DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Carl Weisbrod, *Director*
Department of City Planning

December 9, 2016

Hilary Semel, Director
Office of the Mayor, City of New York
253 Broadway, 14th Floor
New York, NY 10007

NOTICE OF LEAD AGENCY DETERMINATION AND REVIEW

Re: **Westchester Mews Rezoning**
CEQR No. 17DCP080X
ULURP Nos. 160326ZMX, 160327ZRX
Bronx, Community District 9
SEQRA Classification: Unlisted

The above-referenced application involves a discretionary action subject to City Planning Commission approval. This action is subject to review under the City Environmental Quality Review (CEQR), Executive Order No. 91, and the State Environmental Quality Review Act (SEQRA), 6 NYCRR 617.

Pursuant to Sections 5.03 and 5.05 of the Rules of Procedure for City Environmental Quality Review (CEQR) as adopted June 26, 1991, the Department of City Planning, acting on behalf of the City Planning Commission, is assuming lead agency status for this application and is initiating the CEQR review.

The Applicant, Westchester Mews LLC, is seeking a zoning map amendment from R5 and R5/C2-2 to R6 and R6/C2-4 affecting a portion of a block (Block 3805, Lots 123, 124, 41, 34, 30, 56, 55, 69, 71, 72, 73, 75, 76, 11, 78, and 43) located in the Unionport neighborhood in Bronx, Community District 9. The affected area is generally bounded by Westchester Avenue to the north, Pugsley Avenue to the west, Olmstead Avenue to the east, and Newbold Avenue to the south. The Applicant also seeks a zoning text amendment to: (a) Appendix F (Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas) of the New York City Zoning Resolution (ZR) to designate a Mandatory Inclusionary Housing (MIH) Area coterminous with the affected area; and (b) ZR Section 23-154 (Inclusionary Housing, subsection b) to increase the maximum allowable Floor Area Ratio (FAR) from 2.43 to 3.6 for all New York City sites zoned R6 that are mapped with an MIH district and front a narrow street.

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The Applicant proposes mapping MIH Options 1 and 2. Option 1 requires that at least 25% of future residential floor area be set aside for families with incomes averaging 60% Area Median Income (AMI) (including 10% of residential units intended for families with incomes averaging 40% AMI). Option 2 requires that 30% of residential floor area be set aside for families with incomes averaging 80% AMI. Collectively, the Proposed Actions would facilitate a proposal by the Applicant to develop a 218,831 gross square foot (gsf) mixed-use development comprising two residential towers (203 affordable dwelling units) above a base containing commercial (7,949 gsf) and community facility (1,276 gsf) space at 2044 Westchester Avenue/2053 Newbold Avenue (Lots 123 and 124, "Projected Development Site 1").

Per the proposed rezoning, Lots 69, 71, 72, 73, 75, and 76 would be rezoned from R5 to R6. Lots 30, 34, and 41 would be rezoned from R5/C2-2 to R6/C2-4. Additionally, lots 11, 43, 55, 56, 78, 123 and 124 would be partially rezoned from R5/C2-2 to R6/C2-4.

The proposed zoning text amendment to ZR Section 23-154 Inclusionary Housing, subsection (b), is intended to provide R6 districts with narrow street applicability in MIH Areas the same maximum FAR (3.6) provided to other R6 districts (that is, R6 districts with wide street applicability and R6A districts) in MIH Areas. There are no other instances of R6 with narrow street applicability within an MIH Area and therefore the applicability of this text amendment is currently limited to this project. If the proposed text amendment is adopted, future projects proposing R6 with narrow street applicability within an MIH Area would be able to utilize the higher maximum FAR and will conduct their environmental review accordingly.

In addition to the proposed zoning map and text amendments, the Applicant has stated an intention to seek discretionary financing from the New York City Housing Preservation and Development (HPD) for the residential component of the proposed development. A coordinated review was conducted with HPD acting as an involved agency. In accordance with the proposed HPD financing program, the "Mixed Income Program Mix and Match Funds," the 203 residential units proposed by the Applicant would be set aside for low-income residents as follows: 15% of the units would be made available to formerly homeless persons; 35% of the units would be made available to families earning incomes at or below 60% AMI; and the remaining 50% would be made available to families earning incomes at or below 80% AMI.

