

**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 applicant, Bajraktari Realty Management, seeks a Zoning Map Amendment from R6 and R6/C2-4 to C6-1 and extending a C1-2 commercial overlay and Zoning Text Amendment to designate the Project Area as a Mandatory Inclusionary Housing Area to facilitate the development of two new buildings comprised of a seven-story residential building (56 units) and a thirteen-story hotel (146 rooms) located at 2450 Arthur Avenue, Community District 6, Bronx, Block 3077, Lots 29, 31, 53, 54, 55, 56, and 58. Approximately 156 total parking spaces would be provided. The area surrounding the affected area is a dense urban setting consisting predominantly of residential and mixed-use commercial/residential land uses, which are reflective of the residential and commercial (overlay) zoning districts mapped throughout the neighborhood. The analysis concludes that the proposed actions would not introduce a new land use, nor affect the existing mixed-use character of the area, nor affect public policy, which represent the thresholds of impact significance in the 2014 CEQR Technical Manual. Therefore, no significant adverse impacts related to Land Use, Zoning, and Public Policy would result from the proposed actions.

**Open Space**

A detailed analysis related to Open Space is included in this EAS. A quantitative assessment of open space was performed to determine how the proposed action would change the ratio of open space to population in the study area. The qualitative assessment supplements the quantitative assessment and considers nearby destination open space resources. The study area contains a total of approximately 6.96 acres of publicly accessible open space, of which approximately 3.49 acres (50.1 percent) comprises active open space uses and approximately 3.47 acres (49.9 percent) comprises passive open space uses. In the future with the Proposed Actions, the total, active, and passive open space ratios would each decrease by 0.57 percent from the No-Action scenario. The total, active, and passive open space ratios would decrease by less than the one percent significant adverse impact threshold in the 2014 CEQR Technical Manual. As such, demand for open space generated by the Reasonable Worst Case Development Scenario used for analysis would not significantly exacerbate the No-Action deficiency, and the population added as a result of the Proposed Actions is not expected to noticeably affect utilization of the area's open spaces, and a significant impact would not occur.

**Shadows**

A detailed analysis related to Shadows is included in this EAS. Per CEQR Technical Manual guidance, shadow analyses were performed for the sunlight-sensitive resource Ciccarone Park on four representative days of the year: March 21/September 21 (the equinoxes); May 6 (the midpoint between the summer solstice and the equinoxes, and equivalent to August 6); June 21 (the summer solstice and the longest day of the year); and December 21 (the winter solstice and shortest day of the year). Ciccarone Park is an approximately 0.55-acre public park owned and operated by NYC Parks. The Proposed Project would cast incremental shadows on portions of Ciccarone Park on two of the four representative analysis days. Incremental shadow duration would be minimal, ranging from one hour and 12 minutes on May 6/August 6 to two hours and 10 minutes on June 21, and would be limited to the early morning hours generally before 8:00AM. Therefore, incremental shadows from the Proposed Project on Ciccarone Park would not be considered a significant adverse impact per the 2014 CEQR Technical Manual, as the extent and duration of the incremental shadows would not significantly reduce direct sunlight exposure on any of the sunlight-sensitive features found within the open space, and would not significantly alter the public's use of the open space resource or threaten the viability of vegetation.

**Hazardous Materials and Air Quality**

An (E) designation (E-599) related to hazardous materials and air quality 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. The hazardous materials and air quality analyses conclude that with the (E) designation in place, the proposed actions would not result in a significant adverse impact related to hazardous materials or air quality.

*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 Katherine Glass at [kglass@planning.nyc.gov](mailto:kglass@planning.nyc.gov).*

TITLE Deputy Director, Environmental Assessment and Review Division	LEAD AGENCY Department of City Planning on behalf of the City Planning Commission 120 Broadway, 31 <sup>st</sup> Fl. New York, NY 10271   212.720.3328
NAME Stephanie Shellooe, AICP	DATE December 30, 2020
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TITLE Chair, City Planning Commission	
NAME Marisa Lago	DATE January 4, 2021
SIGNATURE	

**Project Name: Arthur Avenue Hotel**

**CEQR # 21DCP079X**

**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):

<b>Development Site</b>	<b>Borough</b>	<b>Block and Lot</b>
Projected Development Site 1	Bx	Block 3077, Lots 29, 31, 53, 54, 55, 56, and 58

(E) Designation Requirements

To ensure that the proposed actions would not result in significant adverse impacts related to hazardous materials and air quality an (E) designation (E-599) would be established as part of approval of the proposed actions on **Projected Development Site 1** as described below:

<b>Development Site</b>	<b>Hazardous Materials</b>	<b>Air Quality</b>	<b>Noise</b>
Projected Development Site 1	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 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 as follows:

***Projected Development Site 1:***

Block 3077, Lots 53, 54, 55, 56, and p/o 58 (Building A): Any new residential and/or commercial development on the above-referenced property must use natural gas as the type of fuel for heating, ventilating, and air conditioning (HVAC) system and hot water equipment, and ensure that the HVAC and hot water equipment stack is located at the highest tier and at least 103 feet above grade, at most 15 feet away from the eastern lot line facing Hughes Avenue, and at least 64 feet away from the lot line facing East 188 Street, to avoid any potential significant adverse air quality impacts.

Block 3077, Lots 31, 29, p/o 58 (Building B): Any new residential and/or commercial development on the above-referenced property must ensure the heating, ventilating, and air conditioning (HVAC) system and hot water equipment stack is located at the highest tier and at least 138 feet above grade, to avoid any potential significant adverse air quality impacts.