ENVIRONMENTAL ASSESSMENT STATEMENT

521 East Tremont Avenue Rezoning

CEQR No. 22DCP123X

Lead Agency:
NYC Department of City Planning

Applicant:
M521 Tremont LLC

Prepared by:
Philip Habib & Associates

16 September 2022

521 East Tremont Avenue Rezoning

Environmental Assessment Statement

CEQR No. _22DCP123X_

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ENVIRONMENTAL ASSESSMENT STATEMENT
FULL FORM

City Environmental Quality Review
ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) FULL FORM

Please fill out and submit to the appropriate agency (see instructions)

Part I: GENERAL INFORMATION

PROJECT NAME 521 East Tremont Avenue Rezoning EAS

1. *Reference Numbers*

CEQR REFERENCE NUMBER (to be assigned by lead agency)	BSA REFERENCE NUMBER (if applicable)
22DCP123X	
ULURP REFERENCE NUMBER (if applicable)	OTHER REFERENCE NUMBER(S) (if applicable)
220306ZMX, N220307ZRX	(*e.g.*, legislative intro, CAPA)

2a. *Lead Agency Information*			**2b. *Applicant Information***		
NAME OF LEAD AGENCY			NAME OF APPLICANT		
NYC Department of City Planning			**M521 Tremont LLC**		
NAME OF LEAD AGENCY CONTACT PERSON			NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON		
Stephanie Shellooe, AICP, Director, EARD			**Emanuel Kokinakis**		
ADDRESS **120 Broadway, 31st floor**			ADDRESS **48-20 25th Avenue, Suite 400**		
CITY **New York**	STATE **NY**	ZIP **10271**	CITY **Astoria**	STATE **NY**	ZIP **11103**
TELEPHONE **212-720-3328**	EMAIL **SShellooe@planning.nyc.gov**		TELEPHONE **718-932-6342**	EMAIL **EKokinakis@megagroup.nyc**	

3. *Action Classification and Type*

SEQRA Classification

☐ UNLISTED ☒ TYPE I: Specify Category (see 6 NYCRR 617.4 and NYC Executive Order 91 of 1977, as amended): **§617.4(b)(9)**

Action Type (refer to CEQR Technical Manual Chapter 2, "Establishing the Analysis Framework" for guidance)

☐ LOCALIZED ACTION, SITE SPECIFIC ☒ LOCALIZED ACTION, SMALL AREA ☐ GENERIC ACTION

4. *Project Description*

The Applicant, M521 Tremont LLC, is seeking discretionary actions to facilitate construction of a new mixed-use building on an Applicant-controlled Development Site located at 513-521 East Tremont Avenue in the Tremont neighborhood of Bronx Community District (CD) 6. The discretionary actions (collectively, the "Proposed Actions") affect a 38,799-square-foot (sf) portion of Block 3043, specifically Lots 43, 46-48,50 (p/o), 67 (p/o), 72, 77, 80, and 84 (the "Project Area", aka the "Rezoning Area") and include the following:

i. **A zoning map amendment to rezone the Project Area from C4-5X, R6A, and M1-4/R7A to C4-4D; and**
ii. **A zoning text amendment to Zoning Resolution (ZR) Appendix F to designate the Project Area a Mandatory Inclusionary Housing (MIH) area.**

The Proposed Actions would facilitate new 14-story (140-foot tall roof height) residential, commercial, and community facility development, including 178,475 gross square feet (gsf) of residential uses (155,024 zoning square feet; zsf), 12,817 gsf of commercial uses (12,817 zsf), and 10,696 gsf of community facility uses (10,696 zsf). This also includes 205 dwelling units (DUs), of which 204 would be affordable, plus there would be one superintendent's unit on Block 3043, Lots 46, 72, 77, 80 (the "Projected Development Site 1"). This forms part of the Project Area. The Project Area is bound by a line 195 feet south of and parallel to East 178th Street, Bathgate Avenue, East Tremont Avenue, and Third Avenue.

Project Location

BOROUGH **The Bronx**	COMMUNITY DISTRICT(S) **6**	STREET ADDRESS **521 East Tremont Avenue**
TAX BLOCK(S) AND LOT(S) **Block 3043, Lots 43, 46-48, 50 (p/o), 67 (p/o), 72, 77, 80, 84**		ZIP CODE **10457**
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS **Southern part of block bound by East 178th Street to the north, Third Avenue on the east, East Tremont Avenue of the south, and Bathgate Avenue on the west.**		
EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY **Rezoning Area: C4-5X(IH), M1-4/R7A (MX-14), & R6A**		ZONING SECTIONAL MAP NUMBER **3d**

5. *Required Actions or Approvals* (check all that apply)

City Planning Commission: ☒ YES ☐ NO ☒ UNIFORM LAND USE REVIEW PROCEDURE (ULURP)

☐ CITY MAP AMENDMENT	☐ ZONING CERTIFICATION	☐ CONCESSION
☒ ZONING MAP AMENDMENT	☐ ZONING AUTHORIZATION	☐ UDAAP
☒ ZONING TEXT AMENDMENT	☐ ACQUISITION—REAL PROPERTY	☐ REVOCABLE CONSENT
☐ SITE SELECTION—PUBLIC FACILITY	☐ DISPOSITION—REAL PROPERTY	☐ FRANCHISE
☐ HOUSING PLAN & PROJECT	☐ OTHER, explain:	

☐ SPECIAL PERMIT (if appropriate, specify type: ☐ modification; ☐ renewal; ☐ other); EXPIRATION DATE:

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

***Board of Standards and Appeals*:** ☐ YES ☒ NO

☐ VARIANCE (use)

☐ VARIANCE (bulk)

☐ SPECIAL PERMIT (if appropriate, specify type: ☐ modification; ☐ renewal; ☐ other); EXPIRATION DATE:

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

***Department of Environmental Protection*:** ☐ YES ☒ NO ☐ Cogeneration Facility ☐ Title V Permit

Other City Approvals Subject to CEQR (check all that apply)

☐ LEGISLATION

☐ RULEMAKING

☐ CONSTRUCTION OF PUBLIC FACILITIES

☐ 384(b)(4) APPROVAL

☐ OTHER, explain:

☒ FUNDING OF CONSTRUCTION, specify: **HPD ELLA program**

☐ POLICY OR PLAN, specify:

☐ FUNDING OF PROGRAMS, specify:

☐ PERMITS, specify:

Other City Approvals Not Subject to CEQR (check all that apply)

☐ PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC)

☐ LANDMARKS PRESERVATION COMMISSION APPROVAL

☐ OTHER, explain:

***State or Federal Actions/Approvals/Funding*:** ☐ YES ☒ NO If "yes," specify:

6. *Site Description:* *The directly affected area consists of the project site and the area subject to any change in regulatory controls. Except where otherwise indicated, provide the following information with regard to the directly affected area.*

***Graphics*:** *The following graphics must be attached and each box must be checked off before the EAS is complete. Each map must clearly depict the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. Maps may not exceed 11 x 17 inches in size and, for paper filings, must be folded to 8.5 x 11 inches.*

☒ SITE LOCATION MAP ☒ ZONING MAP ☒ SANBORN OR OTHER LAND USE MAP

☒ TAX MAP ☐ FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S)

☒ PHOTOGRAPHS OF THE PROJECT SITE TAKEN WITHIN 6 MONTHS OF EAS SUBMISSION AND KEYED TO THE SITE LOCATION MAP

Physical Setting (both developed and undeveloped areas)

Total directly affected area (sq. ft.): **38,799 (Project Area)**

Roads, buildings, and other paved surfaces (sq. ft.): **38,799**

Waterbody area (sq. ft.) and type: **0**

Other, describe (sq. ft.):

7. *Physical Dimensions and Scale of Project* (if the project affects multiple sites, provide the total development facilitated by the action)

SIZE OF PROJECT TO BE DEVELOPED (gross square feet): **201,998 gsf**

NUMBER OF BUILDINGS: **1**

GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): **201,988 gsf**

HEIGHT OF EACH BUILDING (ft.): **140' (150' top of bulkhead)**

NUMBER OF STORIES OF EACH BUILDING: **14**

Does the proposed project involve changes in zoning on one or more sites? ☒ YES ☐ NO

If "yes," specify: The total square feet owned or controlled by the applicant: **24,834 sf**

The total square feet not owned or controlled by the applicant: **13,965 sf**

Does the proposed project involve in-ground excavation or subsurface disturbance, including, but not limited to foundation work, pilings, utility lines, or grading? ☒ YES ☐ NO

If "yes," indicate the estimated area and volume dimensions of subsurface disturbance (if known):

AREA OF TEMPORARY DISTURBANCE: **9,840** sq. ft. (width x length)

VOLUME OF DISTURBANCE: **98,400** cubic ft. (width x length x depth)

AREA OF PERMANENT DISTURBANCE: **9,840** sq. ft. (width x length)

8. *Analysis Year* CEQR Technical Manual Chapter 2

ANTICIPATED BUILD YEAR (date the project would be completed and operational): **2025**

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: **18 to 21 months**

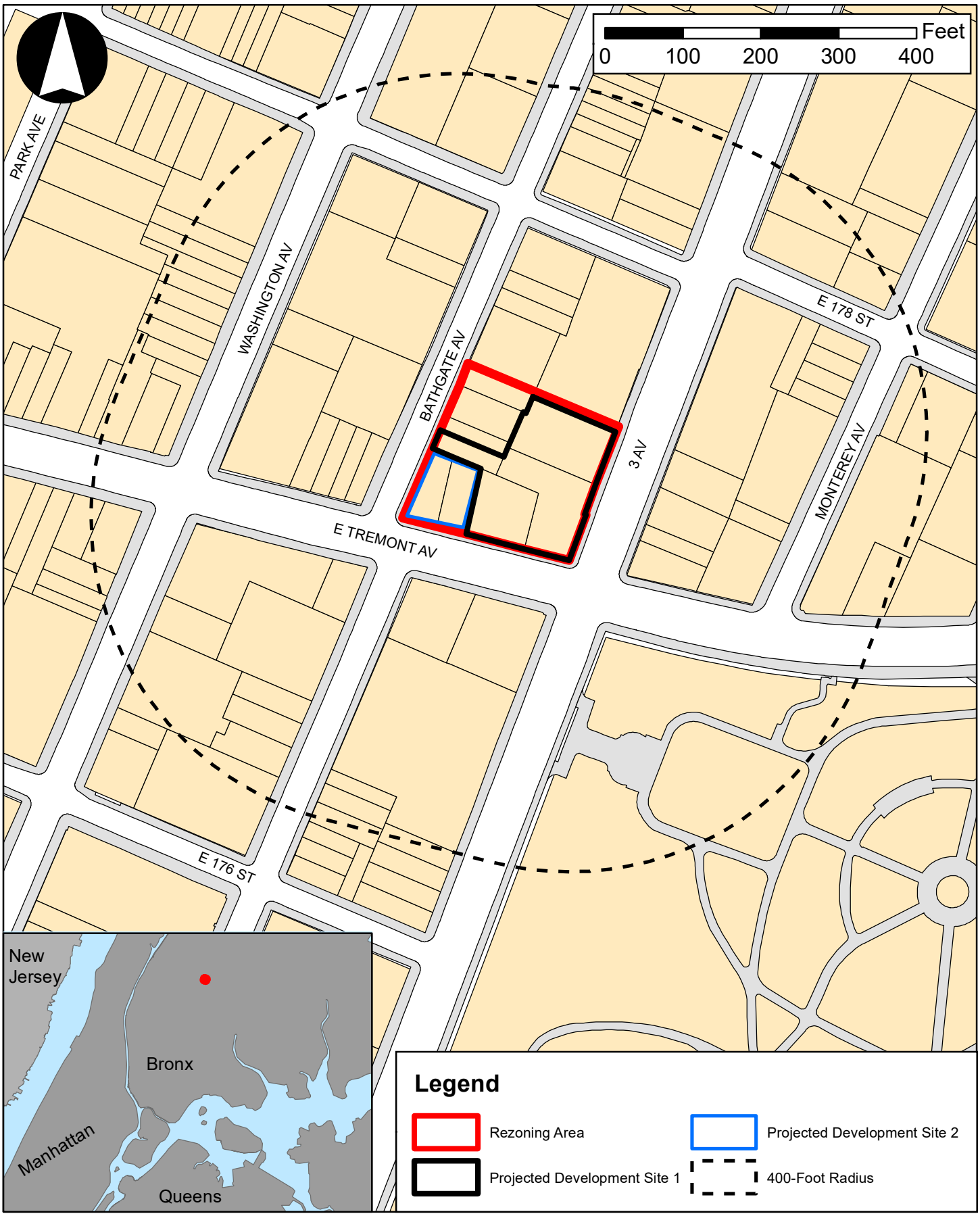
WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? ☒ YES ☐ NO | IF MULTIPLE PHASES, HOW MANY?

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE:

9. *Predominant Land Use in the Vicinity of the Project* (check all that apply)

☒ RESIDENTIAL ☒ MANUFACTURING ☒ COMMERCIAL ☒ PARK/FOREST/OPEN SPACE ☒ OTHER, specify: **Mixed-use; institutional**

Figure 1
Project Location





521 East Tremont Avenue Rezoning EAS

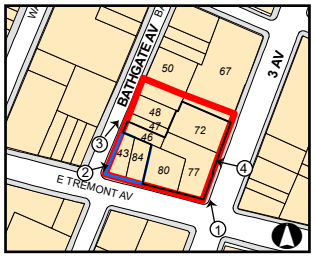
Tax Map
Figure 2



1) Looking northwest towards Projected Development Site 1 from East Tremont and 3rd avenues



2) Looking northeast towards Projected Development Site 2 from the corner of East Tremont and Bathgate avenues



Photos taken: 1/12/2022

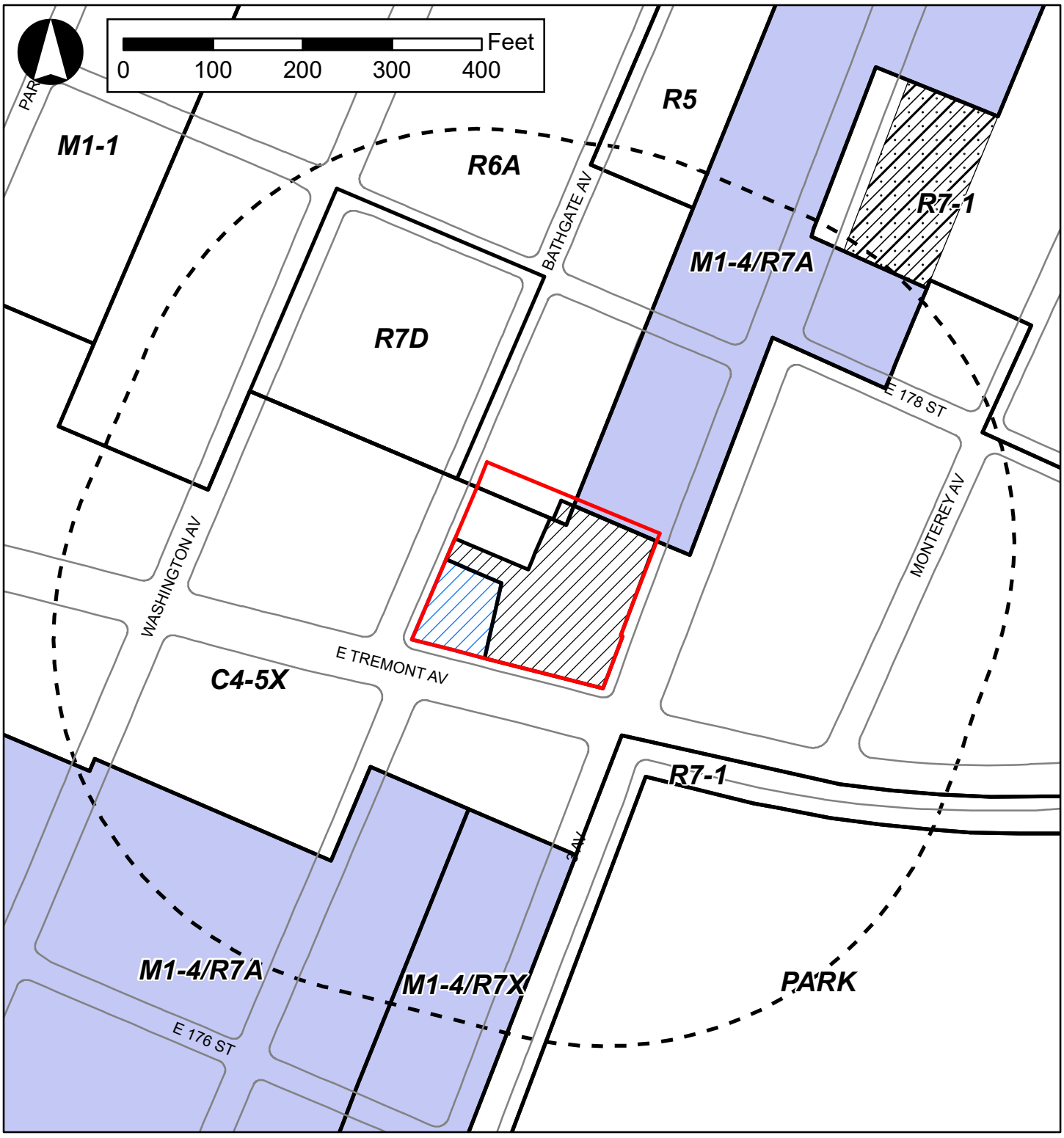


3) Looking northeast towards Projected Development Site 1 on Bathgate Avenue between East Tremont Avenue and East 178th Street



4) Looking west towards Projected Development Site 1 on Third Avenue between East Tremont Avenue and East 178th Street

Study Area Zoning

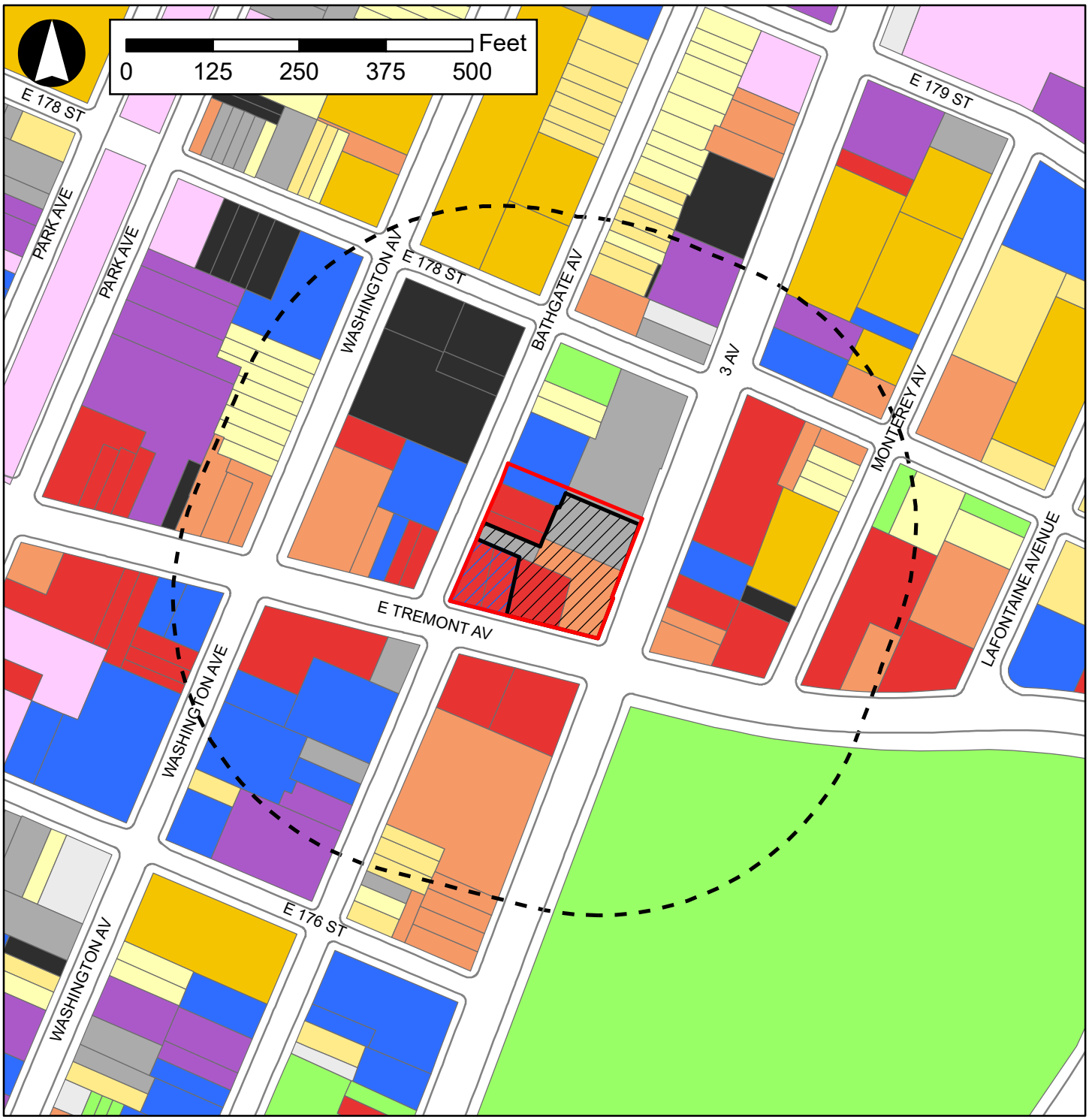


Source: NYCDCP (PLUTO 2021, Version I); DoITT (2020)

Legend

- Rezoning Area
- 400-Foot Radius
- Projected Development Site 1
- Projected Development Site 2
- Existing Zoning Districts
- C2-3 Overlay
- Special Mixed-Use District (MX-14)

Land Use Map



Source: NYCDCP (PLUTO 2021, Version I); DoITT (2020)

Legend

- Rezoning Area
- 400-Foot Radius
- Projected Development Site 1
- Projected Development Site 2

Land Use

- All Others or No Data
- One and Two Family Buildings
- Multi-Family Walkup Buildings
- Multi-Family Elevator Building
- Mixed Commercial/Residential Buildings
- Commercial/Office Buildings
- Industrial/Manufacturing
- Transportation/Utility
- Public Facilities and Institutions
- Open Space
- Parking Facilities
- Vacant Land

DESCRIPTION OF EXISTING AND PROPOSED CONDITIONS

The information requested in this table applies to the directly affected area. The directly affected area consists of the project site and the area subject to any change in regulatory control. The increment is the difference between the No-Action and the With-Action conditions.

