DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

M E M O R A N D U M

TO: Sara Avila, Paul Philps

FROM: Evren Ulker-Kacar

DATE: January 16, 2026

RE: **TYPE II**

CEQR No.	25DCP085X
Land Use Application No.	N250247ZCX; 250245ZMX; N250246ZRX
Project Name	1160 Pugsley Avenue Rezoning

We have reviewed the above referenced application and determined that, pursuant to 6 NYCRR 617.5, it is a Type II action and not subject to SEQRA/CEQR:

- ☐ **617.5(9)** Construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or use variance, and consistent with local land use controls, but not radio communication or microwave transmission facilities.

- ☐ **617.5(11)** construction or expansion of a single-family, a two-family or a three-family residence on an approved lot.

- ☐ **617.5(12)** Construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density.

- **617.5(25)** Official acts of a ministerial nature involving no exercise of discretion:

  ☐ Special Permits pursuant to Zoning Resolution Section 74-78 (Conversions of Non-Residential Floor Area), for modifications to the requirements relating to the location of loft dwellings or joint living-work quarters for artists and use restrictions.

  ☐ Authorizations pursuant to Zoning Resolution Sections 105-421 (Modification of topographic features on Tier I sites), 105-422 (Authorization of a development, enlargement or site alteration on a Tier II zoning lot or portion of a zoning lot having a steep slope or steep slope buffer), 105-423 (Relocation of erratic boulders), 105-424 (Alteration of rock outcrops), 105-425 (Modification of botanic environment and tree preservation and planting requirements), 105-426 (Alteration of aquatic features), 105-91 (Special District Designation on Public Parks), 107-64 (Future Subdivision of Certain Plan Review Site), 107-65 (Authorization for Modifications of Natural Features), 119-311 (Authorization of a development, enlargement or site alteration on a steep slope or steep slope buffer), 119-313 (Modification of landscaping, tree preservation and tree planting requirements), and 119-319 (Authorization to allow site alterations, the construction of new park-related facilities and improvements to existing park-related facilities within public parks).

☐ Other Authorizations*

☐ City Planning Commission and Chair Certifications.

☐ Actions pursuant to Zoning Resolution Sections 93-65, 95-04 and 95-05 relating to transit easements.

- **617.5(32)** License, lease and permit renewals, or transfers of ownership thereof, where there will be no material change in permit conditions or the scope of permitted activities:

  ☐ Renewal of Special Permit or Authorization.

- **617.5(b)** Residential Development Type II Actions (Green Fast Track) adopted as Section 5-05(e) and (f) of Chapter 5 of Title 62 of the Rules of the City of New York:

  ☑ Green Fast Track for Housing eligible.

- ☐ **Other*** _____

*As determined by DCP's Environmental Assessment and Review Division and Counsel's Office

cc:

City Planning Commission

City Environmental Quality Review

GREEN FAST TRACK FOR HOUSING TYPE II: ELIGIBILITY CHECKLIST

FOR GREEN FAST TRACK TYPE II ACTIONS ONLY

Part I: Project Summary

Project Summary	1160-1178 Pugsley Ave LLC (the "Applicant") seeks three actions affecting Block 3802, Lots 1, 6, p/o 13, and p/o 80 (the "Project Area) in the Unionport neighborhood of the Bronx, Community District 9. The actions include a Zoning Map Amendment to rezone the Project Area from an existing R5 zoning district to an R7A/C2-4 zoning district, a Zoning Text Amendment to Appendix F of the Zoning Resolution to designate the Project Area a Mandatory Inclusionary Housing (MIH) area, and a Zoning Certification purusuant to ZR 63-30 that a proposed food store use is a FRESH store (collectively, the "Proposed Actions"). The Proposed Actions would facilitate the development of Block 3802, Lot 1 (Projected Development Site 1) of a new 8-story (85' tall) mixed use building comprising approximately 105,609 gross square feet (gsf) of floor area, including 91,938 gsf of residential space (111 dwelling units), 13,671 gsf of commercial floor area, including 11,025 gsf of FRESH food store area, and 2,646 gsf of local retail space. Between 22 and 33 dwelling units would be permanently affordable pursuant to MIH options 1, 2, or 3. 32 required accessory residential parking spaces would be included at the cellar level. The Applicant intends to seek additional funding from the New York City Department of Housing Preservation and Development (HPD) in order to develop a 100 percent affordable building. Aside from the Projected Development Site 1, no other developments are anticipated as a result of the Proposed Actions within the rezoning area.
Development Site Blocks and Lots *"Development site" means the zoning lot all or part of which the applicant proposes to develop through the action.*	Block 3802, Lot 1
Developable Site Blocks and Lots *"Developable site" means a zoning lot, including the development site, within the area that is the subject of the action that the lead agency determines is likely to be developed as a result of the action.*	N/A

