Department of Housing Preservation & Development
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Office of Development
Division of Building & Land Development Services
100 Gold Street
New York, N.Y. 10038

June 16, 2023

Hilary Semel, Director
Mayor's Office of Environmental Coordination
100 Gold Street, 2nd Floor
New York, NY 10038

TECHNICAL MEMORANDUM

Project Identification:
CEQR No. 17DCP078X
ULURP Nos. C170087 ZMX, N170088 ZRX

Lead Agency:
City of New York - Department of City Planning (DCP)
120 Broadway, 31st Floor
New York, NY 10271

SEQRA Classification: Unlisted

Dear Ms. Semel:

This Technical Memorandum has been prepared in accordance with the environmental review requirements of Article 8 of the New York State Environmental Conservation Law, the State Environmental Quality Review Act (SEQRA), the implementing regulations as set forth in 6 NYCRR Part 617, and the New York City Rules of Procedure for City Environmental Quality Review (CEQR) and Executive Order 91, as amended. This Technical Memorandum has been prepared to examine whether changes in the project, newly discovered information, or changes in circumstances have the potential to result in any new, previously undisclosed impacts.

Under CEQR, the City of New York - Department of City Planning (DCP) is the lead agency responsible for conducting the environmental review that determines whether the action would have significant impacts on public health and the environment. On June 9, 2023, DCP approved the Department of Housing Preservation and Development (HPD) to serve as lead agency for the purposes of this Technical Memorandum.

Having considered the relevant environmental impacts, facts, and conclusions disclosed in the Technical Memorandum and having weighed and balanced relevant environmental impacts with the social, environmental, public health, economic, and other essential considerations as required in 6 NYCRR 617.11, HPD certifies the changes in the project do not have the potential to result in new significant adverse impacts not previously identified.

Anthony Howard

Anthony Howard – Director, Environmental Planning
City of New York - Department of Housing Preservation & Development

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Technical Memorandum

For:
1001 Whitlock Avenue
Bronx, NY 10459



Prepared for:
Stagg Group
June 12, 2023

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SESI Project No:
11819

CEQR No.:
17DCP078X

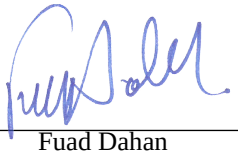
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FOR

1001 Whitlock Avenue
Bronx, NY 10459



Fuad Dahan
Principal

DATE:
June 12, 2023

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A. INTRODUCTION

This technical memorandum was prepared to determine whether the previously prepared Environmental Assessment Statement (EAS) , prepared in support of City Environmental Quality Review (CEQR) application number 17DPC078X, for the proposed development at 1001 Whitlock Avenue in the Borough of the Bronx, Community District 2 remains applicable and complete as it pertains to the project site. The following document will review any changes in the surrounding area that would have the potential to result in any significant adverse environmental impacts not previously identified. The aforementioned development has subsequently been divided into a two phase action. The first of which would facilitate the construction of Building 1. This structure is an approximately 254,063-gross-square-foot (gsf), 14-story mixed use building at the project site. The proposed project would include approximately 245,343 gsf of residential floor area (265 dwelling units, all affordable); approximately 8,720 gsf of ground floor community facility space (Building 1); and below-grade parking (30 spaces) and mechanical rooms in cellar.

As detailed hereafter, this technical memorandum concludes that the proposed project, considering relevant changes in background conditions and any relevant changes in CEQR 2021 *Technical Manual* methodologies, would not result in any significant adverse environmental impacts not previously identified in the EAS for the proposed project.

B. BACKGROUND

The proposed development at 1001 Whitlock Avenue was analyzed in the January 2017 *New York City Environmental Quality Review Final Environmental Assessment Statement and Supplemental Report* (2017 EAS). Langan Engineering, Environmental, Surveying and Landscape Architecture, D.P.C. (Langan) served as the environmental consultant for the private applicant filing for rezoning the property. The Department of City Planning (DPC) was the lead agency for the environmental review. The 2017 EAS, in combination with the Uniform Land Use Review Procedure (ULURP) application, for the associated zoning map and zoning text amendments (ULURP numbers C170087ZMX and N170088ZRX respectively) were certified by the DPC on January 30, 2017. An approval was granted for the Proposed Actions on June 7, 2017.

The 1001 Whitlock Avenue project analyzed in the 2017 EAS comprised 61,586-square-feet (sf) lot, along Whitlock Avenue between Aldus Street and East 165th Street in the Foxhurst neighborhood of the Bronx. This property is comprised of tax lots 85 (34,334.6 sf) and 90 (27,251.4 sf).

