CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIRMAN

NEGATIVE DECLARATION

May 22, 2017

Project Identification
CEQR No. 17DCP154X
ULURP Nos. 170377ZMX, 170378ZRX
SEQRA Classification: Unlisted

Lead Agency
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10217
Contact: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal:

1675 Westchester Avenue Rezoning

The Applicant, 1675 JV Associates, LLC, is seeking two discretionary actions in connection with a proposed development located at 1675 Westchester Avenue (Block 3780, Lot 1 "Projected Development Site 1") in the Bronx River neighborhood of Bronx Community District 9: a zoning map amendment from R6 to R8A and R6 to R8A/C2-4 affecting the southern portion of Bronx Block 3780, Lots 1, 51 and part of Lot 50 (the "Proposed Rezoning Area"); and a zoning text amendment to Appendix F of the New York City Zoning Resolution (ZR) to establish a Mandatory Inclusionary Housing (MIH) area coterminous with the Proposed Rezoning Area. The Proposed Rezoning Area affects an approximately 30,514 sf portion of Block 3780 (approximately 25,790 sf of Lot 1 approximately 4,724 sf of Lot 51, and approximately 14 sf of Lot 50), and is located on the north side of Westchester Avenue between Metcalf and Fteley Avenues. The proposed actions would facilitate a proposal by the Applicant to construct a 13-story, approximately 203,000 gross square foot (gsf) mixed-use building on Projected Development Site 1, containing 188,585 gsf of residential uses (220 dwelling units (DUs), proposed to be 100% affordable pursuant to MIH), 6,845 gsf of community facility space, and 7,570 gsf of local retail. As no parking would be required pursuant to New York City Zoning Resolution (ZR) Section 25-251 "Modification of Requirements for Income-Restricted Housing Units," none would be provided.

In addition to the proposed actions before the CPC, the Applicant is seeking discretionary financing for the proposed development from the City's Housing Development Corporation (HDC), and subsidies from both HDC and the NYC Department of Housing Preservation and Development (HPD). A coordinated environmental review is being conducted, with HDC and HPD acting as involved agencies.

The Applicant-controlled site (Projected Development Site 1) is currently occupied by a vacant one-story, approximately 12,275 gsf building at the southeastern corner of the development site, that formerly served as a health center (Use Group (UG) 4 community facility use), which closed in 2012. The remainder of the site contains a former surface parking lot accessible from a curb cut on Metcalf Avenue. Lot 51, which is part of the Proposed Rezoning Area but is not controlled by the Applicant, contains a single-story, approximately 3,525 gsf legally non-conforming commercial retail building at a built floor area ratio (FAR) of 0.72.

R6 districts are non-contextual, medium density residential districts that permit residential uses at an FAR range of 0.78 to 2.43 for Height Factor buildings, or up to 3.0 for Quality Housing buildings located on a wide street outside the Manhattan Core. Community facility uses are also permitted at an FAR of 4.8. The maximum building height permitted is governed by the sky exposure plane for Height Factor buildings; and up to 70 feet, with a base height of 40-60 feet for Quality Housing buildings fronting a wide street outside the Manhattan Core. Off-street parking is required for 70% of all DUs for a Height Factor building, and 50% of all DUs for a Quality Housing building.

R8A districts are high density contextual residential districts that permit residential uses at an FAR of 6.02, or 7.2 when mapped as a Mandatory Inclusionary Housing area. When mapped with a C2-4 commercial overlay, Use Groups 1 through 9 and 14 are permitted, with a maximum FAR of 2.0 for commercial uses and 6.5 for community facility uses. In R8A districts within an MIH area, a maximum building height of 145 feet is permitted for residential or mixed-use buildings containing affordable housing and a qualifying ground floor of at least 13 feet. Accessory off-street parking spaces must be provided for 50 percent of market-rate dwelling units. No parking spaces are required for income-restricted dwelling units (80% below Area Median Income (AMI)) for areas within the Transit Zone, per ZR Section 25-251.