Part II: Package Requirements

II.1 Agency Sign-offs	Required Agency Sign-offs and their determinations ***attached.*** List of required agencies include: Landmarks Preservation Commission; Department of Environmental Protection	✔
II.2 Restrictive Declarations & E-Designations	Required Restrictive Declarations & E-Designations ***attached.***	✔
II.3 Development Increment Table	Development Increment Table ***attached.***	✔
II.4 Project Area Map	Project Area Map (with development sites) ***attached.***	✔

Part III: Eligibility Checklist

§ 3. Section 5-05 of Chapter 5 of Title 62 of the Rules of the City of New York: Subdivisions (e) and (f)

		Eligible?
(e)	**Residential Development Type II Actions. The following actions are not subject to review under City Environmental Quality Review, the State Environmental Quality Review Act (Environmental Conservation Law, Article 8) or the SEQRA Regulations, subject to subdivision (f) of this section:**	
(e) (1)	Actions that enable incremental development of at least 1 and no more than 250 new dwelling units or new income-restricted dwelling units, and no more than 35,000 gross square feet of space for non-residential uses, which includes no more than 25,000 gross square feet of space for commercial uses and no more than 25,000 gross square feet of community facility space, and which at the time of the environmental determination are:	☐
(i)	Located wholly within an existing R5 through R10 Residence zoning district, provided that such action does not include the creation or enlargement of a Special Mixed Use zoning district or a stand-alone Commercial zoning district; or	☑
(ii)	Located in an existing stand-alone Commercial zoning or Manufacturing zoning district and are being developed pursuant to a regulatory agreement or lease with a government agency to develop housing or a decision by the Board of Standards and Appeals authorizing residential development; or	☐
(e) (2)	Actions that enable incremental development of at least 1 and no more than 175 new dwelling units or new income restricted dwelling units, and no more than 20,000 gross square feet of space for non-residential uses, which includes no more than 10,000 gross square feet of space for commercial uses, and no more than 10,000 gross square feet of community facility space, and which at the time of the environmental determination, are located at least partially within an existing R1 through R4 Residence zoning district, provided that such action shall not include actions that include the creation or enlargement of a Special Mixed Use zoning district or a stand-alone Commercial zoning district.	☐
(f)	**Type II Residential Development Prerequisites. An action listed in subdivision (e) of this section must also comply with all of the following to be a Type II action, at or before the time environmental review is required to be completed:**	**Eligible?**
(f) (1)	Any new building or any enlargement of an existing building on the development site shall not burn fossil fuels to supply heat or hot water;	☑
(f) (2)	The applicant or development site owner shall have complied with the following site-specific requirements:	☑
(i)	For developable sites that include one or more tax lots that do not have an (E) designation for hazardous materials pursuant to section 11-15 of the New York City Zoning Resolution at the time of the environmental determination, completed a Phase I Environmental Site Assessment for the development site and either:	☑
(A)	Obtained a written signoff from the lead agency that no further environmental investigation is required or that a plan to address any hazardous materials is acceptable; or	☐
(B)	Consented to the establishment of an (E) designation for hazardous materials pursuant to section 11-15 of the New York City Zoning Resolution and 15 RCNY Chapter 24 on the developable sites, provided that where an (E) designation is not available and the development site will be developed pursuant to a regulatory agreement with a government agency, such government agency shall include protections and development oversight requirements equivalent to an (E) designation found in 15 RCNY Chapter 24 in such regulatory agreement; and	☑
(ii)	Obtained a determination from the New York City Landmarks Preservation Commission (LPC) stating whether any developable site is within an archaeologically sensitive area, is designated, calendared for consideration or eligible for designation as a New York City Landmark or Historic District, is listed on, or formally determined to be eligible for inclusion on, the National Register of Historic Places or the New York State Register of Historic Places, or is substantially contiguous to a sunlight sensitive architectural resource, and	☑
(A)	If LPC determines a developable site is within an archaeologically sensitive area, completed an archaeological document study for the development site and obtained a writing from LPC that the development of such development site does not raise archaeological concerns; and	☐
(B)	If LPC determines a developable site is designated, calendared for consideration or eligible for designation as a New York City Landmark or Historic District or is listed on, or formally determined to be eligible for inclusion on, the National Register of Historic Places or the New York State Register of Historic Places, obtained a writing from LPC that the development of such development site does not raise historic preservation concerns;	☐
