NYC PLANNING

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Marisa Lago, *Director*
Department of City Planning

Mott Haven Gateway, LLC
c/o Nora Martins
Akerman, LLP
666 Fifth Avenue, 20th Floor
New York, NY 10103

Re:	**261 Walton Avenue**
CEQR No.	20DCP156X
ULURP No(s).	C200286ZMX, N200287ZRX
SEQRA Classification:	Unlisted
Bronx Community District:	BX01

Dear Nora Martins,

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. 20DCP156X, 261 Walton 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 16, 2020.

Sincerely,

Stephanie Shellooe, AICP, *Deputy Director*

November 18, 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
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 from a Special Mixed-Use District (MX-13) to an R8A/C2-4 zoning district and zoning text amendment to Appendix F of the Zoning Resolution to establish the rezoning area as a Mandatory Inclusionary Housing (MIH) area. The proposed actions would facilitate a proposal by the applicant, Mott Haven Greenway, LLC to develop a new 12-story mixed-use building with approximately 206 affordable units and approximately 19,000 square feet of ground floor commercial space and a cellar parking garage with 12 accessory parking spaces at 261 Walton Avenue (Block 2344, Lot 60), located in the Lower Concourse neighborhood of Bronx, Community District 1. The proposed actions are anticipated to introduce new residential and commercial land uses on Lot 60, and would be compatible with the residential and commercial overlay zoning district to the west, the commercial district to the east, and the mixed-use residential district to the north. Therefore, the change in land use and zoning would not constitute a significant adverse impact.

Community Facilities

A detailed analysis related to community facilities is included in the EAS. The proposed project would introduce 29 child-care eligible children. The CEQR Technical Manual indicates that a significant adverse impact on child care centers would occur when: (1) the collective utilization rate of child care centers is greater than 100 percent in the With-Action Condition, and (2) the proposed project would result in an increase of five percentage points or more in the collective utilization rate of child care centers in the study area between the No-Action and the With-Action Condition. In the With-Action Condition, child care facilities in the study area would operate at a deficit of 109 students and would operate over capacity at 102.7 percent utilization, an increase of 0.7 percent utilization over the No-Action Condition. The future With- Action condition would have a collective utilization rate greater than 100 percent; however, the proposed project would result in an increase of only 0.7 percentage points in the collective utilization rate. As such, the proposed project would not result in significant adverse impacts to child care centers within the study area.

Open Space

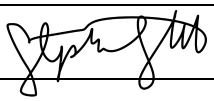
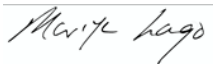
An analysis related to open space is included in the EAS. A proposed project could result in a significant adverse open space impact if it would reduce the open space ratio by more than five percent in areas that are currently below the City's median community district open space ratio of 1.5 acres per 1,000 residents. Under the With-Action condition, the total open space ratio for the residential population would decrease by 0.86 percent compared to the No-Action condition open space ratio: 0.83 to 0.82 acres per 1,000 residents, and the study area would continue to have open space ratios below the guideline of 2.5 acres per 1,000 residents and below the citywide median of 1.5 acres per 1,000 residents. The active and passive open space ratios would also decrease by 0.86 percent. The proposed project would not result in a greater than five percent decrease in the open space ratio. Furthermore, this is a conservative analysis given that there are other open space resources that were not included in the analysis, including the larger extent of Harlem River Park, community gardens throughout the study area, and an anticipated 2.5 acre park in the Lower Concourse neighborhood. Therefore no significant adverse impact to open space resources would result, and further analysis is not warranted.

Hazardous Materials, Air Quality, and Noise

An (E) designation (E-590) 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. This (E) designation would supersede the (E) designation (E-227) for hazardous materials and air quality established as part of the Lower Concourse Rezoning (CEQR No. 08DCP071X). 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 Stephanie Shellooe at +1 212-720-3328.

Project Name: 261 Walton Avenue
CEQR # 20DCP156X
SEQRA Classification: Unlisted

TITLE Deputy Director, Environmental Assessment and Review Division	LEAD AGENCY Department of City Planning on behalf of the City Planning Commission 120 Broadway, 31st Fl. New York, NY 10271 | 212.720.3328
NAME Stephanie Shellooe	DATE November 13, 2020
SIGNATURE 	
TITLE Chair, City Planning Commission	
NAME Marisa Lago	DATE November 16, 2020
SIGNATURE 	

Project Name: 261 Walton Avenue
CEQR # 20DCP156X
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 2344, Lot 60

(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-590**) would be established as part of approval of the proposed actions on **Projected Development Site 1** as described below. This (E) designation would supersede the (E) designation (E-227) for hazardous materials and air quality on the project site established as part of the Lower Concourse Rezoning (CEQR No. 08DCP071X).

Development Site	Hazardous Materials	Air Quality	Noise
Projected Development Site 1	X	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.

Project Name: 261 Walton Avenue
CEQR # 20DCP156X
SEQRA Classification: Unlisted

Air Quality

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

Projected Development Site 1: *Any new residential and/or commercial development must use natural gas for heating, ventilation, and air conditioning (HVAC) systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 25 feet from the lot line facing E 138 Street to avoid any potential significant air quality impacts.*

Noise

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

Projected Development Site 1: *To ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum of 35 dBA window/wall attenuation on all facades to maintain an interior noise level not greater than 45 dBA for residential uses. 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.*