NYC PLANNING

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Marisa Lago, *Director*
Department of City Planning

Nissan Cohen
c/o Frank St. Jacques
666 Fifth Avenue, 20th Floor
New York, New York 10103

Re:	**431 Concord Avenue**
CEQR No.	21DCP007X
ULURP No(s).	**C 200274 ZMX**
	N 200275 ZRX
SEQRA Classification:	Unlisted
Bronx Community District:	BX01

Dear Frank St. Jacques,

Under City Environmental Quality Review, the lead agency is required to determine whether a proposed action may have a significant adverse impact on the environment. In accordance with this regulation, the City Planning Commission has determined that the proposed action would not have a significant adverse impact on the environment.

Enclosed is the Negative Declaration for CEQR No. 21DCP007X, 431 Concord Avenue, including supporting statements for the finding that the proposed actions would not have a significant adverse impact on the environment. The Negative Declaration was issued on November 2nd, 2020.

Sincerely,

Stephanie Shellooe, AICP, *Deputy Director*

November 2, 2020
Date

cc: Project File
Marisa Lago, Chair
City Planning Commissioners
Raju Mann, Director, City Council Land Use Division
Ruben Diaz Jr., Bronx Borough President
Bronx Community Board BX01

Olga Abinader, *Director,* (212) 720-3493 | oabinad@planning.nyc.gov
Stephanie Shellooe, AICP, *Deputy Director,* (212) 720-3328 | sshellooe@planning.nyc.gov
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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, and determined that no significant adverse impacts would occur. A significant adverse impact would occur if a proposed action would generate a land use incompatible with the surrounding area. The proposed actions are a Zoning Map Amendment to rezone the project area (Bronx Block 2578, p/o lots 15, 16, and 18) from a M1-2 zoning district to an R7D zoning district and a Zoning Text Amendment to establish a Mandatory Inclusionary Housing (MIH) area coterminous with the rezoning area in the neighborhood of Mott Haven and within Bronx Community District 1. The project area is the eastern portion of Block 2578 with frontage on Concord Avenue. The closest subway station, East 143rd Street on the 6 line, is located two blocks east of the site, less than 0.25 miles away. The Proposed Actions would facilitate the development of an 11-story residential building on Block 2578 p/o Lots 16 & 18, containing approximately 92 dwelling units. The proposed actions would not introduce a new land use, nor affect the existing mixed-use character of the area, nor affect public policy, which represent the thresholds of impact significance in the CEQR Technical Manual (TM). The analysis concludes that no significant adverse impacts related to Land Use, Zoning, and Public Policy would result from the proposed actions.

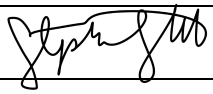
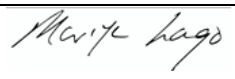
Open Space

A preliminary assessment of the effects of the proposed actions related to open space is included in the EAS. According to the 2014 CEQR Technical manual, a significant adverse open space impact may occur if a proposed action would reduce the open space ratio by more than five percent in areas that are currently below the City's median community district open space ratio of 1.5 acres per 1,000 residents. In areas with higher open space ratios, closer to 2.5 acres per 1,000 residents, a greater percentage of change (more than five percent) may be tolerated. There are 42.53 acres (22.532 acres active and 19.998 passive) of open space resources in the Study Area, as analyzed for the 2022 build year. As a result of the proposed actions, the total residential study area open space ratio would decrease by 0.6-percent to .947 acres per 1,000 residents. Therefore, the proposed actions would not result in a significant adverse impact related to open space.

Hazardous Materials, Air Quality

An (E) designation (E-588) 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 significant adverse impacts related to hazardous materials and air quality.

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 Christine Camilleri at ccamilleri@planning.nyc.gov.

TITLE	LEAD AGENCY
Deputy Director, Environmental Assessment and Review Division	Department of City Planning on behalf of the City Planning Commission 120 Broadway, 31st Fl. New York, NY 10271 | 212.720.3493
NAME Stephanie Shellooe	DATE October 30th, 2020
SIGNATURE 	
TITLE Chair, City Planning Commission	
NAME Marisa Lago	DATE November 2nd, 2020
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 2578, Lots 16 and 18
Potential Development Site 1	Bronx	Block 2578, Lot 15

(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-588) would be established as part of approval of the proposed actions on **Projected Development Site 1 and Potential Development Site 1** as described below:

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

The (E) designation requirements applicable to **Potential 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 1 ESA for the Project Site along with a soil, soil gas 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. 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.

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Air Quality

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

Projected Development Site 1 (Block 2578, Lots 16 and 18): *Any new residential or commercial development on the above-referenced property must ensure that the heating, ventilating, air conditioning (HVAC), and hot water system(s) stack is located at the building's highest level, and at a minimum of 98 feet above the grade to avoid any potential significant adverse air quality impacts.*

Potential Development Site 1 (Block 2578, Lot 15): *Any new residential or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for the HVAC and hot water system(s) and must be fitted with low NOx (30 ppm) burner(s), ensure that the stack is located at the building's highest level at a minimum of 88 feet above the grade, and that the stack is located at least 17.5 feet from the southern lot line facing East 144th Street to avoid any potential significant adverse air quality impacts.*