ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Anita Laremont, *Director*
Department of City Planning

November 4, 2021

Our Lady of Pity Apartments LLC
c/o Caroline Harris
GoldmanHarris LLC
475 Park Avenue South Suite
2803 New York, NY 10016

| | |
|---|---|
| **Re:** | **Our Lady of Pity - 272 East 151st Street Rezoning** |
| CEQR No. | 21DCP160X |
| ULURP No(s). | 210321ZMX, N210322ZRX |
| SEQRA Classification: | Type I |
| Bronx Community District: | BX01 |

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. 21DCP160X, Our Lady of Pity - 272 East 151st Street 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 November 1, 2021.

Sincerely,

Stephanie Shellooe, AICP, *Deputy Director*

November 4, 2021

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

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 proposed actions are a Zoning Map Amendment to rezone the project area (Bronx Block 2410, Lots 1, 3-9, 14, 72, and 77) from R6 and R6/C1-4 districts to R7A and R7A/C1-4, and a Zoning Text Amendment to establish a Mandatory Inclusionary Housing area coterminous with the project area in the Melrose neighborhood of Bronx, Community District 1. The proposed actions would facilitate the development of two new residential buildings on Bronx Block 2410, Lots 14, 72, and 77, containing 276 residential units, all of which the applicant intends to be affordable. Zoning controls would also be modified on Lots 1 and 3-9, within the project area. The analysis framework conservatively assumes Lots 5, 6, and 7 would assemble in the with-action condition and be developed with an 8-story mixed use building containing 30 dwelling units and 1,850 gsf of ground floor retail space. The remaining lots in the project area are not expected to redevelop as a result of the proposed actions given their size and existing uses. The proposed actions are anticipated to result in a change in land use, increasing residential density within the project area, however, given the existing residential and mixed use character of the surrounding area, the change in land use and zoning would not constitute a significant adverse impact. Additionally, there would be no significant adverse impact to public policy.

**Community Facilities**

*Public Schools:* A detailed analysis related to public schools is included in the EAS. According to the CEQR Technical Manual, a significant adverse impact may occur if the proposed actions would result in both a collective utilization rate of 100 percent or more in the with-action condition and an increase of five percent or more in the collective utilization rate between the no-action and with-action conditions. The proposed actions would introduce approximately 37 elementary students and 14 intermediate students to the sub-district. For elementary schools, this represents a with-action collective utilization rate of 94.7 percent, a 0.7 percent increase from the no-action. For intermediate schools, this represents a with-action collective utilization rate of 76 percent, a 0.5 percent increase from the no-action. As the proposed actions would not result in a collective utilization rate of 100 percent or more, and would not increase the collective utilization rate by 5 percent or more between the no-action and the with-action scenarios, the proposed actions would not result in a significant adverse impact to public schools.

*Childcare:* A detailed analysis related to childcare is included in the EAS. According to the CEQR Technical Manual, a significant adverse impact may occur if the proposed actions would result in both a collective utilization rate of 100 percent or more in the with-action condition and an increase of five percent or more in the collective utilization rate between the no-action and with-action conditions. The analysis shows a with-action collective utilization rate of 94.9 percent, a 1.0 percent increase from the no-action. As the proposed actions would not result in a collective utilization rate of 100 percent or more, and would not increase the collective utilization rate by 5 percent or more between the no-action and the with-action scenarios, the proposed actions would not result in a significant adverse impact to public schools.

**Air Quality and Noise**

An (E) designation (E-652) related to 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 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 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 +1 212-720-3621.*

| TITLE | LEAD AGENCY |
|---|---|
| Deputy Director, Environmental Assessment and Review Division | Department of City Planning on behalf of the City Planning Commission<br>120 Broadway, 31st Fl. New York, NY 10271 \| 212.720.3328 |
| NAME | DATE |
| Stephanie Shellooe | October 29, 2021 |
| SIGNATURE | |

| TITLE | |
|---|---|
| Chair, City Planning Commission | |
| NAME | DATE |
| Anita Laremont | November 1, 2021 |
| SIGNATURE | |

**Project Name: Our Lady of Pity - 272 East 151st Street Rezoning**
**CEQR # 21DCP160X**
**SEQRA Classification: Type I**

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 | BX | Block 2410, Lots 14, 72, 77 |
| Projected Development Site 2 | BX | Block 2410, Lots 5, 6, 7 |

(E) Designation Requirements

To ensure that the proposed actions would not result in significant adverse impacts related to air quality and noise an (E) designation (**E-652**) would be established as part of approval of the proposed actions on **Projected Development Sites 1 and 2** as described below:

| Development Site | Hazardous Materials | Air Quality | Noise |
|---|---|---|---|
| Projected Development Site 1 | | X | X |
| Projected Development Site 2 | | X | X |

*Air Quality*

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

***Projected Development Site 1 (North Building and South Buildings):*** *Any new residential or commercial development on the above-referenced property, if using fossil-fuel fired heating, ventilation, and air conditioning (HVAC) systems, must exclusively use natural gas and ensure that the HVAC stacks are located at the highest building tier and at least 108.66 feet above grade to avoid any significant adverse air quality impacts.*

***Projected Development Site 2:*** *Any new residential or commercial development on the above-referenced property, if using fossil-fuel fired heating, ventilation, and air conditioning (HVAC) systems, must exclusively use natural gas and be fitted with low-NOx (20 ppm) burners. Additionally, HVAC stacks must be located at the highest building tier and at least 88 feet above grade, and a minimum of 25 feet away from the lot line facing the rear yard (i.e., at least 25 feet away from the eastern lot line closest to Courtlandt Avenue) to avoid any significant adverse air quality impacts.*

*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 residential uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation on all building facades to maintain an interior noise level not greater than 45 dBA for residential uses. 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.*

***Projected Development Site 2:*** *In order to ensure an acceptable interior noise environment, future residential/commercial office uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation on all building facades to maintain an interior noise level not greater than 45 dBA for residential uses or not greater than 50 dBA for commercial office uses. 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.*