CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIRMAN

October 17, 2016

REVISED NEGATIVE DECLARATION[1]
Supersedes the Negative Declaration Issued on May 9, 2016

Project Identification
CEQR No. 16DCP154X
ULURP Nos. 160251ZMX and N160250ZRX
SEQRA Classification: Unlisted

Lead Agency
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10217
Contact: Robert Dobruskin
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Name, Description and Location of Proposal:

East 147th Street Rezoning
The Applicant, MLK Plaza LLC, is seeking a zoning map amendment from M1-2 and M1-3 to R7X and from M1-2 to a R7X/C1-4 affecting 17 lots (Block 2600, Lots 187, 220, 222, 213, 96, 99, 100, 101, 103, 186, 51, 47, 49, 50, 131 and p/o 89 and 30) located in the Mott Haven neighborhood of Bronx Community District 1. The Applicant also seeks a zoning text amendment to Zoning Resolution (ZR) Section 23-933 Appendix F to establish a Mandatory Inclusionary Housing ("MIH") area coterminous with the rezoning area. In accordance with the MIH program, "Option 1," requiring at least 25% of residential units for persons with incomes averaging 60% Area Median Income ("AMI") (including 10% of residential units intended for persons with incomes averaging 40% AMI); and "Deep Affordability Option" requiring at least 20% of residential units for persons with incomes averaging 40% AMI, would be available to all affected sites. The proposed actions would facilitate a proposal by the Applicant to develop a 12-story, 164,592 gross square foot (gsf) residential building (consisting of 165 affordable dwelling units pursuant to the MIH program) and 25 accessory parking spaces, at 869-881 East 147th Street (Block 2600, Lots 213, 187, 220 and 222, "Projected Development Site 1"). The proposed actions would also facilitate affordable residential uses and ground-floor commercial development on the remainder of the affected area, and bring certain pre-existing, non-conforming residential uses into conformance with zoning.

[1] This Revised Negative Declaration addresses a NYC City Council modification related to the proposed MIH Text Amendment, as noted in the Supporting Statement of this document.

In addition to the above-referenced actions, the Applicant also seeks discretionary funding from the New York City Housing Preservation and Development (HPD) and the New York City Housing Development Corporation (HDC). A coordinated review was conducted, with HPD and HDC acting as involved agencies.

M1-2 zoning districts allow commercial and manufacturing uses at up to 2.0 Floor Area Ratio (FAR) and M1-3 zoning districts allows for commercial and manufacturing uses at up to 5.0 FAR. The requested rezoning action is being sought to allow residential uses, which are not permitted within M1-2 and M1-3 zoning districts. The proposed R7X district would permit residential uses up to 6.0 FAR within the entirety of the rezoning area. The proposed C1-4 commercial overlay, which would be mapped north of East 147th street along Southern Boulevard, would allow commercial uses at a maximum of 2.0 FAR.

The project site (Block 2600, Lots 213, 187, 220 and 222), which is Applicant-owned, is currently developed with vacant, formerly residential buildings and a parking lot enclosed by a fence. The remaining sites are occupied by a mix of 1 and 2 family non-comforming residences, which would be brought into conformance with zoning upon approval of the proposed actions, as well as industrial and manufacturing uses.

For the purposes of a conservative analysis, the Environmental Assessment Statement (EAS) identified a Reasonable Worst Case Development Scenario (RWCDS) that assumes that five projected development sites within the rezoning area could be developed in the future with the proposed actions (Block 2600, Lot 187, 222, 220, 213 (Projected Development Site #1, the Applicant-controlled site); Block 2600, Lot 30 (Projected Development Site #2); (Block 2600, Lot 96 (Projected Development Site #3); Block 2600, Lots Lots 99, 100, 101, 103 (Projected Development Site #4) and Block 2600, Lot 51 (Projected Development Site #5)). The five projected development sites could be developed with a total of 385,284 gsf of residential uses (including 377 residential development units, 219 of which would be affordable pursuant to the MIH program), 8,470 gsf of ground floor commercial uses, and 63 accessory parking spaces. Absent the proposed actions, it is expected that 11,700 gsf of commercial retail uses and 39 accessory parking spaces on one of the projected development sites (Projected Development Site #2), and that the remaining sites would remain as in their existing conditions.

One additional property (Block 2600, Lots 47, 49, 50 (Potential Development Site #1)) was identified in the EAS as a site that could be developed in the future with the proposed actions, but based on observed historic and current market conditions, was perceived to have less development potential than the projected development sites. This site could potentially be developed with 34 residential units (9 affordable units pursuant to the MIH program), and 8,225 gsf of retail uses.

The analysis year for the proposed actions is 2025.

In order to preclude significant adverse impacts related to air quality, noise and hazardous materials, the proposed actions include the assignement of an (E) designation (E-385).

