Mandatory Inclusionary Housing (MIH) area coterminous with the area to be rezoned to C4-2 and C4-2A Districts. Additionally, the Applicant seeks a Zoning Text Amendment to ZR Section 74-70 (Non-Profit Hospital Staff Dwellings) to amend the conditions for permitting non-profit hospital staff dwelling facilities in Bronx Community District 11 in C4-2 Districts without a letter suffix. The Applicant seeks a Special Permit pursuant to the ZR Section 74-70, as amended by the aforementioned action. Collectively, the proposed zoning map amendment, zoning text amendments, and special permit (the "Proposed Actions") would facilitate a proposal by the Applicant to develop an approximately 150,000 gross square feet (gsf) non-profit hospital staff residence facility (Use Group 3) with 182 dwelling units at 1776 Eastchester Road (Block 4226, Lot 16, the "Project Site"). This facility would be built atop an existing five-story parking garage.

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[1] This revised Negative Declaration supersedes the Negative Declaration issued on June 16, 2017. This revised Negative Declaration reflects revisions to the Waterfront Revitalization Program Consistency Assessment Form which were incorporated into the revised Environmental Assessment Statement, after the issuance of the Negative Declaration on June 5, 2017. The revisions are further discussed in the Supporting Statement below.

The Project Site is currently occupied with one 359,933 gsf, 8-story commercial building ("Building E") containing 100,893 gsf of hotel use (Use Group 5) for 125 hotel rooms, 245,456 gsf of commercial use (including Use Group 6 retail and office space and a recently developed health club), and 13,644 gsf of community facility space (including a Use Group 4 ambulatory care facility and a day care center). In addition, the Project Site contains: a 125,100 gsf open 3-story accessory 380-space parking garage ("Building F, the North Garage"), a 5-story 181,544 gsf 464-space parking garage ("Building G, the West Garage"), and 170 at-grade parking spaces on a parking lot, for a total of a total of 1,014 parking spaces.

The remaining lots within the Rezoning Area are developed with a variety of uses, including a Use Group 4 Hospital totaling 172,268 gsf (Block 4226, Lot 6), a Use Group 6 supermarket totaling 62,660 gsf (Block 4226, Lot 7), a Use Group 6 office and Use Group 16 warehouse building totaling 20,235 gsf (Block 4226, Lot 15), and a Use Group 6 retail building totaling 5,743 (Block 4226, Lot 506). Other sites within the Rezoning Area are either vacant (Block 4226, Lot 511) or occupied with unenclosed accessory parking (Block 4226, Lots 507, 508, 509, and 510). The Rezoning Area also covers a portion of Block 4226, Lot 30 containing a Use Group 18 power plant totaling 9,751 gsf, and a portion of Block 4226, Lot 35 that is occupied with at grade accessory parking spaces.

The Rezoning Area is currently zoned M1-1, which permits a maximum allowable commercial (Use Groups 5-14, and 16) and manufacturing (Use Group 17) FAR of 1.0 and community facility (Use Group 4) FAR of 2.4. In connection with the Proposed Actions, the affected lots would be rezoned C4-2 (Block 4226, Lot 7502), C4-2A (Block 4226, Lots 6, 7, 10, 11, 15, 30, 35, 506, 507, 508, 509, 510, and 511) and R5 (Block 4226, Lots 30 and 35) zoning districts. C4-2 districts allow residential (Use Groups 1 and 2), commercial (Use Groups 5-10, 12), and community facility (Use Groups 3 and 4) uses. Residential uses may be developed at a maximum FAR of 2.43, commercial uses may be developed at a maximum FAR of 3.4, and community facilities may be developed at a maximum FAR of 4.8. C4-2A is a contextual zoning district that allows residential, commercial, and community facility uses. Commercial and community facility uses could develop at a maximum FAR of 3.0. Under the provisions of MIH, sites providing inclusionary housing could develop with a maximum allowable residential FAR of 3.6; sites not built pursuant to MIH could develop at a maximum residential FAR of 3.0. R5 districts allow both residential and community facility uses at a maximum FAR of 1.25 for residential uses and 2.0 for community facility uses.

