



CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

CONDITIONAL NEGATIVE DECLARATION

Project Identification

CEQR No. 19DCP019X
ULURP No. 150355MMX
SEQRA Classification: Unlisted

Lead Agency

City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271
Contact: Stephanie Shellooe
(212) 720-3328

Name, Description and Location of Proposal

East 178th Street Demapping

The Applicant, 420 Morris Park Avenue, LLC is seeking an amendment to the City Map to eliminate, discontinue, and close an unopened and unimproved section of East 178th Street and the related disposition of this city-owned property. The proposed action would facilitate a proposal by the Applicant to develop a 2-story, 88,797-gross-square-foot (GSF) medical office with at-grade and cellar parking for 145 vehicles on the affected area and an adjacent lot (the "Proposed Development"). The area to be demapped, the affected area, consists of East 178th Street east of Morris Park Avenue in the West Farms neighborhood of Bronx Community District 6.

The street segment proposed to be eliminated, discontinued and closed is the portion of East 178th Street east of Morris Park Avenue, which terminates just west of the Bronx River Parkway. The street is owned by the City of New York and is under the jurisdiction of the Department of Transportation ("DOT"). The street is not open or improved and is not currently used by the public. It is fenced along Morris Park Avenue by a chain link fence, and used for truck parking by a refrigeration contractor that occupies the adjacent property to the south at 390 Morris Park Avenue. Temporary trailers are also located partially on the street proposed to be demapped and are being utilized for site operations by the same refrigeration contractor. The street segment proposed for demapping is approximately 236 feet long and approximately 60 feet wide with an area of approximately 18,394 sf.

The Applicant owns the parcel immediately adjacent to the proposed demapped portion of East 178th Street, known as Lot 61. The Applicant's Property has a lot area of 25,563 sf and approximately 22 feet of frontage on East Tremont Avenue, 280 feet of frontage on Morris Park Avenue, and 302 feet of frontage on the Bronx River Parkway South Extension. The lot is an irregularly-shaped triangular parcel and is comprised of both corner lot and through lot portions. The lot has approximately 185 feet of frontage on the mapped and unopened portion of East 178th Street.

Stephanie Shellooe, AICP, *Deputy Director*
120 Broadway, 31st Floor, New York, NY 10271
(212) 720-3328
sshellooe@planning.nyc.gov

East 178th Street Demapping
CEQR No. 19DCP019X
Conditional Negative Declaration

The proposed action would facilitate a proposal by the Applicant to develop the street segment and Lot 61 (the projected development site) with a 88,797 gsf, 30-foot-tall, two-story building containing approximately 43,470 zoning square feet of above-grade floor area (.99 FAR) to be occupied by a medical office and approximately 43,470 square feet of below-grade parking. The cellar level and surface parking would accommodate 145 vehicles. The portion of the new development site where the roadbed is currently located would be a paved parking area for the proposed building.

The analysis year for the Proposed Action is 2024.

To avoid any potential significant adverse impacts with respect to hazardous materials and noise, the Mapping Agreement between the Applicant and the City of New York in connection with the proposed demapping shall set forth the environmental requirements outlined below concerning the Applicant's property at Block 3909, Lot 61.

The environmental requirements for hazardous materials are 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 be 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.

East 178th Street Demapping
CEQR No. 19DCP019X
Conditional Negative Declaration

The environmental requirements for noise are as follows:

In order to ensure an acceptable interior noise environment, future community facility uses must provide a closed window condition with a minimum of 28 dB(A) window/wall attenuation on all facades in order to maintain an interior noise level of 45 dB(A). 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, central air conditioning.

With the above environmental requirements ensured through the Mapping Agreement, no significant hazardous materials or noise impacts are expected as a result from the proposed action.

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 October 1, 2021, prepared in connection with the ULURP Application (No. 150355MMX). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment, once it is modified as follows:

1. If future development of the Applicant's property and the demapped property should occur, the applicant agrees to prepare a Phase II Environmental Assessment Statement (ESA) and submit to the Office of Environmental Remediation (OER) for approval. This requirement will be embodied in the Mapping Agreement to be executed in connection with the demapping.
2. If future development of the Applicant's property and the demapped property should occur, the applicant agrees that in order to ensure an acceptable interior noise environment, future community facility uses must provide a closed window condition with a minimum of 28 dB(A) window/wall attenuation on all facades in order to maintain an interior noise level of 45 dB(A). 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, central air conditioning. This requirement will be embodied in the Mapping Agreement to be executed in connection with the demapping.

Supporting Statement:

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

1. A Phase I Environmental Site Assessment (ESA) was prepared for the area to be demapped. The Phase I ESA was reviewed by DEP and pursuant to a letter dated February 19, 2016, a Phase II Environmental Site Assessment (ESA) would be required if future development of the demapped property should occur. As such, the applicant agrees that the Mapping Agreement will ensure that a detailed Phase II testing would occur, and is binding upon the property's successors and assigns. The environmental requirements set forth in the Mapping Agreement

East 178th Street Demapping
CEQR No. 19DCP019X
Conditional Negative Declaration

will serve as a mechanism to assure the potential for hazardous material contamination, that may exist in the subsurface soils and groundwater on the area to be demapped, would be characterized prior to any site disturbance (i.e. site grading, excavation, demolition, or building construction). Consequently, no significant adverse impacts related to hazardous materials will occur.

2. The environmental requirements that will be set forth in the Mapping Agreement for hazardous materials will ensure that the proposed action will not result in significant adverse impacts due to hazardous materials.
3. The environmental requirements that will be set forth in the Mapping Agreement for noise will ensure that the proposed action will not result in significant adverse impacts due to noise.
4. No other significant adverse effects on the environment which would require an Environmental Impact Statement are foreseeable.

It is fully agreed and understood that if the foregoing conditions, modification, and alterations are not fully incorporated into the proposed action, this Conditional Negative Declaration shall become null and void. In such event, the applicant shall be required to prepare a Draft Environmental Impact Statement before proceeding further with said proposal.

This Conditional Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

I, the Undersigned, as the applicant or authorized representative for this proposal, hereby affix my signature in acceptance of the above conditions to the proposed action.



Signature of Applicant or Authorized Representative

Date: 10/1/2021

Kevin Williams, AICP

Name of Applicant or Authorized Representative



Stephanie Shellooe, Deputy Director
Environmental Assessment and Review Division
Department of City Planning

Date: October 1, 2021

Anita Laremont, Chair
City Planning Commission

Date: _____