E-303

CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

CONDITIONAL NEGATIVE DECLARATION

Project Identification
CEQR No. 13DCP047X
ULURP No. 130120ZMY
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

River Plaza Rezoning
The applicant, Kingsbridge Associates, is proposing a zoning map amendment from M1-1 and R6/C1-3 to C8-3 affecting an approximately 436,010 square foot (sf) area located in the Marble Hill neighborhood of the southwestern Bronx, Community District 7 (Bronx Block 3245, Lot 60 and p/o Lot 12 and Manhattan Block 2215, Lots 652, 653, 654, 665, 670, p/o 672, 690, 700). The affected area is generally bounded by Broadway to the west, West 225th Street to the north, the Major Deegan Expressway (Route 87) to the east, and the Hudson Line of Metro North Railroad to the south.

The proposed action would facilitate a proposal by the applicant to enlarge an existing shopping center known as River Plaza, located at 300 West Kingsbridge Road (Manhattan, Block 2215, Lots 654, 665, and 700 and Bronx, Block 3245, Lot 60) within Bronx Community District 7. The shopping center consists of three commercial buildings, including Target, the anchor tenant. The applicant intends to construct 25,680 gross square foot (gsf) of additional retail space on the roof of the Target building (Manhattan, Block 2215, Lot 700 and Bronx, Block 3245, Lot 60) and approximately 11,000 gsf of additional storage space would be added next to the existing loading docks at the southeastern end of the Target building (for a total expansion of approximately 37,000 gsf) and reduce the number of accessory parking spaces provided at the River Plaza shopping center from 807 to 665.

Currently, the River Plaza shopping center is developed with approximately 263,148 gsf of commercial floor area and storage space in three separate commercial buildings, and has 807 accessory spaces (187 at grade and 620 on the roof of the Target building). Vehicular access to the shopping center is provided at an entrance along 225th Street that leads to the at-grade parking and an entrance on 225th Street and the southern terminus of Exterior Street that leads to the rooftop parking above Target. The current, built FAR of the shopping center is 0.25.

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The applicant intends to enlarge the shopping center by adding 25,680 gsf of retail space to the roof of the existing Target building at its northwestern side and adding 10,695 sf of ground level storage space to be added next to the existing loading docks at the southeastern end of the Target building. Under the proposal, 665 total parking spaces would remain on site, 137 at grade and 528 on the roof of the Target building, resulting in a 142 parking space reduction. The enlarged shopping center as proposed by the applicant would have a built FAR of 0.34 and would increase the maximum height of the building to 40'; a 16' increase.

The proposed rezoning would also affect six additional properties. Two lots are owned by the Department of Environmental Protection (DEP) (Manhattan, Block 2215, Lots 652 and 653) one of which contains a pump station, three lots are owned by the Metropolitan Transit Authority (MTA) (Manhattan, Block 2215, Lots 670 and 672 and Bronx Block 3245, Lot 12), and one lot is owned by the City of New York (Manhattan, Block 2215, Lot 670), which is used as an easement. In addition to properties owned by agencies, there are additional easements on the applicant's lots to provide DEP access. The easements and governmentally owned areas account for approximately 52,000 sf. These properties are not expected to be redeveloped as a result of the proposed rezoning.

The area to be rezoned is primarily mapped with an M1-1 high performance manufacturing zoning district, which has a maximum commercial FAR of 1.0 and community facility FAR of 2.4; a small portion of the rezoning area is mapped R6/C1-3, which allows residential use at a maximum FAR of 2.4 for a height-factor building, or 3.0 for a contextual building, and permits community facility FAR of 4.8. The C1-3 commercial overlay allows local commercial uses with a maximum commercial FAR of 2.0. The proposed action would rezone the affected area to a C8-3 general service commercial zoning district, thereby permitting certain specified retail stores to be larger than 10,000 sf per establishment (M1-1 zoning districts require retail stores to be under 10,000 sf), and increasing the street wall from 30' (in M1-1 zoning district) to 60' (in C8-3 zoning district). The proposed C8-3 district has a parking requirement of 1:1,000; under the current M1-1 zoning on the shopping center site, the parking requirement is 1:300 and 1:400 in C1-3 zoning districts.

By increasing the maximum commercial FAR from 1.0 to 2.0, the proposed rezoning could allow up to approximately 849,248 zoning square feet (zsf) of commercial development on the River Plaza shopping center site. It is not possible to achieve the maximum FAR without totally rebuilding the site. With the various governmentally owned properties and existing easements on the site, the configuration of existing buildings, necessary truck maneuvering areas, car ramps, and irregularly shaped parking lots, there is only approximately 50,046 sf of remaining at-grade developable area at the River Plaza Shopping Center. The footprints of the three existing commercial buildings on-site occupy approximately 233,095 sf, the governmentally owned properties and easement areas occupy approximately 52,001 sf. and truck maneuvering, car ramps, irregularly shaped parking lots, and drive aisle areas occupy an additional 72,000 sf. Accordingly, the applicant's proposed expansion, consisting of approximately 107,696 gsf of additional retail space and 10,695 gsf of additional storage space (for a total expansion of 118,391 gsf) and the reduction in the number of accessory parking spaces from 807 to 400, is considered to be the Reasonable Worst Case Development Scenario (RWCDS) for environmental analysis purposes.