The proposed development includes the construction of one, 14-story mixed-use building totaling approximately 254,063 gsf. The proposed project includes approximately 245,343 gsf of residential floor area (consisting of residential floors, parking area, and cellar mechanical rooms) and approximately 8,720 gsf of ground floor community facility space. Building 1 contains approximately 254,063 gsf and has a maximum height of approximately 144 feet, it comprises approximately 265 dwelling units on floors 2 through 14 and approximately 8,720 gsf of community facility space on the ground floor.

The proposed project would provide 30 below-grade parking spaces. Under the proposed action, 100 percent of the residential floor area (265 dwelling units) would be allocated as affordable housing for low-, moderate-, and middle-income families with one unit reserved for the superintendent. Approximately 163 units would be set aside for families with incomes at or below 57 percent Area Median Income (AMI) and approximately 101 units would be set aside for families with incomes at 77 percent AMI.

Specifically:

- approximately 16 percent of the dwelling units (42 dwelling units) would be allocated to homeless families;
- approximately 11 percent of the dwelling units (30 dwelling units) would be allocated to families with incomes at 37 percent AMI;
- approximately 23 percent of the dwelling units (61 dwelling units) would be allocated to families with incomes at 47 percent AMI;
- approximately 11 percent of the dwelling units (30 dwelling units) would be allocated to families with incomes at 57 percent AMI; and
- approximately 38 percent of the dwelling units (101 dwelling units) would be allocated to families with incomes at 77 percent AMI.

C. PROPOSED ACTIONS

The proposed actions are to be performed utilizing Housing Preservation and Development (HPD) discretionary funding. The HPD aims to promote quality and affordability in the City's housing and diversity and strength within its neighborhoods. To achieve these goals, the HPD issues allocates funds that non-profit, community-based social service providers use to meet the needs of local communities.

The proposed actions as described in the previously prepared 2017 EAS have subsequently been divided into a two-phase action. The first of which would facilitate the construction of Building 1 which does not significantly diverge from the proposed construction plan for the structure as previously analyzed.

D. ANALYSIS FRAMEWORK

Because there have not been any significant alterations to Building 1 of the proposed development, this analysis will be based on previous assumptions. The analysis accounts for changes in background conditions in the area subsequent to completion of the 2017 EAS as well as changes to CEQR methodologies where relevant. The changes in proposed actions are noted in the table below.

Proposed Action	Units	2017 EAS	2023 Technical Memorandum
Number of Buildings (14-story)		2	1
Building Area	gsf	472,484	254,063
Residential Floor Area	gsf	418,759 (474 dwelling units)	245,343
Ground Floor Community Facility Space	gsf	9,520	8,720
Ground Floor Commercial Space	gfs	14,937	

E. CHANGES IN ENVIRONMENTAL CONDITIONS AND CONSIDERATION OF POTENTIAL IMPACTS

E.1 LAND USE, ZONING, AND PUBLIC POLICY

A detailed discussion of potential impacts to land use, zoning, and public policy was included in the 2017 EAS. The construction of Phase 1 of the proposed development in place of vacant and underutilized land would be compatible with and in support of the surrounding neighborhoods and

there have been no significant changes to the policies or classifications applicable to land use, zoning, and public policy. Therefore, the proposed project would not result in any new significant adverse impacts on land use, zoning, and public policy.

E.2 SOCIOECONOMIC CONDITIONS

The site of the proposed action is currently a vacant lot and does not support any residential or commercial/business uses. Therefore, as analyzed in the 2017 EAS, there would be no adverse impacts due to direct residential or business displacement. Additionally, the proposed project remains located within the same neighborhood which has not undergone any significant changes. The proposed project would only include a portion of the residential units analyzed in the 2017 EAS, proposing 265 units of the previously analyzed 474 units. The proposed project would add affordable housing to the study area, which would help ensure housing opportunities for lower-income residents and would help maintain a more diverse demographic composition within the study area. Therefore, there would be no potential for the proposed actions to alter the conclusions of the 2017 EAS with respect to indirect residential displacement due to increased property values or rents. The proposed development would not be expected to substantially increase the number of employees on the project site, nor would it introduce trends that could change the socioeconomic character of the study area. Therefore, the proposed project would not result in any new significant adverse socioeconomic impacts not disclosed in the 2017 EAS.

