CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIRMAN

January 30, 2017

NEGATIVE DECLARATION

Project Identification
CEQR No. 17DCP078X
ULURP Nos. 170087ZMX, 170088ZRX
SEQRA Classification: Unlisted

Lead Agency
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271
Contact: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal:

Whitlock and 165th Street Rezoning
The applicant, The Ader Group LLC, is seeking a Zoning Map Amendment from an M1-1 to an R8A zoning district with a C2-4 commercial overlay; and a Zoning Text Amendment to Appendix F of the Zoning Resolution to establish a Mandatory Inclusionary Housing (MIH) Area. The proposed actions would facilitate a proposal by the applicant to redevelop a property located at 1125 Whitlock Avenue (Block 2756, Lots 85 and 90, the "Project Site"), located in the Foxhurst neighborhood of Bronx, Community District 2. The proposed development would consist of two fourteen-story mixed-use buildings totaling 472,484 gross square foot (gsf), comprised of 474 units of affordable housing, 14,937 gsf of commercial area, 9,520 gsf of community facility, and a 69 below-grade parking spaces on the Project Site.

The applicant intends to seek public financing from the New York City Housing Development Corporation (HDC) and the New York State Housing Finance Agency (HFA). The City Planning Commission (CPC), acting as Lead Agency, has conducted a coordinated environmental review with HDC and the New York City Department of Housing Preservation and Development (HPD) acting as involved agencies.

Currently, the Project Site is developed with six, one-story industrial use structures. Lot 85 is developed with five, one-story structures totaling 17,993 gsf, including auto repair shops and storage facilities. Lot 90 is developed with a one-story, 20,824 gsf industrial plastics facility. The underlying M1-1 zoning district currently mapped on the Project Site allows a maximum floor area ratio (FAR)

of 1.0 for manufacturing and commercial uses and 2.4 FAR for limited Community Facility uses. Residential uses are not permitted in M1-1 districts. M1-1 districts permit light industrial uses, such as woodworking shops, repair shops and wholesale service and storage facilities. The maximum allowable building height in M1-1 districts is based on a sky-exposure plane, which begins 30 feet above the street line.

The proposed actions would rezone the Project Site from M1-1 to R8A with a C2-4 commercial overlay, to permit residential uses and an increase in FAR of up to 7.2 with affordable housing provided pursuant to the MIH program. Community facility uses are permitted up to 6.5 FAR. The maximum allowable building height in R8A districts is 145 feet. C2-4 overlays permit a maximum commercial FAR of 2.0. Typical commercial uses include neighborhood grocery stores, restaurants, funeral homes and repair services. In mixed-use buildings, commercial uses are limited to the first or second floor and must be located below residential uses.

Approval of the proposed actions would facilitate a proposal by the applicant to demolish the existing structures on the Project Site and construct two, 14-story mixed-use buildings totaling approximately 472,484 gsf. The proposed project would include approximately 418,759 gsf of residential floor area (474 affordable dwelling units); 9,520 gsf of ground floor community facility space (Use Group 4); and 14,937 gsf of ground floor commercial space (Use Group 6). Building 1 would contain approximately 236,626 gsf, comprised of 243 dwelling units and 9,520 gsf of community facility space. Building 2 would contain 235,858 gsf, comprised of 231 dwelling units and 14,937 gsf of commercial space. Although the proposed project would not require parking, the applicant intends to provide 69 accessory parking spaces provided below grade (approximately 29,268 gsf).

The applicant intends for the proposed buildings to be comprised of all affordable units. The proposed text amendment to establish an MIH Area (Option 1) coterminous with the Project Site would require a percentage of units to be permanently affordable. MIH Option 1 requires that at least 25 percent of the residential floor area be reserved for residents with incomes averaging 60 percent Area Median Income (AMI), with ten percent of units affordable at 40 percent AMI. Therefore, 118 of the proposed units would be permanently affordable pursuant to MIH.

Absent the proposed actions, the existing buildings on the Project Site would not be demolished and the existing uses on the site would remain.

The proposed project is expected to be completed by 2021.

To avoid the potential for significant adverse impacts related to hazardous materials an air quality, an (E) designation (E-413) has been incorporated into the proposed actions, as described below.

The (E) designation requirements related to hazardous materials would apply to the Project Site:

Block 2756, Lots 85 and 90

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 requirements related to air quality would apply to the Project Site:

Block 2756, Lots 85 and 90

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

> **Block 2756, Lots 85 and 90 (Projected Development Site 1)**
> **Building 1: Block 2756, Lot 85: Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems and ensure that the heating, ventilating and air conditioning stack is located at the highest tier or 156 feet high and at most 392 feet from Aldus Avenue to avoid any potential significant adverse air quality impacts.**
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> **Building 2: Block 2756, Lot 90: Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems and ensure that the heating, ventilating and air conditioning stack is located at the highest tier or 156 feet high and at most 133 feet from East 165th Street to avoid any potential significant adverse air quality impacts.**

The (E) designation requirements related to noise would apply to the Project Site:

> **Block 2756, Lots 85 and 90**

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

> **Block 2756, Lots 85 and 90 (Projected Development Site 1)**
> **In order to ensure 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. 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.**

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 January 26, 2017, prepared in connection with the ULURP Application (Nos. 170087ZMX, 170088ZRX). 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 (E-413) for hazardous materials, air quality and noise 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.

Should you have any questions pertaining to this Negative Declaration, you may contact Stephanie Shellooe at (212) 720-3328.

Robert Dobruskin

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

Date: January 27, 2017

Carl Weisbrod, Chairman
City Planning Commission

Date: January 30, 2017