E-292

CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

NEGATIVE DECLARATION

Project Identification
CEQR No. 11DCP143X
ULURP Nos. 130064ZMX & N130065ZRX
SEQRA Classification: Unlisted

Lead Agency
City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal:

580 Gerard Avenue
The applicant, NR Property 2, LLC, proposes a zoning map amendment to rezone lots within an M1-2 district to an R7A district with a C2-4 overlay (Block 2353, Lots 1, p/o 16, 45, 46, 47, 48, 49) and a zoning text amendment to establish the Inclusionary Housing Program within the rezoning area. The proposed actions would facilitate a proposal by the applicant to redevelop a property containing a one-story, furniture warehouse facility with an eight story 152,190 square foot mixed use development. The proposed project would include 24,900 gross square feet of ground floor local retail and 124 dwelling units, of which 24 would be affordable under the Inclusionary Housing Program regulations. Additionally, the mixed-use development would have an accessory below-grade parking garage with 89 parking spaces (63 residential spaces and 26 commercial spaces). The proposed project is located on the eastern side of Gerard Avenue between E. 151st Street and E. 150th Street (Block 2353, Lot 1) in the Concourse Village neighborhood of the Bronx, Community District 4. The rezoning area also includes small portions of six tax lots (Block 2353, portions of Lots 16, 45, 46, 47, 48, and 49) that are not under the control of the applicant. Though they are split by the M1-2 district, these tax lots, which front along Walton Avenue, are located primarily in an R6 district. The proposed action would only affect a rear portion of these lots and would not induce new development on them.

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M1-2 districts are generally light manufacturing and commercial uses at a maximum FAR of 2.0. Certain community facilities are allowed at a maximum FAR of 4.8. Building envelopes are regulated by the sky exposure plane and parking requirements vary by use. R7A districts follow the Quality Housing regulations for R7 districts, which allow all housing types at a maximum FAR of 4.00. In Inclusionary Housing designated areas, the base FAR is 3.45 and the maximum FAR with the bonus is 4.60, which would permit the proposed project. The maximum base and building height is 65 and 80 feet, respectively. Parking is required for 50% of the total dwelling units. The C2-4 commercial overlay would allow commercial uses at an FAR of 2.0 at a depth of 100 feet.

Absent the proposed action, it is expected that the subject site would not be redeveloped and the current warehouse use would remain the same. The proposed project is expected to be completed by 2014.

The proposed action includes an (E) designation on the project site (Block 2353, Lot 1) in order to preclude future noise and hazardous materials impacts, which could occur as a result of the proposed action. The (E) designation number is E-292. The (E) designation would not be placed on lots 16, 45, 46, 47, 48, and 49, since the proposed action would not induce new development on these lots and would have no potential for impacts on them.

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

> **To ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 28 dBA window/wall attenuation on all façades to maintain an interior noise level of 45 dBA. 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.**

The (E) designations text related to hazardous materials is as follows:

> **<u>Task 1-Sampling Protocol</u>**
>
> **The applicant submits to OER, for review and approval, a Phase 1A of the site along with a soil and groundwater 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 sample sites should be selected to adequately characterize the site, the specific source 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 the 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 OER-approved construction-related health and safety plan would be implemented during evacuation and construction and 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 OER for review and approval prior to implementation.

All demolition or rehabilitation would be conducted in accordance with applicable requirements for disturbance, handling and disposal of suspect lead-paint and asbestos-containing materials. For all projected and potential development sites where no E-designation is recommended, in addition to the requirements for lead-based paint and asbestos, requirements (including those of NYSDEC) should petroleum tanks and/or spills be identified and for off-site disposal of soil/fill would need to be followed.

With the placement of the (E) designations on the above block and lot, no significant noise or hazardous materials impacts would be expected as the result of 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 November 7, 2012, prepared in connection with the ULURP Application (Nos. 130064ZMX & N130065ZRX). The City Planning Commission has determined that the proposed action 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. The (E) designation for noise and hazardous materials would ensure that the proposed action would not result in significant adverse impacts.

2. No other significant effects on the environment which would require an Environmental Impact Statement are foreseeable.

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

Should you have any questions pertaining to this Negative Declaration, you may contact Jonathan Keller at (212) 720-3419.

Robert Dobruskin

Date: 11/7/12

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

Date: 11/13/12

Amanda M. Burden, FAICP, Chair
City Planning Commission