E.3 COMMUNITY FACILITIES AND SERVICES

The program analyzed in the 2017 EAS did not exceed the CEQR Technical Manual thresholds warranting analysis of libraries, health care facilities, police and fire, day care facilities, or elementary and intermediate schools. The EAS concluded that because the proposed development would increase the utilization of the schools by 3 percentage points, the proposed action would include only approximately half of the units analyzed in the 2017 EAS and therefore would not result in significant adverse impacts to elementary schools or intermediate schools.

The proposed actions will still exceed the CEQR Technical Manual thresholds for public child care services (110 low- to moderate-income residential units) as the development proposes 474 units. As the number of units has been dramatically reduced and there have not been any significant changes in the surrounding community it is not projected that the proposed action would result in utilization exceeding 100 percent of the resources. Based on this information, the proposed action would not result in significant adverse impacts to publicly funded child care facilities in the study area.

The first phase of the proposed project would not physically displace or alter any existing community facilities and would therefore not result in any direct effects on community facilities. Additionally, there has not been a significant increase in population which has resulted in the demand for community facilities and services remaining consistent. Therefore, the proposed action would not result in any new significant adverse impacts to community facilities and services not disclosed in the 2017 EAS.

E.4 OPEN SPACE

Phase 1 of the proposed project would not result in an increase in residential population as compared to the project analyzed in the 2017 EAS, but rather will only include a portion of previously analyzed increase. As there has been no change in background conditions since the 2017 EAS, a preliminary assessment is not necessary. Therefore, the proposed action would not result in any new significant adverse open space impacts not disclosed in the 2017 EAS.

E.5 SHADOWS

The Building 1 envelope analyzed in the 2017 EAS has not been altered and will not increase from what was analyzed in the 2017 EAS. Since the issuance of the EAS, no sunlight sensitive resources have been added to the area beyond those considered in the EAS. Therefore, the proposed action would not result in any new significant adverse shadow impacts not disclosed in the 2017 EAS.

E.6 HISTORIC AND CULTURAL RESOURCES

As described above, the proposed project would not change the height of the structure or overall building envelope analyzed in the 2017 EAS. The proposed project would not result in any additional ground disturbance that could affect archaeological resources. Therefore, the proposed action would not result in any additional adverse impacts to historic or cultural resources beyond those previously disclosed in the 2017 EAS. Changed background conditions would not affect the potential for the proposed project to result in significant adverse impact to historic or cultural resources. Therefore, the proposed action would not result in any new significant adverse impacts to historic and cultural resources not disclosed in the 2017 EAS.

E.7 URBAN DESIGN AND VISUAL RESOURCES

The proposed building would fall within the same building envelope analyzed in the 2017 EAS. Since the issuance of the EAS, the urban design of the area has not undergone any significant changes. Therefore, the proposed action would not result in any new significant adverse impacts to urban design and visual resources not disclosed in the 2017 EAS.

E.8 NATURAL RESOURCES

As detailed in the EAS Full Form prepared as part of the 2017 EAS, the proposed action is not located on or adjacent to property containing natural resources as defined in Section 100 of Chapter 11 of the *CEQR Technical Manual* nor is the project located within the Jamaica Bay Watershed. The proposed construction would comply with all relevant stormwater management commitments and permitting requirements. Since the issuance of the EAS, no changes in background conditions have occurred that would affect the proposed project's potential to result in significant adverse impacts on natural resources. The proposed development would not displace any natural habitats or affect any threatened and endangered species and would have no potential impacts on natural resources. Therefore, the proposed action would not result in any new significant adverse impacts to natural resources not disclosed in the 2017 EAS.

E.9 HAZARDOUS MATERIALS

The reduction or elimination of human exposure to existing on-site hazardous materials using remedial technologies and institutional and engineering controls established in the Phase II ESI as well as through the assignment of (E) designations remains consistent with the conditions considered in the 2017 EAS. Since the publication of the 2017 EAS the site has been enrolled into the New York State Brownfield Cleanup Program. Additionally, the Remedial Action Work Plan has been approved by the New York State Department of Environmental Conservation (NYSDEC) in their Decision Document dated March 29, 2023. Adherence to the Brownfield Cleanup Program (BCP) requirements precludes the potential for significant adverse hazardous materials impacts.

