DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

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

November 12, 2008

POSITIVE DECLARATION

Project Identification
CEQR No. 09DCP024X
ULURP Nos. Pending
SEQRA Classification: Type I

Lead Agency
City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Robert Dobruskin
(212) 720-4320

Name, Description and Location of Proposal:

161st Street/River Avenue Rezoning

The Department of City Planning (DCP) proposes to rezone all or portions of eights blocks along the 161st Street and River Avenue corridors in the civic heart of the Bronx Community District 4. The proposed actions would affect the area generally bound by River Avenue on the west, East 162nd Street to the north, Park Avenue to the east, and East 159th and East 153rd streets to the south. It would amend the zoning map to change C8-3, C4-6, R8, R8/C1-4, R7-1, R7-1/C1-4 and R7-1/C2-4 zoning districts to C6-2, C6-3D and R8A/C2-4 zoning districts. In addition, an amendment to the Zoning Resolution text would create the new C6-3D zoning district. The proposed actions are intended to provide new opportunities for growth in an area well served by mass transit; encourage new housing production, including new affordable housing utilizing the Inclusionary Housing Program; and encourage new office and commercial space in the Bronx Civic Center.

DCP analyzed eleven projected development sites and eleven potential development sites. Compared to the Future No-Action conditions, it is expected that project-generated development on the eleven projected development sites would generate a net increase of 594 dwelling units, including 148 units of affordable housing; a net increase of 42,004 square-feet of retail commercial space; a net increase of 306,001 square-feet of commercial office space; and a net increase of 10 square-feet of community facility space. The analysis year is 2018.

In order to avoid any potential impacts related to hazardous materials on all projected and potential development sites, (E) designations for hazardous materials (E-225) would be placed on the following properties:

Block	Lots
2421	1, 16, 17, 18, 20, 26, 27, 50, 51, 52, 53, 54, 55, 56, 57, 75
2443	90, 94
2459	46, 49, 50, 53, 54
2460	25
2474	40
2483	5, 32, 34, 40, 44, 45, 68
2484	5, 9, 33, 35

The text of the (E) designation is as follows:

Due to the possible presence of hazardous materials on the aforementioned designated sites there is potential for contamination of the soil and groundwater. To determine if contamination exists and perform and appropriate remediation, the following tasks must be undertaken by the fee owners(s) of the lot restricted by this (E) designation prior to any demolition or disturbance of soil on the lot.

Task 1
The fee owner(s) of the lot(s) restricted by this (E) designation will be required to prepare a scope of work for any soil, gas, or groundwater sampling and testing needed to determine if contamination exists, the extent of the contamination, and to what extent remediation may be required. The scope of work will include all relevant supporting documentation, including site plans and sampling locations. This scope of work will be submitted to DEP for review and approval prior to implementation. It will be reviewed to ensure that an adequate number of samples will be collected and that appropriate parameters are selected for laboratory analysis.

No sampling program may begin until written approval of a work plan and sampling protocol is received from DEP. The number and location of sample sites should be selected to adequately characterize the type and extent of the contamination, and the condition of the remainder of the site. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of the sampling data. Guidelines and criteria for choosing sampling sites and performing sampling will be provided by DEP upon request.

Task 2
A written report with findings and a summary of the data must be presented to DEP after completion of the testing phase and laboratory analysis for review and approval. After receiving such test results, a determination will be provided by DEP if the results indicate that remediation is necessary.

If DEP determines that no remediation is necessary, written notice shall be given by DEP.

If remediation is necessary according to test results, a proposed remediation plan must be submitted to DEP for review and approval. The fee owner(s) of the lot(s) restricted by this (E) designation must perform such remediation as determined necessary by DEP. After completing the remediation, the fee owner(s) of the lot restricted by this (E) designation should provide proof that the work has been satisfactorily completed.

A DEP-approved construction-related health and safety plan would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This Plan would be submitted to DEP for review and approval prior to implementation.

With the implementation of the above (E) designation, no significant adverse impacts related to hazardous materials would occur.

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 actions 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 on community facilities and services in the vicinity of the affected area.

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

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

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

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

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

8. 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 actions which finds that:

1. The proposed actions are projected to generate a net increase of 148 affordable housing units on the 11 projected development sites, which could increase the demand for community facilities and services.

2. The proposed actions would result in new development which could alter existing neighborhood character by affecting traffic and noise levels.

3. The proposed actions could increase traffic volumes which could generate significant traffic impacts requiring mitigation; increase the parking demand; and increase the level of subway, bus, and pedestrian use possibly requiring mitigation to accommodate transit passengers.

4. The proposed actions could potentially result in air quality impacts due to increased mobile source (vehicular) and stationary source (HVAC system) emissions.

5. The proposed actions would result in new development, some adjacent to an elevated train, which could increase the volume of traffic potentially resulting in additional traffic noise (mobile source).

6. The proposed actions would result in an increase in traffic volume which could potentially result in public health concerns due to increased level of noise and air quality impacts.

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

8. An Environmental Assessment Statement (EAS), dated November 12, 2008, was prepared for the proposed actions. The EAS concluded that, based on standard methodologies using *CEQR Technical Manual* guidelines and employing reasonable, worst-case assumptions, the proposed actions would not result in significant adverse impacts with respect to Land Use, Zoning and Public Policy; Socioeconomic

Conditions; Open Space; Shadows; Historic Resources; Visual Resources; Natural Resources; Hazardous Materials; Waterfront Revitalization Program; Infrastructure; Solid Waste and Sanitation Services, Energy; and Construction Impacts.

9. The (E) designation for hazardous materials would ensure that the proposed actions would not result in significant adverse impacts due to hazardous materials

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 **Tuesday, December 16, 2008** at 4:00 PM at the Bronx Museum of the Arts, 1040 Grand Concourse (at East 165th Street), the Bronx, New York, 10458. 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. Should you have any questions pertaining to this Positive Declaration, you may contact Devesh Doobay, the project manager, at (212) 720-3419.

November 12, 2008

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

Date