DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Amanda M. Burden, FAICP, *Director*
Department of City Planning

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OFFICE OF ENVIRONMENTAL COORDINATION

POSITIVE DECLARATION

May 14, 2008

Project Identification
CEQR No. 08DCP071X
ULURP Nos. Pending
SEQRA Classification: Type I

Lead Agency
City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal:

Lower Concourse Rezoning and Related Actions
The New York City Department of City Planning (DCP) proposes zoning text and map amendments that would affect 30 blocks located in the Mott Haven neighborhood of Bronx Community District 1. The area proposed to be rezoned is generally bounded by East 149th Street and East 144th Street to the north, the Major Deegan Expressway and Park Avenue to the south, Morris Avenue to the east, and the Harlem River to the west.

The proposal includes the following public land-use actions:

Zoning Map Amendments

- Change from M1-2 to C6-2A all or portions of four blocks generally located along the Grand Concourse south of East 144th Street and north of East 138th Street between Walton Avenue and the Metro North rail right-of-way.

- Change from M2-1 to R7-2/ C2-4 and C4-4 all or portions of two blocks along the Harlem River Waterfront south of East 149th Street and north of the Metro North rail bridge.

- Change from M1-2 and C4-4 to MX (M1-4/ R8A) all or portions of six blocks generally located south of East 149th Street and north of East 140th Street, between Exterior Street and Walton Avenue.

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- Change from M1-2 to MX (M1-4/ R6A) all or portions of six blocks in two areas generally located south of East 144th Street, north of East 138th Street between Gerard and Walton Avenues in one area, and located south of East 146th Street and north of East 139th Street, between Canal Place and Rider Avenue.

- Change from M1-2 and M2-1 to MX (M1-4/ R7X) all or portions of seven blocks generally located along East 138th Street between Park and Third Avenues.

- Change from M1-2 to MX (M1-4/ R7A) all or portions of ten blocks generally located along Third, Morris, and Lincoln Avenues between East 144th Street and the Major Deegan Expressway.

- Change from M1-2 and M2-1 to M1-4 portions of five blocks generally located south East 138th Street and north of the Major Deegan Expressway, between Park and Third Avenues.

- Change from M1-2 to C4-4 one block located south East 149th Street and north of East 144th Street, between Morris Avenue and the Metro North rail right-of-way.

Zoning Text Amendments

- Establish a Special Mixed Use District (MX) on all or portions of 25 blocks between Exterior St. and Walton Ave., south of East 149th St. and north of East 138th St., and between Park and Morris Avenues, south of East 146th St. and north of the Major Deegan Expressway.

- Create the Lower Concourse Waterfront Access Plan (WAP) affecting two Harlem River waterfront blocks located between the Harlem River and Exterior Street, south of East 149th Street and north of the Metro North Railroad Bridge over the Harlem River. This area is proposed to be rezoned to R7-2/C2-4 and C4-4 from M2-1, with the exception of the proposed park, which would remain zoned M2-1. The proposed WAP would specify the location of public access areas and visual corridors and apply special bulk regulations to waterfront lots.

- Create the Special Lower Concourse Waterfront District on two Harlem River waterfront blocks extending between the Harlem River and Exterior Street, south of East 149th Street and north of the Metro North Railroad Bridge over the Harlem River. This area is proposed to be rezoned to R7-2/C2-4 and C4-4 from M2-1, with the exception of the proposed park, which would remain zoned M2-1. The special district regulations would modify the restrictions on base and tower heights, maximum tower footprints, and the location of towers. An authorization would be available to allow narrow or shallow lots to waive out of proposed height, bulk, and waterfront open space requirements. The level of the shore public walkway would be required to be raised at least to the height of the Oak Point Rail line for all waterfront properties. Screening requirements would mandate usable floor area facing all waterfront public access areas. Usable floor

area would be required for the ground floor facing streets. Restrictions in C2-4 commercial overlays on the location of commercial space in mixed-use buildings would be modified to allow flexibility in locating commercial areas.

- Modify food store regulations. The proposed zoning text amendment would permit food stores of any size as-of-right within the proposed rezoning area. Currently, food stores over 10,000 square feet are only allowed within M1 districts by special permit of the City Planning Commission. Food stores of any size would be allowed as-of-right within M1-4 zoning districts in Bronx Community District 1.

- Establish inclusionary zoning in the rezoning area. The proposed zoning text amendment would apply the Inclusionary Housing program within the rezoning area in the Bronx, Community District 1. New base and bonused FARs would apply to new residential development. Base FARs would apply to developments that do not use the Inclusionary Zoning bonus. The full bonused FAR would apply to buildings that provide 20% of the total new housing floor area as affordable residential floor area in accordance with the Inclusionary Housing program.

