NYC PLANNING

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Anita Laremont, *Director*
Department of City Planning

Markland 4551 LLC
c/o Eleanore Martins
Akerman, LLP
666 Fifth Avenue, 20th Floor
New York, NY 10103

Re:	**4541 Furman Avenue Rezoning**
CEQR No.	20DCP159X
ULURP No(s).	200228ZMX, N200229ZRX
SEQRA Classification:	Unlisted
Bronx Community District:	BX12

Dear Eleanore Martins,

Under City Environmental Quality Review, the lead agency is required to determine whether a proposed action may have a significant adverse impact on the environment. In accordance with this regulation, the City Planning Commission has determined that the proposed action would not have a significant adverse impact on the environment.

Enclosed is the Negative Declaration for CEQR No. 20DCP159X, 4541 Furman Avenue Rezoning, including supporting statements for the finding that the proposed actions would not have a significant adverse impact on the environment. The Negative Declaration was issued on January 3, 2022.

Sincerely,

Stephanie Shellooe, AICP, *Director*

January 3, 2022
Date

cc: Project File
Anita Laremont, Chair
City Planning Commissioners
Raju Mann, Director, City Council Land Use Division
Vanessa Gibson, Bronx Borough President
Bronx Community Board BX12

NEGATIVE DECLARATION

Statement of No Significant Effect

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York and 6 NYCRR, Part 617, State Environmental Quality Review, the Department of City Planning acting on behalf of the City Planning Commission assumed the role of lead agency for the environmental review of the proposed actions. Based on a review of information about the project contained in this environmental assessment statement (EAS) and any attachments hereto, which are incorporated by reference herein, the lead agency has determined that the proposed actions would not have a significant adverse impact on the environment.

Reasons Supporting this Determination

The above determination is based on information contained in this EAS, which finds the proposed actions sought before the City Planning Commission would not have a significant adverse impact on the environment. Reasons supporting this determination are noted below.

Land Use, Zoning, and Public Policy

A detailed analysis of land use, zoning, and public policy is included in the EAS. The Applicant, Markland 4551, LLC, is proposing a Zoning Map Amendment to rezone Block 5084, Lots 19, 30, 35, 39, 40, 41, 49, 53, 54, 55, 56, 57, 58, 59, 60, 61, 63, 138, and 140 (the Project Area) from M1-1 to R7D and R7D/C2-4 zoning districts. The Proposed Actions would also include a Zoning Text Amendment to Zoning Resolution (ZR) Appendix F to establish the Project Area as a Mandatory Inclusionary Housing (MIH) Area, and a Zoning Text Amendment to ZR Appendix I to extend Transit Zone 1 to be coterminous with the Project Area. The Proposed Actions would result in the incremental development of 334 residential dwelling units (DUs), including up to 205 affordable DUs pursuant to MIH, approximately 18,000 gross square feet (gsf) of commercial uses, approximately 16,000 gsf of community facility uses, and 22 parking spaces, and a decrease in auto, vacant industrial and parking uses currently occupying the sites in the Project Area. For the purpose of a conservative analysis, in addition to the applicant-controlled site, five additional sites within the Project Area are projected for development, included in the total incremental development described above. The analysis finds that while the proposed actions would result in a change of land uses for the area, the future development facilitated by the proposed actions would include affordable housing, commercial and community facility uses that would be consistent with current emerging land use patterns in the area, and increase density near public transit. The proposed R7D/C2-4 zoning would also be compatible with and similar to nearby zoning designations, and the mapping of MIH would encourage the development of affordable housing, which would further City and State policy goals. By locating density near public transit, the proposed actions would be consistent with the sustainability goals listed in OneNYC, New York City's leading sustainability policy, and the proposed actions would not adversely affect other public policies. The Proposed Actions would therefore not result in any significant adverse impacts to land use, zoning and public policy, and no further analysis is required.

