CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIRMAN

REVISED NEGATIVE DECLARATION[1] October 4, 2016
Supersedes the Negative Declaration Issued on May 23, 2016

Project Identification
CEQR No. 16DCP146X
ULURP Nos. 150312ZMX, 150313ZRX
SEQRA Classification: Type I

Lead Agency
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271
Contact: Robert Dobruskin
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Name, Description and Location of Proposal:

Concourse Village West
The Applicant, Upper Manhattan Development Corp., is seeking a zoning map amendment affecting a portion of Block 2458 (Block 2458, Lots 6, 13, 35, 43, 49, and p/o Lots 16, 25, and 26, the "Affected Area") in the Concourse Village neighborhood of Bronx, Community District 4. The zoning map amendment would rezone the Affected Area from the existing C8-3 district to three new districts: R8 (applicable to Block 2458, Lot 13), R7D (applicable to Block 2458, Lots 49, 6, 35, 43 and p/o Lots 16, 25 and 26), and R7D/C1-4 (applicable to Block 2458, Lot 35 and p/o Lot 26). The Applicant is also seeking a zoning text amendment to Zoning Resolution (ZR) Section 23-933 Appendix F to establish a Mandatory Inclusionary Housing (MIH) area that is coterminous with the entire Affected Area. The proposed zoning map and text amendments (collectively, the "Proposed Actions") would facilitate a proposal by the Applicant to construct three buildings on three sites under their control: Block 2458, Lot 13 ("Projected Site 1"); Lot 35 ("Projected Site 2"); and Lot 49, ("Projected Site 3"). The development proposed on Projected Sites 1-3 would total 218,617 gross square feet (gsf) of residential uses (213 dwelling units, 140 of which would be affordable for households earning up to 60 percent of the Area Median Income (AMI)), 6,300 gsf of commercial retail use, 9,500 gsf of community facility use, and 49 accessory parking spaces (the "Proposed Developments").

In addition to the proposed zoning map and text amendment, the Applicant also seeks discretionary financing for the residential component of the proposed developments on Projected Sites 1-3, from the New York City of Housing Preservation and Development (HPD). A coordinated environmental review was conducted with HPD acting as an involved agency.

[1] This Revised Negative Declaration is reflective of additional information included in the EAS which clarifies State regulations of odor emissions from an existing facility within the Affected Area, as discussed further in the Supporting Statement of this document.

For the purposes of presenting a conservative environmental review analysis, it was assumed that two additional sites, not under the Applicant's control, would be redeveloped in the future with the Proposed Actions: Block 2458, Lot 6 (Projected Site 4) and Block 2458, Lot 43 (Projected Site 5). In total, all five Projected Sites are expected to be redeveloped with a total 432,964 gsf of residential use (433 dwelling units, 130 of which are expected to be affordable pursuant to the Mandatory Inclusionary Program), 6,300 gsf of commercial use, 40,246 gsf of community facility use, and 114 accessory off-street parking spaces.

The sites located within the Affected Area are developed with a total of 4,250 gsf of general service use (Use Group 16), 9,800 gsf of community facility use (Use Group 4), 43,146 gsf of manufacturing use (Use Group 17 and 18), and 399 public parking spaces. Specifically, Projected Site 1 is occupied by an existing parking facility with 150 public parking spaces. Projected Site 2 is occupied by a 4,250 gsf general service building shared between an automotive repair service and a laundromat, and 99 unenclosed public parking spaces. Projected Site 3 is occupied by a 150-space public parking lot. Other lots within the Affected Area include a 9,800 gsf church (Lot 43, "Projected Site 5"), and a 43,416 gsf manufacturing building which contains a furniture warehouse and poultry facility (Lot 6, "Projected Site 4"). The rezoning area also includes portions of lots developed with three 6-story art-deco apartment buildings on Lots 16, 25, and 26, which are not expected to be affected by the proposed actions. These buildings are located within the Historic District designated by LPC and the National Register of Historic Places.

The entire Affected Area is currently zoned C8-3, which permits a maximum allowable commercial FAR of 2.0 and community facility FAR of 6.5. Portions of the Affected Area (p/o Lots 6, 13, 16, 25, and 26) are within the Special Grand Concourse Preservation District.

The proposed rezoning would permit a maximum residential FAR of 7.2 in the proposed R8 district, a maximum residential FAR of 5.6 in the proposed R7D district, and a maximum commercial FAR of 2.0 within the proposed C1-4 commercial overlay. In the future with the Proposed Actions, the current development on Projected Site 1 would be demolished, and the siet would be redeveloped with a 14-story 56,623 gsf residential building with 53 dwelling units and 8 accessory parking spaces; Projected Site 2 would be developed with a 12-story 116,817 gsf mixed residential and commercial building containing 90 dwelling units, 6,300 gsf of ground floor retail use, and 23 accessory parking spaces; and Projected Site 3 would be developed with a 100,531 gsf mixed residential and community facility building containing 70 dwelling units, 9,500 gsf of community facility use, and 18 accessory parking spaces. Per Option 2 of the MIH program, at least 30 percent of the residential floor area would be reserved for residents with incomes averaging 80 percent AMI. In accordance with the MIH program, and HPD and HDC discretionary financing approvals, it is expected that 140 dwelling units out of the proposed 213 units would be affordable for households earning up to 60 percent AMI, and 73 would be affordable for households earning up between 80 to 100 percent.

The analysis year for the Proposed Actions is 2021. Absent the Proposed Actions, the Affected Area is expected to remain in its existing condition.