(iii)	Agreed to prepare and implement a Construction Protection Plan consistent with the requirements of the New York City Department of Buildings Technical Policy and Procedure #10/88 for a development site located at least partially within 90 feet of a building or site formally determined to be eligible for listing on the National Register of Historic Places or the New York State Register of Historic Places or of a building or site that is eligible for designation as a New York City Landmark or Historic District;	☐
(iv)	For developable sites within 1000 feet of an air emissions source that operates under a permit issued pursuant to subpart 201-5 of title 6 of the New York Codes, Rules and Regulations (New York State facility permits) or subpart 201-6 of such title (Clean Air Act Title V permits) or either within 400 feet of any existing air emission source with an active or expired industrial permit issued by the New York City Department of Environmental Protection or within 400 feet of any unpermitted industrial source, confirmed to the lead agency based on the emission limits in the permit(s) or, for any unpermitted source, the estimated emission limits from similar source permit(s) provided by the lead agency, that concentrations of any pollutant regulated by the permit(s) or identified by the lead agency for any unpermitted source will not exceed the corresponding National Ambient Air Quality Standards (including background concentrations) and Annual Guideline Concentration (AGC) and Short-term Guideline Concentration (SGC) in the New York State Department of Environmental Conservation Division of Air Resources Guidelines for Evaluation and Control of Ambient Air Contaminants (DAR-1) at such developable site, as determined in accordance with the industrial source screen in Appendix B of Chapter 5 of Title 62 of the rules of the city of New York (Industrial Air Quality Checklist).	☑
(v)	With respect to calculation of noise levels, either:	☑
(A)	Provided to the lead agency representative peak hour outdoor noise sampling showing less than 70 A-weighted decibels (dBA) L10 ambient noise levels at all developable sites, and provided outdoor noise sampling for all developable site buildings within the line of sight of any railway or elevated subway showing less than 65 dBA Ldn ambient noise levels and confirmed that all developable sites are outside the 65 Day Night Average Sound Level contours established in the Noise Exposure Map (NEM) Report for John F. Kennedy Airport and LaGuardia Airport, or	☑
(B)	Agreed to establishment of an (E) designation for noise pursuant to section 11-15 of the NYC Zoning Resolution on any developable sites that cannot meet the requirements of item (A) above, provided that where the development site will be developed pursuant to a regulatory agreement with a government agency, such government agency shall include protections equivalent to those imposed by an (E) designation for noise attenuation in such regulatory agreement.	☐
(f) (3)	The projected duration of construction at each development site shall not be greater than 24 months and no consecutive projected construction period for all substantially contiguous developable sites shall be greater than 24 months.	☑
(f) (4)	No portion of any developable site shall:	☑
(i)	Be located adjacent to an arterial highway listed in Appendix H to the New York City Zoning Resolution or a vent structure for a tunnel	☑
(ii)	Be located within in a Special Coastal Risk District mapped pursuant to Article XIII, Chapter 7 of the New York City Zoning Resolution; or	☑
(iii)	Contain a natural resource. *("Natural Resource" means surface water bodies; wetland resources; upland resources, such as beaches, shrublands, meadows, and forests; or other significant or sensitive resources.)*	☑
(f) (5)	The action shall not enable construction of a new building or other structure or enlargement of an existing building or structure with a maximum allowable height greater than 250 feet, including all rooftop bulkheads, mechanical equipment, parapets, and any other parts of the building, or with a maximum possible height greater than 50 feet if substantially contiguous to a public open space other than a street or sidewalk, natural resource or an architectural sunlight sensitive resource identified by LPC under subparagraph (ii) of paragraph (2) of this subdivision above, unless such open space, natural resource or sunlight sensitive resource is entirely within the area between -108° degrees from true north and +108 degrees from true north of the building or other structure or is an architectural resource that is located on a facade that faces directly away from a developable site.	☑

1160 Pugsley Avenue Rezoning

Green Fast Track Eligibility Memo

Introduction

Proposed Actions

The Proposed Actions are –

1. A Zoning Map Amendment to rezone from R5 to R7A/C2-4 an 19,582 sf area (Bronx Block 3802, Lots 1, 6, 13 (p/o), and 80 (p/o)) in the Unionport area of Bronx Community District 9;
2. A Zoning Text Amendment to map a Mandatory Inclusionary Housing (MIH) area coterminous with the Rezoning Area; and
3. A FRESH CPC Certification per Zoning Resolution Section 63-30.

