DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Amanda M. Burden, FAICP, *Director*
Department of City Planning

March 28, 2013

POSITIVE DECLARATION

Project Identification
East Fordham Road Rezoning
CEQR No. 13DCP107X
ULURP Nos. TBD
SEQRA Classification: Unlisted

Lead Agency
City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal:

East Fordham Road Rezoning

The applicant, The New York City Department of City Planning (DCP is seeking zoning map and text amendments, (collectively, the "Proposed Action") to facilitate commercial, residential and community facility development, preserve existing neighborhood character, reinforce the existing commercial character and promote an active, vibrant streetscape on twelve partial blocks in the Belmont neighborhood of Bronx, Community District 6. The area affected by the Proposed Action is bounded by East 191st street to the north, East 187th street to the south, Southern Boulevard to the east and Bathgate Avenue to the west. The Proposed Action would rezone all or portions of Blocks 3059, 3066, 3067, 3077, 3078, 3091, 3115 and 3273 from the current C8-1, R6, R6/C2-3 and R6/C2-4 to C4-5D, R6 and R6B districts, map C2-4 commercial overlays and make the Inclusionary Housing Program (IH) zoning regulations applicable in the proposed C4-5D district. The rezoning area comprises approximately 887,187 square feet covering 157 lots.

In order to assess the potential environmental effects of the Proposed Action, a Reasonable Worst Case Development Scenario was established. Nine projected development sites were identified as most likely to be developed in the future with the proposed action. It is anticipated that the Proposed Action would result in the net increase of 352 dwelling units, of which 73 would be affordable under the Inclusionary Housing program, 118,951 square feet of commercial space, 81,179 square feet of office space and 761 square feet of community facility space. Additionally, seven potential development sites were identified as less likely to be developed in

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the future with the Proposed Action. These sites could be redeveloped with a residential, commercial and community facility uses. The Inclusionary Housing Program (IH) would apply here as well.

Absent the proposed actions, the rezoning area is expected to generate limited commercial and community facility development. This includes a decrease of 12 dwelling units, an increase of 104,057 square feet of commercial retail space, 538 square feet of office space and 86,179 square feet of community facility space.

The affected area is currently zoned C8-1, R6, R6/C2-3 and R6/C2-4, C8-1 districts are general service districts that allow commercial and community facility uses in Use Groups 4 through 14 and 16. Residential uses are not permitted. The maximum commercial (FAR) is 1.0. Community facility uses are permitted a maximum FAR of 2.4. R6 districts typically result in developments between three and twelve stories. Residential FAR ranges from 0.78 to 2.43, with the higher ratio applicable to buildings that provide more open space. Community facility uses are permitted a maximum FAR is 4.8. Residential development under the Quality Housing Program within an R6 District has a maximum FAR of 2.2 on narrow streets and a maximum of 3.0 FAR on wide streets. C2- districts permit Use Groups 1 through 9 and 14. When C2 commercial overlay districts are mapped with R6 residential districts the maximum commercial FAR is 2.0 with commercial uses limited to one or two floors in a mixed use building and always located below residential uses.

The rezoning area contains a mix of uses and building types. Along East Fordham Road between Bathgate Avenue and Crotona is characterized by 1-3 story developments. The uses range from gas/service stations, small retail establishments and medical-related facilities. Residential uses are concentrated north of East Fordham Road along East 191st Street and south of East Fordham Road. East 191st Street is characterized by 2-3 story row houses and small apartment buildings. South of East Fordham Road is characterized by small apartment buildings ranging in height from 4-6 stories. Residential buildings with ground floor retail are concentrated along Arthur Avenue.

The proposed C4-5D zoning district is a medium density commercial district, which permits Use Groups 1-6, 8-10 and 12 as-of-right. Under the Inclusionary Housing program, C4-5D zoning districts have a base FAR of 4.2 and a maximum FAR of 5.6. R6 districts typically result in developments between three and twelve stories. Residential FAR ranges from 0.78 to 2.43, with the higher ratio applicable to buildings that provide more open space. Community facility uses are permitted a maximum FAR is 4.8. R6B is a typical row house district that permits residential and community facility uses up to a maximum FAR of 2.0. Building base heights must be between 30 and 40 feet, with a 50 foot maximum building height after a setback of 15 feet. C2-4 commercial districts permit Use Groups 1 through 9 and 14. The maximum permitted FAR is 2.0 for all commercial uses.

The Proposed Action also involves a Zoning Text Amendment to establish the Inclusionary Housing program in the C4-5D district within the proposed rezoning area in Community District 6, the Bronx.

The analysis year for the proposed action is 2023.