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
LAND USE				
Residential	☐ YES ☒ NO	☒ YES ☐ NO	☒ YES ☐ NO	
If "yes," specify the following:				
Describe type of residential structures	**N/A**	**Multi-family**	**Multi-family**	
No. of dwelling units	**N/A**	**182 DUs**	**205 DUs**	**+23 DUs**
No. of low- to moderate-income units	**N/A**	**55 DUs**	**204 DUs**	**+149 DUs**
Gross floor area (sq. ft.)	**N/A**	**154,680 gsf**	**178,475 gsf**	**+23,795 gsf**
Commercial	☒ YES ☐ NO	☒ YES ☐ NO	☒ YES ☐ NO	
If "yes," specify the following:				
Describe type (retail, office, other)	**Retail**	**Retail**	**Retail**	
Gross floor area (sq. ft.)	**10,284 gsf**	**8,343 gsf**	**12,817 gsf**	**+4,474 gsf**
Manufacturing/Industrial	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
Type of use				
Gross floor area (sq. ft.)				
Open storage area (sq. ft.)				
If any unenclosed activities, specify:				
Community Facility	☒ YES ☐ NO	☒ YES ☐ NO	☒ YES ☐ NO	
If "yes," specify the following:				
Type	**Community Healthcare Network**	**Community Healthcare Network**	**Community Healthcare Network**	
Gross floor area (sq. ft.)	**9,171 gsf**	**11,683 gsf**	**10,696 gsf**	**-987 gsf**
Vacant Land	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," describe:				
Publicly Accessible Open Space	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify type (mapped City, State, or Federal parkland, wetland—mapped or otherwise known, other):				
Other Land Uses	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," describe:				
PARKING				
Garages	☐ YES ☒ NO	☒ YES ☐ NO	☐ YES ☒ NO	
If "yes," specify the following:				
No. of public spaces		**0**		
No. of accessory spaces		**64**		**-64**
Operating hours		**24/7**		
Attended or non-attended		**Attended**		
Lots	☒ YES ☐ NO	☐ YES ☒ NO	☒ YES ☐ NO	
If "yes," specify the following:				
No. of public spaces	**66**		**0**	
No. of accessory spaces	**0**		**14**	**+14**
Operating hours	**24/7**		**24/7**	
Other (includes street parking)	☒ YES ☐ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," describe:	**Lot 46 (2,115 sf), private vehicle storage**			
POPULATION				
Residents	☐ YES ☒ NO	☒ YES ☐ NO	☒ YES ☐ NO	
If "yes," specify number:		**490**	**551**	**+61**
Briefly explain how the number of residents was calculated:	**Based on 2.69 persons/household for the Tremont by Neighborhood Tabulation Area (NTA), 2020 Census data**			

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
Businesses	☒ YES ☐ NO	☒ YES ☐ NO	☒ YES ☐ NO	
If "yes," specify the following:				
No. and type	**Retail: 6** **Community Facility: 2**	**Retail: 1 or more** **Community Facility: 1**	**Retail: 1 or more** **Community Facility: 1**	**Retail: 0** **Community Facility: 0**
No. and type of workers by business	**Retail: 31** **Community Facility: 28**	**Retail: 25** **Community Facility: 35**	**Retail: 38** **Community Facility: 32**	**Retail: +13** **Community Facility: -3**
No. and type of non-residents who are not workers	**N/A**	**N/A**	**N/A**	
Briefly explain how the number of businesses was calculated:	**Based on 3 retail employees per 1,000 gsf; 3 CF employees per 1,000 gsf**			
Other (students, visitors, concert-goers, *etc.*)	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If any, specify type and number:				
Briefly explain how the number was calculated:				
ZONING				
Zoning classification	**C4-5X (IH); R6A; M1-4/R7A (IH)**	**C4-5X (IH); R6A; M1-4/R7A (IH)**	**C4-4D (MIH)**	**C4-5X (IH); R6A; M1-4/R7A (IH) replaced by C4-4D (MIH)**
Maximum amount of floor area that can be developed	**C4-5X (IH)** **R: 6.0; C: 4.0; CF: 5.0** **R6A** **R/CF: 3.0** **M1-4/R7A (IH)** **R: 4.6** **C/M: 2.0** **CF: 6.5**	**C4-5X (IH)** **R: 6.0; C: 4.0; CF: 5.0** **R6A** **R/CF: 3.0** **M1-4/R7A (IH)** **R: 4.6** **C/M: 2.0** **CF: 6.5**	**C4-4D (MIH):** **R: 7.2** **C: 3.4** **CF: 6.5**	**C4-5X (IH) to C4-4D (MIH)** **R: +1.2** **C: -0.6** **CF +1.5** **R6A to C4-4D** **R: +4.2** **C: +3.4** **CF -3.5** **M1-4/R7A (IH) to C4-4D (MIH):** **R: +2.6** **C: +1.4** **M: -2.0**
Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed project	**Residential, Mixed-Uses, Commercial, Community Facility.** **C4-5X, R6A, R7-1, M1-4/R7A, M1-4/R7X**	**Residential, Mixed-Uses, Commercial, Community Facility.** **C4-5X, R6A, R7-1, M1-4/R7A, M1-4/R7X**	**Residential, Mixed-Uses, Commercial, Community Facility.** **C4-4D, R6A, R7-1, M1-4/R7A, M1-4/R7X**	**C4-4D (MIH) added to the area**
Attach any additional information that may be needed to describe the project. If your project involves changes that affect one or more sites not associated with a specific development, it is generally appropriate to include total development projections in the above table and attach separate tables outlining the reasonable development scenarios for each site.				

Part II: TECHNICAL ANALYSIS

INSTRUCTIONS: For each of the analysis categories listed in this section, assess the proposed project's impacts based on the thresholds and criteria presented in the CEQR Technical Manual. Check each box that applies.

- If the proposed project can be demonstrated not to meet or exceed the threshold, check the "no" box.
- If the proposed project will meet or exceed the threshold, or if this cannot be determined, check the "yes" box.
- For each "yes" response, provide additional analyses (and, if needed, attach supporting information) based on guidance in the CEQR Technical Manual to determine whether the potential for significant impacts exists. Please note that a "yes" answer does not mean that an EIS must be prepared—it means that more information may be required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant to provide additional information to support the Full EAS Form. For example, if a question is answered "no," an agency may request a short explanation for this response.

	YES	NO
1. *LAND USE, ZONING, AND PUBLIC POLICY*: CEQR Technical Manual Chapter 4		
(a) Would the proposed project result in a change in land use different from surrounding land uses?	☐	☒
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	☒	☐
(c) Is there the potential to affect an applicable public policy?	☒	☐
(d) If "yes," to (a), (b), and/or (c), complete a preliminary assessment and attach. **See Attachment C**		
(e) Is the project a large, publicly sponsored project?	☐	☒
○ If "yes," complete a PlaNYC assessment and attach.		
(f) Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries?	☐	☒
○ If "yes," complete the Consistency Assessment Form.		
2. *SOCIOECONOMIC CONDITIONS*: CEQR Technical Manual Chapter 5		
(a) Would the proposed project:		
○ Generate a net increase of more than 200 residential units *or* 200,000 square feet of commercial space?	☐	☒
▪ If "yes," answer *both* questions 2(b)(ii) and 2(b)(iv) below.		
○ Directly displace 500 or more residents?	☐	☒
▪ If "yes," answer questions 2(b)(i), 2(b)(ii), and 2(b)(iv) below.		
○ Directly displace more than 100 employees?	☐	☒
▪ If "yes," answer questions under 2(b)(iii) and 2(b)(iv) below.		
○ Affect conditions in a specific industry?	☐	☒
▪ If "yes," answer question 2(b)(v) below.		
(b) If "yes" to any of the above, attach supporting information to answer the relevant questions below. If "no" was checked for each category above, the remaining questions in this technical area do not need to be answered.		
i. Direct Residential Displacement		
○ If more than 500 residents would be displaced, would these residents represent more than 5% of the primary study area population?	☐	☐
○ If "yes," is the average income of the directly displaced population markedly lower than the average income of the rest of the study area population?	☐	☐
ii. Indirect Residential Displacement		
○ Would expected average incomes of the new population exceed the average incomes of study area populations?	☐	☐
○ If "yes:"		
▪ Would the population of the primary study area increase by more than 10 percent?	☐	☐
▪ Would the population of the primary study area increase by more than 5 percent in an area where there is the potential to accelerate trends toward increasing rents?	☐	☐
○ If "yes" to either of the preceding questions, would more than 5 percent of all housing units be renter-occupied and unprotected?	☐	☐
iii. Direct Business Displacement		
○ Do any of the displaced businesses provide goods or services that otherwise would not be found within the trade area, either under existing conditions or in the future with the proposed project?	☐	☐
○ Is any category of business to be displaced the subject of other regulations or publicly adopted plans to preserve, enhance, or otherwise protect it?	☐	☐

	YES	NO
iv. Indirect Business Displacement		
○ Would the project potentially introduce trends that make it difficult for businesses to remain in the area?	☐	☐
○ Would the project capture retail sales in a particular category of goods to the extent that the market for such goods would become saturated, potentially resulting in vacancies and disinvestment on neighborhood commercial streets?	☐	☐
v. Effects on Industry		
○ Would the project significantly affect business conditions in any industry or any category of businesses within or outside the study area?	☐	☐
○ Would the project indirectly substantially reduce employment or impair the economic viability in the industry or category of businesses?	☐	☐
3. *COMMUNITY FACILITIES*: CEQR Technical Manual Chapter 6 **See Attachment D**		
(a) Direct Effects		
○ Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, health care facilities, day care centers, police stations, or fire stations?	☐	☒
(b) Indirect Effects		
i. Early Childhood Programs		
○ Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in Chapter 6)	☒	☐
○ If "yes," would the project result in a collective utilization rate of the Early Childhood Programs in the study area that is greater than 100 percent?	☐	☒
○ If "yes," would the project increase the collective utilization rate by 5 percent or more from the No-Action scenario?	☐	☒
ii. Public Schools		
○ Would the project result in 50 or more elementary or middle school students, or 150 or more high school students based on number of residential units? (See Table 6-1 in Chapter 6)	☐	☒
○ If "yes," would the project result in a utilization rate of the elementary or middle schools that is equal to or greater than 100 percent?	☐	☐
○ If "yes," would the project generate 100 or more elementary or middle school students past the 100% utilization rate?	☐	☐
○ If "yes," would the project result in a utilization rate of the high schools that is equal to or greater than 100 percent?	☐	☐
○ If "yes," would the project increase the high school utilization rate by 5 percent or more from the No-Action scenario?	☐	☐
iii. Libraries		
○ Would the project result in a 5 percent or more increase in the ratio of residential units to library branches? (See Table 6-1 in Chapter 6)	☐	☒
○ If "yes," would the project increase the study area population by 5 percent or more from the No-Action levels?	☐	☐
○ If "yes," would the additional population impair the delivery of library services in the study area?	☐	☐
iv. Health Care Facilities		
○ Would the project result in the introduction of a sizeable new neighborhood?	☐	☒
○ If "yes," would the project affect the operation of health care facilities in the area?	☐	☐
v. Fire and Police Protection		
○ Would the project result in the introduction of a sizeable new neighborhood?	☐	☒
○ If "yes," would the project affect the operation of fire or police protection in the area?	☐	☐
4. *OPEN SPACE*: CEQR Technical Manual Chapter 7 **See Attachment E**		
(a) Would the project change or eliminate existing open space?	☐	☒
(b) Would the project generate more than 200 additional residents or 500 additional employees?	☒	☐
5. *SHADOWS*: CEQR Technical Manual Chapter 8		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?	☒	☐
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?	☒	☐
(c) If "yes" to either of the above questions, attach supporting information explaining whether the project's shadow would reach any sunlight-sensitive resource at any time of the year. **See Attachment F**		
6. *HISTORIC AND CULTURAL RESOURCES*: CEQR Technical Manual Chapter 9		

	YES	NO
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the GIS System for Archaeology and National Register to confirm)	☒	☐
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	☒	☐
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological resources. **48th Precinct Police Station; 1925 Bathgate Avenue (S/NR-Listed) [Across the street]. See Attachment B.**		
7. *URBAN DESIGN AND VISUAL RESOURCES*: CEQR Technical Manual Chapter 10		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	☒	☐
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	☐	☒
(c) If "yes" to either of the above, please provide the information requested in Chapter 10. **See Attachment G**		
8. *NATURAL RESOURCES*: CEQR Technical Manual Chapter 11		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of Chapter 11?	☐	☒
○ If "yes," list the resources and attach supporting information on whether the project would affect any of these resources.		
(b) Is any part of the directly affected area within the Jamaica Bay Watershed?	☐	☒
○ If "yes," complete the Jamaica Bay Watershed Protection Plan Project Tracking Form and submit according to its instructions.		
9. *HAZARDOUS MATERIALS*: CEQR Technical Manual Chapter 12		
(a) Would the proposed project allow commercial or residential uses in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	☐	☒
(b) Would the proposed project introduce new activities or processes using hazardous materials and increase the risk of human or environmental exposure?	☐	☒
(c) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	☒	☐
(d) Would the project require soil disturbance in a manufacturing area or any development on or near a manufacturing area or existing/historic facilities listed in the Hazardous Materials Appendix (including nonconforming uses)?	☐	☒
(e) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin?	☐	☒
(f) Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (*e.g.*, gas stations, oil storage facilities, heating oil storage)?	☒	☐
(g) Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury or lead-based paint?	☐	☒
(h) Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators?	☐	☒
(i) Has a Phase I Environmental Site Assessment been performed for the site?	☒	☐
○ If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify: **See Attachment B**	☒	☐
(j) Based on the Phase I Assessment, is a Phase II Investigation needed? **See Attachment B**	☒	☐
10. *WATER AND SEWER INFRASTRUCTURE*: CEQR Technical Manual Chapter 13 **See Attachment B**		
(a) Would the project result in water demand of more than one million gallons per day?	☐	☒
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?	☐	☒
(c) If the proposed project located in a separately sewered area, would it result in the same or greater development than that listed in Table 13-1 in Chapter 13?	☐	☐
(d) Would the project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	☐	☒
(e) If the project is located within the Jamaica Bay Watershed or in certain specific drainage areas, including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	☐	☒
(f) Would the proposed project be located in an area that is partially sewered or currently unsewered?	☐	☒

	YES	NO
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or contribute contaminated stormwater to a separate storm sewer system?	☐	☒
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	☐	☒
(i) If "yes" to any of the above, conduct the appropriate preliminary analyses and attach supporting documentation.		
11. *SOLID WASTE AND SANITATION SERVICES*: CEQR Technical Manual Chapter 14		
(a) Using Table 14-1 in Chapter 14, the project's projected operational solid waste generation is estimated to be (pounds per week): **+4,220**		
○ Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?	☐	☒
(b) Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City?	☐	☒
○ If "yes," would the proposed project comply with the City's Solid Waste Management Plan?	☐	☐
12. *ENERGY*: CEQR Technical Manual Chapter 15		
(a) Using energy modeling or Table 15-1 in Chapter 15, the project's projected energy use is estimated to be (annual BTUs): **9.9 million MBTUs**		
(b) Would the proposed project affect the transmission or generation of energy?	☐	☒
13. *TRANSPORTATION*: CEQR Technical Manual Chapter 16		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16?	☐	☒
(b) If "yes," conduct the appropriate screening analyses, attach back up data as needed for each stage, and answer the following questions:		
○ Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour?	☐	☐
If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? ***It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 of Chapter 16 for more information.*	☐	☐
○ Would the proposed project result in more than 200 subway/rail, bus trips, or 50 Citywide Ferry Service ferry trips per project peak hour?	☐	☐
If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction), 200 subway/rail trips per station or line, or 25 or more Citywide Ferry Service ferry trips on a single route (in one direction), or 50 or more passengers at a Citywide Ferry Service landing?	☐	☐
○ Would the proposed project result in more than 200 pedestrian trips per project peak hour?	☐	☐
If "yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, bus stop, or Citywide Ferry Service landing?	☐	☐
14. *AIR QUALITY*: CEQR Technical Manual Chapter 17		
(a) *Mobile Sources*: Would the proposed project result in the conditions outlined in Section 210 in Chapter 17?	☐	☒
(b) *Stationary Sources*: Would the proposed project result in the conditions outlined in Section 220 in Chapter 17?	☒	☐
○ If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in Chapter 17? (Attach graph as needed) **See Attachment B**	☐	☒
(c) Does the proposed project involve multiple buildings on the project site?	☐	☒
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	☐	☒
(e) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	☒	☐
(f) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation. **See Attachment B**		
15. *GREENHOUSE GAS EMISSIONS*: CEQR Technical Manual Chapter 18		
(a) Is the proposed project a city capital project or a power generation plant?	☐	☒
(b) Would the proposed project fundamentally change the City's solid waste management system?	☐	☒
(c) Would the proposed project result in the development of 350,000 square feet or more?	☐	☒
(d) If "yes" to any of the above, would the project require a GHG emissions assessment based on guidance in Chapter 18?	☐	☐
○ If "yes," would the project result in inconsistencies with the City's GHG reduction goal? (See Local Law 22 of 2008; § 24-803 of the Administrative Code of the City of New York). Please attach supporting documentation.	☐	☐
16. *NOISE*: CEQR Technical Manual Chapter 19 **See Attachment H**		
(a) Would the proposed project generate or reroute vehicular traffic?	☒	☐
(b) Would the proposed project introduce new or additional receptors (see Section 114 in Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?	☒	☐

	YES	NO
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?	☐	☒
(d) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	☐	☐
(e) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation. **See Attachment H**		
17. *PUBLIC HEALTH*: CEQR Technical Manual Chapter 20		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality; Hazardous Materials; Noise?	☒	☐
(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in Chapter 20, "Public Health." Attach a preliminary analysis, if necessary. **See Attachment B**		
18. *NEIGHBORHOOD CHARACTER*: CEQR Technical Manual Chapter 21		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise?	☒	☐
(b) If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in Chapter 21, "Neighborhood Character." Attach a preliminary analysis, if necessary. **See Attachment B**		
19. *CONSTRUCTION*: CEQR Technical Manual Chapter 22		
(a) Would the project's construction activities involve:		
○ Construction activities lasting longer than two years?	☐	☒
○ Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	☐	☒
○ Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, *etc.*)?	☒	☐
○ Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	☐	☒
○ The operation of several pieces of diesel equipment in a single location at peak construction?	☐	☒
○ Closure of a community facility or disruption in its services?	☐	☒
○ Activities within 400 feet of a historic or cultural resource?	☒	☐
○ Disturbance of a site containing or adjacent to a site containing natural resources?	☐	☒
○ Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall?	☐	☒
(b) If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance in Chapter 22, "Construction." It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination. **See Attachment B**		

20. *APPLICANT'S CERTIFICATION*

I swear or affirm under oath and subject to the penalties for perjury that the information provided in this Environmental Assessment Statement (EAS) is true and accurate to the best of my knowledge and belief, based upon my personal knowledge and familiarity with the information described herein and after examination of the pertinent books and records and/or after inquiry of persons who have personal knowledge of such information or who have examined pertinent books and records.

Still under oath, I further swear or affirm that I make this statement in my capacity as the applicant or representative of the entity that seeks the permits, approvals, funding, or other governmental action(s) described in this EAS.

APPLICANT/REPRESENTATIVE NAME	SIGNATURE	DATE
Emanuel Kokinakis		2/2/2022

PLEASE NOTE THAT APPLICANTS MAY BE REQUIRED TO SUBSTANTIATE RESPONSES IN THIS FORM AT THE DISCRETION OF THE LEAD AGENCY SO THAT IT MAY SUPPORT ITS DETERMINATION OF SIGNIFICANCE.

Part III: DETERMINATION OF SIGNIFICANCE (To Be Completed by Lead Agency)

INSTRUCTIONS: In completing Part III, the lead agency should consult 6 NYCRR 617.7 and 43 RCNY § 6-06 (Executive Order 91 or 1977, as amended), which contain the State and City criteria for determining significance.

1. For each of the impact categories listed below, consider whether the project may have a significant adverse effect on the environment, taking into account its (a) location; (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude.

IMPACT CATEGORY	Potentially Significant Adverse Impact YES	NO
Land Use, Zoning, and Public Policy	☐	☒
Socioeconomic Conditions	☐	☒
Community Facilities and Services	☐	☒
Open Space	☐	☒
Shadows	☐	☒
Historic and Cultural Resources	☐	☒
Urban Design/Visual Resources	☐	☒
Natural Resources	☐	☒
Hazardous Materials	☐	☒
Water and Sewer Infrastructure	☐	☒
Solid Waste and Sanitation Services	☐	☒
Energy	☐	☒
Transportation	☐	☒
Air Quality	☐	☒
Greenhouse Gas Emissions	☐	☒
Noise	☐	☒
Public Health	☐	☒
Neighborhood Character	☐	☒
Construction	☐	☒

2. Are there any aspects of the project relevant to the determination of whether the project may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials? ☐ ☒

If there are such impacts, attach an explanation stating whether, as a result of them, the project may have a significant impact on the environment.

3. Check determination to be issued by the lead agency:

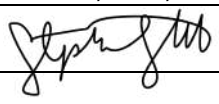
☐ **Positive Declaration**: If the lead agency has determined that the project may have a significant impact on the environment, and if a Conditional Negative Declaration is not appropriate, then the lead agency issues a *Positive Declaration* and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).

☐ **Conditional Negative Declaration:** A *Conditional Negative Declaration* (CND) may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result. The CND is prepared as a separate document and is subject to the requirements of 6 NYCRR Part 617.

☒ **Negative Declaration:** If the lead agency has determined that the project would not result in potentially significant adverse environmental impacts, then the lead agency issues a *Negative Declaration*. The *Negative Declaration* may be prepared as a separate document (see template) or using the embedded Negative Declaration on the next page.

4. ***LEAD AGENCY'S CERTIFICATION***

TITLE	LEAD AGENCY
Director, Environmental Assessment and Review Division	Department of City Planning on behalf of the City Planning Commission
NAME	DATE
Stephanie Shellooe, AICP, Director	September 16, 2022

SIGNATURE 

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 proposed actions affecting Block 3043, Lots 46, 72, 77, and 80 in the Tremont neighborhood of Bronx Community District 6 include a zoning map amendment to rezone the project area from C4-5X, R6A, and M1-4/R7A to a C4-4D district, and a zoning text amendment to Zoning Resolution (ZR) Appendix F to designate a new Mandatory Inclusionary Housing (MIH) area coterminous with the rezoning area. The Project Area is bound by a line 195 feet south of and parallel to East 178th Street, Bathgate Avenue to the west, East Tremont Avenue to the south, and Third Avenue to the east. The Proposed Actions would facilitate the development of a 14-story (140-foot tall) mixed-use building, including 178,475 gross square feet (gsf) of residential uses, 12,817 gsf of commercial uses, and 10,696 gsf of community facility uses. The proposed development would include 205 dwelling units (DUs), of which 25-30% (51-60 units) would be permanently affordable pursuant to MIH. The applicant intends to provide 204 affordable units and one superintendent's unit on Block 3043, Lots 46, 72, 77, 80 (the "Projected Development Site 1"). Two non-Applicant-owned sites, Lots 43 and 84, are also identified as Projected Development Site 2 and would be assumed to redeveloped as a 57,328 gsf building with 51,925 gsf of residential area, 5,702 gsf or local retail area, and 61 DUs, of which 25-30% (15-18 units) would be affordable. The proposed actions could create additional zoning capacity in the area, but would not result in land uses or structures incompatible with the underlying zoning in the surrounding area and proposed uses would be consistent with those already present in the surrounding area. The proposed actions would not constitute a significant adverse impact to land use, zoning and public policy.

Community Facilities

A detailed analysis related to Early Childhood Programs is included in the EAS. A significant adverse impact related to Early Childhood Programs may result if the proposed actions would result in a collective utilization rate of the Early Childhood Programs in the study area that is greater than 100% in the With-Action Scenario; and an increase of five percent or more in the collective utilization rate of the Early Childhood Programs in the study are between the No-Action and With-Action Scenarios. With the Proposed Actions, the Early Childhood Program study area would experience a utilization rate of 54.9 percent, an increase of 0.9 percentage points over No-Action conditions. As such, the Proposed Actions would not result in significant adverse impacts on publicly funded child care facilities.

Open Space

A detailed analysis related to Open Space is included in the EAS. The proposed actions would not result in any direct significant adverse impacts on any open space resources. Indirect effects occur when a proposed action would add enough population to noticeably diminish the ability of an open space to serve the existing or future population. The proposed actions would result in a net increase of approximately 225 new residents. As a result of the proposed actions, the open space ratios for total, passive, and active open space would remain below the City's optimal open space ratio guidance for project areas with open space ratios below the CEQR Technical Manual. Total open space ratios ranging between 0.51 to 1.0 acres per 1,000 residents could tolerate a two percent change; active open space ratios ranging between 0.01 to 0.40 acres per 1,000 residents could tolerate a one percent change, and; passive open space ratios ranging between 0.21 to 0.30 acres per 1,000 residents could tolerate a three percent change. The future No-Action to With-Action ratios would not decrease by more than one percent compared to No-Action conditions (0.58, 0.5166, and 0.6651 percent, respectively), which would not exceed the percent changes outlined in the CEQR Technical Manual. The EAS also considers qualitative factors and also identifies several factors that will offset existing and projected demand for open space. These factors include the good condition and low use levels of study area open spaces, that the population to be generated by the Proposed Actions is not expected to place heavy demand on facilities, and that significant open spaces (ranging from 38 to 127 acres) are located within a half-mile of the study area boundaries. Additionally, project-generated open space includes two rooftop terrace spaces (approximately 3,127 gsf of combined passive space) for building tenants, which would alleviate the demand for open space generated by the project. With consideration of both quantitative and qualitative assessments, the proposed actions would not result in a significant adverse impact to open space and no further analysis is required.