Affected Area

The Rezoning Area consists of all or part of four lots (the two lots located on the east side Pugsley Avenue between Gleason and Powell Avenues and parts of two adjacent lots). They form the westernmost part of Block 3802, which is bounded by those three avenues, Olmstead Avenue, and the southern service road of the Cross Bronx Expressway. The Proposed Actions would affect only a 350 sf (3.4 foot by 103.1 foot) portion of non-Applicant-owned Lots 13 and 80. (See the site location map on the following page.)

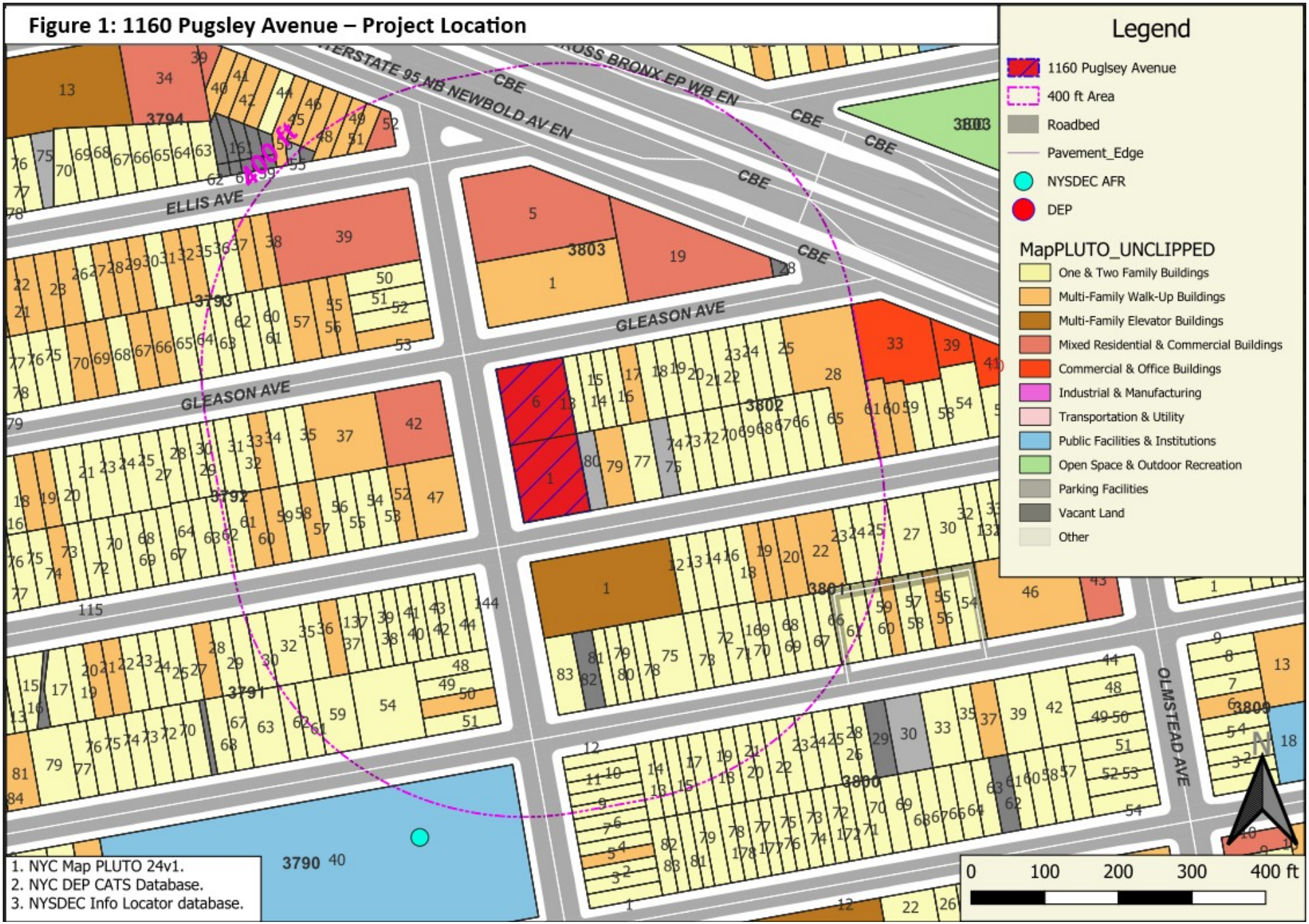
Proposed Development

Lot 1 (1160 Pugsley Avenue) is improved with a one-story commercial building containing a pizza parlor, a Mexican restaurant, and several vacant storefronts. Lot 6 (1178 Pugsley Avenue) is a vacant lot used for an unlicensed parking facility. Together, they comprise the Applicant-owned Development Site 1, which measures 18,894 sf and has 206 feet of frontage along Pugsley Avenue, 92 feet of frontage along Gleason Avenue, and 92 feet of frontage along Powell Avenue. Vehicular access to the parking lot is provided by a curb cut on Pugsley Avenue.

