NYC PLANNING

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Marisa Lago, *Director*
Department of City Planning

March 2, 2021

St. Joseph Apartments LLC
c/o Caroline Harris
475 Park Avenue South
New York, New York 10016

Re:	**St. Joseph's - 1949 Bathgate Avenue Rezoning**
CEQR No.	21DCP081X
ULURP No(s).	210063ZMX, N210062ZRX
SEQRA Classification:	Type I
Bronx Community District:	BX06

Dear Caroline Harris,

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 actions would not have a significant adverse impact on the environment.

Enclosed is the Negative Declaration for CEQR No. 21DCP081X, St. Joseph's - 1949 Bathgate Avenue Rezoning, 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 March 1, 2021.

Sincerely,

Olga Abinader, *Director*

March 1, 2021
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 BX06

Olga Abinader, *Director,* (212) 720-3493 | oabinad@planning.nyc.gov
Stephanie Shellooe, AICP, *Deputy Director,* (212) 720-3328 | sshellooe@planning.nyc.gov
120 Broadway, 31st Floor, New York, N.Y. 10271 | Fax: (212) 720-3488

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, Bathgate 178th Housing Development Fund Corporation, is seeking a zoning map amendment to rezone the project area (Block 3043, Lots 10, 16, 22, 23, and parts of Lots 8 and 30), located in the Tremont neighborhood of the Bronx, Community District 6, from an R6A to an R7D zoning district and a zoning text amendment to Appendix F of the Zoning Resolution to classify the project area as a Mandatory Inclusionary Housing (MIH) Designated Area. The proposed actions would facilitate the development of a 100% affordable, approximately 267,324 gsf, 11-story multi-family residential building with a total of up to 287 dwelling units on Lots 10, 16, 22, and 23. Although the applicant intends for all unit to be affordable, the mapping of a MIH designated area over the project area insures that 86 dwelling units would comply with MIH affordability Options 1 or 2 and be affordable in perpetuity. Compared to the no-action condition, the proposed actions would result in the same land uses, but at a higher density. The land use of the proposed project would be consistent with that of the surrounding area, which currently has many multi-family residential elevator buildings. The analysis shows that while the zoning of the project area would change from R6A to R7D, the proposed actions would not result in changes to the zoning or land use patterns in the surrounding area. In addition, the proposed actions would not conflict with applicable public policy goals. Therefore, the proposed actions would not result in significant adverse impacts to Land Use, Zoning and Public Policy.

Community Facilities and Services

Child Care

A detailed analysis related to child care is included in the EAS. The CEQR Technical Manual indicates that if the child care utilization rate exceeds 100 percent, and is reduced by over 5 percent compared to the No-Action condition, a significant adverse impact may be identified. The proposed actions would introduce an increment of 239 affordable units compared to the No-Action condition, which would generate approximately 33 additional children under the age of six who would be eligible for publicly funded child care programs. A detailed analysis showed that the proposed actions would result in an increase of 2.2% in the collective utilization rate of the child care/Head Start centers in the study area. At a utilization rate of 96.4%, the collective utilization rate of the group childcare/Head Start centers in the study area would not exceed 100 percent. Therefore, the proposed actions would not result in significant adverse impacts to child care facilities.

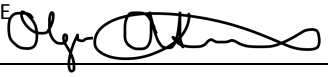
Shadows

The EAS includes a detailed analysis related to shadows, which focuses on incremental shadows cast on the El Batey De Doña Provi Garden. The CEQR Technical Manual states that a significant adverse shadow impact could occur on a sunlight sensitive resource if that resource would receive less than four to six hours of direct sunlight per day during the growing season. The CEQR Technical Manual also states that the features of a resource indicate its sensitivity to shadows. The detailed analysis shows that the garden would continue to receive mostly uninterrupted sunlight for seven or more hours on the three analysis days during which it would receive shading from the proposed project. Therefore, the garden would continue to have ample sunlight to support the viability of vegetation and the users' enjoyment of the garden. In conclusion, the proposed actions would not result in significant adverse shadows impacts, and the El Batey De Doña Provi Garden would not experience significant adverse shadow impacts as a result of the proposed actions.

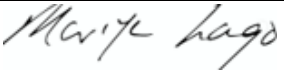
Hazardous Materials and Air Quality

An (E) designation (E-602) 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, 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 Rachel Antelmi at rantelmi@planning.nyc.gov.

TITLE	LEAD AGENCY
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 Olga Abinader	DATE February 26, 2021
SIGNATURE 	

Project Name: St. Joseph's - 1949 Bathgate Avenue
CEQR # 21DCP081X
SEQRA Classification: Type I

TITLE Chair, City Planning Commission	
NAME Marisa Lago	DATE March 1, 2021
SIGNATURE 	

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Determination of Significance Appendix

The Proposed Actions 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 3043 / Lots 10, 16, 22, 23

(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-602**) 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 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.

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 development on the above-referenced property must ensure the heating, ventilating, and air conditioning (HVAC) system and hot water equipment stack is located at the building's highest tier and at least 100 feet above grade to avoid any potential significant adverse air quality impacts.*