Socioeconomic Conditions

A detailed analysis related to socioeconomic conditions (indirect residential displacement) is included in this EAS. The Proposed Actions would result in an increase approximately 334 DUs, exceeding the threshold described in the 2020 CEQR Technical Manual for a detailed analysis. The analysis finds that while the incremental development would result in an increase of approximately 1,002 new residents, the Proposed Actions would not introduce a substantial new population with incomes higher than the area average. The Proposed Actions would therefore not result in any significant adverse impacts to socioeconomic conditions, and no further analysis is required.

Community Facilities and Services

A detailed analysis related to community facilities and services (public primary schools and child care) is included in this EAS. The analysis finds that the Proposed Actions would result in an increment of 80 new primary school students, exceeding the threshold described in the 2020 CEQR Technical Manual for a detailed analysis of primary schools. The analysis finds that while the increase would result in a utilization rate of 162% for primary schools in the study area, the incremental increase from the Proposed Actions would only be 1%, which is below the threshold of a 5% increase in utilization rate. The Proposed Actions would result in an increment of 28 new children in need of publicly funded child care facilities. The analysis finds that while this would result in an 11% increase in utilization rate for the study area, exceeding the 5% threshold, other qualitative considerations would prevent an impact to child care facilities. Qualitative considerations include access to the newly implemented, widely available publicly funded NYC Pre-K for All program, for which utilization rates are not yet known due to the recent implementation of the program; and proximity of the Project Area to the neighboring Westchester County, where some new residents may choose to use child care facilities. The Proposed Actions would therefore not result in any significant adverse impacts to community facilities and services, and no further analysis is required.

Open Space

A detailed analysis related to open space (indirect-active) is included in this EAS. The Project Area is not located in an "underserved" or "well-served" area, as identified in the 2020 CEQR Technical Manual The Proposed Actions would result in an increase of approximately 1,002 new residents, which is above the threshold described in the CEQR Technical Manual for a detailed analysis of residential (active) open space. The open space ratio for residents in the study area would decrease by approximately 3% as a result of the Proposed Actions, which is below the 5% threshold for impacts to open space, but above 1%, which may be considered if the existing open space ratio is low. The analysis finds that while there would be a decrease in open space ratio as a result of the increase in population, a number of qualitative factors would help to prevent an impact to open space resources, including the location of the PS 87 playground, a 1.3 acre space that is within the ½ mile study area but was not included as it was not in an applicable census tract; proximity to the Bronx River Parkway Greenway and Wakefield Park, which are within the ½ mile study area but separated from the Project Area by the Bronx River, the Bronx River Parkway, and the Metro-North railroad tracks; and many acres of parkland located within a mile of the Project Area. The Proposed Actions would therefore not result in any significant adverse impacts to open space, and no further analysis is required.

Urban Design and Visual Resources

A detailed analysis related to urban design and visual resources is included in this EAS. There are no visual resources in the project area, and the Proposed Actions would not partially or totally block a view corridor or a natural or built visual resource that is rare in the area or considered a defining feature of the neighborhood. The analysis finds that while the Proposed Actions would result in buildings with higher density and height than the immediately surrounding area, the density and building height and form would be consistent with the development pattern in residential areas further to the north and west of the Project Area. The Proposed Actions would also facilitate new affordable housing and commercial and community facility uses, which would serve the surrounding area. The Proposed Actions would therefore not result in any significant adverse impacts to urban design or visual resources, and no further analysis is required.

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Transportation
A detailed analysis related to transportation (pedestrian traffic) is included in this EAS. The Proposed Actions would result in over 200 pedestrian trips at more than one peak-hour period, exceeding the threshold described in the 2020 CEQR Technical Manual for a detailed analysis. The analysis finds that while there would be more pedestrian trips at the weekday a.m., mid-day and p.m. peak hours and the Saturday mid-day peak hours, the increase in trips would not affect the level of service (LOS) of intersections studied in the Project Area study area, and all intersections would continue to operate at LOS A (highest standard). The Proposed Actions would therefore not result in any significant adverse impacts to transportation, and no further analysis is required.