The Proposed Actions would facilitate the development of Development Site 1 with a new eight-story (85'- tall) mixed use building with mezzanine and cellar containing 105,497.27 square feet of floor area (the "Proposed Development"). The Proposed Development would contain 91,938.08 square feet of residential floor area, plus 13,559.19 square feet of commercial floor area comprising 10,912.94 square feet of FRESH food store floor area and 2,646.25 square feet of floor area for a local retail or service establishment. A cellar level parking garage with 32 required accessory residential parking spaces would be accessible from a new 12'-wide curb cut on Gleason Avenue, which is a 60'-wide street serving westbound traffic. A loading berth for the FRESH food store would be accessible from a new 12'-wide curb cut on Powell Avenue, which is a 60'-wide street serving eastbound traffic.

The Proposed Development would contain 104 dwelling units, including 22 to 33 affordable units in accordance with MIH requirements, depending on whether Option 1, 2, or 3 is used. The

Figure 1: 1160 Pugsley Avenue – Project Location



Applicant will be seeking a subsidy for the construction of the Proposed Development as a mixed income multi-family rental project under Housing Preservation Development's ("HPD") Mixed Income Program: Mix & Match, which requires all residential units in the Proposed Development to be offered at rental rates meeting a range of affordability tiers.

Future No-Action Scenario

Absent the Proposed Actions, the Applicant has no plans for redevelopment of Development Site 1. Lot 6 would remain vacant, and the existing commercial space would remain on Lot 1. Lots 13 and 80 would not be redeveloped.

Future With-Action Scenario

The With-Action scenario for the Applicant-owned Development Site 1 is based on the maximum allowable floor area and FAR in an R7A/C2-4 zoning district within an MIH area.

The projected development would have a total of 124,116 gsf of floor area with approximately 108,641 gsf of residential floor area and 15,476 gsf of commercial floor area, which includes an approximately 11,000 square foot FRESH food store on the ground floor. The projected development would contain approximately 111 dwelling units, including 22 to 33 units that would be income restricted per MIH requirements, depending on whether Option 1, 2, or 3 is used. (If the application to HPD is approved, all units would be offered at rental rates meeting a range of affordability tiers, per the HPD Mixed Income Program: Mix & Match.) The building would rise to a base height of 85 feet (8 stories) before setting back 10 feet on Pugsley Avenue, a wide street, and 15 feet on Gleason and Powell Avenues, two narrow streets. Above the 8-story base, the building would rise to a roof height of 115 feet (11 stories). Rooftop bulkheads would rise to a maximum permitted height of 140 feet. In an R7A district within the Outer Transit Zone, parking would not be required for the affordable units; accessory parking would be required for 15 percent of any market rate units, although the requirement is waived if 15 or fewer spaces would be required. The development would provide the proposed 32 accessory residential parking spaces, which would exceed the zoning requirement.

Construction would take 12 to 18 months.

Because only small portions of Lots 13 and 80 would be included in the rezoning, their redevelopment would not follow the Proposed Actions.

Development Increment

Under the with-action scenario, the Proposed Actions would result in an increase of 111 housing units and 5,990 gsf of retail space, which would include an approximately 11,000 gsf FRESH food store. This is shown in Table 1 below.

Table 1: Development Increment

Site	Use	No-Action Condition	With-Action Condition	Increment
Development Site 1	Residential (gsf)	0	108,641	108,641
	Units	0	111	111
	Non-Residential (gsf)	9,486	15,476	5,990
	Commercial (gsf)	9,486	15,476	5,990
	Community Facility (gsf)	0	0	0
	Other (gsf)	0	0	0
	Total (gsf)	9,486	124,116	114,631
Total for Development Sites	**Residential (gsf)**	0	108,641	108,641
	Units	0	111	111
	Non-Residential (gsf)	9,486	15,476	5,990
	Commercial (gsf)	9,486	15,476	5,990
	Community Facility (gsf)	0	0	0
	Other (gsf)	0	0	0
	Total (gsf)	9,486	124,116	114,631

Air Quality

Fuel Source

The development would not burn fossil fuels for heating, cooling, or hot water. To ensure that this is the case, an (E) designation for air quality (E-825) would be placed on Development Site 1. The air quality text of the (E) designation would be as follows:

Bronx Block 3802, Lots 1 and 6

Any new residential, commercial, and/or community facility development on the above-referenced property must exclusively use electric grid power for heating, ventilating, and air conditioning (HVAC) system and hot water equipment to avoid any potential significant adverse air quality impacts.

