

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 applicant, BronxCo LLC, seeks a zoning map amendment to rezone Bronx Block 2577 Lots 7, 8, 9, 14 and portions of (p/o) 6 and 20 (the "Affected Area") from an existing M1-2 district to an R7D/M1-4 (MX) district and a zoning map amendment to Appendix F of the Zoning Resolution (ZR) to designate the Affected Area a Mandatory Inclusionary Housing (MIH) area (the "Proposed Actions"). The Proposed Actions would facilitate the development of a new 10-story, 111-foot-tall, 174,709 gross square foot (gsf) mixed-use building consisting of 87 dwelling units, including 24 income-restricted units pursuant to MIH, 35,256 gsf of commercial space, 10,258 gsf of light manufacturing space, and 7,187 gsf of community facility space (the "Proposed Project") at 438 Concord Avenue (Projected Development Site 1, Lots 9 and 14) within the Mott Haven neighborhood of Bronx Community District 1. For the purpose of presenting a conservative analysis under CEQR, a Reasonable Worst-Case Development Scenario (RWCDs) was identified that differed from the Proposed Project on the applicant-controlled Projected Development Site 1 and identified a second Projected Development Site (Lots 7 and 8). The EAS presents the analysis of Projected Development Site 1 as a development consistent with the Proposed Project but with a total of 120 dwelling units and a maximum building height of 125 feet. Projected Development Site 2 is assumed to be redeveloped with a 125-foot-tall, 34,979 gsf mixed-use building consisting of 15 dwelling units, including 4 income-restricted units pursuant to MIH, and 16,253 gsf of community facility space.

The Proposed Actions would not result in significant adverse impacts to Land Use, Zoning, and Public Policy. The development and uses facilitated by the Proposed Actions would be compatible with the residential, community facility, and light industrial uses found within the medium-density residential districts to the north and west of the Affected Area and the residential, commercial, and light manufacturing uses found within the light manufacturing district to the south and east of the Affected Area. The Proposed Actions would not result in any existing uses within the Affected Area to become non-conforming. The Proposed Actions would be supportive of applicable public policies including *Housing New York 2.0* by facilitating the development of income-restricted dwelling units pursuant to MIH and *Rebuild, Renew, Reinvent: A Blueprint for New York City's Economic Recovery* by facilitating the development of new commercial and light manufacturing floor area. Therefore, the analysis concludes that the Proposed Actions would not result in significant adverse impacts related to Land Use, Zoning, and Public Policy.

Shadows

A detailed analysis related to Shadows is included in this EAS. Utilizing a Reasonable Worst-Case Development Scenario, a building height of 125 feet was analyzed for both Projected Development Sites 1 and 2. The analysis indicates that Projected Development Sites 1 and 2 would cast incremental shadows on two sunlight-sensitive resources to the west of the Affected Area: St. Mary's Park and I-Am-Park. Incremental shadows facilitated by the Proposed Actions would reach St. Mary's Park for 30 minutes on the March 21st/September 21st analysis day, for 23 minutes on the May 6th/August 6th analysis day, and for 23 minutes on the June 21st analysis day. Incremental shadows would reach basketball courts and playgrounds within the eastern portion of St. Mary's Park on the March 21st/September 21st analysis day and portions of a baseball field and walking paths within the eastern portion of the park on the May 6th/August 6th and June 21st analysis days. The incremental shadows would be brief and would reach portions of St. Mary's Park in the early morning. The incremental shadows would not significantly reduce the amount of sunlight this portion of the park would receive nor affect the public's usability or enjoyment of these portions of St. Mary's Park. Incremental shadows facilitated by the Proposed Actions would reach I-Am-Park for 34 minutes on the December 21st analysis day. I-Am-Park consists of two basketball courts and a playground. Shadows facilitated by the Proposed Actions would occur briefly in the early morning during the winter and would not result in a substantial reduction in the public's usability of I-Am-Park. Therefore, the analysis concludes that the Proposed Actions would not result in significant adverse impacts related to Shadows.

Transportation

A detailed analysis related to Transportation is included in this EAS. The transportation assessment determined that the Proposed Actions would introduce less than 200 transit trip-ends and therefore would not result in conditions that would exceed Level 1 screening thresholds for subway and bus analyses. A Level 2 Screening Assessment of pedestrian trips determined that the Proposed Actions would not result in pedestrian volumes on sidewalks, crosswalks, and intersection corners that would exceed Level 2 screening thresholds. A detailed analysis of traffic facilitated by the Proposed Actions determined that all vehicular approaches and movements would continue to operate at the same Level at Service (LOS) as would occur in the No-Action Condition. The Proposed Actions would result in pedestrian, transit, and traffic conditions that would continue to be considered clearly acceptable as defined by the CEQR Technical Manual. Therefore, the Proposed Actions would not result in significant adverse impacts to Transportation.