Construction
A detailed analysis related to construction is included in this EAS. Construction of Projected Development Site 1 would be complete within less than two years, and itself would be under the threshold identified in the 2020 CEQR Technical Manual for a detailed analysis, however, as the analysis assumes development on the applicant-controlled site as well as five other sites projected for development within the Project Area (Projected Development Sites 2-6), the overall construction schedule assumes periods of overlapping construction between the sites over a period of five years. Relatively short periods of exterior construction activities would occur on these Projected Development Sites, and the likelihood that exterior construction activities would be separated by periods of time where no such activities would occur.
The exterior construction and demolition periods for Projected Development Sites 2 through 6 would typically be five months per Site. No significant traffic, noise or air quality impacts would be anticipated from construction activities occurring within the interiors of the buildings. The Proposed Actions would therefore not result in any significant adverse impacts related to construction, and no further analysis is required.

Hazardous Materials, Air Quality, and Noise
An (E) designation (E-656) related to hazardous materials, air quality, and noise would be established as part of the approval of the proposed actions. Refer to "Determination of Significance Appendix: (E) designation" for the applicable (E) designation requirements. The hazardous materials, air quality, and noise analyses conclude that with the (E) designation in place, the proposed actions would not result in a significant adverse impact related to hazardous materials, air quality, or noise.

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA). Should you have any questions pertaining to this Negative Declaration, you may contact Annabelle Meunier at (212) 720-3426.

TITLE Director, Environmental Assessment and Review Division	LEAD AGENCY Department of City Planning on behalf of the City Planning Commission 120 Broadway, 31st Fl. New York, NY 10271 | 212.720.3328
NAME Stephanie Shellooe	DATE December 30, 2021
SIGNATURE	
TITLE Chair, City Planning Commission	
NAME Anita Laremont	DATE January 3, 2022
SIGNATURE	

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Determination of Significance Appendix

The Proposed Action(s) were determined to have the potential to result in changes to development on the following site(s):

Development Site	Borough	Block and Lot
Projected Development Site 1	BX	Block 5084, Lot 63
Projected Development Site 2	BX	Block 5084, Lots 58, 59, 60
Projected Development Site 3	BX	Block 5084, Lots 35, 39
Projected Development Site 4	BX	Block 5084, Lot 41
Projected Development Site 5	BX	Block 5084, Lot 49
Projected Development Site 6	BX	Block 5084, Lot 61

(E) Designation Requirements

To ensure that the proposed actions would not result in significant adverse impacts related to hazardous materials, air quality, and noise an (E) designation (**E-656**) would be established as part of approval of the proposed actions on **Projected Development Sites 1 through 6** as described below:

Development Site	Hazardous Materials	Air Quality	Noise
Projected Development Site 1	X	X	X
Projected Development Site 2	X	X	X
Projected Development Site 3	X	X	X
Projected Development Site 4	X	X	X
Projected Development Site 5	X	X	X
Projected Development Site 6	X	X	X

Hazardous Materials

The (E) designation requirements applicable to **Projected Development Sites 1-6** for hazardous materials would apply 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.

Air Quality

The (E) designation requirements for air quality would apply as follows:

Block 5084, Lot 63 (Projected Development Site 1 Building Segment A)
Any new residential, commercial and/or community facility development on the above-referenced property must ensure that the heating, ventilating, air conditioning (HVAC) and hot water system(s) stack is located at the highest tier or at least 101.5 feet above grade and at least 122'-8" feet away from the eastern lot line facing Furman Avenue to avoid any potential significant adverse air quality impacts.

Block 5084, Lot 63 (Projected Development Site 1 Building Segment B)
Any new residential, commercial, and/or community facility development on the above-referenced property must ensure that the heating, ventilating, air conditioning (HVAC) and hot water system(s) stack is located at the highest tier or at least 104.5 feet above grade and at least 121'-2" away from the western lot line facing White Plains Road to avoid any potential significant adverse air quality impacts.

Block 5084, Lots 58, 59, 60 (Projected Development Site 2)
Any new residential development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC), and hot water system(s) and must be fitted with low NOx (30 ppm) burners, ensure that the stack is located at the building's highest level at a minimum of 93 feet above the grade, and that the stack is located at least 40 feet from the southern lot line facing East 239th Street to avoid any potential significant adverse air quality impacts.