Highways, Manufacturing Facilities, and Large and Major Sources

Development Site 1 is not located within 400 feet of a lot with manufacturing or processing facilities or an active or expired CATS permit, or located within 1,000 feet of a Large or Major Source of air emissions. No existing air quality designation has been placed on Development Site 1.

No manufacturing processing facility was identified in the fieldwork observation study, performed on October 28th, 2024. There are two stacks on the building located at 1231 Pugsley Avenue (Block 3794, Lot 52). This location is occupied by Mofet Laundry Service, which is a retail drop-off laundry service, and the stacks located on the building are for the dryers at this location.

According to a review of on-line information, there is a print shop (Luxury Printing) located at 2020 Cross Bronx Expressway Service Road South (Block 3803, Lot 19). According to a telephone interview with a representative for Luxury Printing, conducted on October 30th, 2024, this business recently moved to 2040 Cross Bronx Expressway South, which is also located on Block 3803, Lot 19. No stacks, odors, or emissions were observed at this location during the field survey. Additionally, there are online photos of digital printing equipment used in the facility. As such, the Luxury Printing facility was screened out.

Noise

No existing (E) designation for noise has been placed on Development Site 1. The site is not adjacent to an arterial highway or within an airport noise exposure zone.

The site is located within line of sight to an elevated subway. Noise monitoring was therefore conducted on Wednesday and Thursday, September 24 and 25, 2024. The weather was dry, and wind speeds were moderate during all monitoring periods. Readings were taken on the roof of an existing one-story building on Development Site 1 and at three sidewalk locations:

1. Location 1 - on the roof of the building at 1160 Pugsley Avenue;
2. Location 2 – adjacent to Projected Development Site 1 at the center of the Gleason Avenue frontage;
3. Location 3 – adjacent to Projected Development Site 1 at the center of the Pugsley Avenue frontage; and
4. Location 4 – adjacent to Projected Development Site 1 at the center of the Powell Avenue frontage.

Monitoring at Location 1 was conducted for 24 hours, and monitoring at Locations 3 through 4 was conducted during the morning, midday, and late afternoon peak travel periods. Monitoring results are presented in Tables 5 through 8.

Table 5: Noise Levels in dB(A) at Location 1

Start Date & Time	LAeq	LASmin	LAS 10%	LAS 50%	LAS 90%	LASmax
9/24/2024 10:21	53.7 dB	51.3 dB	53.0 dB	52.5 dB	51.5 dB	77.6 dB
9/24/2024 11:21	52.7 dB	50.7 dB	53.5 dB	52.0 dB	51.0 dB	73.6 dB
9/24/2024 12:21	52.0 dB	50.3 dB	52.0 dB	51.0 dB	50.5 dB	78.7 dB
9/24/2024 13:21	52.2 dB	50.4 dB	52.0 dB	51.0 dB	51.0 dB	75.2 dB
9/24/2024 14:21	51.2 dB	50.3 dB	51.5 dB	51.0 dB	51.0 dB	58.5 dB
9/24/2024 15:21	51.3 dB	50.0 dB	51.5 dB	51.0 dB	50.5 dB	65.0 dB
9/24/2024 16:21	51.0 dB	50.2 dB	51.5 dB	51.0 dB	50.5 dB	58.3 dB
9/24/2024 17:21	50.9 dB	49.8 dB	51.5 dB	51.0 dB	50.5 dB	57.1 dB
9/24/2024 18:21	51.6 dB	50.9 dB	51.5 dB	51.0 dB	51.0 dB	62.5 dB
9/24/2024 19:21	51.4 dB	50.9 dB	51.5 dB	51.5 dB	51.0 dB	57.1 dB
9/24/2024 20:21	51.6 dB	51.2 dB	52.0 dB	51.5 dB	51.5 dB	55.0 dB
9/24/2024 21:21	51.8 dB	51.4 dB	52.0 dB	52.0 dB	51.5 dB	53.1 dB
9/24/2024 22:21	51.6 dB	51.2 dB	52.0 dB	51.5 dB	51.5 dB	58.4 dB
9/24/2024 23:21	51.3 dB	51.0 dB	51.5 dB	51.5 dB	51.0 dB	57.3 dB
9/25/2024 0:21	51.2 dB	51.0 dB	51.5 dB	51.0 dB	51.0 dB	52.0 dB
9/25/2024 1:21	51.4 dB	51.1 dB	51.5 dB	51.5 dB	51.0 dB	52.4 dB
9/25/2024 2:21	51.4 dB	51.1 dB	51.5 dB	51.5 dB	51.0 dB	52.0 dB
9/25/2024 3:21	51.4 dB	51.1 dB	51.5 dB	51.5 dB	51.5 dB	53.8 dB
9/25/2024 4:21	51.6 dB	51.1 dB	52.0 dB	51.5 dB	51.5 dB	59.3 dB
9/25/2024 5:21	51.6 dB	51.1 dB	52.0 dB	51.5 dB	51.5 dB	53.5 dB
9/25/2024 6:21	51.4 dB	51.1 dB	51.5 dB	51.5 dB	51.0 dB	56.1 dB
9/25/2024 7:21	51.3 dB	51.1 dB	51.5 dB	51.5 dB	51.0 dB	54.6 dB
9/25/2024 8:21	51.4 dB	51.0 dB	51.5 dB	51.5 dB	51.0 dB	54.8 dB
9/25/2024 9:21	51.2 dB	50.1 dB	51.5 dB	51.0 dB	50.5 dB	58.8 dB
LDN	57.9					