Shadows

A detailed analysis related to Shadows is included in the EAS. The analysis found that incremental shadows from the development facilitated by the proposed actions would be cast on two sunlight sensitive resources: El Batey De Doña Provi Garden and Walter Gladwin Park. New incremental shadows would be cast on El Batey De Doña Provi Garden on the March 21/September 21 analysis day for 11 minutes and on the December 21 analysis day for four hours and seven minutes. New incremental shadows at Walter Gladwin Park would be cast on the June 21 analysis day for 1 minute. The extent and duration of the incremental shadows would not significantly reduce or completely eliminate direct sunlight exposure on any of the sunlight-sensitive features found within both open spaces and would not significantly alter the public's use of the open space resources or threaten the viability of vegetation or other sunlight-sensitive features. Incremental shadows generated by the proposed actions would not result in a significant adverse impact and no further analysis is needed.

Urban Design and Visual Resources

A detailed analysis related to Urban Design and Visual Resources is included in the EAS. The proposed actions would result in physical changes in the project area beyond the bulk and form currently permitted as-of-right including two new buildings that the analysis finds would comply with the proposed zoning's contextual height and setback regulations, and would not affect street patterns, hierarchy or block forms. While the urban design character and the pedestrian experience in the study area would change as a result of the proposed actions, these changes would not meet the CEQR Technical Manual thresholds for significant adverse urban design impacts nor

Project Name: 521 East Tremont Avenue Rezoning
CEQR # 22DCP123X
SEQRA Classification: Type I

would it alter the arrangement, appearance, or functionality of the project area such that the alternation would negatively affect a pedestrian's experience of the area. The With-Action condition would introduce continuous streetwalls along East Tremont, Third, and Bathgate Avenues that would be consistent with surrounding developments, and the one visual resource in the project area, Walter Gladwin Park, would not be obstructed by the proposed actions. The proposed actions would not result in any significant adverse impacts to urban design and visual resources, and no further analysis is needed.

Hazardous Materials and Noise

An (E) designation (E-687) related to hazardous materials 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 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 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 Jameson Mitchell at +1 212-720-3422.

TITLE	LEAD AGENCY
Director, Environmental Assessment and Review Division	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 September 16, 2022
SIGNATURE	

TITLE	
Chair, City Planning Commission	
NAME Daniel R. Garodnick	DATE September 19, 2022
SIGNATURE	

Project Name: 521 East Tremont Avenue Rezoning
CEQR # 22DCP123X
SEQRA Classification: Type I

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	Bronx	Block 3043, Lots 46, 72, 77, and 80
Projected Development Site 2	Bronx	Block 3043, Lots 43 and 84

(E) Designation Requirements

To ensure that the proposed actions would not result in significant adverse impacts related to hazardous materials and noise an (E) designation (**E-687**) would be established as part of approval of the proposed actions on **Projected Development Sites 1 and 2** as described below:

Development Site	Hazardous Materials	Air Quality	Noise
Projected Development Site 1	X		X
Projected Development Site 2	X		X

Hazardous Materials

The (E) designation requirements applicable to **Projected Development Sites 1 and 2** 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.

Noise

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

Projected Development Site 1: *To ensure an acceptable interior noise environment, future residential and community facility and/or commercial uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation on the facades facing East Tremont Avenue and Third Avenue 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.*

Projected Development Site 2: *To ensure an acceptable interior noise environment, future residential and/or commercial uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation on the facade facing East Tremont Avenue and the façade facing Bathgate Avenue within 50 feet of East Tremont Avenue 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.*

ATTACHMENT A
PROJECT DESCRIPTION

I. INTRODUCTION

M521 Tremont LLC (the "Applicant"), is seeking discretionary actions in order to facilitate a new mixed use building on the Applicant-controlled Development Site (Block 3043, Lots 46, 72, 77 and 80) in the Tremont neighborhood of Bronx Community District (CD) 6 (see **Figure A-1**). The discretionary actions include: (i) a zoning map amendment to rezone a portion of Block 3043 from C4-5X, R6A, and M1-4/R7A to C4-4D; and, (ii) a zoning text amendment to Zoning Resolution (ZR) Appendix F to designate the rezoning area a Mandatory Inclusionary Housing (MIH) area (the "Proposed Actions"). The development on the Applicant-controlled Projected Development Site 1 would total approximately 178,475 gross square feet (gsf) of residential uses (155,024 zoning square feet; zsf), 12,817 gsf of commercial uses (12,817 zsf), and 10,696 gsf of community facility uses (10,696 zsf). The Development Site would include 205 dwelling units (DUs) (204 DUs would be affordable units and 1 would be a superintendent's unit).

As shown in **Figure A-1**, the proposed rezoning area (the "Project Area") consists of the southern portion of Bronx Block 3043, Lots 43, 46, 47, 48, 50 (part), 67 (part), 72, 77, 80, and 84 . In total, the proposed rezoning area comprises approximately 38,799 square feet (sf) of lot area on the block bounded by East 178th Street on the north, Bathgate Avenue on the west, East Tremont Avenue on the south, and Third Avenue on the east. The northern boundary of the proposed rezoning area is located 195 feet south of and parallel to East 178th Street.

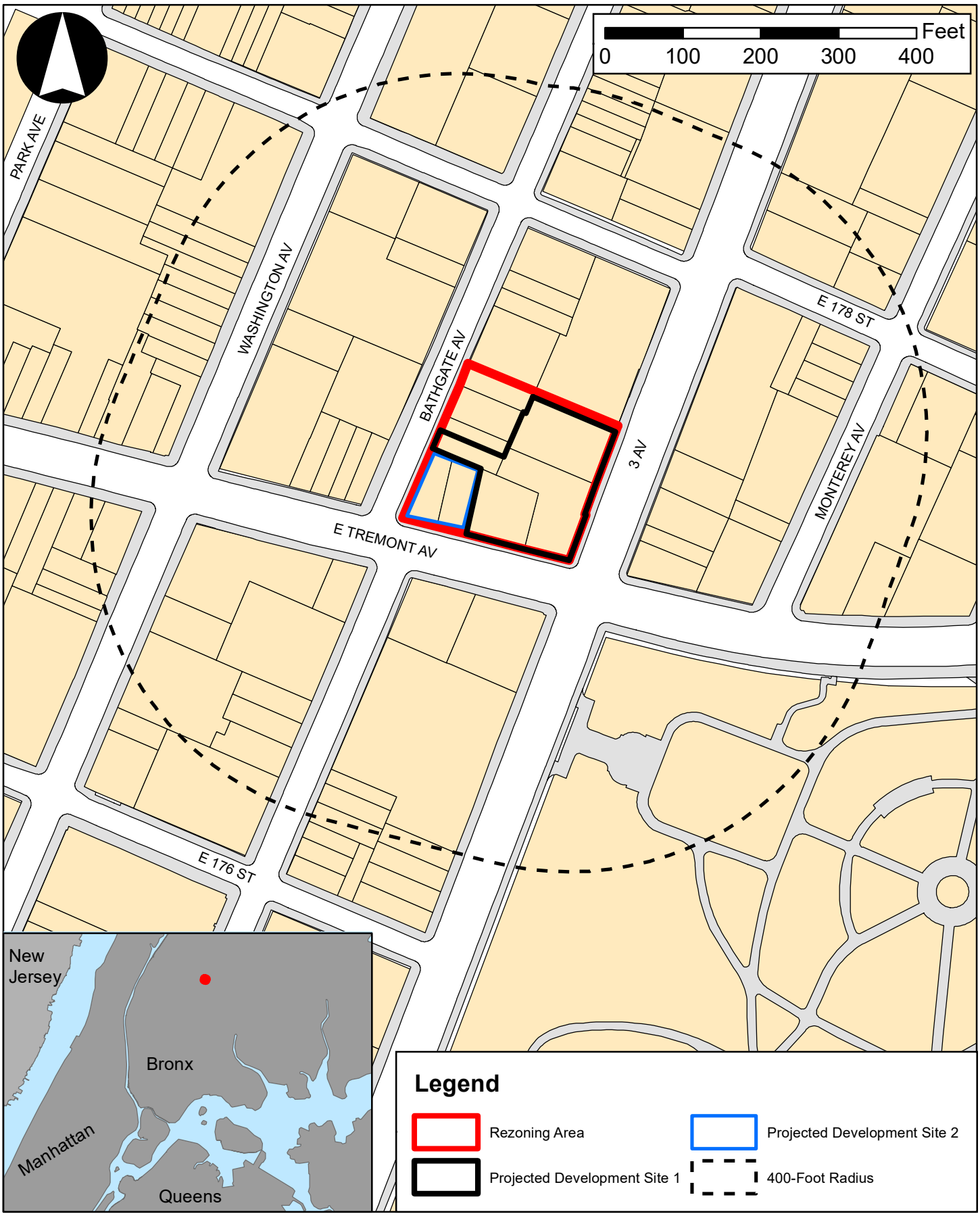
This attachment provides a summary and description of the Proposed Actions, including location, existing conditions, project purpose and need, project description, reasonable worst-case development scenario (RWCDS) under No-Action and With-Action conditions, and the governmental discretionary approvals required.

II. BACKGROUND AND EXISTING CONDITIONS

Background

The Project Area was initially mapped with C4-4, R7-1 and C8-3 zoning districts in 1961. The Project Area's zoning districts changed to the current C4-5X, M1-4/R7A, and R6A zoning districts as part of the Third Avenue/Tremont Avenue Rezoning (CEQR No: 10DCP043X; ULURP Nos: C 100407 ZMX, N 100408 ZRX). In 2010, the Department of City Planning (DCP) proposed the amendment of the zoning map on all or portions of seventy-five blocks along the Third Avenue and Tremont Avenue corridors located within CD 6 in The Bronx. The rezoning was intended to provide opportunities for new residential and commercial development in the central Bronx area. In addition to the rezoning, DCP further amended the Zoning Resolution to incorporate mixed-use districts into the neighborhood as well as the Inclusionary Housing Program (IHP).

Figure A-1
Project Location



Existing Conditions

As shown in **Table A-1** below, the Development Site consists of four tax lots. Lot 46 is vacant (2,115 sf) and connects to the unenclosed parking area on a portion of Lot 77. Lot 77 consists of a three-story commercial and community facility building (13,757 gsf), with an unenclosed parking area. Community Facility uses on Lot 77 include All Star Club LLC and Community Healthcare Network. All Star Club LLC is an organization that provides after school and summer camp activities for children ages 5 to 12; it is not listed by the NYC Administration for Children's Services (ACS) as a publicly funded day care facility. As such, it is not considered a "community facility" for the purposes of the *CEQR* analysis of community facilities and services provided in **Attachment D.** Lot 72 consists of a commercial parking lot (8,461 sf). Lot 80 consists of a one-story commercial building (5,698 gsf) (see **Figure A-2** for Existing Condition site photos).

TABLE A-1: Proposed Rezoning Area – Existing Conditions

	Address	Block	Lot	Lot Size SF	Projected Site Lot Size SF	Existing Zoning	Land Use	Building GSF	Built FAR
Applicant-Controlled Development Site	1904 Bathgate Avenue	3043	46	2,115	24,834	C4-5X (IH)[2]	Vacant Lot	0	0.00
	4223 Third Avenue		72	8,461			Parking	0	0.00
	521 East Tremont Avenue		77	8,560			Commercial/ Community Facility	13,757 (CF: 9,171 gsf ; C: 4,586 gsf)	1.40
	513 East Tremont Avenue		80	5,698			Commercial	5,698	0.87
TOTAL				**24,834**	**24,834**			**18,343**	
Non-Applicant-Controlled Sites	503 East Tremont Avenue	3043	43	3,237	C4-5X (IH)		Commercial	3,237	0.87
	505 East Tremont Avenue		84	3,273				4,253	1.13
	1906 Bathgate Avenue		47	1,699	C4-5X (IH)		Commercial	2,200	1.13
	1910 Bathgate Avenue		48	3,717	C4-5X (IH)		Commercial	14,400	3.37
	1946 Bathgate Avenue		50	9,180	R6A		Institutional	24,800	2.35
	4231 Third Avenue		67	21,434	M1-4/R7A (MX-14)(IH)		Parking	0	0.00
TOTAL				**42,540**	**42,540**			**48,890**	

Notes:
1) The Applicant-controlled Development Site highlighted.
2) Projected Development Site 1 zoning is split: 98.35% C4-5X (IH) & 1.65% R6A

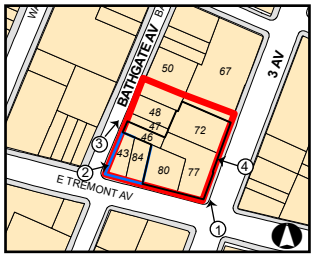
Other lots in the Rezoning Area include Block 3043, Lots 43, 47, 48, 50, 67 and 84. Lot 43 is approximately 3,237 sf with a one-story commercial building (3,237 gsf). Lot 47 is a 1,699-sf lot that contains a 2,200-gsf commercial office building use. Lot 48 is a 3,717-sf lot that contains a 14,400-gsf commercial building with an active use (funeral home), which has been present on the site since the early 1900s. Lot 50 is a 9,180-sf lot that contains a 24,800-gsf institutional building with an active use (Bronx Charter School for



1) Looking northwest towards Projected Development Site 1 from East Tremont and 3rd avenues



2) Looking northeast towards Projected Development Site 2 from the corner of East Tremont and Bathgate avenues



Photos taken: 1/12/22



3) Looking northeast towards Projected Development Site 1 on Bathgate Avenue between East Tremont Avenue and East 178th Street



4) Looking west towards Projected Development Site 1 on Third Avenue between East Tremont Avenue and East 178th Street

Excellence 5). Lot 67 is a 21,434-sf lot that contains a surface parking lot. Only small portions of Lots 50 and 67 would be rezoned. Lot 84 is approximately 3,273 sf with a one-story commercial building (4,253 gsf).

Surrounding Area and Context

Existing land uses within the surrounding area consist of commercial/office buildings, mixed commercial/residential buildings, and public facilities and institutions. East Tremont Avenue is a 75-foot wide street that runs in an east-west direction. Bathgate Avenue is a 60-foot wide street that runs in a north-south direction. Third Avenue is an 80-foot wide street that runs in a north-south direction. East 178th Street is a 50-foot narrow street that runs in an east-west direction.

Also located to the southeast of the project site is Walter Gladwin Park (known as Tremont Park until 2020). It is 15 acres and provides opportunities for passive and active recreation. Institutional uses in the surrounding area include eight different churches, the Bronx Charter School of Excellence 5, Volunteers for America (a non-profit organization that focuses on affordable housing), and Sharon Baptist Headstart (daycare facility).

Public transportation in the surrounding area includes the Bx15 bus, which runs along Third Avenue and East 175th Street, and the Bx40 bus and Bx42 bus, both of which run along East Tremont Avenue. The Tremont Avenue (B, D) subway station is located approximately 0.6-miles to the northwest of the Project Area on East 178th Street and Grand Concourse. Finally, the Tremont Metro-North train station is located approximately 0.2-miles to the west of the Project Area at the intersection of East Tremont Avenue and Park Avenue. The surrounding area is within the Transit Zone as defined in the ZR, where reduced parking requirements apply to developments that provide income-restricted housing units.

III. DESCRIPTION OF THE PROPOSED ACTIONS

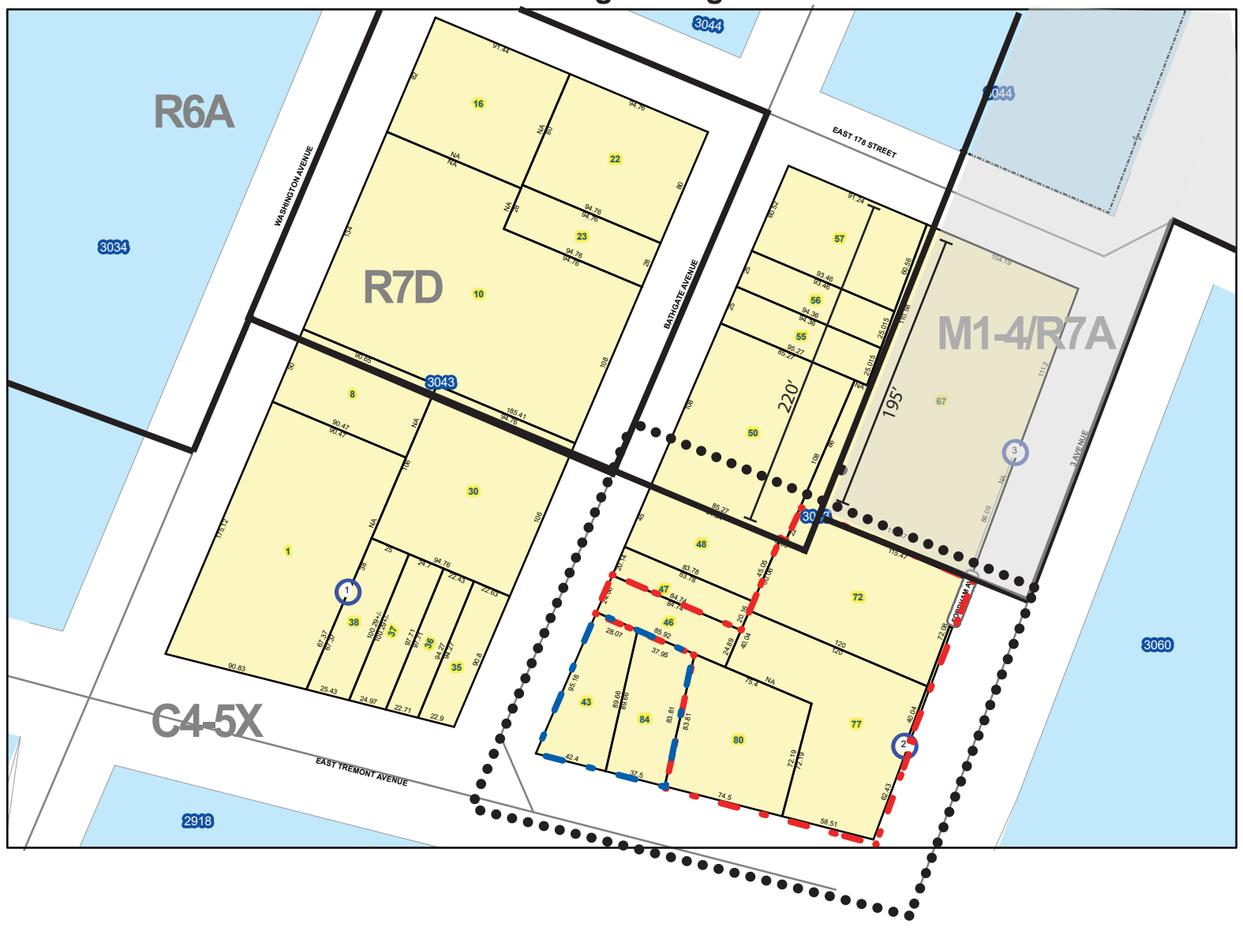
The Applicant is seeking two discretionary actions including: (i) a zoning map amendment to rezone a portion of Block 3043 from C4-5X, R6A, and M1-4/R7A to C4-4D; and, (ii) a zoning text amendment to ZR Appendix F to designate the rezoning area an MIH area. The Applicant will also be seeking financing through the New York City Department of Housing Preservation and Development Extremely Low and Low-Income Affordability (ELLA) program.

Proposed Zoning Map Amendment

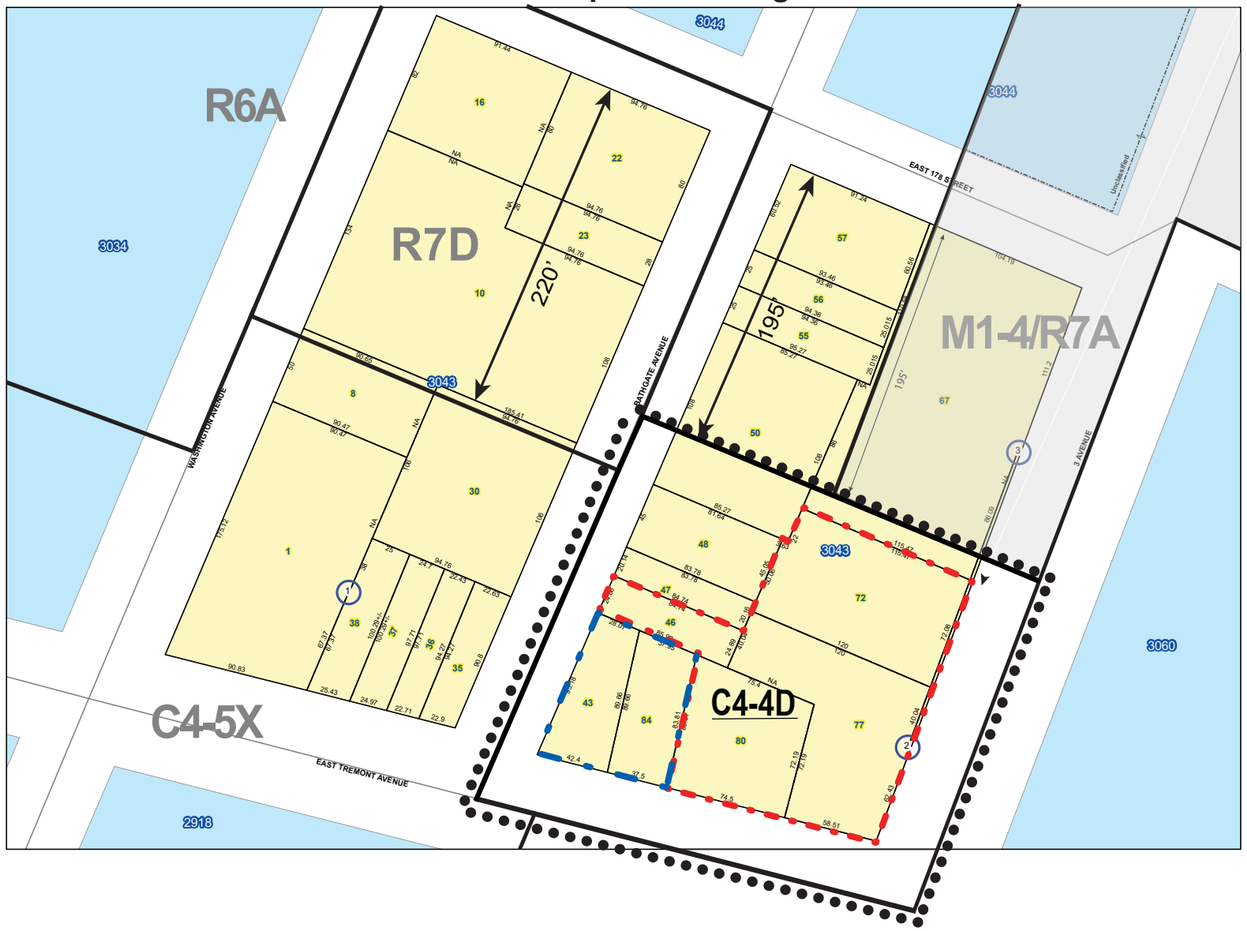
As shown in **Figure A-3**, the zoning map amendment would rezone the Project Area from C4-5X, R6A, and M1-4/R7A to a C4-4D zoning district. The proposed rezoning area comprises approximately 38,799 sf of lot area bounded by Bathgate Avenue to the west, East Tremont Avenue to the south, Third Avenue to the east, and a line 195 feet south from and parallel to East 178th Street to the north. The majority of the Project Area is within a C4-5X zoning district, with a portion within the adjacent R6A zoning district to the northwest and M1-4/R7A to the north.

