CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

October 16, 2017

REVISED CONDITIONAL NEGATIVE DECLARATION[1]
Supersedes the Conditional Negative Declaration Issued on June 16, 2017

Project Identification
CEQR No. 17DCP172X
ULURP Nos. C170392ZMX, N170393ZRX
SEQRA Classification: Unlisted

Lead Agency
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10217
Contact: Robert Dobruskin
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Name, Description and Location of Proposal:

1965 Lafayette Avenue

The Applicant, Park Lane Residence Co., proposes a Zoning Map Amendment from an R6 district to (a) an R8/C2-4 district and (b) an R8 district (together, the "Zoning Map Amendment"), and a Zoning Text Amendment to Zoning Resolution (ZR) Section 23-933 (Inclusionary Housing) Appendix F to establish a Mandatory Inclusionary Housing (MIH) area (the "Zoning Text Amendment") affecting a portion of a property at 1965 Lafayette Avenue (Block 3672, p/o Lot 1, the "Rezoning Area") in the Soundview neighborhood of Bronx Community District 9. The Rezoning Area is located on the western portion of the block which is bounded by Turnbull Avenue to the north, Pugsley Avenue to the east, Lafayette Avenue to the south, and White Plains Road to the west. The proposed Zoning Map Amendment and Zoning Text Amendment (collectively the "Proposed Actions") would facilitate a proposal by the Applicant to construct two attached predominantly residential buildings comprising a combined total of 384,271 gross square feet (gsf), including approximately 425 affordable residential units, 19,938 gsf of local retail space, and 67 accessory parking spaces in a cellar-level garage (the "Proposed Development").

In connection with the Proposed Development, the Applicant proposes traffic signal timing adjustments and a roadway striping change at the intersection of Story Avenue and White Plains Road. The provision of these traffic improvement measures would be incorporated into a restrictive declaration that would be recorded against the Rezoning Area (the "Restrictive Declaration"). The Restrictive Declaration would restrict the manner in which the Rezoning Area may be developed or redeveloped by requiring the Declarant to notify the New York City Department of Transportation ("DOT") prior to issuance of the first temporary or permanent certificate of occupancy for any portion of the Proposed Development.

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[1] This revised Conditional Negative Declaration (CND) supersedes the CND issued on June 16, 2017. This revised CND reflects a clarification in the language describing the proposed traffic mitigation measures as described in more detail in the Supporting Statement below.

In addition to the aforementioned actions, the Applicant seeks discretionary financing for the residential component of the Proposed Development from the New York City Department of Housing Preservation and Development (HPD). The sources of funding for the project are expected to include construction financing through HPD's Mixed Middle Income Mix and Match Program, and Senior Affordable Rental Apartments (SARA) Program among other potential HPD funding sources. The Applicant also seeks HPD and New York State Department of Housing and Community Renewal (DHCR) approvals for the Proposed Development. A coordinated review was conducted for this project, with HPD and HDC acting as involved agencies.

The Rezoning Area comprises an approximately 107,888 sf portion of Block 3672. The entirety of the Block is currently zoned R6. R6 zoning districts allow for two sets of bulk regulations: "Height Factor" regulations, which produce small multi-family buildings on small zoning lots and, on larger lots, tall buildings set back from the street; and "Quality Housing" regulations, which produce high lot coverage buildings with height limits that often reflect the scale of pre-1961 apartment buildings. Under Height Factor regulations, the maximum permitted residential FAR (Use Groups 1 and 2) ranges from 0.78 to 2.43. Under Quality Housing regulations, the maximum permitted residential FAR is 3.0 on wide streets outside of the Manhattan Core (i.e. the area outside of Manhattan Community Districts 1, 2, 3, 4, 5, 6, 7 and 8) and 2.2 on narrow streets. Community facility uses (Use Groups 3 and 4) are permitted up to 4.8 FAR in R6 districts.

The Rezoning Area is currently developed with a 400,932 gsf, 21-story building with 353 affordable residential units pursuant to the Mitchell Lama program (the "Park Lane Apartment Building"), and 103 surface parking spaces that are accessory to the building. Recreational areas, including play areas, sitting areas, and two swimming pools, the location of which, in relation to lot lines, was approved in 1966 by the Board of Standards and Appeals, occupy portions of the Rezoning Area, and are accessory to the Park Lane Apartment Building. Outside of the Rezoning Area, the remainder of the block is occupied with 122 surface parking spaces that are also accessory to the Park Lane Apartment Building. The entire block was conveyed to the developer from the city in 1968, and was developed under the Mitchell Lama program. The Park Lane Apartment Building received its permanent certificate of occupancy in 1972. In connection with this transfer of ownership, a deed restriction was executed, providing that, for a period of 50 years from the date of completion of the Park Lane Apartment Building, any changes in the use of land, as specified in the plan for the Park Lane Apartment Building, requires the consent of DHCR and HPD.