Furthermore, changed background conditions would not affect the potential for the proposed project to result in significant adverse impacts due to hazardous materials. Construction and any soil disruption activity for the proposed building would follow all relevant remediation commitments outlined in the 2017 EAS and associated Construction Health and Safety Plan (CHASP). Therefore, the proposed action would not result in any new significant adverse impacts due to hazardous materials not disclosed in the 2017 EAS.

E.10 WATER AND SEWER INFRASTRUCTURE

The proposed action would not increase the number of residential units analyzed in the 2017 EAS as it would also only include a portion of the residential units, proposing 265 units of the previously analyzed 474 units, and would therefore not substantially increase infrastructure demand beyond what was analyzed in the 2017 EAS. The construction of the proposed building would comply with all relevant permitting requirements and stormwater management commitments, such as the Stormwater Pollution Prevention Plan (SWPPP).

There has not been a significant increase in demand for water supply, sanitary and stormwater sewers and sewage treatment, capacity for these services is still adequate. Therefore, the proposed action would not result in any new significant adverse impacts on infrastructure services not disclosed in the 2005 FEIS.

E.11 SOLID WASTE AND SANITATION SERVICES

As previously stated, the proposed action would include only a portion of the number of residential units analyzed in the 2017 EAS, and therefore the proposed project would not result in a substantial increase in the amount of solid waste generated by the proposed buildings. Solid waste and sanitation services have not changed substantially since the EAS and, as indicated in the 2021 *CEQR Technical Manual*, the capacity of the New York City Department of Sanitation (DSNY) to serve New York City is sufficiently flexible to accommodate increased demand for waste and recyclables collection generated by most proposed projects as needed. Therefore, the proposed action would not result in any new significant adverse impacts on solid waste and sanitation services not disclosed in the 2017 EAS.

E.12 ENERGY

As previously stated, the proposed action would include only a portion of the number of residential units analyzed in the 2017 EAS, and therefore the proposed project would not result in a substantial increase to energy consumption beyond what was analyzed in the 2017 EAS. Energy infrastructure has not changed substantially since the EAS, and, as indicated in the 2021 *CEQR Technical Manual*, a detailed assessment of energy impacts would be limited to projects that may significantly affect the transmission or generation of energy. Therefore, the proposed action would not result in any new significant adverse impacts on infrastructure services not disclosed in the 2017 EAS.

E.13 TRANSPORTATION

The proposed action would not deviate from the conditions analyzed in the Level 1 and Level 2 screening assessments in the 2017 EAS. The conditions present in the surrounding community have not changed significantly in the time since the EAS, meaning that the detailed traffic, parking, and transit analysis remains applicable as are the findings that there are no anticipated significant adverse impacts related to traffic, parking, or transit conditions. In contrast with the previous Level 2 Screening Assessment, the With-Action Condition for Phase 1 would not exceed CEQR thresholds for undertaking detailed pedestrian analyses. However, based on the results of the detailed pedestrian analyses of sidewalks in the study area, the reduced With-Action Condition would not result in any significant adverse impacts to pedestrian conditions. With these factors in mind, the proposed action would not result in any new significant adverse impacts on infrastructure services not disclosed in the 2017 EAS.

E.14 AIR QUALITY

The 2017 EAS concluded that there would be no potential significant adverse air quality impacts from either mobile or stationary sources. The proposed project is subject to (E) designation (E-413). An (E) designation provides notice of the presence of an environmental requirement pertaining to potential hazardous materials contamination, high ambient noise levels, or air emission concerns. Properties under this designation are governed by Section 11-15 (Environmental Requirements) of

the Zoning Resolution and are established in connection with a change in zoning or an action pursuant to a provision of the Zoning Resolution that would result in additional development or permit uses not currently allowed. On December 6, 2018, the Mayor's Office of Environmental Remediation issued a Notice to Proceed for 1001 Whitlock Avenue. The proposed development is restricted to the use of natural gas for fuel and has an additional HVAC stack location and height restrictions. With these measures in place. no significant adverse impacts related to air quality are expected.

E.15 GREENHOUSE GAS EMISSIONS

The 2017 EAS did not include a greenhouse gas (GHG) analysis. Generally, a GHG emissions assessment is conducted only for larger projects undergoing an EIS, City capital projects subject to city-wide GHG reduction goals, and projects with special energy needs or other GHG considerations such as power generation or fundamental changes to the City's solid waste systems. The proposed project does not meet these criteria, and therefore an analysis of GHG is not warranted. In addition, the proposed action would not intensify the energy requirements of the proposed residential building and as such, does not have the potential to result in any significant adverse impacts.