The proposed C4-4D district is a mid-density contextual district. It is an R8A residential district equivalent that allows residential (Use Groups 1 and 2), community facility (Use Groups 3 and 4), and commercial (Use Groups 5, 6, 8, 9, 10 and 12) uses. The proposed C4-4D zoning district would allow for a maximum floor area ratio (FAR) of 7.2 for residential uses with MIH, 3.40 for commercial uses, and 6.50 for community facility uses. The maximum building height is 145 feet above a base height (with qualifying

Existing Zoning



Proposed Zoning



Legend

- Projected Development Site 1
- Projected Development Site 2
- Rezoning Area
- C4 - 4D — Proposed Zoning District
- R6A — Exisiting Zoning District
- Zoning District Boundaries
- Special Zoning District Boundaries
- Streets
- Miscellaneous Text
- Possession Hooks
- Boundary Lines
- Lot Face Possession Hooks
- Regular
- Underwater
- Tax Lot Polygon
- Condo Number
- Tax Block Polygon

NYC Finance

NYC Digital Tax Map

Effective Date : 01-09-2014 15:28:07
End Date : Current

Bronx Block: 3043

Figure A-3
Existing and Proposed Zoning Map

ground floors) of between 60 and 105 feet including Inclusionary Housing buildings. For buildings with non-qualifying ground floors, the maximum building height is 140 feet above a base height of 60 and 105 feet, including the buildings mentioned above. Off street accessory parking for residential uses is required for 40 percent of the non-income restricted units. Parking varies for commercial uses but is generally required at one space per 1,000 square feet of floor area.

Proposed Zoning Text Amendment

The Applicant is proposing to map the Project Area as a Mandatory Inclusionary Housing (MIH) Area (Option 1) by creating a new map for Bronx Community District 6 in Appendix F of the New York City Zoning Resolution. MIH regulations requires affordable housing to be provided equivalent to either 25 percent (at an average of 60% of Area Median Income, or AMI) or 30 percent (at an average of 80% AMI) of the residential floor area developed. The MIH Area sets a new maximum permitted residential FAR which supersedes the FAR permitted by the underlying zoning district. With both the designation of the Project Area as an MIH Area and its rezoning to C4-4D, the maximum permitted residential FAR within the Project Area would be 7.20. Mapping of the Project Area as a MIH Area would facilitate the construction of permanently affordable housing.

IV. PURPOSE AND NEED FOR PROPOSED ACTIONS

The Proposed Actions are intended to provide opportunities for new residential, commercial, and community facility development. The Applicant intends for the Proposed Actions to create opportunities for new housing development, including affordable housing, on underutilized land where a strong demand for housing exists.

The proposed zoning map amendment to rezone the Project Area from C4-5X, M1-4/R7A, and R6A to C4-4D, combined with the proposed text amendment to make the rezoning area a mandatory inclusionary housing area, would increase the permitted residential FAR. The majority of the rezoning area is currently within an existing C4-5X zoning district that is within an Inclusionary Housing (IH) designated area; in addition small portions of the rezoning area currently include an R6A district and an M1-4/R7A (IH) mixed-use district (MX-14). The existing C4-5X (IH) zoning permits a maximum 5.0 FAR for community facility use, 4.0 FAR for commercial use, and up to 6.0 FAR for residential use, pursuant to an Inclusionary Housing designation. The existing R6A zoning permits a maximum 3.0 FAR for community facility use and 3.0 FAR for residential use. The existing M1-4/R7A (IH) (MX-14) zoning permits a maximum 6.5 FAR for community facility use, 2.0 FAR for commercial use, up to 4.6 FAR for residential use, and 2.0 FAR for manufacturing uses, pursuant to an Inclusionary Housing designation. The proposed C4-4D zoning district, combined with the Mandatory Inclusionary Housing (MIH) designation would allow a maximum 7.2 FAR for residential uses, 6.5 FAR for community facility uses, and 3.40 for commercial uses.

The proposed zoning text amendment, which would designate the proposed rezoning area as an MIH Area, would require the Applicant to construct affordable DUs on the Development Site in order to take advantage of the additional FAR provided through the MIH Program. As such, the proposed zoning map and text amendment would create additional zoning capacity in a transit accessible area to support new housing creation and increase the number of affordable housing units available in New York City. The creation of new housing supply at various income levels is also expected to help alleviate the upward pressure on housing prices, and contribute to housing affordability in the surrounding neighborhood and larger City. The MIH program would promote and retain neighborhood economic diversity in the area and create new affordable housing units in close proximity to public transit.

It also should be noted that the proposed community facility tenant is Community Healthcare Network, a current tenant within the building located on Lot 77, who wishes to establish a modern health center to enable it to expand and provide vital services and offerings it cannot currently provide to the local community.

V. DESCRIPTION OF THE PROPOSED PROJECT

As discussed above, the Applicant is seeking discretionary actions in order to facilitate a new mixed-use building on the Applicant-controlled Development Site in the Tremont neighborhood of Bronx CD 6. As detailed in **Table A-2** below, the Applicant-controlled Development Site would be redeveloped with a new, 201,988-gsf (178,537 zsf) mixed-use building containing 12,817 gsf of commercial uses (retail), 10,696 gsf of community facility uses, and 178,475 gsf of residential uses. The proposed project would be 14 stories tall (140' roof height), excluding bulkhead which would be 10 feet high (resulting in a total height inclusive of bulkhead of 150 feet), plus one cellar level.

The cellar would consist of accessory residential space (9,840 gsf). The ground floor would consist of commercial (12,817 gsf), residential (3,136 gsf), and community facility (456 gsf) space, including the residential and community facility lobbies. Accessory parking for 14 cars would also be provided on grade. The second floor would be partly occupied by community facility (10,240 gsf), while the remainder of the second floor would be occupied by residential (4,654 gsf) space, which also would occupy all of floors three through 14. Overall, the building would contain 178,475 gsf of residential space, including 205 dwelling units (DUs) (204 affordable DUs and one superintendent's unit). The proposed community facility tenant is Community Healthcare Network; it is a current tenant within the building located on Lot 77. It wishes to establish a modern health center and expand vital services and offerings for the local community.

While MIH would require either 25 percent (51 DUs) or 30 percent (61 DUs) of the Development Site to be permanently affordable, the Applicant intends to develop the residential component of the proposed project as fully affordable. These 204 DUs would be available at or below 80 percent of Area Median Income (AMI).

TABLE A-2: Applicant Proposed Development

Lot Area (sf)	Proposed Zoning	Proposed FAR	Residential			Commercial SF	Community Facility SF	Total Building SF (excl. parking)	Parking Spaces	Building Height
			SF	Total DUs	Affordable DUs					
24,834	C4-4D	7.2 R; 4.0 C;5.0 CF	155,024 zsf (178,475 gsf)	205	204	12,817 zsf (12,817 gsf)	10,696 zsf (10,696 gsf)	178,537 zsf (201,988 gsf)	14	140'

VI. ANALYSIS FRAMEWORK

In order to assess the possible effects of the Proposed Actions, a RWCDS for the proposed project was established for both Future No-Action and Future With-Action conditions. The incremental difference between the No-Action and With-Action conditions will serve as the basis of the impact category analyses in the EAS and is discussed further below.

Definition of Projected and Potential Development Sites

According to the 2021 *City Environmental Quality Review (CEQR) Technical Manual*, for rezonings the following factors, commonly referred to as "soft site criteria," are generally considered when evaluating whether some amount of development would likely be constructed by the Build Year because of a Proposed Action:

- The uses and bulk allowed: Lots located in areas where changes in use would be permitted and/or contain buildings built to substantially less than the maximum allowable FAR under the existing zoning are considered "soft" enough such that there would likely be sufficient incentive to develop in the future, depending on other factors specific to the area (e.g., the amount and type of recent as-of-right development in the area, recent real estate trends, site specific conditions that make development difficult, and issues relating to site control or site assemblage that may affect redevelopment potential); and
- Size of the development site: Lots must be large enough to be considered "soft." Generally, lots with a small lot size are not considered likely to be redeveloped, even if they are currently built to substantially less than the maximum allowable FAR. A small lot is often defined for this purpose as 5,000 sf or less, but the lot size criteria is dependent on neighborhood-specific trends, and common development sizes in the study area should be examined prior to establishing this criteria.

However, the following uses and types of buildings that meet the soft site criteria are typically excluded from development scenarios because they are unlikely to be redeveloped because of Proposed Actions:

- Full block and newly constructed buildings with utility uses, as these uses are often difficult to relocate;
- Lots where construction is actively occurring, or has recently been completed, as well as lots with recent alterations that would have required substantial capital investment, unless recently constructed or altered lots were built to less than or equal to half of the maximum allowable FAR under the proposed zoning;
- Lots whose location or irregular shape would preclude or greatly limit future as-of-right development. Generally, development on irregular lots does not produce marketable floor space;
- Long-standing institutional uses with no known development plans; or
- Multi-unit buildings (existing individual buildings with six or more residential units, and assemblages of buildings with a total of 10 or more residential units, are unlikely to be redeveloped because of the required relocation of tenants in rent-stabilized units).

Identification of Development Sites

As shown in **Table A-3** below and discussed below in the "Future with the Proposed Actions" section, there are two projected development sites.

Projected Development Site 1

The Proposed Project would be developed on Projected Development Site 1, located on Applicant-owned Lots 46, 72, 77, and 80. Lot 46 (2,115 sf) is vacant and connects to the unenclosed parking area on Lot 77. Lot 72 (8,461 sf sf) consists of a commercial parking lot. Lot 77 (8,560 sf sf) consists of a three-story

commercial and community facility building (13,757 gsf). Lot 80 (5,698 sf) consists of a one-story commercial building (5,698 gsf).

It is anticipated that the Proposed Actions would be certified into ULURP in 2022. Assuming completion of the ULURP process by late 2022 or early 2023 after an approximately seven-month period. It is expected that the Proposed Project (Projected Development Site 1) would be constructed over an approximately 18- to 21-month period following approval, with completion and occupancy expected to occur in 2024 or early 2025. This timeline was determined in consideration of the amount of time necessary for projected development sites to reasonably be redeveloped. In general, projected development sites are considered more likely to be developed within the analysis period for the Proposed Actions, which as explained below is 2025.

Projected Development Site 2

Two non-Applicant-owned lots have also been identified as a projected development site in the proposed rezoning area. Lot 43 is approximately 3,237 sf and is improved with a one-story commercial building (3,237 gsf). Lot 84 is approximately 3,273 sf and is improved with a one-story commercial building (3,237 gsf). Lots 43 and 84 would be considered Projected Development Site 2. Although no formal development plans have been proposed for these two lots, Lots 43 and 84 classify as soft sites as defined by the *CEQR Technical Manual*, given that the sites are developed to substantially less than the maximum allowable FAR under the proposed zoning. Additionally, the lots could be assembled and redeveloped because of the Proposed Actions.

It is anticipated that Projected Development Site 2 would be redeveloped by 2025. This reflects a reasonable estimate of the time needed for the two lots to be combined under common ownership and for the property-owner of Projected Development Site 2 to demolish the existing structures, design the project, obtain building permit review, and construct the project (approximately three years inclusive).

Non-Development Sites in the Rezoning Area

Other lots in the Rezoning Area include Lots 47, 48, 50, and 67. Lot 47 is a 1,699-sf lot that contains a 2,200-gsf commercial office building use. While Lot 47 is considered underbuilt, the lot size is substantially less than 5,000 sf, often considered an approximate minimum threshold lot size for new development, and therefore not likely to be redeveloped in the future with the Proposed Actions. Lot 48 is a 3,717-sf lot that contains a 14,400-gsf commercial building with an active use (funeral home), which has been present on the site since the early 1900s. As Lot 48 is not built to substantially less than the existing maximum floor area ratio (FAR) and is occupied by a long established use, it is therefore unlikely to be redeveloped in the future with the Proposed Actions. Additionally, Lots 50 and 67 do not meet the soft site criteria. Lot 50 is a 9,180-sf lot that contains a 24,800 gsf institutional building with an active use (Bronx Charter School for Excellence 5). As only a small portion of Lot 50 would be rezoned and contains a school, it is unlikely to be redeveloped in the future with the Proposed Actions. Lot 67 is a 21,434-sf lot that contains a surface parking lot. As only a small portion of Lot 67 would be rezoned, and it contains an active use, it is unlikely to be redeveloped in the future with the Proposed Actions.

Analysis Build Year

Although the Proposed Project is expected to be completed and operational in 2024, this EAS uses an analysis year of 2025, consistent with *CEQR Technical Manual* guidance, which accounts for time for the

anticipated development timeline on the non-Applicant controlled site to occur (Projected Development Site 2).

The Future without the Proposed Actions (No-Action Condition)

In the future without the Proposed Actions (the No-Action conditions), Projected Development Site 1 would be redeveloped as-of-right with 154,680 gsf of residential uses, 8,343 gsf of commercial uses, and 11,683 gsf of community facility uses for a total of 174,706 gsf. The No-Action development would also include 64 accessory parking spaces in the cellar, which would be accessory to the residential use. The proposed development would be 111 feet and 10 inches in height (11-stories) and would result in 182 DUs, including one superintendent's unit, of which 55 would be affordable DUs (30 percent of total units).

Three factors make it reasonable to assume that affordable housing would be included in the No-Action development although it is not mandated. First, the applicability of the optional Inclusionary Housing (IH) regulations to the site under the current zoning offers a 20 percent density bonus (from 5.0 to 6.0 FAR), which incentivizes participation in the IH program. Second, the Applicant's track record as an affordable housing developer makes it reasonable to assume that the development would include affordable units. Third, two new apartment buildings located nearby, Tremont Renaissance at 4215 Park Avenue and The Wilfrid at 1880 Bathgate Avenue (190 DUs), have a range of low to middle income units and are evidence of a growing trend of mixed income buildings being developed in this area of The Bronx.

Projected Development Site 2 would retain existing conditions under the No-Action scenario.

TABLE A-3: No-Action Scenario – Development Sites

Site	Lots	Lot Area (sf)	Existing Zoning	Existing FAR	Residential			Commercial SF	Community Facility SF	Total Building SF (excl. parking)	Parking Spaces	Building Height
					SF	DUs						
						Affordable	Market Rate					
Projected Development Site 1	46 72 77 80	24,834	C4-5X (IH)	5.22 R; 0.28 C; 0.39 CF	129.742 zsf (154.680 gsf)	55	127	8.343 zsf (8.343 gsf)	9,799 zsf (11,683 gsf)	146,539 zsf (174,706 gsf)	64	111'-10''
Projected Development Site 2	43	6,510	C4-5X (IH)	0 R; 0.87 C; 0.0 CF	-	-	-	2,815 zsf (3,237 gsf)	-	2,815 zsf (3,237gsf)	-	21'
	84			0.0 R; 1.13 C; 0.0 CF	-	-	-	3,698 zsf (4,253 gsf)	-	3,698 zsf (4,253 gsf)	-	21'

Notes: The Applicant-controlled Development Site is highlighted.

The Future with the Proposed Actions (With-Action Condition)

In the future with the Proposed Actions (the With-Action condition), the proposed zoning map amendment and zoning text amendment would be implemented in the proposed rezoning area. As such, the proposed rezoning area would be remapped as a C4-4D zoning district. Under the With-Action condition, the proposed C4-4D zoning district would allow for a maximum FAR of 7.2 for residential uses with MIH, 3.4 for commercial uses, and 6.5 for community facility uses. The maximum building height is 145 feet above a base height of between 60 and 85 feet.

The Applicant-controlled Projected Development Site 1 would be redeveloped in accordance with the proposed C4-4D zoning and MIH regulations. As detailed above in the "Description of the Proposed Project," the Applicant intends to redevelop Projected Development Site 1 with nearly the maximum FAR permitted under C4-4D (MIH) zoning. Because this would nearly maximize the floor area allowable on the Applicant-controlled sites and nearly reach the maximum permitted height, the proposed development is considered the RWCDS for Projected Development Site 1, with the exception of the height. While the Applicant intends to build the Proposed Project to a roof height of 140 feet, for conservative analysis purposes, this EAS analyzes the maximum height of 145 feet permitted by the C4-4D zoning for Projected Development Site 1.

TABLE A-4: With-Action Scenario – Development Sites

Site	Lot Area (sf)	Proposed Zoning	Proposed FAR	Residential			Commercial SF	Community Facility SF	Total Building SF (excl. parking)	Parking Spaces	Building Height
				SF	DUs						
					Affordable	Market Rate[1]					
Projected Development Site 1	24,834	C4-4D	7.2 R; 4.0 C; 5.0 CF	155,024 zsf (178,475 gsf)	204	1	12,817 zsf (12,817 gsf)	10,696 zsf (10,696 gsf)	178,537 zsf (201,988 gsf)	14	145'[2]
Projected Development Site 2	6,510	C4-4D	7.2 R; 4.0 C; 5.0 CF	42,234 zsf (51,926 gsf)	18	43	4,637 zsf (5,702 gsf)	-	46,871 zsf (57,628 gsf)	-	91' 6''

[1] Each building would contain one superintendent's unit; as these cannot be counted as affordable housing, they are included in the market rate column although they are not conventional market rate units.
[2] While the Applicant intends to build the Proposed Project to a roof height of 140 feet, for conservative analysis purposes, this EAS analyzes the maximum height of 145 feet permitted by the C4-4D zoning for both the Development Site and Projected Development Site 1.
Notes: The Applicant-controlled Development Site is highlighted.

As discussed above, under the With-Action condition, Projected Development Site 1 would be redeveloped with a total of approximately 178,475 gsf of residential uses, 12,817 gsf of commercial uses, and 10,696 gsf of community facility uses. Projected Development Site 1 would include 205 DUs, of which 204 would be affordable DUs and one would be a superintendent's unit.

For reasonable worst-case analysis purposes, it is assumed that one additional site within the proposed rezoning area would be redeveloped in the future with the Proposed Actions, in accordance with the proposed C4-4D zoning regulations. Projected Development Site 2 is assumed to be redeveloped as a 57,628-gsf mixed use building with 51,925 gsf of residential uses, 5,702 gsf of local retail uses and 61 DUs, including one superintendent's unit and 18 affordable DUs.

Project Increment

As presented in **Table A-5**, compared to the No-Action condition, the Proposed Actions would result in a net increase of 84 total DUs (75,721 gsf), disaggregated as a net increase of 167 affordable DUs and a net reduction of 83 market rate DUs (inclusive of an increase of a net increase of one superintendent's unit). It would also result in an increase of 2,686 gsf of local retail space, and a decrease of 987 gsf of community facility space and 50 parking spaces. It should be noted that for conservative CEQR analysis purposes, the community facility is assumed a medical office use. In terms of population, the Proposed Actions are expected to result in an incremental increase of 225 residents and 4 additional workers as compared to the 2025 No-Action conditions.

Table A-5: Comparison of 2025 No-Action and With-Action Conditions: Projected Development Site 1 + Projected Development Site 2

	No-Action	With-Action	Increment
Land Use			
Residential	154,680 gsf	230,401 gsf	+75,721 gsf
DUs			
Market Rate[1]	127	44	-83
Affordable	55	222	+167
Total	182	266	+84
Local Retail	15,833 gsf	18,519 gsf	+2,686 gsf
Community Facility (Medical Office)	11,683 gsf	10,696 gsf	-987 gsf
Parking Spaces	64	14	-50
Population[2]			
Residents	490	715	+225
Workers	83	87	+4

Notes:

[1] 1 Superintendent unit per building, i.e., one for No-Action and two for With-Action; as these cannot be counted as affordable housing, they are included in the market rate count although they are not conventional market rate units.

[2] Population estimates based on the following assumptions: 2.69 residents/unit (average persons per household for Tremont Neighborhood Tabulation Area (NTA) per 2020 Census data; three retail employees/1,000 sf of retail and community facility.

VII. REQUIRED APPROVALS

The proposed zoning map amendment and zoning text amendment are discretionary public actions; the zoning map amendment is subject to the Uniform Land Use Review Procedure (ULURP) and the zoning text amendment, although not formally subject to ULURP, is subject to the same review process as required under ULURP. Both actions are subject to CEQR. ULURP is a process that allows public review of Proposed Actions at four levels: the Community Board; the Borough President; the City Planning Commission; and if applicable, the City Council. The procedure mandates time limits for each stage to ensure a maximum review period of seven months. Through CEQR, agencies review discretionary actions for identifying the effects those actions may have on the environment.

ATTACHMENT B
SUPPLEMENTAL SCREENING

I. INTRODUCTION

This Environmental Assessment Statement ("EAS") has been prepared in accordance with the guidance and methodologies presented in the 2021 *City Environmental Quality Review ("CEQR") Technical Manual*. For each technical area, thresholds are defined, which, if met or exceeded, require that a detailed technical analysis be undertaken. Using this guidance, preliminary screening assessments were conducted for the Proposed Actions to determine whether detailed analysis of any technical area may be appropriate. Part II of the EAS Form identifies those technical areas that warrant additional assessment. For those technical areas that warranted a "Yes" answer in Part II of the EAS Form, including, Historic and Cultural Resources; Hazardous Materials; Air Quality (Stationary Sources); Public Health; Neighborhood Character; and Construction, supplemental screening assessments are provided in this attachment, which determined that detailed analyses of these technical areas are not warranted.

The supplemental screening assessments contained herein also identified that certain other technical areas that warranted a "Yes" answer in Part II of the EAS Form require detailed analyses, including Land Use, Zoning, and Public Policy; Community Facilities; Open Space; Shadows; Urban Design and Visual Resources; and Noise. These analyses are provided in Attachments C, D, E, F, G and H respectively. **Table B-1** presents a summary of analysis screening information for the Proposed Actions.

The remaining technical areas detailed in the *CEQR Technical Manual* were not deemed to require supplemental screening because they do not trigger initial *CEQR* thresholds and/or are unlikely to result in significant adverse impacts and therefore warranted "No" answers in Part II of the EAS Form. The areas screened out from any further assessment include: Socioeconomic Conditions; Natural Resources; Water and Sewer Infrastructure; Solid Waste and Sanitation Services; Energy; Transportation; Air Quality (mobile sources); and Greenhouse Gas Emissions.

As described in **Attachment A, "Project Description",** the development on the Applicant-controlled Projected Development Site 1 would total approximately 178,475 gross square feet (gsf) of residential uses, 12,817 gsf of commercial uses, and 10,696 gsf of community facility uses. Projected Development Site 1 would include 205 dwelling units (DUs) (204 DUs would be affordable units and 1 would be a superintendent's unit). Projected Development Site 2 would total approximately 51,926 gsf of residential uses (18 affordable DUs and 43 market rate DUs) and 5,702 gsf of ground floor local retail uses.

II. SUPPLEMENTAL SCREENING AND SUMMARY OF DETAILED ANALYSES

Land Use, Zoning, & Public Policy

Following *CEQR Technical Manual* guidance, a preliminary assessment, which includes a basic description of existing and future land uses and zoning, should be provided for all projects that would affect land use or would change the zoning on a site, regardless of the project's anticipated effects. CEQR also requires a detailed assessment of land use conditions if a detailed assessment has been deemed appropriate for

other technical areas. Furthermore, if, as in the case of the Proposed Actions, there are public policies applicable to the project site and/or proposed project, then consistency assessments should be provided. Accordingly, an assessment of land use, zoning, and public policy is provided **in Attachment C, "Land Use, Zoning and Public Policy**." As discussed therein, the Proposed Actions would not result in any significant adverse land use, zoning, or public policy impacts.