The proposed R8/C2-4 rezoning and MIH Text Amendment would allow a maximum FAR of 7.2 of residential uses (Use Groups 1 and 2), a maximum FAR of 6.5 of community facility uses (Use Groups 3 and 4), and a maximum FAR of 2.0 of commercial uses (Use Groups 5-9 and 14). Upon approval of the proposed R8/C2-4 district, the Applicant intends to develop the Proposed Development, which would consist of two attached 14-story buildings (the "Affordable Family Building" and the "Affordable Senior Building") totaling 425 affordable residential units, 19,938 gsf of local retail space, and 67 accessory parking spaces in a cellar-level garage. The Affordable Family Building would provide approximately 292 affordable dwelling units for families and the proposed 19,938 gsf of local retail space, while it is anticipated that the Affordable Senior Building would provide 133 affordable senior housing units pursuant to the SARA program. The Proposed Development would also include 67 below-grade accessory parking spaces and 42 surface accessory parking spaces, and an increase in surface accessory parking spaces on the eastern portion of the lot, from 122 to 159. With the proposed Text Amendment, the Mandatory Inclusionary Housing Options 1 and 2 would be mapped coterminous with the Rezoning Area. Under Option 1, 25 percent of residential floor area would be affordable for residents with incomes averaging 60% AMI (of which 10% would be affordable at 40% AMI). Under Option 2, 30 percent of residential floor area would be affordable for residents with incomes averaging 80% AMI.

The Proposed Development is expected to be completed in 2020. Absent the Proposed Actions, the Development Site would remain as the existing conditions.

In connection with the Proposed Actions, an (E) designation (E-434) would be assigned to the project site (Block 3672, Lot 1) to avoid potential significant adverse impacts related to hazardous materials, air quality, and noise. The (E) designation text related to hazardous materials is as follows:

> **Task 1-Sampling Protocol**
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> **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.**
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> **Task 2-Remediation Determination and Protocol**
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> **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.**
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> **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.**
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> **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.**

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

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

> **Affordable Senior Building: Any new residential and/or commercial development on the above-referenced property must use natural gas for HVAC systems and ensure that the heating, ventilation and air conditioning stack release height is at least 141 feet above ground level, and is no more than 181.5 feet from White Plains Road to avoid any potential significant adverse air quality impacts.**

Affordable Family Building: Any new residential and/or commercial development on the above-referenced property must use natural gas for HVAC systems and ensure that the heating, ventilation and air conditioning stack release height is at least 141 feet above ground level, and is no more than 122 feet from White Plains Road to avoid any potential significant adverse air quality impacts.

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

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

To ensure an acceptable interior noise environment, the future residential and community facility uses must provide a minimum of 31 dBA composite building façade attenuation with windows closed along White Plains Road, in order to maintain an interior noise level of 45 dBA. The minimum required composite building façade attenuation for future commercial uses would be five dBA less than that for residential uses. To maintain a closed-window condition, an alternate means of ventilation must also be provided.

With the attenuation measures specified above, the Proposed Actions would not result in any significant adverse impacts related to 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 revised Environmental Assessment Statement, dated October 13, 2017, prepared in connection with the ULURP Application (Nos. 170392ZMX and 170393ZRX). The City Planning Commission has determined that the Proposed Actions 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, prior to the issuance of the first temporary or permanent certificate of occupancy for any portion of the Proposed Development, to inform them of the need to implement the following traffic improvement measures:

   - Transferring one second of green time at the intersection of Story Avenue and White Plains Road from the northbound/southbound signal phase to the eastbound/westbound signal phase in the weekday AM and PM and Saturday midday peak hours; and

   - Converting the curb lane on the southbound approach of White Plains Road at Story Avenue from a parking lane to a right turn lane.

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

1. An Environmental Assessment Statement (EAS) was completed on June 16, 2017 and a Conditional Negative Declaration (CND) was issued on June 16, 2017. A revised EAS, dated October 13, 2017, reflects a clarification in the language pertaining to the proposed traffic mitigation measures and the status of the Restrictive Declaration, which has been recorded and executed, as explained below. The clarification does not change the proposed traffic mitigation measures and would not otherwise alter the conclusions of the previous EAS and CND.

2. The traffic analysis concluded that project-generated traffic has the potential to result in significant adverse impacts during the weekday AM and PM and Saturday midday peak hours, at the intersection of Story Avenue and White Plains Road. Specifically, the potential for significant adverse impacts were identified for the following lane groups: (1) the eastbound left-turn/through/right-turn approach in the weekday AM and PM and Saturday midday peak hours, which would continue to operate at LOS F with an increase in delay exceeding three seconds in those three peak hours; (2) the southbound through/right-turn lane in the weekday PM peak hour, which would deteriorate from an acceptable LOS D to LOS E; and (3) the southbound through/right-turn lane in the Saturday midday peak hour, which would continue to operate at LOS F with an increase in delay exceeding three seconds.

   The provision of the traffic mitigation measures has been incorporated into a Restrictive Declaration (the "Restrictive Declaration") that was executed on August 18, 2017 and recorded against the Project Site on September 6, 2017. The Restrictive Declaration restricts the manner in which the Project Site may be developed or redeveloped by requiring the Declarant to notify the New York City Department of Transportation ("DOT") prior to issuance of the first temporary or permanent certificate of occupancy for any portion of the Proposed Development. In consultation with DOT, the proposed traffic mitigation measures were deemed to be reasonable and appropriate. Consequently, no significant adverse impacts related to traffic would occur.

3. The (E) designation for hazardous materials, air quality, and noise would ensure that the Proposed Actions would not result in significant adverse impacts.

4. No other significant 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 Actions, this revised 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 revised Conditional 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 Revised Conditional Negative Declaration, you may contact Christopher Lee of the Department of City Planning at (212) 720-3429.

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 Actions.

Signature of Applicant or Authorized Representative

Date: October 13, 2017

David Karnovsky, Applicant's Representative
Name of Applicant or Authorized Representative

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

Date: October 13, 2017

Marisa Lago, Chair
City Planning Commission

Date: October 16, 2017