As mentioned above, the Applicant seeks two Zoning Text Amendments to Appendix F (Inclusionary Housing Designated Areas), and ZR Section 74-70 (Non-profit Hospital Staff Dwellings). The proposed text amendment to Appendix F will establish an MIH area coterminous with those portions of the Project Area to be rezoned to C4-2 and C4-2A districts and will establish MIH Options 1 and 2. Option 1 requires 25 percent of residential floor area be permanently affordable for residents with incomes averaging 60 percent of area median income (AMI), with a minimum of 10 percent of housing units to be affordable at 40 percent AMI; while Option 2 requires 30 percent of residential floor area be affordable for incomes averaging 80 percent AMI. The proposed Text Amendment to ZR Section 74-70 would allow for a change within C4-2 Districts without a letter suffix in Community District 11 in the Bronx. Currently, the ZR requires that no portion of the zoning lot on which non-profit hospital staff dwelling units are located be more than 1,500 feet from the non-profit or voluntary hospital and related facilities they serve. The proposed

Text Amendment would modify this requirement to require only that the non-profit hospital staff dwelling units themselves be located within 1,500 feet of the non-profit or voluntary hospital and related facilities they serve.

The Proposed Actions would facilitate a proposal by the Applicant to construct the addition of a seven-story 150,000 gross square feet (gsf) non-profit hospital staff residence facility as an addition above "Building G, Projected Development Site 1" an existing accessory parking garage located on Block 4226, Lot 16. The proposed expansion would comprise 150,000 gsf of Use Group 3 non-profit hospital staff dwelling uses (182 dwelling units). The building expansion of applicant-controlled Projected Development Site 1 would rise to 12 stories, at a height of approximately 123 feet. Of the 182 staff dwelling units, it is anticipated that 77 studio apartments and 105 one-bedroom units would be provided. The 464-space accessory parking use (Floors 1-5) beneath the proposed staff dwelling units would remain the same in the future with the Proposed Actions. Of those parking spaces, 127 spaces would be reserved for residents of the non-profit hospital staff dwelling units, as is required. In summary, the enlarged applicant-controlled Projected Development Site 1 would comprise 331,544 gsf of commercial and community facility uses, inclusive of below grade parking. The total development on the applicant-controlled Projected Development Site in the future with the Proposed Actions would consist of 816,637 gsf of commercial and community facility uses: 652,993 gsf of commercial uses (including a transient hotel, a health club, retail and office space, and two parking garages with 1,014 spaces), 170 spaces of at-grade surface parking, and 163,644 gsf of community facility uses (ambulatory and day care facilities, and the proposed non-profit hospital staff dwelling facility).

For the purposes of presenting a conservative analysis, two other projected development sites were identified in the Environmental Assessment Statement and prepared in connection with the Proposed Actions: Block 4226, Lot 15 (Projected Development Site 2); and Block 4226, Lot 510 and 511 (Projected Development Site 3). It was assumed as part of a Reasonable Worst Case Development Scenario (RWCDS) that in the future with the proposed actions, Projected Development Site 2 would redevelop and replace the existing 20,235 gsf of commercial (office) uses with 101,520 gsf of residential uses (102 dwelling units, 31 of which would be affordable pursuant to MIH). Projected Development Site 3 would develop and replace the 2,500 gsf surface parking with 27,000 gsf of residential uses containing 27 dwelling units, 8 of which would be affordable pursuant to MIH.

In summary, the three Projected Development Sites in the future with the Proposed Actions would be developed with an additional 128,520 gsf of residential uses (including 129 residential dwelling units, 39 of which would be affordable pursuant to the MIH program), an increase of 150,000 gsf of community facility uses (the non-profit hospital staff dwelling facility containing 182 dwelling units) and a decrease of 20,235 gsf of commercial (office) uses.

Two potential development sites were also identified for conservative analysis purposes. These sites could be developed in the future with the Proposed Actions, but were determined to have less development potential than the projected development sites based on observed market conditions and site configurations: Block 4226, Lot 507 (Potential Development Site 1); and Block 4226, Lots 508 and 509 (Potential Development Site 2). Potential Development Site 1 could be developed with 18,720 gsf of residential uses

for 19 dwelling units, 6 of which would be affordable. Potential Development Site 2 could be developed with 27,000 gsf of residential uses containing 27 dwelling units, 8 of which would be affordable.

The analysis year for the Proposed Actions is 2023.

Absent the Proposed Actions, the Rezoning Area is expected to remain in its existing condition.

To avoid the potential for significant adverse impacts related to air quality, noise, and hazardous materials, an (E) designation (E-436) would be assigned, as described below.