Table 6: Noise Levels in dB(A) at Location 2

Tuesday-Wednesday, September 24-25, 2024			
Time	**7:41 am – 8:01 am**	**12:00 pm – 12:20 pm**	**4:30 pm – 5:30 pm**
L_{max}	81.9	76.4	76.2
L_{10}	63.0	63.0	62.0
L_{eq}	61.4	61.1	60.3
L_{50}	60.0	60.0	58.5
L_{90}	58.0	58.0	57.0
L_{min}	56.6	56.0	54.8

Table 7: Noise Levels in dB(A) at Location 3

Tuesday-Wednesday, September 24-25, 2024			
Time	**8:02 am – 8:22 am**	**12:20 pm – 12:40 pm**	**4:51 pm – 5:11 pm**
L_{max}	89.8	80.4	83.2
L_{10}	64.5	63.5	64.0
L_{eq}	64.1	61.2	62.1
L_{50}	59.0	58.5	58.5
L_{90}	56.5	57.0	56.0
L_{min}	54.5	54.6	53.0

Table 8: Noise Levels in dB(A) at Location 4

Tuesday-Wednesday, September 24-25, 2024			
Time	**8:22 am – 8:42 am**	**12:41 pm – 1:01 pm**	**5:12 pm – 5:32 pm**
L_{max}	79.0	86.9	81.5
L_{10}	62.5	62.5	64.0
L_{eq}	59.5	62.1	61.6
L_{50}	56.5	58.0	59.0
L_{90}	54.0	56.5	56.5
L_{min}	51.7	54.8	54.6

The LDN at Location 1 was 57.9 dB(A). The highest recorded L_{10} at Location 2 was 63.0 dB(A) during the morning period and midday period. The highest recorded L_{10} at Location 3 was 64.5 dB(A) during the morning period. The highest recorded L_{10} at Location 4 was 64.0 dB(A) during the evening period.

All of these readings fall under the GFT criteria, which require "...outdoor noise sampling for all developable site buildings within the line of sight of any railway or elevated subway showing less than 65 dBA Ldn ambient noise levels..." No attenuation would be required.

Hazardous Materials

Environmental Studies Corp. performed a Phase I Environmental Site Assessment (ESA) of Development Site 1 and issued a report dated July 2024. The ESA identified two Recognized Environmental Conditions:

1. The potential for contamination resulting from past dry cleaning and manufacturing operations located at the site, including the potential for the encroachment of vapors into existing or future buildings at the site; and
2. The possible presence of out-of-service petroleum storage tanks at the site.

To ensure that testing and mitigation will be provided as necessary before any future development and/or soil disturbance, an (E) designation (E-825) would be placed on Development Site 1. The hazardous materials text of the (E) designation would be as follows:

Bronx Block 3802, Lots 1 and 6

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 be 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.

Natural Resources

Development Site 1 does not contain a wetland, priority waterbody, significant natural community, forever wild area, recognized ecological complex, special natural waterfront area, or beach and is not located within a wetland check zone. No unmapped natural resource has been identified on or near the site.

Historic Resources

In correspondence dated September 16, 2024, LPC confirmed that Development Site 1 does not contain any architecturally or archaeologically significant resources and that no significant architectural resources are located within 90 feet of the site.

Shadows

Development Site 1 is not substantially contiguous to any open space, natural resource, or historic resource.

