

**NEGATIVE DECLARATION (Use of this form is optional)**

**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 project. 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 project 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 have no significant effect on the quality of the environment. Reasons supporting this determination are noted below.

**Hazardous Materials, Air Quality, and Noise:**

An (E) designation (E-566) for hazardous materials, air quality, and noise has been incorporated into the proposed actions. Refer to Appendix 1: (E) Designation”, attached to this Determination of Significance, for the sites affected by the (E) designation and applicable (E) designation requirements. This (E) designation will supersede the (E) designation (E-249) for hazardous materials and noise placed on the development site as part of the Webster Avenue Rezoning (CEQR No. 10DCP035X). The analysis concludes that with the (E) Designation requirements in place, the Proposed Actions would not result in significant adverse impacts to hazardous materials, air quality or noise.

**Land Use, Zoning, and Public Policy:**

A detailed analysis related to Land Use, Zoning, and Public Policy is included in the EAS. A significant adverse impact would occur if a proposed action would generate land uses incompatible with the surrounding area. The Proposed Actions include a zoning authorization to permit an additional story on a proposed building with ground floor FRESH uses, and a zoning certification for a proposed FRESH food store affecting Block 3273; Lots 118, 122, and 128 (“Affected Area”) located in the Bedford Park neighborhood of Bronx, Community District 7. The actions would facilitate a proposal by the applicant to develop two 12-story mixed-use buildings totaling 387,052 gross square foot (gsf) with an approximate height of 115 feet. The buildings would contain 464 dwelling units and approximately 21,103 gsf of ground floor commercial space to be occupied by the proposed FRESH food store. . As such, the proposed actions would not introduce a new land use, nor affect the existing mixed-use character of the area. Furthermore, the proposed actions would have no adverse effect on zoning or public policy. The analysis concludes that no significant adverse impacts related to Land Use, Zoning, and Public Policy would result from the proposed actions.

**Shadows:**

A detailed shadows analysis is included in the EAS. The analysis identifies three sunlight-sensitive resource within the study area that include the New York Botanical Garden (NYBG), the landscaped greenspace on Southern Boulevard, and the Southern Boulevard Greenstreet. The shadows analysis determines that incremental shadow would reach the NYBG on the analysis days of June 21 for up to 21 minutes in the late afternoon. The analysis notes that incremental shadow would reach a landscaped area of the NYBG that contains trees, bushes, and grass. The landscaped greenspace would receive incremental shadows of up to two hours and 57 minutes during the late afternoon hours on the March 21/September 21, and May 6 / August 6 and June 21 analysis days. The Southern Boulevard Greenstreet would receive incremental shadow of up to 53 minutes during the late afternoon hours on the May 6/August 6 and June 21 analysis days. A significant adverse shadow impact could occur on a sunlight sensitive resource if that resource would receive less than four to six hours of direct sunlight per day during the growing season. The area of the sunlight sensitive resources that would be shaded by the incremental building height is not anticipated to adversely affect the vegetation, utilization or enjoyment of the NYBG, the landscaped greenspace on Southern Boulevard or the Southern Boulevard Greenstreet. The analysis concludes that the proposed actions would not result in a significant adverse impact from shadows.

**Project Name: NYBG 2856 Webster Avenue FRESH**

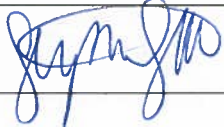
**CEQR #: 20DCP095X**

**SEQRA Classification: Unlisted**

**Urban Design and Visual Resources:**

An assessment related urban design and visual resources is included in the EAS. A significant adverse shadow impact may occur if the proposed development negatively affects the pedestrian experience. In the future with the proposed actions, the visual appearance within the primary study area and development site would change as the proposed authorization would allow an increase in the maximum building height by 15 feet to accommodate the proposed FRESH food store. This change would not alter the arrangement, appearance, or functionality of the primary study area such that the alteration would negatively affect a pedestrian experience of the area and would not meet the 2014 CEQR Technical Manual threshold for a significant adverse urban design impact. The analysis concludes that the proposed actions would not result in significant adverse impacts to urban design or visual resources.

*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 Alexander McClean at (212) 720-3429.*

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| TITLE<br>Deputy Director, Environmental Assessment and Review Division                        | LEAD AGENCY<br>Department of City Planning, acting on behalf of the City Planning Commission<br>120 Broadway, 31 <sup>st</sup> Fl. New York, NY 10271   (212) 720-3328 |
| NAME<br>Stephanie Shellooe, AICP  | DATE<br>February 14, 2020  |
| SIGNATURE  |  |
| TITLE<br>Chair, City Planning Commission  |  |
| NAME<br>Marisa Lago   | DATE<br>February 18, 2020  |
| SIGNATURE   |  |

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**CEQR #: 20DCP095X**

**SEQRA Classification: Unlisted**

Determination of Significance Appendix: (E) Designation

To ensure that the proposed actions would not result in significant adverse hazardous materials, air quality, and noise, and (E) Designation (E-566) will be placed on the development sites as described below. This (E) designation will supersede the (E) designation (E-249) for hazardous materials and noise placed on the development site as part of the Webster Avenue Rezoning (CEQR No. 10DCP035X).

Hazardous Materials

The (E) Designation requirements for hazardous materials will be placed on Projected Development Site 1 (Block 3273; Lots 118, 122, and 128) 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.

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*Air Quality*

The (E) designation requirements for air quality would apply to Projected Development Site 1 (Block 3273; Lots 118, 122, and 128) as follows:

**Projected Development Site 1 (Phase I), Block 3273, Lot 118: Any new development on Block 3273, Lot 118 must exclusively use natural gas as the type of fuel for HVAC system and hot water boiler, and ensure that emissions from the heating, ventilating and air conditioning and hot water equipment would be released through three stacks located at the height of at least 142.6 feet above grade, at least 240 feet from Bedford Park Boulevard, to avoid any potential significant adverse air quality impacts.**

**Projected Development Site 1 (Phase II), Block 3273, Lots 122 and 128: Any new development on Block 3273, Lots 122 and 128 must exclusively use natural gas as the type of fuel for HVAC system and hot water boiler, and ensure that emissions from the heating, ventilating and air conditioning and hot water equipment would be released through three stacks located at the height of at least 142.6 feet above grade, and at most 55 feet from Bedford Park Boulevard, to avoid any potential significant adverse air quality impacts.**

*Noise*

The (E) designation requirements for noise would apply to Projected Development Site 1 (Block 3273; Lots 118, 122, and 128) as follows:

**Projected Development Site 1, Block 3273, Lots 118, 122, and 128: In order to ensure an acceptable interior noise environment, future residential/commercial office uses must provide a closed-window condition with a minimum of 38 dBA window-wall attenuation on all facades facing Webster Avenue and all facades facing MTA Metro-North Railroad and all façades facing Oliver Place and the façades facing Bedford Park Boulevard within 50 feet of Webster Avenue and the façades facing Bedford Park Boulevard within 50 feet of MTA Metro-North Railroad and 33 dBA of attenuation on all other facades to maintain an interior noise level not greater than 45 dBA for residential uses or not greater than 50 dBA for commercial office uses as illustrated in the EAS. 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.**