City Map Change

- DCP, in conjunction with the Department of Parks and Recreation, is proposing changes to the City Map for the mapping of a new two-acre park located along the Harlem River Waterfront within the rezoning area. The park would be located between the Harlem River and Exterior Street; generally south of the prolongation of East 146th Street and north of the prolongation of East 144th Street. Although the site is located within the boundaries of the proposed Special Lower Concourse Waterfront District, the special district regulations would not apply. Under the proposed actions, the site would remain zoned M2-1.

The proposed action is intended to provide opportunities for new residential and commercial development, and the enhancement and upgrading of waterfront areas in the South Bronx. The proposed action would create opportunities for new housing development on underutilized and vacant land in this highly transit-accessible location. In addition, the proposed mixed-use districts would permit the continuation of light industrial uses as well as the development of new light industrial uses. Lifting restrictions on the size of food stores within the rezoning area would provide additional opportunities for new grocery stores in the South Bronx, which is currently underserved by such stores. Finally, the action would encourage the development of the under-utilized Harlem River waterfront, extending waterfront access from the Gateway Center area south to the Port Morris community.

The proposed actions are projected to result in development on the 31 projected development sites including an increase of 3,414 dwelling units (591 of which would be affordable pursuant to the city's Inclusionary Housing program), a total of 735,477

square feet of commercial space (571,162 square feet of retail space, 164,275 square feet of hotel space), 63,700 square feet of community facility space, a net reduction of 308,872 square feet of industrial space, and a net reduction of 598,351 of office space. In the future without the proposed action, given the current zoning and commercial and residential housing trends in the area, it is anticipated that the proposed project area would experience nominal growth in commercial and light manufacturing uses. Most of the projected growth is expected to include further development of self-storage facilities, drive-through restaurants, gasoline station and convenient stores, office uses, and warehouses.

The analysis year for the proposed action is 2018.

Statement of Significant Effect:

On behalf of the City Planning Commission, the Environmental Assessment and Review Division has determined, pursuant to 6 NYCRR Part 617.7, that the proposed action may have a significant effect on the quality of the environment as detailed in the following environmental impacts, and that an environmental impact statement will be required:

1. The actions, as proposed, may result in significant adverse impacts related to land use, zoning, and public policy in the vicinity of the affected area.

2. The actions, as proposed, may result in significant adverse impacts on socioeconomic conditions in the vicinity of the affected area.

3. The actions, as proposed, may result in significant adverse impacts on community facilities and services in the vicinity of the affected area.

4. The actions, as proposed, may result in significant adverse impacts on publicly accessible open space in the vicinity of the affected area.

5. The actions, as proposed, may result in significant adverse shadow impacts in the vicinity of the affected area.

6. The actions, as proposed, may result in significant adverse impacts on historic resources in the vicinity of the affected area.

7. The actions, as proposed, may result in significant adverse impacts on urban design and visual resources in the vicinity of the affected area.

8. The actions, as proposed, may result in significant adverse impacts on neighborhood character in the vicinity of the affected area.

9. The actions, as proposed, may result in significant adverse impacts to natural resources in the affected area.

10. The actions, as proposed, may result in significant adverse hazardous materials impacts in the affected area.

11. The actions, as proposed, are located within the designated coastal zone and may result in significant adverse impacts related to the Local Waterfront Revitalization Program (LWRP) within the affected area.

12. The actions, as proposed, may result in significant adverse impacts on infrastructure in the vicinity of the affected area.

13. The actions, as proposed, may result in significant adverse impacts on solid waste and sanitation services in the vicinity of the proposed action.

14. The actions, as proposed, may result in significant adverse impacts on energy consumption in the affected area.

15. The actions, as proposed, may result in significant adverse impacts to traffic, parking, transit, and pedestrian conditions in the vicinity of the affected area.

16. The actions, as proposed, may result in significant adverse impacts to air quality in the vicinity of the affected area.

17. The actions, as proposed, may result in significant adverse noise impacts in the vicinity of the affected area.

18. The actions, as proposed, may result significant adverse construction-related impacts.

19. The actions, as proposed, may result in significant adverse public health-related impacts.

20. The actions, as proposed, may result in significant adverse impacts related to other aspects of the environment.

Supporting Statement:

The above determination is based on an Environmental Assessment Statement prepared for the action which finds that:

1. The proposed actions would alter existing land use and zoning patterns by rezoning the directly-affected area to permit the development of new residential, commercial and community facility uses.