The (E) designation requirements related to air quality would apply to the following development sites:

**Block 4226, Lot 7502 (Projected Development Site 1, Project Site)**
**Block 4226, Lot 15 (Projected Development Site 2)**
**Block 4226, Lot 510/511 (Projected Development Site 3)**
**Block 4226, Lot 507 (Potential Development Site 1)**
**Block 4226, Lot 508/509 (Potential Development Site 2)**

The (E) designation text related to air quality is as follows:

**Block 4226, Lot 7502 (Projected Development Site 1) : Any new commercial or residential development on Block 4226 Lot 7502 must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC) and hot water systems to avoid any potential significant adverse air quality impacts. Stack shall be located at a minimum of 135 feet above grade.**

**Block 4226, Lot 15 (Projected Development Site 2): Any new commercial or residential development on Block 4226 Lot 15 must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC) and hot water systems to avoid any potential significant adverse air quality impacts. Stack shall be located at a minimum of 88 feet above grade.**

**Block 4226, Lots 510 and 511 (Projected Development Site 3): Any new commercial or residential development on Block 4226 Lots 510 and 511 must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC) and hot water systems to avoid any potential significant adverse air quality impacts. Stack shall be located at a minimum of 88 feet above grade.**

**Block 4226, Lot 507 (Potential Development Site 1): Any new commercial or residential development on Block 4226 Lot 507 must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC) and hot water systems to avoid any potential significant adverse air quality impacts. Stack shall be located at a minimum of 88 feet above grade.**

**Block 4226, Lots 508 and 509 (Potential Development Site 2): Any new commercial or residential development on Block 4226 Lots 508 and 509 must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC) and hot water systems to avoid any potential significant adverse air quality impacts. Stack shall be located at a minimum of 88 feet above grade.**

With the assignment of the above-referenced (E) designation for air quality, the Proposed Actions would not result in significant adverse impacts.

The (E) designation requirements related to noise would apply to the following development sites:

**Block 4226, Lot 15 (Projected Development Site 2)**
**Block 4226, Lot 507 (Potential Development Site 1)**
**Block 4226, Lots 508 and 509 (Potential Development Site 2)**
**Block 4226, Lots 510 and 511 (Projected Development Site 3)**

The (E) designation text related to noise is as follows:

**Block 4226, Lot 15 (Projected Development Site 2): In order to ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum of 28 dBA window/wall attenuation on all 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, air conditioning.**

**Block 4226, Lot 507 (Potential Development Site 1): In order to ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum of 31 dBA window/wall attenuation on all 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, air conditioning.**

**Block 4226, Lots 508 and 509 (Potential Development Site 2): In order to ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum of 31 dBA window/wall attenuation on all 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, air conditioning.**

**Block 4226, Lots 510 and 511 (Projected Development Site 3): In order to ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum of 31 dBA window/wall attenuation on all 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, air conditioning.**

The (E) designation requirements related to hazardous materials would apply to the following development sites:

**Block 4226, Lot 15 (Projected Development Site 2)**
**Block 4226, Lot 507 (Potential Development Site 1)**
**Block 4226, Lots 508 and 509 (Potential Development Site 2)**
**Block 4226, Lots 510 and 511 (Projected Development Site 3)**

With the assignment of the above-referenced (E) designation for noise, the Proposed Actions would not result in significant adverse impacts.

The (E) designation text related to hazardous materials for all development sites is as follows:

**Task 1- Sampling Protocol**

**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 (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 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. For all projected and potential development sites where no E-designation is recommended, 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.**

With the assignment of the above-referenced (E) designation for hazardous materials, the Proposed Actions would not result in significant adverse impacts.

**Statement of No Significant Effect:**

The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the revised Environmental Assessment Statement, dated October 13, 2017, prepared in connection with the ULURP Application (Nos. 150312ZMX, 150313ZRX). The City Planning Commission has determined that the Proposed Actions will have no significant effect on the quality of the environment.

**Supporting Statement:**

The above determination is based on an environmental assessment which finds that:

1. An Environmental Assessment Statement (EAS) was completed and a Negative Declaration was issued on June 5, 2017. A revised EAS, dated October 13, 2017, provides further clarification of the Proposed Actions' consistency with the City's Waterfront Revitalization Program (WRP), which is included in the WRP Consistency Assessment Form. As described in the Revised EAS, it was determined that the clarifications made in the WRP Consistency Form would not otherwise alter the conclusions of the previous EAS and Negative Declaration issued in June 5, 2017.

2. The (E) designation for air quality, noise and hazardous materials would ensure that the Proposed Actions would not result in significant adverse impacts.

3. No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable.

This revised Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

Should you have any questions pertaining to this revised Negative Declaration, you may contact Christopher Lee at (212) 720-3429.

Olga Abinader, Deputy Director
Environmental Assessment & Review Division
Department of City Planning

Date: October 13, 2017

Marisa Lago, Chair
City Planning Commission

Date: October 16, 2017