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

Projected Development Sites
Block 2600, Lot 187, 222, 220, 213 (Projected Development Site #1)
Block 2600, Lot 30 (Projected Development Site #2)
Block 2600, Lot 96 (Projected Development Site #3)
Block 2600, Lots Lots 99, 100, 101, 103 (Projected Development Site #4)
Block 2600, Lot 51 (Projected Development Site #5)

Potential Development Site
Potential Development Site #1, Block 2600, Lots 47, 49, 50

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

> **Task 1-Sampling Protocol**
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> **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.**
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> **Task 2-Remediation Determination and Protocol**
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> **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.**
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> **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.**

With the measures specified above, the proposed development would not result in any significant adverse impacts related to hazardous materials.

The (E) designation related related to air quality would apply to the following properties:

Projected Development Site

Block 2600, Lots 99, 100, 101, 103 (Projected Development Site #4)

Potential Development Site
Block 2600, Lots 47, 49, 50 (Potential Development Site #1)

The text for the (E) designations related to air quality for each of the above sites is as follows:

> **Block 2600, Lots 47, 49, 50 (Potential Development Site 1): Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack is located at the highest tier or at least 85 feet high and at least 10 feet from the lot line facing Southern Boulevard and at least 10 feet from the lot line facing Timpson Place to avoid any potential significant adverse air quality impacts.**
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> **Block 2600, Lots 99, 100, 101, 103 (Projected Development Site 4): Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack is located at the highest tier or at least 95 feet high and at least 10 feet from the lot line facing Timpson Place to avoid any potential significant adverse air quality impacts.**

With the assignment of the (E) designation on the above blocks and lots, no significant impacts related to air quality would be expected as a result of the proposed action.

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

Projected Development Sites
Block 2600, Lots 187, 222, 220, 213 (Projected Development Site #1)
Block 2600, Lot 30 (Projected Development Site #2)
Block 2600, Lot 96 (Projected Development Site #3)
Block 2600, Lots 99, 100, 101, 103 (Projected Development Site #4)
Block 2600, Lot 51 (Projected Development Site #5)

Potential Development Site
Block 2600, Lots 47, 49, 50 (Potential Development Site #1)

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

> **Block 2600, Lots 187, 222, 220, 213 (Projected Development Site 1): To ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation on all facades facing south (E. 147th Street) or west (Timpson Place) and 28 dBA window/wall attenuation on all facades facing east (Austin Place) or north (E.**

149th Street) to maintain an interior noise level of 45 dBA. 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 2600, Lot 30 (Projected Development Site 2): To ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation on all facades to maintain an interior noise level of 45 dBA. 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 2600, Lot 96 (Projected Development Site 3): To ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation on all facades to maintain an interior noise level of 45 dBA. 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 2600, Lots 99, 100, 101, 103 (Projected Development Site 4): To ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation on all facades facing north (E. 147th street) or west (Timpson Place) and 28 dBA of attenuation on all facades facing east (Austin Place) or south (E. 144th Street) to maintain an interior noise level of 45 dBA. 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 2600, Lot 51 (Projected Development Site 5): To ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation on all facades to maintain an interior noise level of 45 dBA. 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 2600, Lots 47, 49, 50 (Potential Development Site 1): To ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation on all facades to maintain an interior noise level of 45 dBA. 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.

With the attenuation measures specified above, the proposed actions would not result in any significant adverse impacts related to noise.

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 14, 2016, prepared in connection with the ULURP Application (Nos. 160251ZMX and N160250ZRX). The City Planning Commission has determined that the proposed action 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. Subsequent to the issuance of an Environmental Assessment Statement (EAS) on May 6, 2016 (the "May 2016 EAS") and Negative Declaration on May 9, 2016, a Revised EAS was issued on October 14, 2016 (the "Revised EAS"). As described in the May 2016 EAS, the originally proposed Mandatory Inclusionary Housing (MIH) Text Amendment, consisted of "Option 1," requiring that at least 25% of future residential floor area be set aside for persons with incomes averaging 60% AMI (including 10% of residential units intended for persons with incomes averaging 40% AMI), and "Option 2," requiring that 30% of residential floor area be set aside for for residents with incomes averaging 80% AMI. After the project was certified on May 9, 2016, the NYC City Council recommended to modify the proposed MIH Text Amendment such that "Option 2" would be eliminated and instead replaced with the "Deep Affordability Option." "Option 1" would remain unchanged. With the "Deep Affordability Option," 20% of residential floor area would be set aside for persons with incomes at or below 40% AMI. The Revised EAS incorporates this City Council modification. As detailed in the Revised EAS, it was determined that this modification would not have the potential for significant adverse impacts, and would not alter the conclusions of the previous environmental review.

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

3. No other significant effects on the environment which would require an 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 of the Department of City Planning at (212) 720-3429.

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

Date: October 14, 2016

Carl Weisbrod, Chairman
City Planning Commission

Date: October 17, 2016