Table B-1: Summary of CEQR Technical Areas Screening

***CEQR* TECHNICAL AREA**	**SCREENED OUT PER EAS FORM**	**SCREENED OUT PER SUPPLEMENTAL SCREENING**	**FURTHER ASSESSMENT REQUIRED**
Land Use, Zoning, & Public Policy			X
Socioeconomic Conditions	X		
Community Facilities and Services			X
Open Space			X
Shadows			X
Historic & Cultural Resources		X	
Urban Design & Visual Resources			X
Natural Resources	X		
Hazardous Materials		X	
Water and Sewer Infrastructure	X		
Solid Waste & Sanitation Services	X		
Energy	X		
Transportation - Traffic & Parking - Transit - Pedestrians	 X X X		
Air Quality - Mobile Sources - Stationary Sources	 X	 X	
Greenhouse Gas Emissions	X		
Noise			X
Public Health		X	
Neighborhood Character		X	
Construction		X	

Community Facilities

Potential direct or indirect effects of a proposed action can trigger the need for analysis of community facilities. Direct effects occur if a project would "physically alter a community facility, whether by displacement or other physical change." Indirect effects occur if a project would add population to an area, which may potentially affect service delivery. While no community facilities would be directly displaced by the Proposed Actions and subsequent development, the Proposed Actions would facilitate the incremental development of up to 84 residential units (loss of 83 market-rate units, addition of 167 affordable DUs) compared to No-Action conditions. The *CEQR Technical Manual* provides density thresholds, which are used to make an initial determination of whether detailed studies are necessary to determine potential indirect impacts. These density thresholds are summarized in **Table B-2**.

Table B-2: Preliminary Screening Analysis Criteria

Community Facility	Threshold for Detailed Analysis	Minimum Number of Residential Units in Bronx that Trigger Detailed Analyses
Public Elementary/ Intermediate Schools	50 or more elementary/intermediate school students	161 (in Bronx CSD 9)[1]
Public High Schools	150 or more high school students	1,154 (in Bronx)[1]
Libraries	More than five percent increase in ratio of residential units to libraries in the borough	682
Health Care Facilities (outpatient)	Introduction of sizeable new neighborhood	N/A
Child Care Centers (publicly funded)	More than 20 eligible children under age six based on number of low- to moderate-income units	141
Fire Protection	Introduction of sizeable new neighborhood	N/A
Police Protection	Introduction of sizeable new neighborhood	N/A

Source: *CEQR Technical Manual*

[1] Based on newly released student generation rates for Bronx CSD 9 (0.22 elementary school students per unit; 0.09 intermediate school students per unit; and 0.13 high school students per unit).

Public Schools

The Proposed Actions are not expected to generate more than 50 elementary and intermediate school students or 150 high school students, which are the *CEQR Technical Manual* thresholds for analysis, and therefore a detailed assessment of the potential impacts of the Proposed Actions on public schools is not warranted. The New York City (NYC) School Construction Authority (SCA) recently released new Projected Public School Ratios data as part of the documents used in drafting the NYC Department of Education (DOE)/SCA Fiscal Year (FY) 2020-2024 Capital Plan (September 2019). According to these data, multipliers for primary and intermediate schools have been refined to reflect how many pupils are generated by new housing at the community school district level based on the 2010 Decennial Census, housing completions from the NYC Department of Buildings (DOB), and administrative enrollment data from the DOE (multipliers for high schools have been maintained at the borough level).

Based on the newly released student generation rates for Bronx Community School District (CSD) 9 (0.22 elementary school students per unit; 0.09 intermediate school students per unit; and 0.13 high school students per unit), the 84 incremental DUs to be created as a result of the Proposed Actions are expected to generate 27 elementary and intermediate school students (19 elementary school students and 8 intermediate school students), and 11 high school students. As this number of students is less than the *CEQR Technical Manual* analysis thresholds, a detailed assessment of public schools is not warranted, and significant adverse impacts are not anticipated in this technical area.

Child Care Facilities

The *CEQR Technical Manual* requires a detailed analysis of publicly-funded child care centers when a proposed action would produce substantial numbers of subsidized, low- to moderate-income affordable housing units that may therefore generate a sufficient number of eligible children to affect the availability of slots at group child care facilities. Typically, a proposed action that generates 20 or more eligible children under age six requires further analysis. As shown in **Table B-2**, above, based on *CEQR Technical Manual* multipliers, 141 affordable housing units in Bronx would yield more than 20 children under age six eligible for publicly-funded child care.

As noted above, the reasonable worst case development scenario (RWCDS) for the Proposed Actions would facilitate an incremental increase of up to 167 affordable dwelling units, all of which are currently envisioned to be affordable to households earning up to 80 percent of area median income (AMI). As the number of housing units expected to be subsidized and targeted for incomes of 80 percent AMI or below (the affordable units considered in a CEQR child care analysis) is more than the *CEQR Technical Manual* analysis threshold of 141 units in the Bronx, the Proposed Actions would generate more than 20 children under age six eligible for publicly funded child care, and a detailed assessment is warranted and provided in **Attachment D, "Community Facilities"**.

As discussed in **Attachment D, "Community Facilities,"** the Proposed Actions would not result in any significant adverse impacts to publicly funded childcare facilities. Development as a result of the Proposed Actions would create demand for 24 new childcare seats. Under With-Action conditions, publicly funded childcare centers would operate at approximately 98.7 percent capacity. The incremental 24 seats generated by the Proposed Actions would constitute a 0.7 percent increase in utilization rate over No-Action conditions. As this increase would not be greater than five percent, the Proposed Actions would not result in a significant adverse impact on publicly funded child care facilities.

Libraries, Health Care Facilities, and Fire and Police Protection

The Proposed Actions would not result in the introduction of a sizeable new neighborhood and furthermore would not result in a more than five percent increase in the ratio of residential units to libraries in Bronx (i.e., would result in the development of fewer than 682 DU). Therefore, analyses of fire and police protection, health care facilities, and libraries are not warranted, and significant adverse impacts are not anticipated in these technical areas.

Open Space

An assessment of impacts on open space is warranted if an action would directly affect an open space, or if it would increase the population by more than 200 residents or 500 employees in areas that are considered to be neither well-served nor under-served by open space in the *CEQR Technical Manual*. As discussed in **Attachment A, "Project Description,"** development as a result of the Proposed Actions is expected to add 225 residents and 4 workers to the Project Area. Therefore, an analysis of open space is warranted and included in **Attachment E, "Open Space".**

As discussed in **Attachment E, "Open Space,"** no significant adverse impacts are expected on open space as a result of the Proposed Actions. The population introduced by new incremental development on the Projected Development Sites would result in a 0.5 percent decrease in the area's open space ratio, less than the CEQR impact threshold of five percent. In addition, the Proposed Actions would not result in any direct displacement or alteration of existing public open space in the study area.

Shadows

A shadows assessment considers Proposed Actions that result in new shadows long enough to reach a publicly accessible open space or historic resource (except within an hour and a half of sunrise or sunset). For Proposed Actions resulting in structures less than 50 feet high, a shadow assessment is generally not necessary unless the site is adjacent to a park, historic resource, or important natural feature (if the features that make the structure significant depend on sunlight). According to the *CEQR Technical Manual*,

some open spaces contain facilities that are not sunlight-sensitive, and do not require a shadow analysis including paved areas (such as handball or basketball courts) and areas without vegetation. As the proposed C4-4D (MIH) district permits a maximum building height of 145 feet with a qualifying ground floor, for conservative analysis purposes, the EAS assumes a RWCDS building height of 145 feet (185 feet with mechanical bulkhead) for the Tier I and Tier II Screening for Projected Development Site 1 and 2.

Tier I and II Screening Assessment

According to the *CEQR Technical Manual*, the longest shadow a structure will cast in New York City – except for periods close to dawn or dusk – is 4.3 times its height and occurs on December 21 (the winter solstice). Therefore, the maximum shadow that could be cast by the RWCDS With-Action buildings (Projected Development Site 1 and 2), with a maximum building height of approximately 145 feet, and assuming a 40-foot mechanical bulkhead (185 feet total), would be approximately 796 feet in length.

The *CEQR Technical Manual* defines sunlight-sensitive resources of concern as those resources that depend on sunlight, or for which direct sunlight is necessary to maintain the resource's usability or architectural integrity. Sunlight-sensitive resources of concern include:

- *Public open space.* (e.g., parks, playgrounds, plazas, schoolyards, greenways, and landscaped medians with seating). Planted areas within unused portions or roadbeds that are part of the Greenstreets program are also considered sunlight-sensitive resources. The use of vegetation in an open space establishes its sensitivity to shadows. The sensitivity is assessed for both (1) warm-weather dependent features, like wading pools and sandboxes, or vegetation that could be affected by loss of sunlight during the growing season (i.e., March through October); and (2) features, such as benches, that could be affected by a loss of winter sunlight. Uses that rely on sunlight include: passive use, such as sitting or sunning; active use, such as playfields or paved courts; and such as activities as gardening, or children's wading pools and sprinklers. Where lawns are actively used, the turf requires extensive sunlight. Vegetation requiring direct sunlight includes the tree canopy, flowering plants, and plots in community gardens. Generally, four to six hours a day of sunlight, particularly in the growing season, is a minimum requirement.

- *Features of historic architectural resources that depend on sunlight for their enjoyment by the public.* Only the sunlight-sensitive features are considered, as opposed to the entire architectural resource. Sunlight-sensitive features include the following: design elements that are part of a recognized architectural style that depends on the contrast between light and dark (e.g., deep recesses or voids, such as open galleries, arcades, recessed balconies, deep window reveals, and prominent rustication); elaborate, highly carved ornamentation; stained glass windows; exterior building materials and color that depend on direct sunlight for visual character (e.g., the polychrome [multicolored] features found on Victorian Gothic Revival or Art Deco facades); historic landscapes, such as scenic landmarks, including vegetation recognized as an historic feature of a landscape; and structural features for which the effect of direct sunlight is described as playing a significant role in the structure's importance as a historic landmark.

- *Natural resources where the introduction of shadows could alter the resource's condition or microclimate.* Such resources could include surface water bodies, wetland resources,

upland resources, and significant, sensitive, or designated resources, such as coastal fish and wildlife habitats.

Within the longest shadow study area, there are several historic architectural resources. These resources include: structures within the State/National Registers of Historic Places (S/NR)-listed 48th Precinct Police Station; the S/NR-eligible P.S. 58; the S/NR-eligible New York Public Library, Tremont Branch; and the S/NR-eligible and the New York City Landmarks Preservation Commission (LPC)-designated Firehouse, Engine Company 46/Ladder Co. 17. However, it was determined that these historic resources do not contain any sunlight-sensitive features or rely on sunlight for their historic significance, and therefore, no further analysis of these historic architectural resources is warranted (see LPC letter dated March 3rd, 2021 in **Appendix 1**).

There are three sunlight-sensitive resources (El Batey de Doña Provi Garden, Tremont Community Garden and Walter Gladwin Park) that warrant further assessment. As such, a detailed analysis of shadows is warranted and included in **Attachment F, "Shadows."**

As discussed in greater detail in **Attachment F, "Shadows,"** the Proposed Actions and associated 145-foot tall (185 feet including mechanical bulkhead) building in the RWCDS would not result in any significant adverse shadows impacts to the nearby open space resources.

Project-generated shadows would reach El Batey de Doña Provi Garden and Walter Gladwin Park on various analysis days. As discussed in **Attachment F**, these project-generated shadows would not result in any incremental shadows on the open space resource. Therefore, the Proposed Actions and associated RWCDS would not have significant adverse effects on any vegetation or adversely affect the usability/enjoyment of any sunlight-sensitive resources.

Historic and Cultural Resources

Historic resources are defined as districts, buildings, structures, sites and objects of historical, aesthetic, cultural, and archaeological importance. This includes properties that have been designated or are under consideration as New York City Landmarks (NYCLs) or Scenic Landmarks or are eligible for such designation; properties within New York City Historic Districts; properties listed or formally determined eligible for the State and/or National Register of Historic Places (S/NR); and National Historic Landmarks. According to the *CEQR Technical Manual* guidelines, a study area defined by a radius of 400 feet from the boundaries of the project site is typically adequate to assess potential impacts on historic/architectural resources.

Proposed Development

As detailed in **Attachment A, "Project Description,"** the Proposed Actions would facilitate the development of Projected Development Site 1, a 14-story, 140-foot tall mixed-use development, and Projected Development Site 2, a 9-story, 91-foot and 6-inch tall mixed-use development. However, as noted above, Sites 1 and 2 are analyzed as 145-foot tall buildings for conservative analysis purposes in the EAS. Through research and consultation with LPC (see LPC Environmental Review letter dated October 10th, 2020 in **Appendix 1**), one architectural resource that is S/NR-listed was found. As shown in **Table B-3**, the historic resource is the 48th Precinct Police Station, located at 1925 Bathgate Avenue.

Table B-3: Study Area Historic Resources

Name or Address	Block: Lot(s)	Designation Status	Location
48th Precinct Police Station; 1925 Bathgate Ave	3043: 30	S/NR-Listed	51'W of Project Area

The Projected Development Sites would be built at heights and with massings consistent with other existing buildings in the surrounding neighborhood. As such, there would be no impact to visual resources, as the Proposed Project would not substantially affect the visual context of the historic resource within 400 feet of the project site.

As discussed below, during the construction phase any historic structures within 90 feet of the Projected Development Sites would be protected by ensuring adherence to all applicable construction guidelines and the requirements laid out in TPPN #10/88 (refer to the "Construction" section below for further details). Therefore, the Projected Developments would not be expected to cause any significant adverse construction-related impacts to historic resources. LPC also determined that the Projected Development Sites are not archaeologically significant. Accordingly, the Proposed Actions do not have the potential to result in significant adverse historic and cultural resources impacts and no further assessment is warranted.

Urban Design

In an urban design assessment pursuant to the *CEQR Technical Manual*, one considers whether and how a project may change the experience of a pedestrian in the study area. The assessment focuses on the components of a project that may have the potential to alter the arrangement, appearance, and functionality of the built environment, as experienced by pedestrians in the study area. The components considered include building bulk, use, and type; building arrangement; block form and street pattern; streetscape elements; street hierarchy; and natural features.

The Proposed Actions would result in physical changes to the Projected Development Sites beyond the bulk and form currently permitted as-of-right. These proposed changes could affect a pedestrian's experience of public space, requiring an urban design assessment. Therefore, an assessment of urban design and visual resources is provided in the **Attachment G**. As discussed therein, the Proposed Actions would not result in any significant adverse urban design and visual resources impacts.

Hazardous Materials

As defined in the *CEQR Technical Manual*, a hazardous material is any substance that poses a threat to human health or the environment. Substances that can be of concern include, but are not limited to, heavy metals, volatile and semi-volatile organic compounds, methane, polychlorinated biphenyls and hazardous wastes (defined as substances that are chemically reactive, ignitable, corrosive, or toxic). According to the *CEQR Technical Manual*, the potential for significant adverse impacts from hazardous materials can occur when: (a) hazardous materials exist on a site, and (b) an action would increase pathways to their exposure; or (c) an action would introduce new activities or processes using hazardous materials.

ALC Environmental completed a Phase I Environmental Site Assessment for the Applicant-controlled Projected Development Site 1 (Block 3043, Lots 46, 72, 77 and 8) dated May 8, 2019. The purpose of a Phase I ESA is to identify any evidence of past or present releases of hazardous substances or petroleum products into the ground, groundwater, surface water, or structures of the subject properties and is accomplished through the use of a visual site assessment, historical research, and regulatory agency records and database checks.

Site History

Projected Development Site 1 is located at 521 East Tremont Avenue in The Bronx (Block 3043, Lots 46, 72, 77, and 80). Lot 46 was previously improved with a 3-story residential building constructed prior to 1915. The building was demolished between 2012 and 2013. In 2015, the site was constructed as an open parking lot, and this use remains today. Lot 72 was previously improved and occupied by retail and commercial uses from 1927 to 1980, including a dry-cleaning facility. Currently, the site is occupied by a parking lot used in conjunction with a neighboring auto body shop. Lot 77 has been historically occupied by retail and office uses, including a printing facility from 1915 to 1927. The three-story building located on the southern half of Lot 77 was redeveloped in 1915. The northern portion of the lot was vacant from 1979 to 1981 and was converted into the existing parking lot. Lot 80 was previously occupied by retail uses and redeveloped in 1988 to the existing building.

2019 Phase I ESA

A Phase I ESA is intended to define the historical uses of the Subject Property and identify any potential Recognized Environmental Conditions (RECs) that could warrant further consideration, in accordance with ASTM International Standard Practice E1527-13 (Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process). The 2019 Phase I report identified one recognized environmental conditions ("REC") in connection with Projected Development Site 1.

Recognized Environmental Conditions

- Historical Subject Property Usage

Due to previous uses, such as a printing facility on Lot 77, it is likely that hazardous wastes associate with the associated printing facility were improperly disposed of and therefore the historic use of the property constitutes a REC. Lot 72 was previously occupied by a dry cleaning facility between at least 1961 and 1980. Due to the lack of hazardous waste regulations prior to the 1970's, the historic use of the property constitutes a REC.

Recommendations

The Phase I ESA recommended conducting a limited soil vapor survey on Lot 72, decommissioning an aboveground fuel oil storage tank on Lot 77, identifying asbestos containing insulation, and asbestos testing and microbial growth be removed/remediated on the 521 East Tremont Avenue existing building.

Given the Phase I ESA identified one REC, a site specific Phase II ESI Work Plan is warranted. AKRF, Inc. completed a Subsurface (Phase II) Investigation Report for the Applicant-controlled Projected Development Site 1 (Block 3043, Lots 46, 72, 77 and 80) dated August 2019. The purpose of the Subsurface (Phase II) Investigation was to determine whether past uses on- or off-site have adversely

affected the Site's subsurface. The scope of the investigation was based on the findings of the Phase I Environmental Site Assessment (ESA) prepared by ALC Environmental, dated May 2019.

2019 Phase II ESA

A Phase II ESA is intended to determine whether past uses on- or off-site have adversely affected the site subsurface. As discussed in **Appendix 2**, the Phase II report identified contaminants in the soil, groundwater, and soil vapor. Soil samples detected volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), pesticides, PCBs, and metals. Only VOCs and metals were detected in groundwater. Soil vapor detected only VOCs.

Recommendations

Based on the findings of the Subsurface (Phase II) Investigation, the Phase II recommended the following:

- An application to enter the New York State Department of Environmental Conservation (NYS DEC) Brownfield Cleanup Program (BCP) be prepared and submitted;
- Excavated soil and any debris should be handled and disposed of in accordance with a NYSDEC-approved Remedial Action Work Plan (RAWP) or a New York City Department of Environmental Protection (NYCDEP)-approved Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP) and applicable regulatory requirements;
- Soil and fill materials excavated as part of site development activities should be properly handled, managed, and disposed of in accordance with applicable regulations;
- An asbestos survey of the areas to be disturbed should be conducted and any asbestos-containing materials (ACM) should be removed and disposed of in accordance with applicable regulations;
- Any activities with the potential to disturb lead-based paint surfaces must be performed in accordance with applicable requirements, and;
- Any unexpectedly encountered underground storage tanks (USTs) or buried former aboveground storage tanks (ASTs), should be properly closed and removed, along with any contaminated soil.

BCP

Consistent with the Phase II recommendation, the applicant intends to enroll in the BCP and expects to begin working on the Brownfield Cleanup Agreement with DEC following certification of the application. It is expected that the agreement will be in place by the end of 2022.

Proposed (E) Designations

To ensure that site investigation, remediation, and implementation of a CHASP occurs irrespective of the BCP enrollment, an institutional control in the form of an (E) designation would be assigned to Projected Development Sites 1 (Block 3043, Lots 46, 72, 77 and 80) and 2 (Block 3043, Lot 43 and 84), which are not currently subject to (E) designations for hazardous materials. Assigning an (E) designation to these sites precludes the potential for significant adverse hazardous materials impacts.

The hazardous materials (E) designation is an institutional control that can be placed on a site as a result of the CEQR review of a zoning map or zoning text amendment or action pursuant to the Zoning Resolution. It provides a mechanism to ensure that testing for and mitigation and/or remediation of

hazardous materials, if necessary, are completed prior to, or as part of, future development of an affected site, thereby eliminating the potential for hazardous materials impacts. The New York City Office of Environmental Remediation (OER) would provide the regulatory oversight of the environmental investigation and remediation during any development process. Building permits would not be issued for the development by the New York City Department of Buildings (DOB) without prior OER approval of the investigation and/or remediation pursuant to the provisions of Section 11-15 of the Zoning Resolution of the City of New York (Environmental Requirements). The DOB will typically issue the foundation permits when OER approves the remedial action work plan – the actual remediation is usually done concurrently with the construction. Engineering controls may also be incorporated into the development to eliminate exposure risks for future occupants.

Should Project Development Site 1 be enrolled in the NYSDEC Brownfield Cleanup Program, it also would be subject to the requirements of that program in coordination with the (E) designation.

These requirements related to hazardous materials would apply to:

Projected Development Site 1:
Block 3043, Lots 46, 72, 77 and 80

Projected Development Site 2:
Block 3043, Lot 43 and 84

The (E) designation, E-687, text related to hazardous materials is 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.

Summary

With the applicant's intention to enroll its site into the BCP and additionally with the requirements of the (E) designation to be assigned to these sites, which will provide an institutional mechanism ensuring that site investigation, remediation, and implementation of a CHASP occurs irrespective of the BCP enrollment, there would be no impact from the potential presence of contaminated materials. The implementation of the preventative and remedial measures outlined in the (E) designation would preclude the potential for significant adverse hazardous materials impacts from proposed action. Therefore, no further analysis is required at this time.

Air Quality

According to the guidelines provided in the *CEQR Technical Manual*, air quality analyses are conducted in order to assess the effect of an action on ambient air quality (i.e., the quality of the surrounding air), or effects on the project because of ambient air quality. Air quality can be affected by "mobile sources," pollutants produced by motor vehicles, and by pollutants produced by fixed facilities, i.e., "stationary sources." As per the *CEQR Technical Manual*, an air quality assessment should be carried out for actions that can result in either significant adverse mobile source or stationary source air quality impacts. Per the EAS Form, further analysis of air quality mobile sources has been screened out in accordance with *CEQR Technical Manual* assessment screening thresholds. The Project Area is not located within 200 feet from any atypical roadway or large parking facility. The Proposed Actions would not exceed the threshold of an increment of 85 off-street parking spaces nor would it be expected to generate incremental peak hour auto traffic that would exceed the CEQR threshold criterion for CO and PM2.5.

Heating and Hot Water Systems

Existing (E) Designations

In order to preclude the potential for significant adverse impacts related to air quality due to development on the project site, as part of the 2010 Third Avenue/Tremont Avenue Rezoning, (E) designations for air quality were recorded for the Projected Development Sites. The purpose of the (E) designation is to ensure that new construction, expansions, or changes of use on the developments sites would not result in any significant adverse impacts related to air quality. This (E) designation requirement is in effect with or without the Proposed Actions.

As determined in the 2010 *Third Avenue/Tremont Avenue Rezoning (CEQR no. 10DCP043X)*, an E-designation (E-255) for air quality was placed on a portion of Projected Development Site 1. Portions of Projected Development 1 (Block 3043, Lots 46, 72, 77, and 80) were considered "Projected Development Site 22 (Block 3043, Lot 72)" and "Potential Development Site 137 (Block 3043, Lots 77 and 80)." Projected Development Site 2 (Block 3043, Lots 43 and 84) was considered "Potential Development Site 136" in the 2010 Rezoning.

The (E) designation text related to air quality for Block 3043, Lot 72 is as follows:

> Any new residential and/or commercial development on the above-reference properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 15 feet for oil No. 4/2 from the lot line facing East Tremont Avenue for fuel oil or use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

The (E) designation text related to air quality for Block 3043, Lots 77 and 80 is as follows:

> Any new residential and/or commercial development on the above-reference properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 24 feet for oil No. 4/2 from the lot line facing Bathgate Avenue for fuel oil or use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

The (E) designation text related to air quality for Block 3043, Lots 43 and 84 is as follows:

> Any new residential and/or commercial development on the above-reference properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 16 feet for oil No. 4/2 from the lot line facing Third Avenue and East Tremont Avenue for fuel oil or use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Proposed Action

As the characteristics of buildings generated on Projected Development Sites 1 and 2 would be different under With-Action conditions from those under existing conditions, screening analyses were conducted to determine if updated (E) designations would be warranted in connection with the Proposed Action.

