



E-251

CITY PLANNING COMMISSION  
CITY OF NEW YORK

OFFICE OF THE CHAIR

May 10, 2010

**NEGATIVE DECLARATION**

**Project Identification**

CEQR No. 07DCP001X  
ULURP No. 070550ZMX  
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**

1776 Boston Road Rezoning

The applicant, High Hawk, LLC, proposes to rezone an entire block bounded by Boston Road to the west, Hoe Avenue to the east, and East 174<sup>th</sup> Street to the south (Block 2991, Lots 1, 3, 5, and 26) from C8-3 to R7-1/C2-4 in the Crotona Park East section of Bronx, Community District 3. The proposed action would facilitate a proposal by the applicant to construct an eight-story mixed-use building at 1776 Boston Road (Block 2991, Lot 5) containing 68 units of rental apartments for low-income residents, combined with 9,473 square feet of ground floor retail, and approximately 10,000 square feet of community facility space. Seventeen parking spaces would be provided below grade and would have ingress/egress from Boston Road. A 1,314 square foot open space would be provided at ground level for the residents of the proposed building. The building would be developed under the Quality Housing provisions of the Zoning Resolution. All residential units would be affordable to persons making 60% or less of the area median income and would obtain financing from the Lower-Income Affordable Marketplace (LAMP) program of the Housing Development Corporation and the Department of Housing Preservation and Development. Thus this application underwent coordinated review with the New York City Housing Development Corporation (NYCHDC), the involved agency.

The current C8-3 zoning district prohibits residential development. It is a general service district which allows Use Groups 5 through 14 and 16 with an F.A.R. of 2.0, as well as Use Group 4 Community Facility uses with an F.A.R. of 6.5. The proposed R7-1 zoning district allows residential uses with an F.A.R. of 4.0 and a maximum height of eighty feet for Quality Housing development within 100 feet of a wide street and Community Facility uses with a maximum F.A.R. of 4.8. The proposed C2-4 overlay permits local service retail uses (Use Groups 5-9) with a maximum F.A.R. of 2.0. This would permit the proposed development of a mixed residential, local retail, and community facility building on the site. The proposed rezoning would rezone three other lots on the block which already contain office and local retail uses.

The rezoning area measures approximately 25,000 square feet, and currently contains a parking lot

(Lot 5) as well as three commercial buildings, including a three-story office building (Lot 3), a two-story retail building (Lot 1), and a one-story retail building (Lot 26).

Absent the proposed action, new development under the existing C8-3 zoning is not anticipated on the project site or the remainder of the rezoning area.

The anticipated completion date for the proposed action is 2015.

To avoid any potential significant adverse impacts, (E) designations for hazardous materials, air quality and noise would be mapped, as described below.

An (E) designation for hazardous materials (E-251) would be mapped as part of the proposed rezoning on the non-applicant owned sites (Block 2991, Lots 1, 3 and 26). The text of the (E) designation for hazardous materials for the properties identified below is as follows:

**Bronx Block 2991, Lots 1, 3 and 26**

**Task 1**

**The fee owner of the lots restricted by this (E) designation will be required to prepare a scope of work for soil and groundwater sampling and testing to determine whether contamination exists and, if so, the extent of the contamination and the nature and extent of required remediation. The scope of work will include all relevant supporting documentation, including site plans and sampling locations. The scope of work will be submitted to DEP for review and approval prior to implementation, 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 sampling sites should be selected to adequately characterize the type and extent of any 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 the choice of sampling sites, sampling procedures, and tests to be performed will be provided by DEP upon request.**

**Task 2**

**A written report with findings and a summary of the data must be submitted to DEP after completion of the testing phase and laboratory analysis for review and approval. After reviewing the test results, DEP will determine whether the results indicate that remediation is necessary.**

**If DEP determines that no remediation is necessary, the agency will give written notice.**

**If DEP determines that remediation is necessary, a proposed remediation plan will be prepared and submitted to DEP for its review and approval. The fee owner of the lots restricted by the (E) designation must perform such remediation as determined by DEP to be necessary. After completing the remediation, the fee owner should provide DEP with proof that the work has been completed satisfactorily. Once DEP determines that the required**

**remediation has indeed been completed satisfactorily, the agency will give written notice.**

**A DEP-approved construction-related health and safety plan (HASP) 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. The HASP must be submitted to DEP for review and approval prior to implementation.**

With the placement of the (E) designation for hazardous materials, no impacts related to hazardous materials are expected and no further assessment is warranted.

To avoid any potential significant adverse impacts, an (E) designation for air quality (E-251) would be mapped as part of the proposed rezoning on the applicant owned site (Block 2991, Lot 5). The text of the (E) designation for air quality for the property identified below is as follows:

**Bronx Block 2991, Lot 5**

**Any new residential and/or commercial development on the above-referenced property must use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.**

With the placement of the (E) designation for air quality, no impacts related to air quality are expected and no further assessment is warranted.

To avoid any potential significant adverse impacts, an (E) designation for noise (E-251) would be mapped as part of the proposed rezoning on the following sites (Block 2991, Lots 1, 3, 5 and 26). The text of the (E) designation for air quality for the property identified below is as follows:

**Bronx Block 2991, Lots 1, 3, 5 and 26**

**In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 35 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 placement of the (E) designation for noise, no impacts related to noise are expected and no further assessment is warranted.

**Statement of No Significant Effect:**

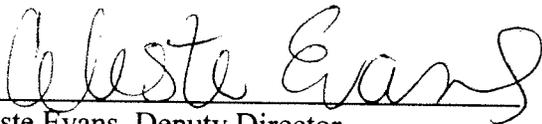
The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement, dated May 4, 2010, prepared in connection with the ULURP Application (No. 070550ZMX). The City 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 hazardous materials would ensure that the proposed action would not result in significant adverse impacts due to hazardous materials.
2. The (E) designation for air quality would ensure that the proposed action would not result in significant adverse impacts due to air quality.
3. The (E) designation for noise would ensure that the proposed action would 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.

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



Celeste Evans, Deputy Director  
Environmental Assessment & Review Division  
Department of City Planning

Date: May 7, 2010



Amanda M. Burden, FAICP, Chair  
City Planning Commission

Date: May 10, 2010