In order to avoid significant impacts related to hazardous materials, (E) designations for hazardous materials (E-304) would be placed on the following properties:

The (E) designation requirements related to hazardous materials would apply to the following development sites:

Projected Development Sites
Block 3273, Lot 301*(Site A)*
Block 3273, Lot 261(*Site B)*
Block 3273, Lot 203, 204, 205, 206, 207 *(Site C)*
Block 3059, Lot 32, 36 *(Site D)*
Block 3091, Lot 17, 20, 22, 24, 26 *(Site E)*
Block 3091, Lot 87 *(Site F)*
Block 3115, Lot 25 *(Site G)*
Block 3115, Lot 28 *(Site H)*
Block 3066, Lot 53, 54 *(Site I)*

Potential Development Sites
Block 3273, Lot 297, 332 *(Site 1)*
Block 3273, Lot 265 *(Site 2)*
Block 3273, Lot 257 *(Site 3)*
Block 3273, Lot 252 *(Site 4*
Block 3067, Lot 52 *(Site 5)*
Block 3067, Lot 54 *(Site 6)*
Block 3078, Lot 14, 16 *(Site 7)*

The text for the (E) designations related to hazardous materials is as follows:

Task 1-Sampling Protocol

The applicant submits to OER, for review and approval, a Phase 1A of the site along with a soil and groundwater 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 sample sites should be selected to adequately characterize the site, the specific source 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 the 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 OER-approved construction-related health and safety plan would be implemented during evacuation and construction and activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This plan would be submitted to OER for review and approval prior to implementation.

All demolition or rehabilitation would be conducted in accordance with applicable requirements for disturbance, handling and disposal of suspect lead-paint and asbestos-containing materials. For all projected and potential development sites where no E-designation is recommended, in addition to the requirements for lead-based paint and asbestos, requirements (including those of NYSDEC) should petroleum tanks and/or spills be identified and for off-site disposal of soil/fill would need to be followed

With the implementation of the above (E) designation, no significant adverse impacts related to hazardous materials would occur.

Statement of Significant Effect:
On behalf of the CPC, the Environmental Assessment and Review Division has determined, pursuant to 6 NYCRR Part 617.7, that the proposed action may have a significant effect on the quality of the environment as detailed in the following environmental impacts, and that an environmental impact statement will be required:

1. The actions, as proposed, may result in significant adverse impacts on publicly accessible open space in the vicinity of the affected area.

2. The actions, as proposed, may result in significant adverse shadow impacts in the vicinity of the affected area.

3. The actions, as proposed, may result in significant adverse impacts to transportation systems including traffic, parking, transit, and pedestrian conditions in the vicinity of the affected area.

4. The actions, as proposed, may result in significant adverse impacts to air quality in the vicinity of the affected area.

5. The actions, as proposed, may result in significant adverse noise impacts in the vicinity of the affected area.

6. The actions, as proposed, may result in significant adverse impacts on neighborhood

character in the vicinity of the affected area.

7. The action, as proposed, may result in significant adverse public health impacts.

Supporting Statement:
The above determination is based on an Environmental Assessment Statement prepared for the action which finds that:

1. An Environmental Assessment Statement (EAS), dated March 22, 2013, was prepared for the proposed actions. The EAS concluded that, based on standard methodologies using *CEQR Technical Manual* guidelines and employing reasonable, worst-case assumptions, the proposed actions would not result in significant adverse impacts with respect to Land Use, Zoning and Public Policy, Socioeconomic Conditions, Community Facilities, Historic and Cultural Resources, Urban Design and Visual Resources, Natural Resources, Hazardous Materials, Infrastructure, Solid Waste and Sanitation Services, Energy, Green House Gases, and Construction.

2. The proposed actions would introduce a new residential population which could place additional demands on available open space resources.

3. The proposed actions would permit construction of new buildings which could exceed the 50-foot threshold identified in the CEQR Technical Manual as requiring an assessment of potential shadow impacts.

4. The proposed actions would induce new development which would result in additional vehicular, pedestrian, and transit trips and additional parking demand in the vicinity of the affected area.

5. The proposed actions would induce new residential development which would result in increased mobile source (vehicular) and stationary source (HVAC system) emissions, and would introduce new residential uses which may be affected by air emissions from existing large-scale residential, commercial, and institutional sources in vicinity of the project site.

6. The proposed actions would introduce new sensitive receptors into an area which may be characterized by high ambient noise levels, and would induce new residential development which could result in additional mobile-source noise.

   The proposed actions would alter the type and intensity of the land use within the proposed rezoning area which could alter existing neighborhood character.

7. The proposed actions would result in new development which could potentially result in public health concerns if unmitigated adverse impacts are found in other CEQR analysis areas, such as air quality or noise.

8. The Draft Environmental Impact Statement to be prepared for the proposed actions will identify and describe any other potential effects on the environment.

Public Scoping:
The CEQR lead agency hereby requests that the applicant prepare or have prepared, at their option, a Draft Environmental Impact Statement (DEIS) in accordance with 6 NYCRR 617.9(b) and Sections 6-08 and 6-12 of Executive Order No. 91 of 1977 as amended (City Environmental Quality Review).

A public scoping meeting will be held on Tuesday, April 30th at 10 AM at the New York City Department of City Planning-Bronx Office One Fordham Plaza 5th Floor, Bronx, New York, 10458. Written comments will be accepted by the lead agency until Friday, May 10th, 2013. This determination has been prepared in accordance with Article 8 of the Environmental Conservation Law.

Should you have any questions pertaining to this Positive Declaration, you may contact the Project Manager, Jonathan Keller, at (212) 720-3419.

Celeste Evans

Celeste Evans, Deputy Director
Environmental Assessment & Review Division
New York City Department of City Planning

3/28/13

Date