Projected Development Site 1

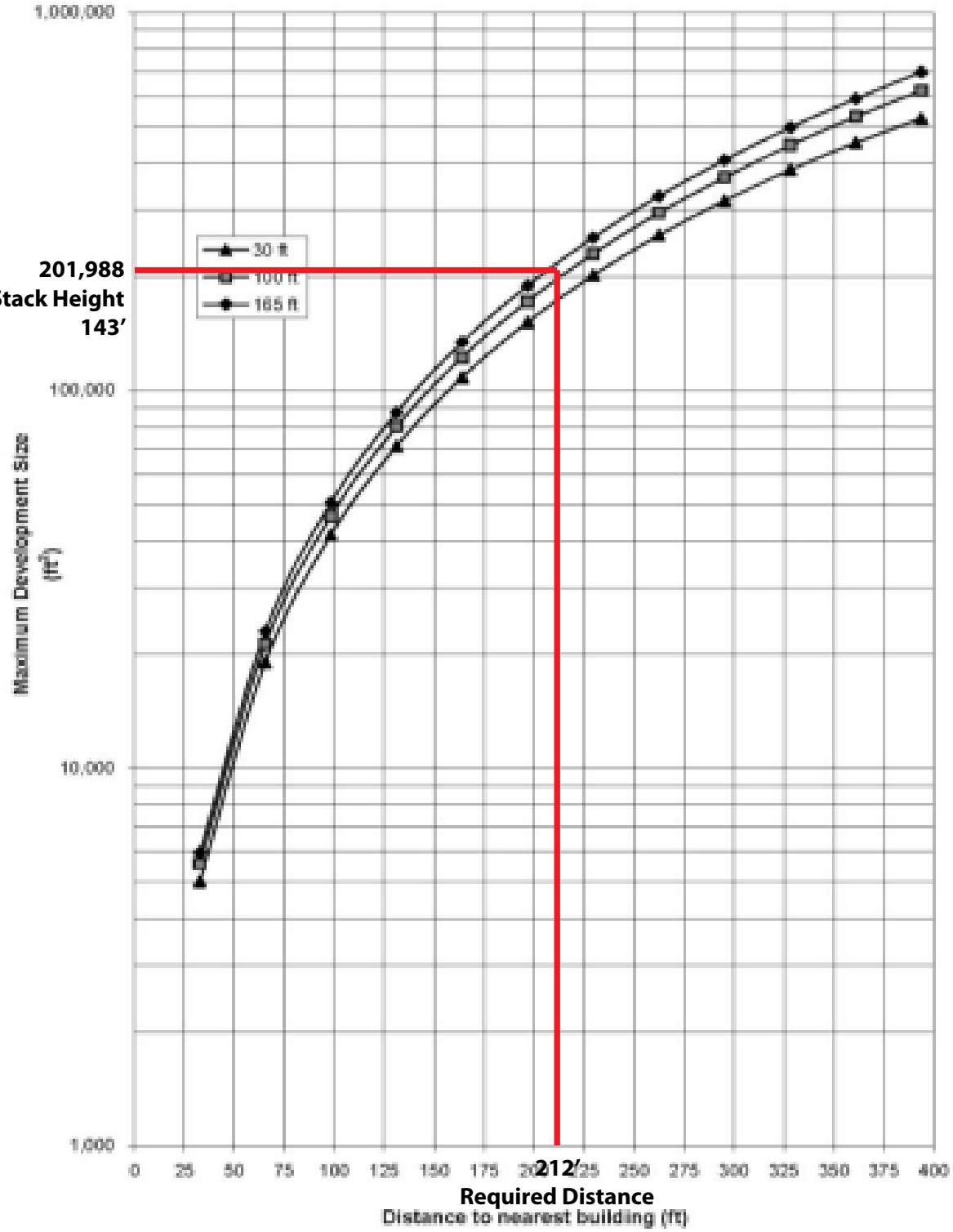
In accordance with CEQR guidance, a boiler emissions screening analysis was conducted for Projected Development Site 1.

For screening analysis purposes, it is assumed that the 201,988-gsf proposed project would include heat and hot water provided by fuel-powered boiler(s). The flue, which would vent emissions from the boiler(s), would be located on the top tier of the new building, i.e., the 140-foot tall roof height. In compliance with NYC Building Code requirements for flue location and per *CEQR Technical Manual* guidance, the flue would be located at least 3 feet above the roof height at a height of 143 feet.

As shown in **Figure B-1**, (which annotates *CEQR Technical Manual* Figure 17-3 with relevant data for the proposed project), based on Projected Development Site 1's square footage and estimated stack height, the minimum required distance (lateral feet) between the site and a building with habitable floors of similar or greater height would be approximately 215 feet.

As part of the screening analysis, the closest building with habitable floors of similar or greater height to the proposed project's emissions stack must be identified. If no buildings of similar or greater height are

Figure B-1
Projected Development Site 1



located within 400 lateral feet of the stack height/location, then the *CEQR Technical Manual* advises that a closest building distance of 400 feet should be used.

No existing buildings or buildings expected by 2025 of similar or greater height were identified within 400 feet of the project site. Therefore, Projected Development Site 1 would pass the screening analysis, as the minimum required distance to a building with habitable floors of similar or greater height is 215 and there are no such buildings within 400 feet of Projected Development Site 1.

Proposed (E) Designation for Projected Development Site 1

Based on the results of this assessment, the existing (E) designations applicable to Projected Development Site 1 would be updated as follows:

> Block 3043, Lots 46, 72, 77, and 80 (Projected Development Site 1): Any new residential, community facility, and/or commercial development on the above-reference properties must ensure that the HVAC systems and hot water equipment stack(s) are located at the highest tier, a minimum height of at least 143 feet above grade, to avoid any potential significant adverse air quality impacts.

Projected Development Site 2

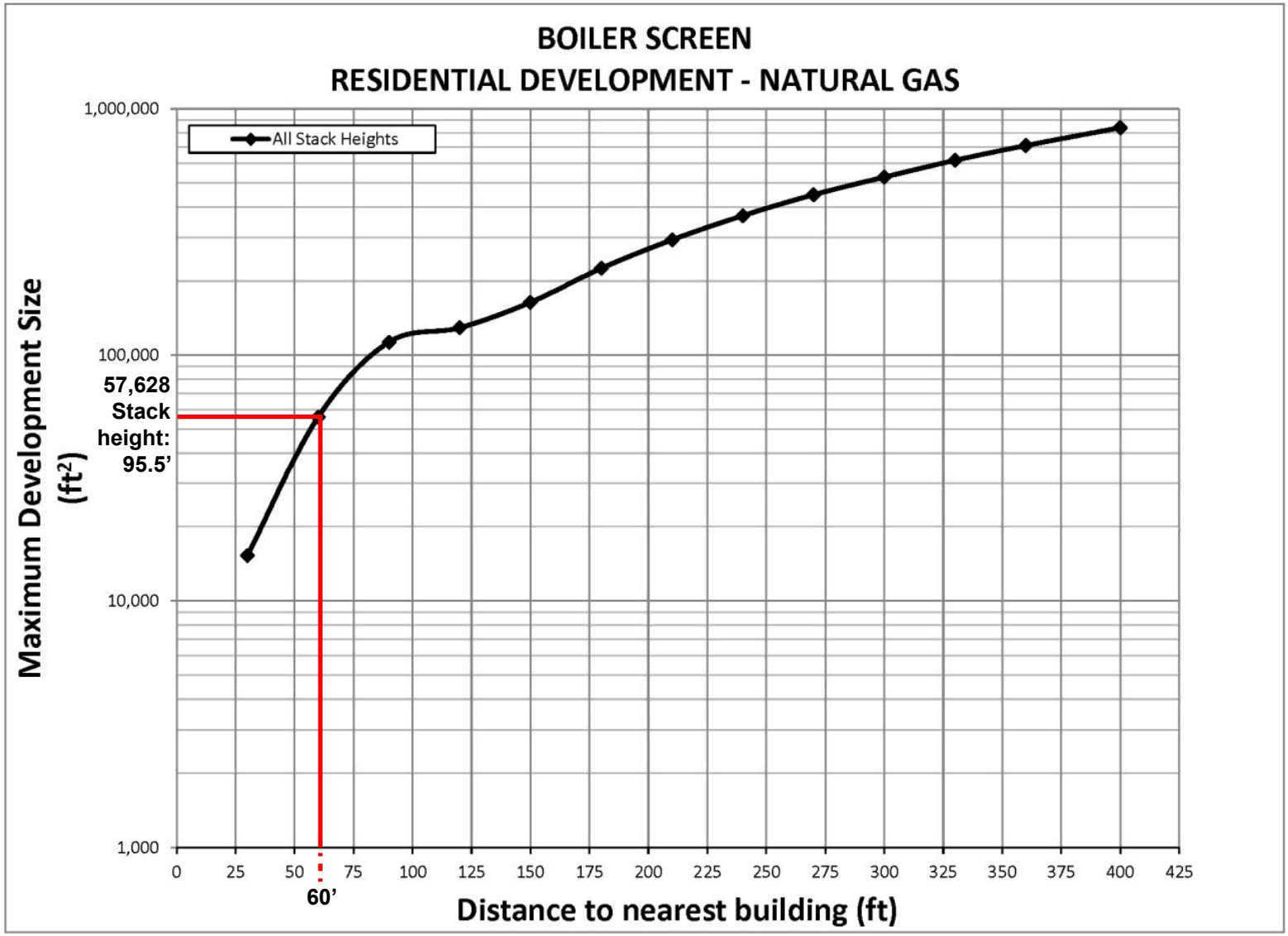
In accordance with CEQR guidance, a boiler emissions screening analysis was conducted for Projected Development Site 2.

For screening analysis purposes, it is assumed that the 57,628-gsf projected development would include heat and hot water provided by natural gas-powered boiler(s). The flue, which would vent emissions from the boiler(s), would be located on the top tier of the new building, i.e., the 92.5-foot tall roof height. In compliance with NYC Building Code requirements for flue location and per *CEQR Technical Manual* guidance, the flue would be located at least 3 feet above the roof height at a height of 95.5 feet.

As shown in **Figure B-2**, (which annotates *CEQR Technical Manual* Figure 17-7 with relevant data for the proposed project), based on Projected Development Site 2's square footage and estimated stack height, the minimum required distance (lateral feet) between the site and a building with habitable floors of similar or greater height would be approximately 60 feet.

Within 60 feet of Projected Development Site 2, the only site with an existing building or building expected by 2025 of similar or greater height with habitable floors to Projected Development Site 2 is the proposed building on Projected Development Site 1. Achieving a minimum stack distance of 60 feet from Projected Development Site 2 to the adjoining, side lot lint of Projected Development Site 1 can be achieved by placing the stack at least 60 feet west of the side lot on the east side of Projected Development Site 2, which measures 79.9 feet along its southern frontage. With such a restriction on stack location recorded in an (E), Projected Development Site 2 would pass the screening analysis.

Projected Development Site 2



Proposed (E) Designation for Projected Development Site 2

Based on the results of this assessment, the existing (E) designation applicable to Projected Development Site 2 would be updated as follows:

> Block 3043, Lots 43 and 84 (Projected Development Site 2): Any new residential and/or commercial development on the above-reference properties must exclusively use natural gas as the type of fuel for HVAC systems and hot water boiler, and ensure that the heating, ventilating and air conditioning stack(s) are located at least 60 feet from the eastern lot line of Lot 84 facing Third Avenue and from the northern lot line facing 178th Street, to avoid any potential significant adverse air quality impacts.

With these updated (E) designations in place, the proposed action would not result in any significant adverse air quality impacts related to building HVAC systems.

Industrial Sources

To assess air quality impacts on the Proposed Project associated with emission from nearby industrial sources, an investigation of industrial sources was conducted. Initially, land use maps were reviewed to identify potential sources of emissions from manufacturing/industrial or transportation/utility operations. A detailed land use map determined there are no sources of emissions that contain manufacturing or other industrial uses within 400 feet or major sources of emissions within 1,000 feet of the Proposed Development Sites. As the Proposed Project is not located near major industrial emissions, the Proposed Project would not result in any significant adverse air quality impacts related to industrial sources.

Noise

The Proposed Actions would generate or reroute vehicular traffic and introduce new or additional noise receptors near heavily trafficked roadways. Accordingly, a detailed noise analysis is required to identify the noise attenuation necessary to provide acceptable interior noise levels for the proposed project. This analysis is provided in **Attachment H**. Based on the analysis, window/wall attenuation requirements have been identified for the Proposed Project. With the implementation of these measures, which will be required pursuant to an (E) Designation, no significant adverse noise impacts would occur as a result of the Proposed Actions.

Public Health

The *CEQR Technical Manual* indicates that for most proposed projects, a detailed public health analysis is not necessary. Where no significant unmitigated adverse impact is found in other *CEQR* analysis areas, such as hazardous materials, air quality, or noise, no public health analysis is warranted. If, however, an unmitigated significant adverse impact is identified in other *CEQR* analysis areas, such as hazardous materials, air quality, or noise, the lead agency may determine that a public health assessment is warranted for that specific technical area.

Per the analyses provided in this EAS, although the Proposed Actions required supplemental screening analyses of hazardous materials and air quality, and detailed analysis of noise, there would be no project-generated significant adverse impacts. Accordingly, no significant adverse public health impacts would occur and no further assessment is required.

Neighborhood Character

As the EAS is providing detailed analyses of Land Use, Zoning, and Public Policy; Urban Design and Visual Resources; and Noise (**Attachments C, G , and H** respectively), a preliminary screening analysis is necessary to determine if a detailed neighborhood character analysis is warranted.

Neighborhood character is an amalgam of various elements that give neighborhoods their distinct "personality." According to the *CEQR Technical Manual*, a preliminary assessment may be appropriate if a project has the potential to result in any significant adverse impacts on any of the following technical areas: land use, zoning, and public policy; socioeconomic conditions; open space; historic and cultural resources; urban design and visual resources; shadows; transportation; or noise. Per the analyses provided in this EAS, although the Proposed Actions required supplemental screening or analyses in five of these technical areas, there would be no project-generated significant adverse impacts related to these (or any other) technical areas.

The *CEQR Technical Manual* also states that for projects not resulting in significant adverse impacts to any technical areas related to neighborhood character, additional analyses may be required to determine if the Proposed Actions would result in a combination of moderate effects to several elements that cumulatively may affect neighborhood character. However, the *CEQR Technical Manual* indicates that neighborhood character impacts are rare and it would be unusual that, in the absence of a significant adverse impact in any of the relevant technical areas, a combination of moderate effects in the neighborhood would result in any significant adverse impact to neighborhood character.

As the Proposed Actions would not be considered to have any moderate effects on any of the technical areas relating to neighborhood character, a neighborhood character assessment can be screened out, and no significant adverse neighborhood character impacts would occur. Therefore, no additional analysis is warranted for neighborhood character.

Construction

Construction impacts, although temporary, can include disruptive and noticeable effects of a project. Determination of their significance and need for mitigation is generally based on the duration and magnitude of the impacts. Construction impacts are usually important when construction activity could affect traffic conditions, archaeological resources, and the integrity of historic resources, community noise patterns, and air quality conditions. Based on *CEQR Technical Manual* guidance, where the duration of construction is expected to be short-term (two years or less), any impacts resulting from construction generally do not require detailed assessment. It is expected that the Proposed Project (Projected Development Site 1) would be constructed over an approximately 18- to 21-month period following approval, with completion and occupancy expected to occur in 2024. An approximate timeline is as follows: March 2023 – 18-21 months of construction begins on Projected Development Site 1; September 2023 – 18-21 months of construction begins on Projected Development Site 2; and by March 2025 - construction complete at both projected development sites. Since the duration of construction is expected to be short-term (two years or less) for the projected development sites, any impacts resulting from construction generally do not require detailed assessment.

Although temporary, construction impacts can include noticeable and disruptive effects from actions that are associated with construction or could induce construction. Determination of the significance of

construction impacts and need for mitigation is generally based on the duration and magnitude of the impacts. Construction impacts are usually important when construction activity could affect traffic conditions, archaeological resources, the integrity of historic resources, community noise patterns, and air quality conditions.

The Proposed Actions would result in temporary disruptions including construction related traffic, dust, noise, or mobile source emissions. However, these effects would be temporary, as the duration of construction activities for the proposed development are not expected to exceed 24 months and construction activity would be limited to the hours of 7:00 AM to 5:00 PM on weekdays, although some workers would arrive and begin to prepare work areas before 7:00 AM. Occasionally, a Saturday or overtime hours could be required to complete time-sensitive tasks. Weekend work requires a permit from DOB and, in certain instances, approval of a noise mitigation plan from DEP under the New York City Noise Code.

Construction staging would primarily occur on the Development Sites, and construction is not expected to adversely affect surrounding land uses. As required by City regulations, sidewalk protection bridges and full height plywood barriers would be installed to protect the public right of way. Periodic lane and sidewalk closures likely would be required to facilitate material delivery, construction debris removal, and related activities. Standard practices would be followed to ensure safe pedestrian and vehicular access to nearby buildings and along affected streets and sidewalks.

During construction, access to all adjacent buildings, residences, and other uses would be maintained according to the regulations established by DOB. Noise associated with construction would be limited to typical construction activities and would be subject to compliance with the New York City Noise Code and the United States Environmental Protection Agency (EPA) noise emission standards for construction equipment. These controls and the temporary nature of construction activity would assure that there would be no significant adverse noise impacts associated with construction activity.

The New York City Building Code provides some measures of protection for all properties against accidental damage from adjacent construction by requiring that all buildings, lots, and service facilities adjacent to foundation and earthwork areas be protected and supported. As the Projected Development Sites are located across the street from the 48th Precinct Police Station, an S/NR-listed building, additional protective measures apply to S/NR-listed historic buildings located within 90 linear feet of a proposed construction site. For these structures, the NYCDOB's Technical Policy and Procedure Notice (TPPN) #10/88 applies. TPP #10/88 supplements the standard building protections afforded by the Building Code by requiring, among other things, a monitoring program to reduce the likelihood of construction damage to adjacent S/NR-listed resources (within 90 feet) and to detect at an early stage the beginnings of damage so that construction procedures can be changed.

Adjacent historic resources, as defined in the procedure notice, only include designated New York City Landmarks (NYCLs), properties within NYCL historic districts, and listed S/NR properties that are within 90 feet of a lot under development or alteration. They do not include S/NR-eligible, NYCL-eligible, potential, or unidentified architectural resources. Effects on any designated historic resources during construction would be minimized and the historic structures would be protected, by ensuring that adjacent development projected because of the Proposed Actions adheres to all applicable construction guidelines

and follows the requirements laid out in TPPN #10/88. Therefore, the Proposed Project would not be expected to cause any significant adverse construction-related impacts to historic resources.

While construction of the Proposed Project would result in temporary disruption in the surrounding area, including noise, dust, traffic associated with the delivery of materials, and arrival of workers on the Projected Development Sites, the incremental effects of the Proposed Project, if any, would be negligible. Therefore, no impacts from construction are expected under the Proposed Actions.

ATTACHMENT C
LAND USE, ZONING, AND PUBLIC POLICY

I. INTRODUCTION

Under 2021 *CEQR Technical Manual* guidance, a land use analysis evaluates the uses and development trends in the area that may be affected by a proposed action(s), and determines whether the action(s) would be compatible with those conditions or potentially adversely affect them. Similarly, the analysis considers the proposed action's compliance with, and effect on, the area's zoning and other applicable public policies.

As discussed in **Attachment A, "Project Description,"** the Proposed Actions involve zoning changes that would affect the southern portion of Block 3403 with frontages along Bathgate, East Tremont, and Third Avenues in the Tremont neighborhood of Bronx Community District (CD) 6. The Proposed Actions would facilitate the development of residential, commercial and community facility uses on Lots 46-48, 50 (part), 67 (part), 72, 77, and 80 ("Projected Development Site 1") and residential and retail uses on Lots 43 and 84 ("Projected Development Site 2"). The Applicant-owned Projected Development Site 1 would be a 140-foot tall building, include 204 affordable dwelling units (DUs), 12,817 gsf of commercial space, and 10,696 gsf of community facility space. The non-applicant-owned Projected Development Site 2 would contain 61 DUs (18 affordable and 43 market rate) and 5,702 gsf of ground floor local retail. Accessory parking for 14 cars would also be provided on grade. The Proposed Project is expected to be completed and operational in 2024 or early 2025 and the analysis year of 2025 accounts for time for development on the non-applicant owned site to occur. Absent the Proposed Actions, Projected Development Site 1 would be redeveloped as-of-right while Projected Development Site 2 would retain existing conditions.

According to the *CEQR Technical Manual*, a land use and zoning analysis is warranted for actions facilitating a change in land use or zoning. As the Proposed Actions involve zoning map and text amendments, an analysis of land use and zoning is warranted. Furthermore, the *CEQR Technical Manual* recommends that if a preliminary assessment cannot succinctly describe land use conditions in the study area, or if a detailed assessment is required in the technical analyses of socioeconomic conditions, neighborhood character, transportation, air quality, noise, infrastructure, or hazardous materials, a detailed land use assessment is appropriate. As such, a detailed land use and zoning assessment, which includes a preliminary assessment of public policy, is warranted for the Proposed Actions.

II. METHODOLOGY

The purpose of this attachment is to examine the effects of the Proposed Actions and determine whether they would result in any significant adverse impacts on land use, zoning, or public policy. The analysis methodology is based on the guidance of the *CEQR Technical Manual* and examines the Proposed Actions' consistency with land use patterns and development trends, zoning regulations, and other applicable public policies.

This attachment includes a description of existing land uses and zoning within the directly affected area and the broader study area. Following the guidance of the *CEQR Technical Manual*, the analysis describes existing and anticipated future conditions to a level necessary to understand the relationship of the Proposed Actions to such conditions, assesses the nature of any changes on these conditions that would be created by the Proposed Actions, and identifies those changes, if any, that could be significant or adverse.

Existing land uses were identified through review of a combination of sources including field surveys and secondary sources, as well as the City's Primary Land Use Tax Lot Output (PLUTO™) data files for 2021 and websites, such as New York City's Zoning and Land Use Map (ZoLa, https://zola.planning.nyc.gov) and NYCityMap (http://gis.nyc.gov/doitt/nycitymap/). New York City Zoning Maps and the Zoning Resolution (ZR) of the City of New York were consulted to describe existing zoning districts and provided the basis for the zoning evaluation of the future No-Action and future With-Action conditions. Relevant public documents including documents recognized by the New York City Department of City Planning (DCP) and other City agencies were utilized to describe existing public policies pertaining to the study areas.