Absent the proposed action, the affected area would remain unchanged. The proposed project is anticipated to be completed by 2014.

To avoid any potential significant adverse impacts, an (E) designation (E-303) for hazardous materials would be placed on the applicant's property, Bronx Block 3245, Lot 60.

The (E) designation requires the applicant to install a soil vapor barrier under the proposed storage expansion building (as shown on the Preliminary Site Plan, Figure A-5 in the Environmental Assessment Statement), and states that if the applicant were to undertake any additional ground disturbance elsewhere on the property, soil testing would be required to determine if contamination exists and if remediation is required.

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

Task 1 – Soil Vapor Barrier

The fee owner(s) of the lot restricted by this (E) designation shall install a Soil Vapor Barrier under the proposed storage expansion building as shown in the Environmental Assessment Statement (dated March 15, 2013), Illustrative Preliminary Site Plan, Figure A-5. A Health and Safety construction work plan shall be prepared for OER's review and approval prior to installation. Instead of the foregoing, the fee owner may elect to undertake soil sampling and any necessary remediation, as determined by OER, in accordance with Tasks 2 and 3.

Task 2 - Sampling Protocol

For any areas of in-ground disturbance that are not covered by the Soil Vapor Barrier task outlined above, the fee owner(s) of the lot(s) restricted by this (E) designation will be required to prepare a scope of work for any soil, gas, or groundwater sampling and testing needed to determine if contamination exists, the extent of the contamination, and to what extent remediation may be required. The scope of work will include all relevant supporting documentation, including site plans and sampling locations. This scope of work will be submitted to OER for review and approval prior to implementation. It will be reviewed 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 OER. The number and location of sample sites should be selected to adequately characterize the type and extent of the 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 choosing sampling sites and performing sampling will be provided by OER upon request.

Task 3 – Remediation Determination and Protocol

A written report with findings and a summary of the data must be presented to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such test results, a determination will be provided 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 necessary according to test results, a proposed remediation plan must be submitted to OER for review and approval. The fee owner(s) of the lot(s) restricted by this (E) designation must perform such remediation as determined necessary by OER. After completing the remediation, the fee owner(s) of the lot restricted by this (E) designation should provide proof that the work has been satisfactorily completed.

An OER-approved construction-related health and safety plan 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. This Plan would be submitted to OER for review and approval prior to implementation.

With the implementation of the above (E) designation, no significant adverse impacts related to hazardous materials would occur.

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 March 18, 2013, prepared in connection with the ULURP Application (No. 130120ZMY). 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. The applicant agrees to contact the New York City Department of Transportation (NYCDOT) within six months after the completion of this project and to inform them of the need to implement the following traffic mitigations:

    - At the intersection of West 225th Street and Broadway, to transfer one second of green time from the southbound phase to the westbound phase during the weekday midday peak period. Additionally, to transfer one second of green time to the westbound phase and two seconds of green time to the north/south phase for a total reduction of three seconds of green time from the southbound only movement during the weekday PM and Saturday peak periods.

- At the intersection of West 225th Street at Exterior Street, it is proposed to transfer three seconds of green time from the east/west phase to the north/south phase during the PM peak period and two seconds of green time from the east/west phase to the north/south phase during the Saturday peak period.

- At the intersection of West 225th Street at Bailey Avenue, it is proposed to transfer two seconds of green time from the east/west phase to the north/south phase during the weekday PM peak period and three seconds of green time from the east/west phase to the north/south phase during the Saturday peak period.

Supporting Statement:

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

1. The traffic analysis indicates that project-generated traffic has the potential to generate significant adverse impacts at the following intersections, which are adjacent to the project site:

   - West 225th Street and Broadway
   - West 225th Street and Exterior Street
   - West 225th Street and Bailey Avenue

   The proposed mitigation measures, including signal timing modifications, would fully mitigate the potential impacts at these intersections. Pursuant to a memo from the Department of Transportation dated 3/13/13, the proposed mitigation measures were deemed to be reasonable and appropriate. DOT has also agreed to investigate the feasibility of implementing the mitigation measures once the project is built and occupied. Consequently, no significant adverse impacts related to traffic would occur.

2. The (E) designation for hazardous materials would ensure that the proposed action would not result in significant adverse impacts due to hazardous materials.

3. 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: March 18, 2013

Paul Travis

Name of Applicant or Authorized Representative

Robert Dobruskin

Date: 3/18/13

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

Date: 8/5/13

Amanda M. Burden, FAICP, Chair
City Planning Commission