Hazardous Materials, Air Quality, and Noise


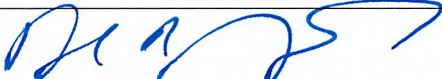
An (E) designation (E-756) related to hazardous materials, air quality, and noise would be established as part of the approval of the proposed actions. Refer to "Determination of Significance Appendix: (E) designation" for the applicable (E) designation requirements. The hazardous materials, air quality, 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, air quality, 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 Sean O'Rourke at sorourke@planning.nyc.gov.

Project Name: 438 Concord Avenue Rezoning

CEQR # 23DCP092X

SEQRA Classification: Unlisted

TITLE Director, Environmental Assessment and Review Division		LEAD AGENCY Department of City Planning on behalf of the City Planning Commission 120 Broadway, 31 st Fl. New York, NY 10271 212.720.3328	
NAME Stephanie Shellooe, AICP		DATE 6/21/2024	
SIGNATURE 			
TITLE Chair, City Planning Commission			
NAME Daniel R. Garodnick		DATE 6/24/2024	
SIGNATURE 			

Project Name: 438 Concord Avenue Rezoning

CEQR # 23DCP092X

SEQRA Classification: Unlisted

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 2577 Lots 9 and 14
Projected Development Site 2	Bronx	Block 2577 Lots 7 and 8

(E) Designation Requirements

To ensure that the proposed actions would not result in significant adverse impacts related to hazardous materials, air quality, and noise an (E) designation (**E-756**) would be established as part of approval of the proposed actions on **Projected Development Site X** as described below:

Development Site	Hazardous Materials	Air Quality	Noise
Projected Development Site 1	X	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 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, commercial, community facility, or light industrial and manufacturing use development on the above referenced property must exclusively use natural gas as the type of fuel for heating, ventilating and air conditioning (HVAC) system and hot water equipment and must be fitted with low NOx (15 ppm) burners, ensure the HVAC system and hot water equipment stack is located at the building's highest level and at a minimum of 121 feet above grade, and that the stack is located at least 145 feet from the western lot line of Block 2577, Lot 9 facing Concord Avenue to avoid any potential significant adverse air quality impacts.

To preclude any potential significant adverse air quality impacts from light industrial uses, special features that go beyond the normal construction practices must be installed at this site.

- a. A licensed architect or engineer must certify with the Department of Buildings, and provide proof of filing to OER, that the manufacturing use on the above-referenced property will adhere to the following restrictions:
 - (i) The manufacturing use in the building does not have a New York City or New York State environmental rating of "A", "B" or "C" under Section 24–153 of the New York City Administrative Code for any process equipment requiring a New York City Department of Environmental Protection C of O or New York State Department of Environmental Conservation state facility air permit;
 - (ii) and is not required, under the City Right-to-Know Law, to file a Risk Management Plan for Extremely Hazardous Substances.
- b. The emission stack of the proposed light industrial/manufacturing uses developed pursuant to Section 74-962 of the Zoning Resolution of the City of New York must be located at the building's highest tier and at least 123 feet above grade.
- c. Install an odor/vapor barrier and a modified mechanical ventilation system.
 - (i) The mechanical ventilation prevention system will be comprised of a mechanical ventilation system designed to operate in parallel and separate from the mechanical ventilation system of the residential, community facility and commercial uses, providing fresh air to, and exhaust from, the light industrial floors (cellar and first floors), with vents running above the roof line of the highest floor.
 - (ii) An odor/vapor barrier will be installed at the structural slab and/or partition walls separating the manufacturing and residential/community facility/commercial spaces eliminating vapor exchange across interior partitions. Any other permitted processes must provide an air quality analysis to OER in order to demonstrate that such process would not cause a significant adverse air quality impact.

Projected Development Site 2: Any new residential or community facility development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating and air conditioning (HVAC) system and hot water equipment and must be fitted with low NOx (30 ppm) burners, ensure the HVAC system and hot water equipment stack is located at the building's highest level and at a minimum of 118 feet above grade, and that the stack is located at least 20 feet from the eastern lot line of Block 2577, Lot 8 facing Wales Avenue and at least 20 feet from the northern lot line of Block 2577, Lot 8 facing 145th Street to avoid any potential significant adverse air quality impacts.

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Noise

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

Projected Development Site 1: *In order to ensure an acceptable interior noise environment, future community facility and commercial office spaces must provide a closed-window condition with a minimum attenuation of 28 dB(A) on facades facing Wales Avenue and facades facing East 145th Street within 50 feet of Wales Avenue in order to maintain an interior L10 noise level not greater than 45 dB(A) for community facility uses and not greater than 50 dB(A) for commercial office uses as illustrated in the EAS. 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, central air conditioning.*