The Applicant-owned Projected Development Site 1 (Lots 123 and 124, which together comprise a single zoning lot) is currently vacant. The remaining lots within the affected area are developed with: a 2,584 gsf one story commercial building (Lots 30 and 34); a 2,874 gsf multi-family residence (Lot 41); two 2,900 gsf, 1-2 family residences (Lots 55 and 56); one 1,816 gsf 1-2 family residence (Lot 69); and five 2,005 gsf 1-2 family residences (Lots 71, 72, 73, 75, and 76). The affected area is partially located within an R5 district (Lots 69, 71, 72, 73, 75, and 76) and partially within an R5/C2-2 district (Lots 30, 34, and 41). R5 districts permit residential (Use Group 2) and community facility uses (Use Groups 3-4) at an FAR of 1.25 and 2.0, respectively. In R5 districts, one accessory parking space per market-rate dwelling unit is required. When mapped within an R5 district, C2-2 overlays permit commercial development at an FAR of 1.0. C2-2 districts require 1 parking space per 300 sf. Parking is waived if the total number of required spaces falls below 15. The entire affected area is located within a "transit zone."

The proposed R6 zoning district, in conjunction with the proposed zoning text amendment, permits residential uses (Use Groups 1-2) at an FAR of 3.6, while community facility uses (Use Groups 3-4) are permitted at an FAR of 4.8. In R6 zoning districts located within "transit zones," parking is waived for affordable residential units. When mapped within an R6 district, C2-4 commercial overlays permit commercial development at an FAR of 2.0. One accessory parking space is required for 50 percent of all market rate dwelling units. C2-4 overlays require 1 parking space per 1,000 sf commercial uses; parking is waived if the total number of required spaces falls below 40.

For the purposes of presenting a conservative environmental analysis, the Environmental Assessment Statement (EAS) considers two analsysis frameworks. One analysis framework accounts for HPD financing and fully affordable residential development on the Applicant owned site (Projected Development Site 1), and therefore eliminates parking requirements for the entire residential component of the Applicant's proposed development. The second analysis framework assumes that HPD financing will not be sought, reducing the number of affordable units on the Applicant owned site to that required under MIH, and triggering standard parking requirements for the market rate units. Under the first scenario, Projected Development Site 1 is assumed to be developed with the Applicant's proposed project under HPD financing: a 218,831 gross square foot (gsf) mixed-use development comprising two residential towers (203-dwelling units, all of which are affordable) above a base containing commercial (7,949 gsf) and community facility (1,276 gsf) space. No parking is assumed for this scenario, as accessory parking spaces are waived for affordable residential units. Under the second scenario, Projected Development Site 1 is assumed to be developed with 218,831 gsf of residential uses (203 residential units, 30% of which would be made available to families at or below 80% AMI pursuant to MIH), for a total of 61 affordable units and 142 market rate units, above a building base containing commercial (7,949 gsf) and community facility (1,276 gsf) space plus 122 accessory parking spaces required for the market-rate units.

The EAS also considers future development on soft sites included within the rezoning area that are not under the Applicant's control (Projected Development Sites 2-5). For analysis purposes, Projected Development Site 2 (Lots 30, 34 and 41) is assumed to be developed with a 90,538 gsf eleven-story mixed use building, consisting of residential (67,903 gsf) and commercial (20,577 gsf) uses. Projected Development Site 3 (Lots 55 and 56) is assumed to be developed with a 40,978 gsf seven-story residential building. Projected Development Site 4 (Lots 69, 71, and 72) is assumed to be developed with a seven-story 25,641 gsf residential building. Projected Development Site 5 (Lots 73, 75, and 76) is assumed to be developed with a 25,641 gsf seven-story residential building. The proposed action is not expected to induce development on Lots 11, 78, and 43, also included in the affected area; these lots are either overbuilt, have recent multi-family residential development that isn't expected to be affected by the proposed actions.

Absent the Proposed Actions, it is assumed that Projected Development Site 1 (Lots 123 and 124) would be developed on an as of right basis, with 1 four-story mixed use building of 81,960 gsf, consisting of residential (58,768 gsf), commercial (21,692 gsf), and community facility (1,500 gsf) uses, and 117 accessory parking spaces. The remaining Projected Development Sites (2-5) would be expected to remain as in their existing conditions.

The analysis year for the Proposed Actions is 2024.

Westchester Mews Rezoning
CEQR No. 17DCP080X

An Environmental Assessment Statement is attached. Please contact Samuel Nourieli of the Department of City Planning at 212-720-3425, if you have any questions regarding the application.

Sincerely,

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