Block 5084, Lots 35, 39 (Projected Development Site 3)
Any new residential/commercial development on the above-referenced property must ensure that the heating, ventilating, air conditioning (HVAC) and hot water system(s) stack is located at the highest tier or at least 98 feet above grade to avoid any potential significant adverse air quality impacts.

Block 5084, Lot 41 (Projected Development Site 4)
Any new residential or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC), and hot water system(s)and must be fitted with low NOx (30 ppm) burners, ensure that the stack is located at the building's highest level at a minimum of 78 feet above the grade, and that the stack is located at least 60 feet from the southern lot line facing East 239th Street to avoid any potential significant adverse air quality impacts.

Block 5084, Lot 49 (Projected Development Site 5)

Any new residential, commercial and/or community facility development on the above-referenced property must ensure that the heating, ventilating, air conditioning (HVAC) and hot water system(s) stack is located at the highest tier or at least 78 feet above grade, and that the stack is located at least 40 feet from the western lot line facing White Plains Road and 30 feet from the northern lot line facing 240th Street to avoid any potential significant adverse air quality impacts.

Block 5084, Lot 61 (Projected Development Site 6)
Any new residential development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC), and hot water system(s) and must be fitted with low NOx (30 ppm) burners, ensure that the stack is located at the building's highest level at a minimum of 93 feet above the grade, and that the stack is located at least 50 feet from the southern lot line facing East 239th Street to avoid any potential significant adverse air quality impacts.

Noise

The (E) designation requirements for noise would apply as follows:

Block 5084, Lot 63 (Projected Development Site 1)
To ensure an acceptable interior noise environment, future residential/commercial office/community facility uses must provide a closed-window condition with a minimum of 37 dBA window/wall attenuation on the facades facing White Plains Road and the facades facing East 240th Street within 104 feet of White Plains Road and the facades facing East 239th Street within 84 feet of White Plains Road and 31 dBA of attenuation on the facades facing East 239th Street beyond 84 feet of White Plains Road and the facades facing Furman Avenue within 352 feet of East 239th Street to maintain an interior noise level not greater than 45 dBA for residential and community facility uses or not greater than 50 dBA for commercial office uses as illustrated in the EAS. 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.

Block 5084, Lots 58, 59, 60 (Projected Development Site 2)
To ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum of 37 dBA window/wall attenuation on the facades facing White Plains Road to maintain an interior noise level not greater than 45 dBA for residential uses as illustrated in the EAS. 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.

Block 5084, Lots 35 & 39 (Projected Development Site 3)
To ensure an acceptable interior noise environment, future residential/commercial office uses must provide a closed-window condition with a minimum of 37 dBA window/wall attenuation on the facades facing White Plains Road and the facades facing East 240th Street and the facades facing 239th Street to maintain an interior noise level not greater than 45 dBA for residential uses or not greater than 50 dBA for commercial office uses as illustrated in the EAS. 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.

Block 5084, Lot 41 (Projected Development Site 4)
To ensure an acceptable interior noise environment, future residential/commercial office uses must provide a closed-window condition with a minimum of 37 dBA window/wall attenuation on the facades facing White Plains Road and the facades facing East 240th Street and the facades facing 239th Street to maintain an interior noise level not greater

than 45 dBA for residential uses or not greater than 50 dBA for commercial office uses as illustrated in the EAS. 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.

Block 5084, Lot 49 (Projected Development Site 5)

To ensure an acceptable interior noise environment, future residential/community facility uses must provide a closed-window condition with a minimum of 37 dBA window/wall attenuation on the facades facing White Plains Road to maintain an interior noise level not greater than 45 dBA for residential and community facility uses as illustrated in the EAS. 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.

Block 5084, Lot 61 (Projected Development Site 6)

To ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum of 37 dBA window/wall attenuation on the facades facing White Plains Road to maintain an interior noise level not greater than 45 dBA for residential uses as illustrated in the EAS. 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.