Environmental Protection

Rohit T. Aggarwala
Commissioner

Angela Licata
Deputy Commissioner
Sustainability

59-17 Junction Blvd.
Flushing, NY 11373

Tel. (718) 595-4398
alicata@dep.nyc.gov

December 10, 2024

Katherine Nessel
Urban Planning Fellow
Environmental Assessment and Review Division
New York City Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

Re: 1160 Pugsley Avenue
Block 3802, Lots 1 and 6
CEQR # 78DCP100X

Dear Ms. Nessel:

The New York City Department of Environmental Protection, Bureau of Sustainability (DEP) has reviewed the November 2024 Green Fast Track Eligibility Memo, the June 2024 Reasonable Worst-Case Development Scenario Form, and the July 2024 Phase I Environmental Site Assessment (Phase I), prepared by Environmental Studies Corporation on behalf of 1160-1178 Pugsley Ave LLC. (applicant), for the above referenced project. It is our understanding that the applicant is seeking a zoning map amendment to rezone from R5 to R7A/C2-4, an 18,894 square feet area in the Unionport area of Bronx Community District 9; a zoning text amendment to map a Mandatory Inclusionary Housing area coterminous with the Rezoning Area; a Food Retail Expansion to Support Health (FRESH) program Authorization per Zoning Resolution Section 63-22; and a FRESH City Planning Commission Certification per Zoning Resolution Section 63-30 from the New York City Department of City Planning (DCP). The Proposed Actions would facilitate the development of Block 3802, Lots 1 and 6 (Projected Development Site 1) with a new seven-story, mixed-use commercial/residential building. The proposed development would have a total of approximately 111,740 gross square feet (gsf) of floor area with approximately 96,264 gsf of residential floor area and 15,476 gsf of commercial floor area, which would include an approximately 10,000 gsf FRESH food store on the ground floor. The proposed development would contain approximately 88 affordable dwelling units. The building would rise to a base height of 56 feet (5 stories) before setting back 10 feet on Pugsley Avenue, a wide street, and 15 feet on Gleason and Powell Avenues, two narrow streets. Above the 5-story base, the building would rise to a roof height of 76 feet (7 stories). A total of 31 accessory parking spaces would be provided in the cellar for building residents, accessible via a curb cut onto Gleason Avenue.

The July 2024 Phase I report revealed that historical on-site and surrounding area land uses consisted of a variety of residential, commercial, and industrial uses including commercial buildings, retail stores, grocery stores, restaurants, a

bakery, manufacturing uses, dry cleaners, laundromats, dwellings, a carpentry shop, a parking lot, etc. Regulatory databases identified 8 spills and 3 historical cleaner sites within 1/8 mile; 18 underground storage tank sites, 31 aboveground storage tank sites, and 3 dry cleaner sites within 1/4 mile; 43 leaking storage tank sites, 5 voluntary cleanup program sites, and 2 brownfield sites within 1/2 mile; and 2 manufactured gas plant sites within 1 mile of the subject property.

Based upon our review of the submitted documentation, we have the following comments and recommendations to DCP:

- Based on prior on-site and/or surrounding area land uses which could result in environmental contamination, an (E) Designation for hazardous materials should be placed on Projected Development Site 1 pursuant to Section 11-15 of the New York City Zoning Resolution. The (E) Designation will ensure that testing and mitigation will be provided as necessary before any future development and/or soil disturbance occurs, as well as to ensure the maintenance and oversight of any required engineering controls through oversight by the Mayor's Office of Environmental Remediation (OER). Further hazardous materials assessments should be coordinated through OER.

Future correspondence and submittals related to this project should include the following CEQR # **78DCP100X**. If DCP has any questions, you may contact Mohammad Khaja-Moinuddin at mohammadm@dep.nyc.gov.

Sincerely,

Wei Yu
Deputy Director, Hazardous Materials

c: R. Weissbard
M. Khaja-Moinuddin
T. Estesen
M. Wimbish
S. Shellooe – DCP
E. Ulker-Kacar – DCP
M. Bertini – OER

Landmarks Preservation Commission

1 Centre Street
9th Floor North
New York, NY 10007

Voice (212)-669-7700
Fax (212)-669-7960
http://nyc.gov/landmarks

ENVIRONMENTAL REVIEW

Project number: DEPARTMENT OF CITY PLANNING / LA-CEQR-X
Project: PUGSLEY AVE REZONING
Date Received: 9/9/2024

Properties with no Architectural or Archaeological significance:
1) 1160 PUGSLEY AVENUE, BBL: 2038020001
2) 1178 PUGSLEY AVENUE, BBL: 2038020006

Comments:

S/NR ELIGIBLE JUNIOR HIGH SCHOOL 125, 1111 PUGSLEY AVENUE WITHIN RADIUS.

Gina Santucci

9/16/2024

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 37444_FSO_DNP_09162024.docx