In connection with the Proposed Actions, an (E) designation (E-386) would be assigned to sites within the Affected Area (Block 2458, Lots 6, 13, 35, 43, and 49) to avoid potential significant adverse impacts related to hazardous materials, air quality and noise.

The (E) designation related to hazardous materials would apply to the following sites:

Block 2458, Lot 6
Block 2458, Lot 13
Block 2458, Lot 35
Block 2458, Lot 43
Block 2458, Lot 49

The (E) designation text related to hazardous materials is 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.

With the assignment of the above-referenced (E) designation for hazardous materials, the Proposed Actions would not result in significant adverse impacts.

The (E) designation related to air quality would apply to the following properties:

Block 2458, Lot 6
Block 2458, Lot 13
Block 2458, Lot 35
Block 2458, Lot 43
Block 2458, Lot 49

The (E) designation related to air quality is as follows:

Block 2458, Lot 13: Any new residential and/or commercial development on Block 2458 Lot 13 (Site 1) must use exclusively natural gas for HVAC systems and ensure that the heating, ventilating and air conditioning stack is located at the highest tier or 178 feet above grade and setback at least 10 feet from any roof lot line to avoid any potential significant adverse air quality impacts.

Block 2458, Lot 35: Any new residential and/or commercial development on Block 2458 Lot 35 (Site 2) must use exclusively natural gas for HVAC systems and ensure that the heating, ventilating and air conditioning stack is located at the highest tier or 118 feet above grade and setback at least 10 feet from any roof lot line to avoid any potential significant adverse air quality impacts.

Block 2458, Lot 49: Any new residential and/or commercial development on Block 2458 Lot 49 (Site 3) must use exclusively natural gas for HVAC systems and ensure that the heating, ventilating and air conditioning stack is located at the highest tier or 118 feet above grade and setback at least 10 feet from any roof lot line to avoid any potential significant adverse air quality impacts.

Block 2458, Lot 6: Any new residential and/or commercial development on Block 2458 Lot 6 (Site 4) must use exclusively natural gas for HVAC systems and ensure that the heating, ventilating and air conditioning stack is located at the highest tier or 118 feet above grade and at least 151 feet from the lot line facing Grand Concourse and 93 feet from the lot line facing East 156 Street to avoid any potential significant adverse air quality impacts.

Block 2458, Lot 43: Any new residential and/or commercial development on Block 2458 Lot 43 (Site 5) must use exclusively natural gas for HVAC systems and ensure that the heating, ventilating and air conditioning stack is located at the highest tier or 118 feet above grade and setback at least 10 feet from any roof lot line to avoid any potential significant adverse air quality impacts.

With the assignment of the above-referenced (E) designation for air quality, the Proposed Actions would not result in significant adverse impacts.

The (E) designation related to noise would apply to the following properties:

Block 2458, Lot 6
Block 2458, Lot 13

The text for the (E) designation related to noise is as follows:

> **Block 2458, Lots 6 and 13: 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 the façades facing the Grand Concourse in order to maintain an interior noise level of 45 dBA. 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.**

With the assignment of the above-referenced (E) designation for noise, the Proposed Actions would not result in significant adverse impacts.

Statement of No Significant Effect:

The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement, dated May 20, 2016, prepared in connection with the ULURP Application (Nos. 150312ZMX, 150313ZRX). The City Planning Commission has determined that the Proposed Actions will have no significant effect on the quality of the environment.

Supporting Statement:

The above determination is based on an environmental assessment which finds that:

1. Subsequent to the issuance of an Environmental Assessment Statement (EAS) on May 20, 2016 (the "May 2016 EAS") and Negative Declaration on May 23, 2016, a Revised EAS was issued on September 30, 2016. The Revised EAS provides supplemental information related to an existing poultry establishment located within the Affected Area (Block 2458, Lot 6, Projected Development Site 4). The Air Quality section of the Revised EAS clarifies that the poultry establishment located on Projected Development Site 4 is currently subject to the provisions of State law, under 6 NYCRR 211-1, which prohibits emission of odors that could adversely affect nearby sensitive receptors and therefore significant adverse impacts related to odor air quality are not expected to occur. The additional information provided does not alter the conclusions of the May 2016 EAS or the May 2016 Negative Declaration.

2. The (E) designation related to hazardous materials, air quality and noise would ensure that the Proposed Actions would not result in significant adverse impacts.

3. To avoid inadvertent demolition and/or construction-related damage to historic resources, the Applicant has stated they will prepare a Construction Protect Plan (CPP), which would be coordinated with LPC and implemented in consultation with a licensed professional engineer. This CPP would be prepared as set forth in Section 523 of the CEQR Technical Manual and in compliance with the procedures included in the DOB's TPPN #10/88 and LPC's guidelines for Construction Adjacent to a Historic Landmark and Protection Programs for Landmarks Buildings. The CPP would be prepared and implemented prior to demolition and construction activities on the

Projected Sites and project-related demolition and construction activities would be monitored as specified in the CPP.

4. No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable.

This Revised Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law 6NYCRR part 617 (SEQRA).

An Environmental Assessment Statement is attached. Please contact Christopher Lee of the Department of City Planning at (212) 720-3429, if you have any questions regarding the application.

Olga Abinader, Deputy Director
Environmental Assessment & Review Division
Department of City Planning

Date: September 30, 2016

Carl Weisbrod, Chairman
City Planning Commission

Date: October 4, 2016