2. The proposed actions would result in approximately 3,376,718 gross square feet of new development on the projected development sites, including new

residential, commercial and community facility uses. This has the potential to alter socioeconomic conditions in the area.

3. The proposed actions would introduce a new residential population, which could potentially increase demand on community facilities.

4. The proposed actions would bring new residents and workers to the area, potentially placing additional demands on available open space resources.

5. The proposed actions would result in the construction of new buildings which could cast shadows on sunlight sensitive resources.

6. Development resulting from the proposed actions could disturb archaeological resources should they exist on the development sites. In addition, the proposed actions could result in the redevelopment or affect the context of existing historic structures in the area.

7. The proposed actions would result in new types of building use and form which could differ from existing urban design elements in the affected area, and may alter the urban design character and visual resources of the surrounding area.

8. The proposed actions would result in new development which could alter existing neighborhood character by affecting land use, socioeconomic conditions, historic resources, urban design, traffic, and noise.

9. The proposed action would result in new development in the rezoning area which could affect natural resources.

10. The proposed actions would result in demolition and construction in the rezoning area which could potentially expose construction workers and the public to hazardous materials.

11. The proposed actions would result in new development in the designated coastal zone which could potentially be inconsistent with the policies of the LWRP.

12. The proposed action would result in approximately 3,376,718 gross square feet of new development in the rezoning area which could place additional demands on infrastructure.

13. The proposed actions would result in approximately 3,376,718 gross square feet of new development in the rezoning area which would result in the generation of solid waste, and which would require sanitation services.

14. The proposed actions would result in new development in the rezoning area which could increase demand for energy.

15. The proposed actions would result in approximately 3,376,718 gross square feet of new development in the rezoning area which would result in additional vehicular, pedestrian, and transit trips, and additional parking demand in the vicinity of the affected area.

16. The proposed actions would result in new development in the rezoning area which could potentially result in air quality impacts due to increased mobile source (vehicular) and stationary source (HVAC system) emissions.

17. The proposed actions would increase traffic volumes in the rezoning area and the immediate vicinity, which could result in additional traffic noise. The proposed action could also potentially result in noise impacts due to the introduction of sensitive receptors, including residential and community facility uses.

18. The proposed actions would result in new development that would involve demolition and construction activities which may result in construction-related impacts.

19. The proposed actions would result in new development which could potentially result in public health concerns.

20. The Draft Environmental Impact Statement (DEIS) to be prepared for the proposed action will identify and describe any other potential effects on the environment.

Public Scoping:

The CEQR lead agency hereby requests that the applicant prepare or have prepared, at their option, a Draft Environmental Impact Statement (DEIS) in accordance with 6 NYCRR 617.9(b) and Sections 6-08 and 6-12 of Executive Order No. 91 of 1977 as amended (City Environmental Quality Review).

A public scoping meeting has been scheduled for Thursday, June 19, 2008, beginning at 4:00 PM, in the cafeteria at Hostos Community College, 3rd Floor, 450 Grand Concourse, Bronx, New York 10451. Written comments will be accepted by the lead agency through the tenth day following the scoping meeting.

This determination has been prepared in accordance with Article 8 of the Environmental Conservation Law.

If you have any questions pertaining to this Positive Declaration, please contact the project manager, Adam Lynn, at (212) 720-3493.

Robert Dobruskin

Robert Dobruskin, AICP, Director
Environmental Assessment & Review Division
Department of City Planning

5/14/08

Date

PUBLIC NOTICE OF A SCOPING MEETING
DRAFT ENVIRONMENTAL IMPACT STATEMENT
(CEQR No. 08DCP071X)

Notice is hereby given that pursuant to Section 5-07 of the Rules of Procedure for Environmental Review (CEQR) AND 6 NYCRR 617.8 (State Environmental Quality Review) that the New York City department of City Planning, acting on behalf of the City Planning Commission as CEQR lead agency, has determined that a draft environmental impact statement is to be prepared for the proposed actions related to the redevelopment of Lower Concourse Rezoning and Related Actions, CEQR Number 08DCP071X. The proposal is a Type I action.

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Grand Concourse, Bronx, New York 10451. Written comments will be accepted by the lead agency through the tenth day following the scoping meeting.

Copies of the Draft Scope of Work and the Environmental Assessment Statement may be obtained from the Environmental Assessment and Review Division, New York City Department of City Planning, 22 Reade Street, 4E, New York, New York 10007, Robert Dobruskin, AICP, Director (212) 720-3423; or from the Office of Environmental Coordination, 253 Broadway, 14th Floor, New York, New York 10007, Robert Kulikowski, Ph.D., Director (212) 788-2937.