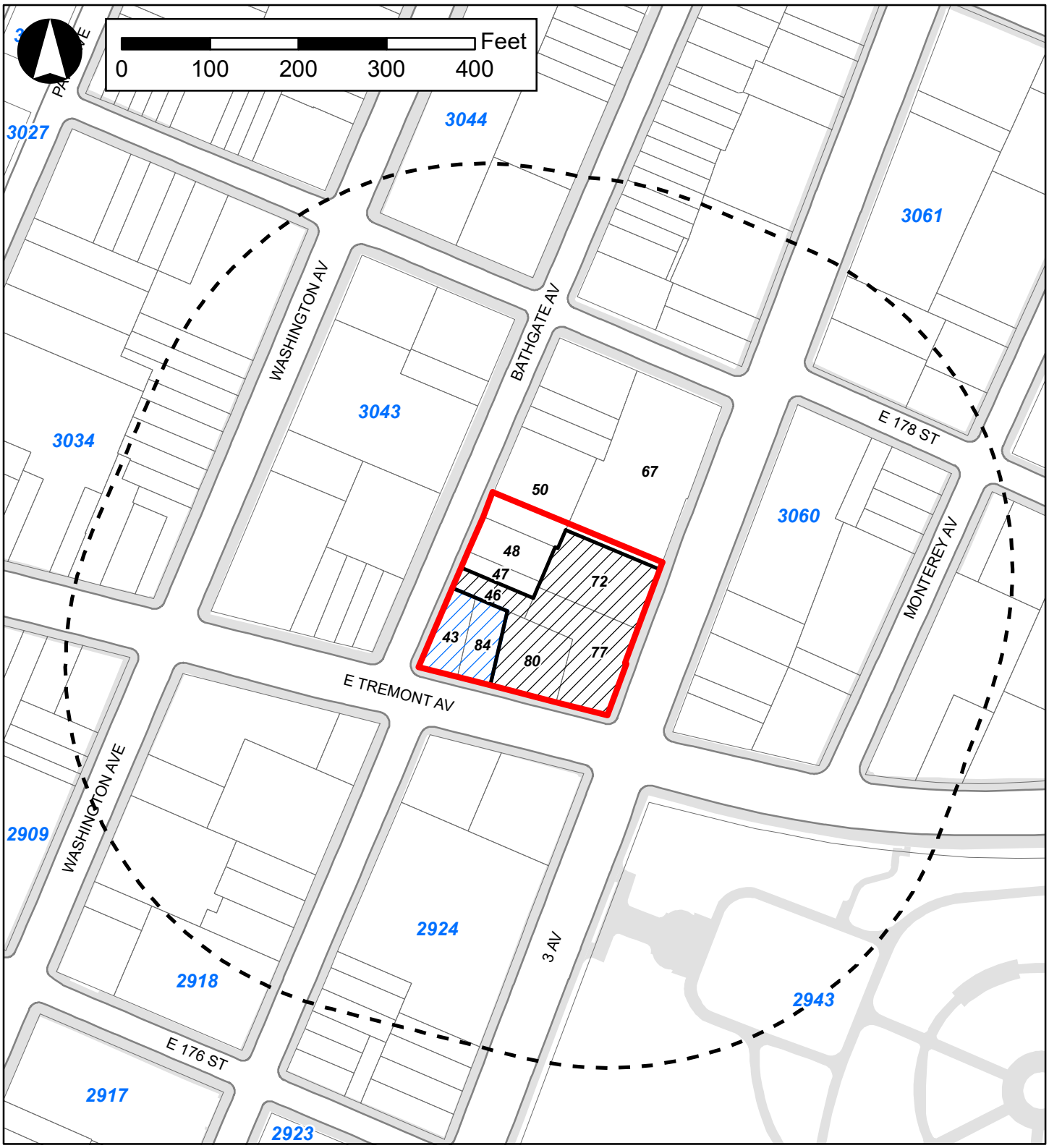
Analysis Year

As discussed in **Attachment A, "Project Description,"** development under the Proposed Actions on Projected Development Site 1 is expected to be completed and operational by late 2024 or early 2025 and an analysis year of 2025 accounts for time for development on Projected Development site 2. Therefore, for the purposes of determining potential impacts, this analysis assesses current conditions and forecasts those conditions to 2025. Future No-Action conditions account for planned land use and development projects, initiatives, and proposals in the study areas that are anticipated to be completed by 2025.

Study Area Definition

According to the *CEQR Technical Manual*, the appropriate study area for land use, zoning, and public policy is related to the type and size of an action, as well as the location and context of the area that could be affected. Study area boundaries vary according to these factors, with suggested study areas ranging from 400 feet for a small project to 0.5 miles for a very large project. The study areas for the Proposed Actions have been established in accordance with *CEQR Technical Manual* guidance and are shown in **Figure C-1**. As shown in **Figure C-1**, land use, zoning, and public policy are addressed and analyzed for two geographical areas for the Proposed Actions. The study areas include: (1) the directly affected area (or "primary study area"), which comprises the proposed rezoning area (Lots 43, 46-48, 50, 67, 72, 77, 80, and 84 of Block 3043); and (2) a secondary study area that encompasses an area that has the potential to experience indirect impacts as a result of the Proposed Actions. As shown in **Figure C-1**, the secondary study area extends an approximate 400-foot radius from the boundary of the primary study area. The secondary study area is roughly bounded to the north by East 178th Street, to the east by Monterey Avenue, to the south by East 176th Street, and to the west by Washington Avenue.

Figure C-1
Study Areas



Source: NYCDCP (PLUTO 2021, Version I); DoITT (2020)

Legend

- Rezoning Area
- 400-Foot Radius
- Projected Development Site 1
- Projected Development Site 2
- 3043 Blocks
- 43 Lots

III. DETAILED ANALYSIS

Existing Conditions

Land Use

Primary Study Area (Directly Affected Area)

The primary study area (or, Proposed Rezoning Area) is comprised of all or part of ten tax lots, which encompass approximately 38,799 sf of lot area on the southern portion of Bronx Block 3043. This study area is bounded by a line 195 feet south of and parallel to East 178th Street to the north, Bathgate Avenue to the west, East Tremont Avenue to the south, and Third Avenue to the east.

- Lots 46, 72, 77, and 80 comprise Projected Development Site 1; they are Applicant-controlled. Lot 46 is a small, rectangular-shaped lot that faces Bathgate Avenue. Lot 72 is a large, rectangular-shaped lot that faces Third Avenue. Lot 77 is a large, L-shaped lot with frontages on Third and East Tremont Avenues. Lot 80 is a large, square-shaped lot with frontage on East Tremont Avenue.

- Lots 43 and 84 comprised Projected Development Site 2; these lots are non-Applicant-controlled. Lot 43 is a small, rectangular-shaped lot with frontage on East Tremont and Bathgate Avenues. Lot 84 is a small, rectangular-shaped lot with frontage on East Tremont Avenue.

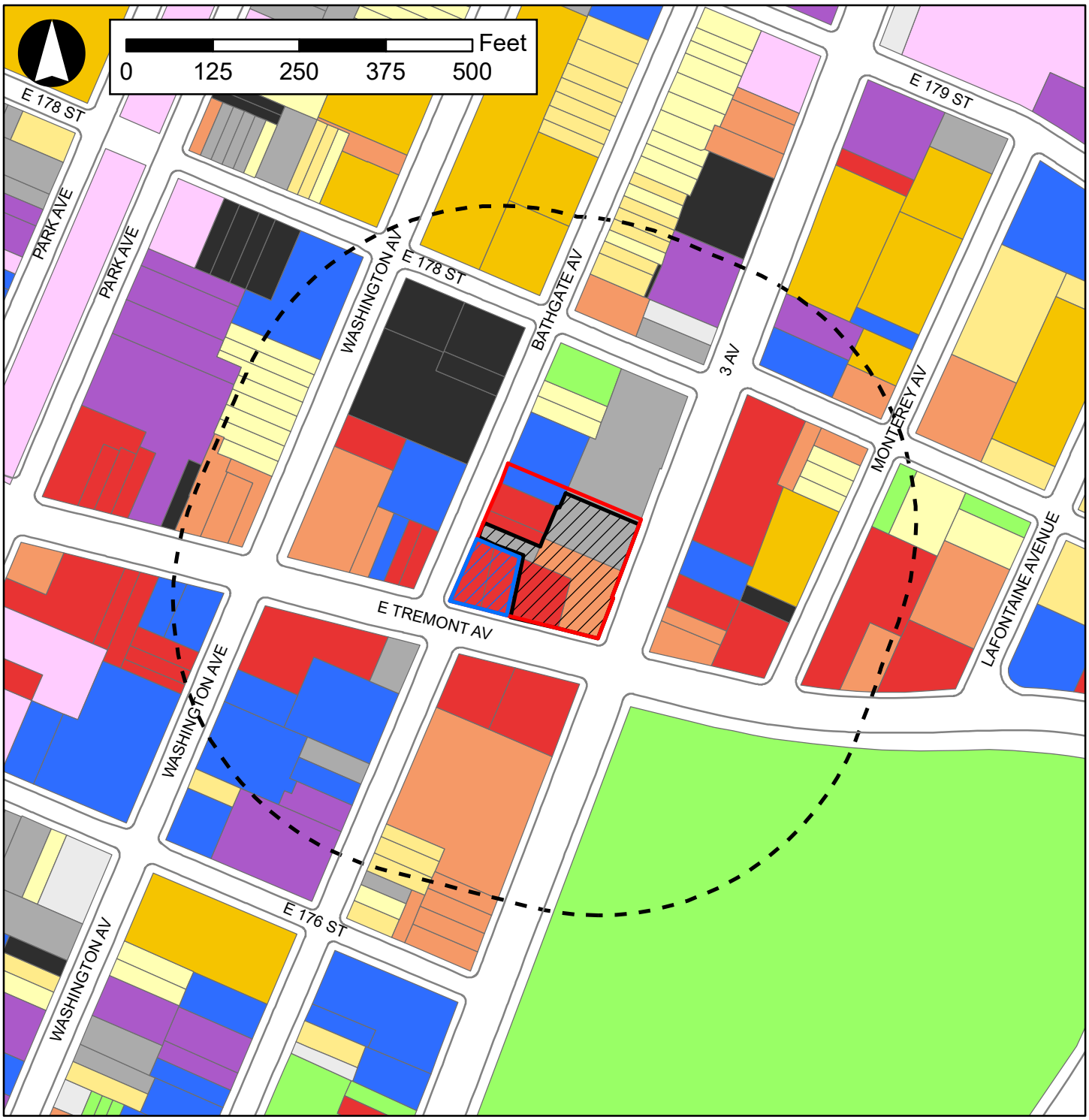
- Lots 47 and 48, as well as parts of Lots 50 and 67 comprise the rest of the primary study area; these lots are non-Applicant-controlled. Lots 47, 48, and 50 are rectangular-shaped with frontages on Bathgate Avenue. Lot 67 is a large, rectangular shaped lot with frontages on East 178th Street and Third Avenue.

The primary study area has approximately 180 feet of frontage on the west side of Third Avenue, 220 feet of frontage on the north side of East Tremont Avenue, and 210 feet of frontage on the east side of Bathgate Avenue. Both Third and East Tremont Avenues are defined as wide streets with widths of 80 and 75 feet, respectively; Bathgate Avenue is defined as a narrow street with a width of 60 feet. Third and East Tremont Avenues are two-way roads; Third Avenue runs north-south while East Tremont Avenue runs east-west. Bathgate Avenue is a one-way southbound road.

As shown in **Figure C-2**, land use in the primary study area includes commercial/office, mixed residential/commercial, public facilities and institutions, and parking facilities. Projected Development Site 1 contains two lots with parking facilities uses, one lot with commercial/office use, and one lot with mixed residential/commercial use. Projected Development Site 2 contains commercial/office uses. The rest of the study area lots contain commercial/office, public facilities and institutions, and parking facilities uses. The primary study area includes the following lot areas: 17,627 sf of commercial/office use, 8,560 sf of mixed commercial/residential land use, approximately 2,005 sf of public facilities use, and approximately 10,610 sf of parking facilities use.

The approximately 24,834 sf Proposed Development Site 1 includes four Applicant-controlled lots; these lots are currently occupied by a single-story commercial building, a three-story mixed residential and commercial building, and two fenced, open-air parking lots. The approximately 6,510 sf Proposed Development Site 2 includes two non-Applicant-controlled lots (Lots 43 and 84); single-story commercial

Study Area Land Uses



Source: NYCDCP (PLUTO 2021, Version I); DoITT (2020)

Legend

- Rezoning Area (Primary Study Area)
- 400-Foot Radius (Secondary Study Area)
- Projected Development Site 1
- Projected Development Site 2

Land Use

- All Others or No Data
- One and Two Family Buildings
- Multi-Family Walkup Buildings
- Multi-Family Elevator Building
- Mixed Commercial/Residential Buildings
- Commercial/Office Buildings
- Industrial/Manufacturing
- Transportation/Utility
- Public Facilities and Institutions
- Open Space
- Parking Facilities
- Vacant Land

buildings occupy these lots. The remaining four lots (Lots 47, 48, p/o 50, and p/o 67) included in the primary study area are under private ownership. A funeral home occupies Lots 47 and 48, while St. Joseph's School occupies Lot 50. Lot 67 is occupied by a fenced, open-air parking facility.

Secondary Study Area

As shown in **Figure C-2**, land uses within the secondary study area are varied, with a mix of uses including housing, mixed commercial and residential buildings, commercial, light industrial/manufacturing, public facilities/institutional, and open space. In addition, although most of the lots within the secondary study area are improved with existing buildings or support active uses, there are several vacant properties located on the northern portion of Block 3043 directly west of the primary study area, as well as six lots with open-air parking facilities.

Residential uses are distributed throughout the study area. Low-rise apartment buildings occupy small rectangular-shaped lots with frontages along narrow, one-way streets including Bathgate, Washington, and Monterey Avenues. Larger multiunit elevator apartment buildings occupy large lots and are located in the northwestern portion of the secondary study area. Mixed-use residential and commercial buildings are generally clustered along busier roads like East Tremont and Third Avenues; these buildings are between two and eight stories high with local retail occupying the ground floor.

A few industrial/manufacturing uses are located at the northern and southern portions of the study area and occupy the entire property. Office and other commercial uses are scatted throughout the study area, with a large cluster on East Tremont Avenue and a few others scattered on Third and Monterey Avenues. Public facilities and institutional uses are distributed throughout the study area and include religious institutions and schools. Open space within the study area is comprised of Walter Gladwin Park and the El Batey de Doña Provi and Tremont community gardens.

Table C-1 provides a description of existing land use within the secondary study area. As shown in **Table C-1**, commercial/office is the most prevalent land use throughout the study area and constitutes the highest percentage of tax lots (19 percent), followed by one and two family (17.7 percent) and mixed commercial/residential (17 percent). Commercial/office buildings also comprise the largest percentage of lot area (23 percent) and second largest percentage of building area (27.2 percent), while mixed commercial/residential uses occupy the second largest percentage of lot area (nearly 21 percent) and the highest percentage of building area (roughly 37 percent). Public facilities and institutions have a substantial presence, too, comprising 19.1 percent of total lot area and 14.5 percent of total building area.

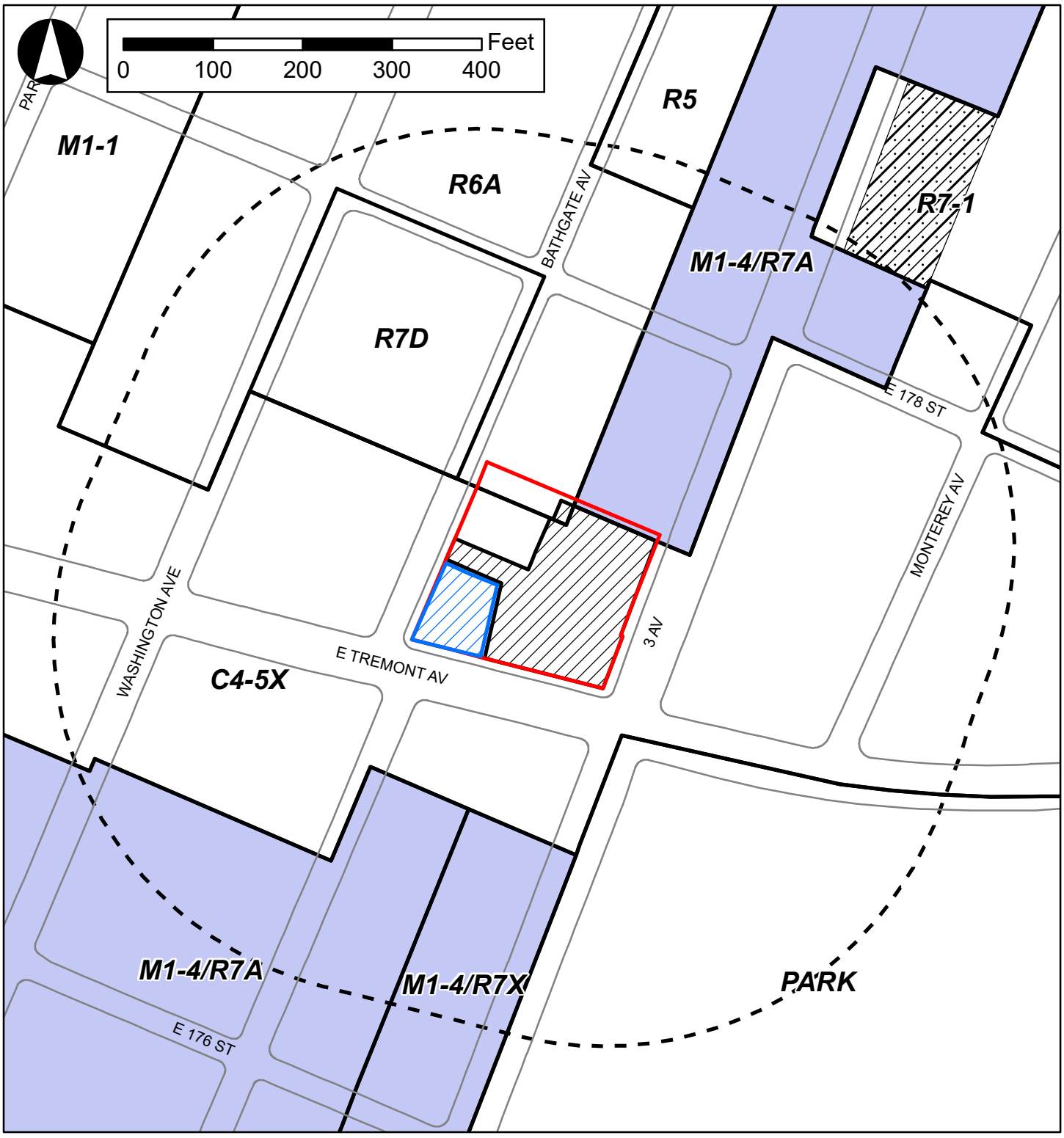
Zoning

Primary Study Area

As shown in **Figure C-3** and described in **Table C-2**, the majority of the primary study area is currently zoned C4-5X (89.4 percent), while small portions of the northern edge are zoned R6A (8.1 percent) and MX (M1-4/R7A) (2.6 percent).

C4 districts are mapped in regional commercial centers that are located outside the City's central business districts. In these areas, specialty and department stores, theaters, and other commercial and office uses serve a larger region and generate more traffic than neighborhood shopping areas. C4 districts with an X

Study Area Zoning



Source: NYCDCP (PLUTO 2021, Version I); DoITT (2020)

Legend

- Rezoning Area (Primary Study Area)
- 400-Foot Radius (Secondary Study Area)
- Projected Development Site 1
- Projected Development Site 2
- Existing Zoning Districts
- C2-3 Overlay
- Special Mixed-Use District (MX-14)

suffix are contextual districts in which the commercial and residential bulk and density regulations differ from corresponding non-contextual districts. C4-5X districts are mapped in more densely built areas. The maximum allowable commercial FAR is 4.0 and parking is not required in C4-5X districts.

TABLE C-1: Existing Land Uses in the Secondary Study Area

Land Use Categories	Number of Lots	Percentage of Total Lots	Lot Area (sf)	Percentage of Total Lot Area	Building Area (sf)	Percentage of Total Building Area
One & Two Family Buildings	14	17.7%	31,529	6.6%	36,179	3.5%
Multi-Family Walkup Buildings	6	7.6%	12,263	2.6%	27,788	2.7%
Multi-Family Elevator Buildings	2	2.5%	22,312	4.7%	99,957	9.8%
Mixed Commercial/Residential Buildings	14	17.7%	98,647	20.6%	374,974	36.8%
Commercial/Office Buildings	15	19.0%	109,681	23.0%	277,355	27.2%
Industrial/Manufacturing	3	3.8%	20,645	4.3%	55,652	5.5%
Transportation/Utility	0	0.0%	0	0.0%	0	0.0%
Public Facilities & Institutions	11	13.9%	91,210	19.1%	147,638	14.5%
Open Space	2	2.5%	8,008	1.7%	0	0.0%
Parking Facilities	6	7.6%	41,355	8.7%	0	0.0%
Vacant Land	6	7.6%	42,212	8.8%	0	0.0%
Total	***79***	***100.0%***	***477,862***	***100.0%***	***1,019,543***	***100.0%***
Total Residential	22	27.8%	66,104	13.8%	163,924	16.1%

Source: NYC Department of City Planning (PLUTO 2021v1)

According to the Zoning Resolution, bulk regulations for residential portions of buildings are the bulk regulations set forth by their equivalent residential district [ZR 35-23 (b)]. The residential equivalent of a C4-5X district is an R7X district. In R7X districts, a building must set back a depth of 10 feet on a wide street and 15 feet on a narrow street above a minimum base height of 60 feet or maximum base height of 85 before rising to its maximum height of 120 feet. If providing a qualifying ground floor, the maximum base height is 95 feet and the maximum height of the building is 125 feet. Higher maximum FAR and heights are available for buildings participating in the inclusionary Housing Program or that provide certain senior facilities.

R6A is a contextual district where the Quality Housing bulk regulations are mandatory. These regulations produce high lot coverage, six- to eight-story apartment buildings set at or near the street line. They are designed to be compatible with older buildings found in medium-density neighborhoods. The floor area ratio (FAR) in R6A districts is 3.0. Above a minimum base height of 40 feet, the building must set back by at least 10 feet on a wide street and 15 feet on a narrow street before rising to its maximum height of 70 feet, or 75 feet if providing a qualifying ground floor. Higher maximum FAR and heights are available for buildings participating in the Inclusionary Housing Program or that provide certain senior facilities. Off-street parking is generally required for 50 percent of a building's dwelling units, but requirements are lower for income-restricted housing units (IRHU) and are further modified in certain areas or for lots less than 10,000 square feet.

The Special Mixed Use District (MX) encourages investment in existing neighborhoods with mixed residential and industrial uses in close proximity and creates expanded opportunities for new mixed use communities. New residential and non-residential uses (commercial, community facility and light

industrial) can be developed as-of-right and be located side-by-side or within the same building. Residential uses are generally subject to the bulk controls of the governing district, and commercial, industrial, and community facility uses are subject to M1 bulk controls. Most industrial uses are permitted as-of-right.

Inclusionary Housing Program (IHP)

The primary study area lies within the Third Avenue/Tremont Inclusionary Housing Zone as part of the Inclusionary Housing Program (IHP). This designation increases the study area's maximum residential FAR to 6.0. The IHP promotes economic integration in areas of the City undergoing substantial new residential development by offering an optional floor area bonus in exchange for the creation or preservation of affordable housing. A percentage of the dwelling units within a building must be set aside, or new or rehabilitated affordable units must be provided off-site within the same community district or within one-half mile of the bonused development. All affordable residential units created through the IHP must remain permanently affordable.

Secondary Study Area

Zoning classifications within the secondary study area are also shown in **Figure C-3** and described in **Table C-2**, and consist of residential, commercial, and special mixed-use zoning districts. A C4-5X zoning district, which is an Inclusionsary Housing (IH) designated area, occupies a majority of the secondary study area, extending across the center of the radius. An R6A zoning district is mapped in the northwest while an MX (M1-4/R7A) zoning district is mapped in the northeast and southwest; the latter is a designated IH area. An R7D district, adopted on June 17, 2021 with a Mandatory Inclusionary Housing (MIH) designation, is mapped on the portion of the block immediately west of the primary study area that lies within 220 feet of 178th Street. The M1-4/R7A district is an MX (M1-4/R7X) zoning district. Walter Gladwin Park, in the southeastern part of the study area, is mapped parkland and therefore not subject to a zoning designation.

Public Policy

According to the *CEQR Technical Manual*, a project that would be located within areas governed by public policies controlling land use, or that has the potential to substantially affect land use regulation or policy controlling land use, requires an analysis of public policy. A preliminary assessment of public policy should identify and describe any public policies, including formal plans or published reports, which pertain to the study area. If a proposed project could potentially alter or conflict with identified policies, a detailed assessment should be conducted; otherwise, no further analysis of public policy is necessary.

Public Policies Applicable to the Primary and Secondary Study Areas

The study areas are located within or nearby areas subject to two citywide policies considered under CEQR: *OneNYC 2050: Building a Strong and Fair City* and *Housing New York 2.0*. The study areas are not part of, or subject to, an Urban Renewal Plan, an adopted community 197-a Plan, Industrial Business Zones (IBZs), Business Improvement Districts (BIDs), or the New York City Landmarks Law. As the primary and secondary study areas are not located within the City's designated Coastal Zone, the project does not have to be assessed for consistency with the City's Waterfront Revitalization Program (WRP).