E.16 NOISE

An Air Qualiy and Noise Remedial Action Plan prepared by HydroTech Environmental Engineering and Geology, DPC dated May 26, 2023, was submitted for the RAP to the NYC OER under Project Number: 18TMP0057X, 18EHAN025X. As per this document, the Noise E-413 for Block 2756 and Lot 85 requires the following: "in order to insure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with minimum attenuation of 41 dB(A) window/wall attenuation on northern, eastern and southern facades in order to maintain an interior noise level of 45 dB(A). To achieve 41 dBA of building attenuation, special design features that go beyond the normal double-glazed windows are necessary and may include using specially designed windows (i.e., windows with small sizes, windows with air gaps, windows with thicker glazing, etc.), and additional building attenuation. 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. It was further noted that the OER on May 5, 2018 established the minimum attenuation be revised to be 42 dB(A) on the northern, eastern and southern facades in order to maintain an interior noise level of 45 dB(A). This revision was based on L10 levels in the EAS dated December 2, 2016 Table L-3. OER approval of the RAP was issued on June 6, 2023 and approval of the Notice to Proceed was issued on June 7, 2023.

The 2017 EAS concluded that the proposed project would result in volumes categorized as "clearly unacceptable" at noise reception locations A and C. Therefore, in order to ensure acceptable interior noise environments, future residential/commercial uses would be required to provide a closed window condition with a minimum attenuation of 41 dB(A) window/wall attenuation on northern, eastern, and southern facades in order to maintain an interior noise level of 45 dB(A) or less. To achieve 41 dB(A) of building attenuation, special design features beyond standard double-glazed windows are necessary and may include using specially designed windows (i.e., windows with small sizes, windows with air gaps, windows with thicker glazing, etc.), and additional building attenuation. In order to maintain a closed-window condition, alternate means of ventilation are required. Alternate means of ventilation include, but are not limited to, central air conditioning (E-413).

The EAS found that noise levels at the project area are relatively high due to noise contributions from the Bruckner Expressway. As described in the "Transportation" section of the 2017 EAS, the number of vehicle trips generated by the proposed project is lower than the threshold that would require any detailed analysis. Consequently, it is not expected that the proposed project would generate sufficient traffic to have the potential to cause a significant noise impact (i.e., it would not result in a doubling of noise passenger car equivalents [Noise PCEs] which would be necessary to cause a 3 dBA increase

in noise levels). Therefore, the proposed action would not result in any new significant adverse impacts on noise not disclosed in the 2017 EAS.

E.17 PUBLIC HEALTH

The 2017 EAS did not provide an analysis of public health, as the development did not meet any of the thresholds warranting a public health assessment according to the guidelines of the 2014 *CEQR Technical Manual*, which applied at the time. The 2021 *CEQR Technical Manual* requires an analysis of potential public health impacts only for projects that result in unmitigated significant adverse impacts in areas such as air quality, water quality, hazardous materials, or noise, or when the lead agency determines that a project may have potential public health consequences not related to these technical areas. As described above, the proposed action, taking into account the potential of change in background conditions, would not result in significant adverse impacts in any of these technical areas. Therefore, a public health analysis is not warranted, and the proposed actions would not result in any significant adverse impacts to public health.

E.18 NEIGHBORHOOD CHARACTER

The proposed action would not adversely affect the defining features of the neighborhood, nor create new significant adverse impacts on any of the elements that contribute to neighborhood character. Since the issuance of the EAS, the character of the area has remained fairly constant. The proposed actions would be in keeping with the plan for Building 1 considered in the 2017 EAS and aims to enliven the area with activity and improve the character of the area. Therefore, the proposed action would not result in any new significant adverse impacts on neighborhood character not disclosed in the 2017 EAS.

E.19 CONSTRUCTION IMPACTS

The 2017 EAS analyzed the effects of the proposed project's construction activities, focusing on areas where construction activities may pose specific environmental problems such as transportation, air quality, and noise. The 2017 EAS concluded that the proposed project is not anticipated to result in any significant adverse transportation, air quality, or noise impacts related to construction activities. As there have not been any changes made to the construction plan for Building 1 or any significant changes in the surrounding community, the construction analysis in the 2017 EAS was determined to remain complete in its analysis.

F. CONCLUSION

Based on the analyses above for each of the impact categories, neither changes in background conditions nor changes to the proposed action would result in any significant adverse environmental impacts that were not identified in the 2017 EAS. Therefore, a Supplemental Environmental Assessment Statement is not required.