For the purpose of presenting a conservative analysis, an Environmental Assessment Statement (EAS) prepared by the Applicant analyzes a Reasonable Worst Case Development Scenario (RWCDS) With-Action scenario that assumes the same building program described above (approximately 220 affordable DUs, approximately 7,570 gsf of local retail, and approximately 6,845 gsf of community facility space, assumed to be Use Group 4 medical office/ambulatory care), but with a building height of 145', on Projected Development Site 1 (Block 3780, Lot 1). Per ZR Section 77-22, "Special Provisions for Zoning Lots Divided by District Boundaries – Floor Area Ratio", for zoning lots that contain two different residence districts, the maximum FAR is determined by multiplying by the percentage of the zoning lot in either district by that district's maximum FAR. The sum of the products equals the adjusted maximum FAR applicable to the entire zoning lot. As an approximately 3,082 sf portion of Lot 1 would continue to be zoned R6, which has a maximum 3.0 FAR for residential uses built pursuant to Quality Housing regulations along a wide street, the proposed FAR for Projected Development Site 1 represents the maximum adjusted FAR of 6.75. Additionally, the RWCDS With-Action scenario assumes that Block 3780, Lot 51 (Projected Development Site 2) would be developed with a mixed-use residential and commercial retail building, containing approximately 34 DUs (7 of which would be affordable, pursuant to MIH), and 3,831 gsf of local retail at the ground floor, at an FAR of 7.2. No parking

would be required, pursuant to ZR Sections 25-251 and 25-242 "Waiver of requirements for small zoning lots in high bulk districts."

Absent the proposed actions, it is anticipated that development would occur within the Proposed Rezoning Area in accordance with the existing R6 zoning district. It is anticipated that Projected Development Site 1 would be developed with up to a 7-story, approximately 110,316 gsf, mixed-use residential and community facility building at an FAR of 3.50. The building would be constructed pursuant to the Quality Housing Program, and would contain approximately 95,277 gsf of residential uses (94 market-rate DUs), and approximately 15,039 gsf of Use Group 4 ambulatory care/medical office community facility space on the ground floor. Forty-seven accessory parking spaces would be provided, per the Quality Housing requirement that parking be provided for 50% of the market rate DUs. Projected Development Site 2 would be developed with a 7-story, approximately 15,930 gsf residential building at 3.0 FAR, containing 16 market-rate DUs, pursuant to Quality Housing regulations. The residential parking space requirement would be waived pursuant to ZR Section 25-211(c) "Accessory Off-Street Parking and Loading Regulations - Application of requirements to conversions and certain enlargements," as Lot 51 comprises less than 5,000 sf.

The analysis year for the proposed project is 2020.

In order to preclude significant adverse impacts related to hazardous materials, air quality and noise, the Proposed Actions include the assignment of an (E) designation (E-425).

The (E) designation related to hazardous materials, air quality and noise would apply to the following sites:

Block 3780, Lots 1 and 51

The (E) designation text related to hazardous materials is 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 he 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.

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

Block 3780, Lot 1: Any new residential, commercial and/or community facility development on Block 3780 Lot 1 must use natural gas for HVAC systems and ensure that the heating, ventilating, air conditioning stack is located at 159 feet above grade and at least 68 feet from Metcalf Avenue and 27 feet from Westchester Avenue to avoid any potential significant adverse air quality impacts.

Block 3780, Lot 51: Any new residential, commercial and/or community facility development on Block 3780 Lot 51 must use natural gas for HVAC systems and ensure that the heating, ventilating, air conditioning stack is located at 159 feet above grade and at least 26 feet from Fteley Avenue and 56 feet from Westchester Avenue to avoid any potential significant adverse air quality impacts.

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

Block 3780, Lot 1: To ensure an acceptable interior noise environment, future residential, commercial and/or community facility uses on Block 3780, Lot 1 must provide a closed window condition with a minimum 38 dBA window/wall attenuation on all southern façades facing Westchester Avenue and western and eastern facades within 100 feet from Westchester Avenue and 31 dBA of attenuation on all other facades 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 minimum required composite building façade attenuation for future commercial uses would be 5 dBA lower than that for residential and community facility uses.

Block 3780, Lot 51: To ensure an acceptable interior noise environment, future residential, commercial and/or community facility uses on Block 3780, Lot 51 must provide a closed window condition with a minimum 38 dBA window/wall attenuation on all southern façades facing Westchester Avenue and western and eastern facades within 100 feet from Westchester Avenue and 31 dBA of attenuation on all other facades 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 minimum required composite building façade attenuation for future commercial uses would be 5 dBA lower than that for residential and community facility uses.

With the measures specified above, the Proposed Actions would not result in any significant adverse impacts related to hazardous materials, air quality or noise.

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 19, 2017, prepared in connection with the ULURP Application (Nos. 170377ZMX, 170378ZRX). The City Planning Commission has determined that the Proposed Actions 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, air quality and noise (E-425) would ensure that the Proposed Actions 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.

Please contact Annabelle Meunier of the Department of City Planning at (212) 720-3426 if you have any questions regarding this application.

Olga Abinader, Deputy Director
Environmental Assessment and Review Division
Department of City Planning

Date: May 19, 2017

Marisa Lago, Chair
City Planning Commission

Date: May 22, 2017