TABLE C-2: Existing Zoning Districts Mapped within the Secondary Study Area

Name	Definition/General Use	Maximum FAR
Residential Districts		
R6A	R6A is a contextual district where the Quality Housing bulk regulations are mandatory. These regulations produce high lot coverage, six- to eight-story apartment buildings set at or near the street line. Allows Use Groups 1 to 4. Maximum building and streetwall heights depend on bulk regulation choice.	R: 3.0 (QH), 3.6 (IH); CF: 3.0; C/M: 0.0
R7-1	R7 districts are medium-density apartment house districts with height factor regulations that encourage lower apartment buildings on smaller zoning lots and, on larger lots, taller buildings with less lot coverage. Allows Use Groups 1 to 4. Maximum building and streetwall heights depend on bulk regulation choice.	R: 3.44 (NS); 4.0 (WS); 4.6 (IH); CF: 4.8; C/M: 0.0
R7D	R7D is a medium-density contextual residential district to promote development along transit corridors. Allows Use Groups 1 to 4. Maximum building and streetwall heights depend on bulk regulation choice.	R: 5.6 (MIH) CF: 4.2
Commercial Districts		
C4-5X	C4-5X districts are contextual districts in which the commercial and residential bulk and density regulations can differ from corresponding non-contextual districts. They are mapped in more densely built areas and have no parking requirements. Allow Use Groups 1-6, 8-10, and 12. Its residential district equivalent is an R7X zoning district with a maximum FAR of 6.0 for buildings participating in the Inclusionary Housing program.	R: 5.0, 6.0 (IH); CF: 5.0; C: 4.0
MX Special Districts		
M1-4/R7A	In a Special Mixed Use District (MX), new residential and non-residential uses (commercial, community facility and light industrial) can be developed as-of-right and be located side-by-side or within the same building. Residential uses are subject to the bulk controls of the governing residence district; commercial, industrial and community facility uses are subject to the M1 district bulk controls. Allow the following Use Groups with some restrictions: 1-14, 16-17, and 18[1].	R: 4.0; CF: 6.5; C/M: 2.0
M1-4/R7X		R: 5.0; CF: 6.5; C/M: 2.0

Source: Zoning Resolution of the City of New York
Notes: R=Residential; C=Commercial; CF=Community Facility; M=Manufacturing; IH=Inclusionary Housing; NS=Narrow Street; WS=Wide Street
[1] Use Group 18 uses are excluded altogether, except for small breweries.

OneNYC 2050: Building a Strong and Fair City

In April 2019, the de Blasio administration released *OneNYC 2050: Building a Strong and Fair City* (OneNYC 2050), a strategic plan for inclusive growth and climate action in New York City. Building upon its predecessor, *One New York: The Plan for a Strong and Just City* (OneNYC), OneNYC 2050 brings new attention to the fundamental link between climate action and inclusive growth with a focus on creating good-paying jobs, ensuring equitable access to natural resources, guaranteeing the right to quality healthcare and education, and promoting justice by recognizing and repairing the damage caused by historic oppression.

OneNYC 2050 includes progress since 2015, saluting the success of OneNYC's growth, sustainability, resiliency, and equity initiatives. However, the plan emphasizes that there is still much to be done to address critical challenges like climate change, increasing unaffordability, and failing infrastructure. The plan's eight goals lay the foundation for transformational change:

- **A Vibrant Democracy**, where every New Yorker is welcomed into the City's civic and democratic life.

- **An Inclusive Economy**, where economic growth creates opportunities for New Yorkers and safeguards the American Dream.
- **Thriving Neighborhoods**, where all communities have safe, affordable housing and are well-served by parks, cultural resources, and other shared spaces.
- **Healthy Lives**, where health inequities based on race and ethnicity are eliminated, and all residents have equal access to health care, clean air, and healthy food.
- **Equity and Excellence in Education**, where diverse and fair schools provide a quality education for every student, and New York serves as a model for education children of all backgrounds.
- **A Livable Climate**, where we no longer rely on fossil fuels and have mitigated the risks posed by climate change.
- **Efficient Mobility**, where affordable, reliable, safe, and sustainable transportation options mean no New Yorker needs to rely on a car.
- **Modern Infrastructure**, where reliable physical and digital infrastructure allows New Yorkers to flourish.

OneNYC 2050 articulates a global perspective on the long-term needs of the City and how we must grow responsibly and sustainably while supporting the well-being of all New Yorkers. The plan is referred to as New York City's Green New Deal, and progress reports will be released yearly.

Housing New York 2.0

In 2014, the de Blasio administration released *Housing New York: A Five-Borough, Ten-Year Plan Housing Plan* (*Housing New York*), a plan to build or preserve 200,000 affordable residential units. Building on the foundation laid by *Housing New York*, in 2017 the de Blasio administration released *Housing New York 2.0*, a new plan intending to complete the initial goal of 200,000 affordable homes two years ahead of schedule by 2022, and generate an additional 100,000 homes over the following four years. To achieve this goal, the plan aims to prioritize construction of residences for seniors, create new programs and modernize existing ones to encourage homeownership, develop neighborhood-based anti-displacement strategies, promote innovation in new construction methods, activate underutilized sites for new housing, create new partnerships and draw on resources from the State, and protect and expand federal resources for affordable housing. The plan details the key policies and programs for implementation.

Where We Live/Fair Housing Together Plan

In October, 2020, the de Blasio administration released the Where We Live/Fair Housing Together Plan, a plan with the goal to promote equitable housing development and combat discrimination. The Proposed Actions would facilitate the development of affordable housing, local retail, and community facility space in the Project Area, which is in a transit accessible area with several bus, subway, and rail lines, and is located in close proximity to the 15-acre Walter Gladwin Park, a significant open space amenity. As described in detail in the filed Racial Equity Report, the Proposed Actions would affirmatively further fair housing and promote equitable access to opportunity identified in the NYC's fair housing plan.

The Future without the Proposed Actions (No-Action Condition)

Land Use and Zoning

Primary Study Area

As presented in **Attachment A, "Project Description,"** in the 2025 future without the Proposed Actions, it is anticipated that no zoning changes would occur within the directly affected area, and the primary study would continue to be zoned C4-5X with small portions zoned R6A and MX (M1-4/R7A). Projected Development Site 1 would be redeveloped as-of-right to include 154,680 gsf of residential uses including 182 DUs (55 affordable units; 30 percent of total units pursuant to optional IH regulations), 8,343 gsf of commercial uses, and 11,683 gsf of community facility uses, as well as 14 accessory parking spaces. Projected Development Site 2 would retain existing conditions. On Projected Development Site 2, existing uses would remain.

Secondary Study Area

The recently adopted R7D (MIH) zoning change in the secondary study is intended to facilitate a development at 1949 Bathgate Avenue (**Figure C-4**, Map No. 24), located northwest of Projected Development Site 1. The project involves an 11-story affordable residential development with supportive services containing approximately 287 DUs. The site would change from an R6A zoning district to an R7D zoning district, and would establish an MIH area.

In addition, there is one other development anticipated to be completed by the 2025 analysis year in the secondary study area. 1893 Washington Avenue will be a seven-story, 66-room hotel (Map No. 26).

For the purposes of other technical analyses that assess conditions in a larger study area, developments anticipated within an approximately ½-mile of the proposed rezoning area are summarized in **Table C-3** and shown graphically in **Figure C-4**. As presented in **Table C-3**, in the future without the Proposed Actions, it is anticipated that 1,577 residential DUs, including approximately 696 affordable units, 60,391 sf of community facility space, and 140,748 sf of commercial uses would be developed within a ½-mile of the proposed rezoning area at 34 sites.

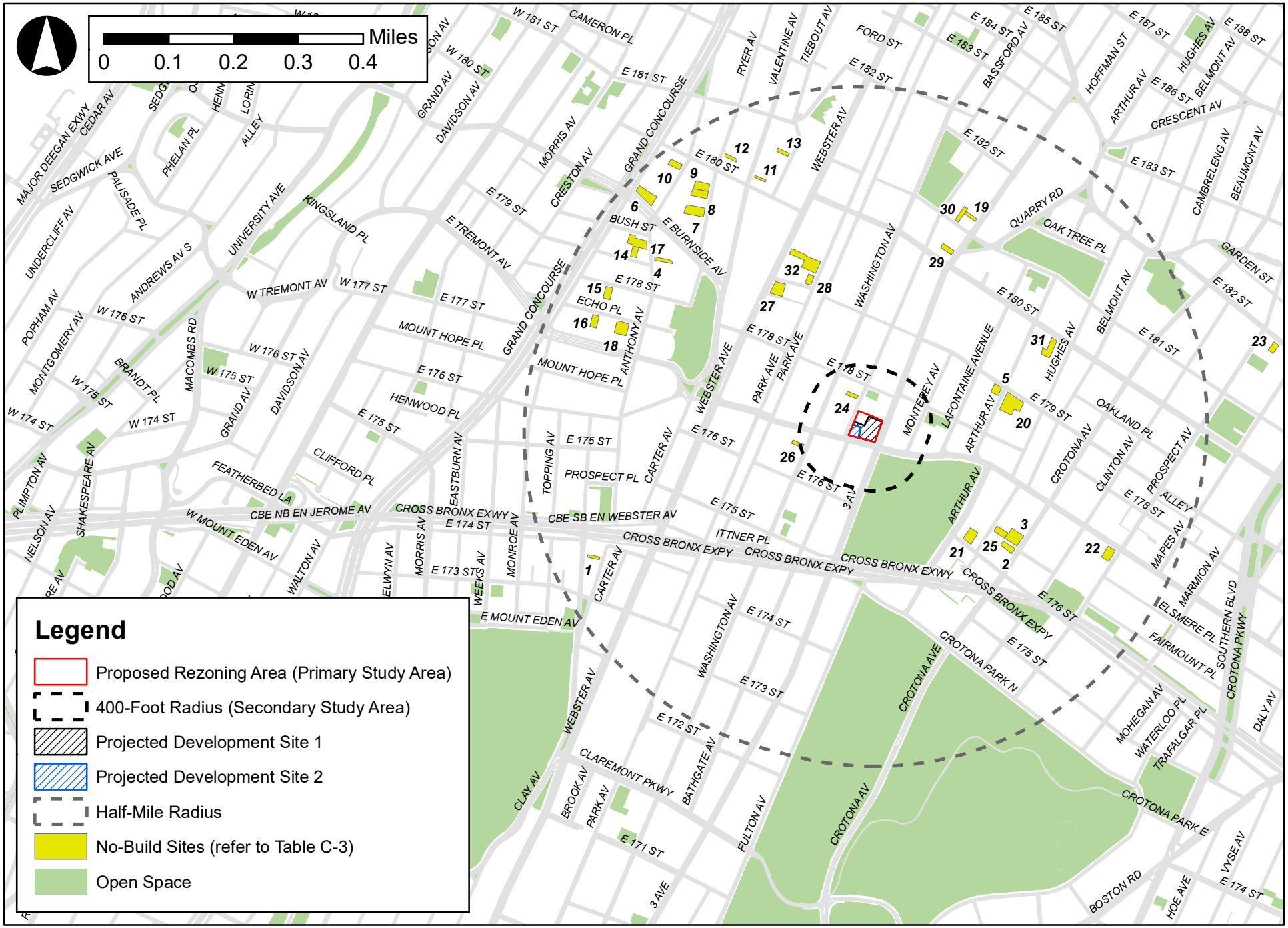
Public Policy

In absence of the Proposed Actions, no changes to public policies are anticipated in the primary or secondary study areas.

The Future With the Proposed Action (With-Action Condition)

This section describes the land use, zoning, and public policy conditions that would result from the Proposed Actions and subsequent Proposed Project by 2025, and evaluates the potential for the Proposed Actions to result in significant adverse impacts to land use, zoning, and public policy.

Under the With-Action condition, the Proposed Actions, which include zoning map and text amendments, would be approved. As described in **Attachment A, "Project Description,**" the Proposed Actions would facilitate the incremental development of 75,721 gsf of residential space including 84 DUs (net decrease



521 East Tremont Avenue Rezoning EAS

Figure C-4
No-Action Developments

of 83 market-rate DUs and net increase of 167 affordable DUs), 2,686 sf of local retail, as well as a net decrease of 987 gsf of community facility space. Projected Development Site 1 would be redeveloped with a total of approximately 178,475 gsf of residential uses (205 affordable DUs), 12,817 gsf of commercial uses, and 10,696 gsf of community facility uses. Projected Development Site 2 would be redeveloped as a 57,628 gsf mixed use building with 51,925 gsf of residential uses, 5,702 gsf of local retail uses and 61 DUs (18 affordable DUs and 43 market rate DUs).

Land Use

Per CEQR methodology, although changes in land use could lead to impacts in other technical areas, significant adverse land use impacts are extraordinarily rare in the absence of an impact in another technical area. Also, according to the *CEQR Technical Manual*, many land use changes may be significant, but not adverse.

TABLE C-3: No-Action Developments within ½-Mile of the Primary Study Area

Map No.	Block	Lot	Address	Residential		Commercial (GSF)	Community Facility (GSF)	Est. Residents[1]	Est. Workers[2]
				Total DUs	Affordable				
1	2889	14	1701 Anthony Ave	21	21	0	0	61	0
2	2891	72	1825 Anthony Ave	8	0	0	0	23	0
3	2946	35	1899 Crotona Ave	64	13	0	0	187	3
4	2814	55	1988 Anthony Ave	68	14	0	0	199	3
5	3068	30	2021 Arthur Ave	18	0	0	0	52	1
6	3156	1	2050 Grand Concourse	96	30	36,403	0	280	149
7	3156	70	2051 Ryer Ave	86	33	0	0	251	3
8	3156	63	2065-6067 Ryer Ave	66	13	0	0	193	3
9	3156	62	2067 Ryer Ave	66	13	0	0	193	3
10	3156	20	2075 Anthony Ave	44	9	0	2,213	128	7
11	3144	4	2086 Valentine Ave	38	18	0	944	111	4
12	3149	77	2088 Ryer Ave	10	0	0	0	29	0
13	3144	32	2109 Tiebout Ave	14	0	0	0	41	1
14	2812	23	218 Bush Street	91	18	0	0	266	4
15	2810	17	220 E 178 St	52	51	0	834	152	4
16	2809	17	222 Echo Pl	44	9	0	0	128	2
17	2812	1	225 E 179 St	37	0	0	0	108	1
18	2809	26	246 Echo Pl	90	18	0	2,814	263	10
19	3048	51	4415 3 Ave	20	4	0	0	54	1
20	3068	69	600 E 179 St	177	122	0	0	476	7
21	2947	52	637 E 176 St	46	9	0	1,544	124	5
22	2951	57	752 E Tremont Ave	87	0	0	0	234	3
23	3110	61	772 E 182 St	18	0	0	0	48	1
24	3043	23	1949 Bathgate Ave	287	287	0	0	772	11
25	2946	14	1892 Belmont Ave	38	8	0	23,750	0	53
26	2909	26	1893 Washington Ave	0	0	23,892	0	0	72
27	3028	17	2008 Webster Ave	0	0	18,221	0	0	55
28	3029	61	4325 Park Ave	0	0	8,004	0	0	24
29	3047	63	4387 Third Ave	0	0	16,498	0	0	49
30	3048	55	543 E 181 St	0	0	0	16,377	0	36
31	3069	80	616 E 180 St	0	0	0	11500	0	26
32	3029	11	2036 Webster Ave	0	0	0	0	0	151
			Total	***1,577***	***696***	***140,748***	***60,391***	***4,432***	***694***

Source: NYCDOB, February 2021

Notes:

[1] Estimated residents based on NTA for which the development is located. NTAs include: Tremont NTA(2.69 persons per household), Mount Hope NTA (2.92 persons per household), and Claremont NTA (2.91 persons per household).2020 US Census data via NYC Population FactFinder.

[2] Estimated workers based on the following employee generation rates: 3 retail workers/1,000 sf; 1 office worker/250 sf; 1 residence worker/25 DUs; 1 community facility worker/450 sf.

Primary Study Area

The Proposed Actions would result in changes to land use within the primary study area by increasing the allowable density and thereby facilitating new mixed-use residential, commercial, and community facility development on underutilized sites. The applicant-owned Projected Development Site 1 would be redeveloped to nearly its maximum allowable FAR at 7.19 FAR. The proposed uses would be consistent with the existing mixed-use character and support existing uses already present in the surrounding area, including existing multiunit walkup apartment buildings, mixed-use residential and commercial buildings, commercial/office buildings, and public facilities in the immediate vicinity of the rezoning area. The proposed ground floor local retail uses would activate streetscape adjacent to the development site along East Tremont, Bathgate, and Third Avenues. The on-site community facility space would provide a new, modern space, serving the local area and enhancing land use by ensuring the continued presence of this facility in the neighborhood.

The Proposed Actions would not generate land uses that would be incompatible with surrounding uses, nor would they directly displace land uses in such a way as to adversely affect surrounding land uses. The introduction of housing, retail, and community facility uses in a transit accessible area would further contribute to the City's general mission and purpose of maintaining land use patterns that integrate housing, including affordable units, with transportation and jobs, thus encouraging live-work communities and transit-oriented development.

Therefore, the Proposed Actions would support land use trends, and no significant adverse land use impacts are expected.

Secondary Study Area

The Proposed Actions are not expected to alter development trends or patterns in the secondary study area. The Proposed Actions would have no direct effect on land use nor zoning in the secondary study area. As noted above, land uses in the secondary study area are varied with a dense mix of residential, commercial, public facilities, industrial/manufacturing, parking, and some vacant uses. The Proposed Actions would facilitate the construction of a mixed-use affordable housing, retail, and community facility development (Projected Development Site 1) and a mixed residential/commercial building with a blend of market rate and affordable housing (Projected Development Site 2) that would replace underutilized land.

The projected developments would be compatible with existing conditions and trends in the secondary study area, including recent trends of new, denser infill development. For example, The Wilfrid, an eight-story, 190-unit (all affordable) apartment complex opened in 2019 with entrances on Third and Bathgate Avenues directly adjacent to Walter Gladwin Park. The projected developments are expected to contribute to this trend, enlivening and bringing activity to the site, as well as enhancing the character of this area of East Tremont, which is an established residential area well served by transit.

Therefore, the Proposed Actions would not introduce any new land uses that would be incompatible with their surroundings, and the Proposed Actions would not represent a significant adverse impact on land use in the secondary study area in accordance with the criteria set forth in the *CEQR Technical Manual.*

Zoning

In the future with the Proposed Actions, the existing zoning in the primary study area would change along Bathgate, East Tremont, and Third Avenues. The existing C4-5X, R6A, and MX (M1-4/R7A) districts would be rezoned to a C4-4D (see **Figure A-3** in **Attachment A, "Project Description"**). C4-4D districts are contextual districts mapped in more densely built areas. In these areas, specialty and department stores, theaters, and other commercial and office uses serve a larger region and generate more traffic than neighborhood shopping areas.

The Proposed Actions would map a C4-4D zoning district to allow a mix of uses reflective of the adjacent mixed residential/commercial setting in East Tremont. The proposed zoning district would allow residential and community facility uses (Use Groups 1-4) at a greater density than permitted under the existing zoning. Some commercial uses (Use Groups 7, 11) and all manufacturing uses (16-18) would not be allowed, and the maximum allowable commercial FAR would be reduced to 3.4. It would also rezone the area from IH to MIH, which would increase the maximum residential FAR from 6.0 to 7.2. Refer to **Table C-4** for a comparison of allowable uses and maximum FAR for the existing and proposed zoning.

TABLE C-4: Comparison of Allowable Uses and Maximum FAR for the Existing and Proposed Zoning

	Existing Zoning			Proposed Zoning
Zoning District	**C4-5X (IH)**	**R6A (IH)**	**MX (M1-4/R7A) (IH)**	**C4-4D (MIH)**
Use Groups	UG 1-6, 8-10, 12	UG 1-4	UG 1-14, 16-18[3]	UG 1-6, 8-10, 12
Maximum Allowable FAR				
Residential	6.0	3.6	4.6	7.2
Community Facility	5.0[1]	3.0	6.5	6.5[1]
Commercial	4.0	2.0[2]	2.0	3.4
Manufacturing	0.0	0.0	2.0	0.0

Source: *Zoning Resolution of the City of New York.*
Notes: HF=Height Factor; IH=Inclusionary Housing; QH=Quality Housing
[1] Nursing homes and non-profit residential facilities limited to residential FAR, except by special permit
[2] FAR when a commercial overlay is mapped
[3] Use Group 18 uses are excluded altogether, except for small breweries.

The proposed zoning changes are being sought to achieve the goals of maximizing the development of affordable housing and a variety of local retail and community facility uses at the development site at a density that makes the development financially feasible.

The proposed C4-4D zoning district would have a maximum FAR of 7.2 for residential uses with MIH and 6.5 for community facility uses. The proposed zoning change would also establish a medium-density contextual residential district that would have minimum and maximum base height requirements as well as a maximum building height equivalent to its equivalent R8A residential district. Buildings (with MIH and a qualifying ground floor) would have a maximum height of 145 feet and setback above a maximum base height of 105 feet. As the primary study area is located within the Transit Zone, no off-street accessory parking would be required for income-restricted dwelling units.

The proposed zoning map and text changes would permit new development consistent with land uses and zoning in the surrounding area, including an existing medium density contextual residential district

(R6A) mapped adjacent to the northwest of the proposed rezoning area. Additionally, MX districts are mapped adjacent to the north (M1-4/R7A) and south (M1-4/R7A and M1-4/R7X), and a C4-5X commercial district is mapped adjacently to the south of the proposed rezoning area. The proposed C4-4D district would be consistent with the City's policy to support additional development, including affordable housing, in transit accessible areas.

The proposed zoning text amendment would establish an MIH area coterminous with the rezoning area through ZR Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas for Bronx CD 6. The proposed text amendment would require the applicant to develop in accordance with the MIH program, and would mandate the provision of affordable housing. Future qualifying development of all sites within the rezoning area would also be required to adhere to the requirements of the MIH program. Pursuant to the MIH program, a percentage of the new dwelling units in the Proposed Project must be permanently affordable units, resulting in an affordable housing set-aside for either 25 percent of the residential floor area at an average of 60 percent of the Area Median Income (AMI) (Option 1) or 30 percent of the residential floor area at an average of 80 percent of AMI (Option 2). The applicant is seeking to develop the project site with 204 units of supportive and affordable housing for households earning between 30 percent AMI and 80 percent AMI. The breakdown is as follows: 30 percent of units as supportive housing, 25 percent of units at 30 percent AMI, 14 percent of units at 40 percent AMI, 11 percent of units at 50 percent AMI, 14 percent of units at 70 percent AMI and 6 percent of units at 80 percent AMI. The proposed affordable housing mandatory set asides would ensure that the development within the rezoning area would help to address the need for housing to serve a broad change of the City's diverse incomes.

Secondary Study Area

The proposed zoning actions would only apply in the primary study area and would not affect lots beyond this area. The proposed zoning map and text amendments would be in keeping with the City's land use, zoning, and public policy objective to encourage denser development in areas served by public transit and facilitate the development of affordable housing. It would also permit commercial development consistent with the mixed-use character of the street corridor. The proposed zoning changes would be consistent with existing zoning within the East Tremont neighborhood and secondary study area, including the existing commercial and residential districts that surround the proposed rezoning area, as described above.

Approval of these actions would increase the allowable density and create additional residential zoning capacity in a transit-accessible area to support new housing creation and increase the number of affordable housing units available in New York City. The proposed rezoning area along East Tremont Avenue is well-suited for additional development, given its proximity to public transit and as the street is a major east-west arterial. Likewise, Third Avenue is a north-south arterial extending through the western Bronx. As such, the rezoning area is at crossroads location and diagonally across the street where taller, denser buildings are appropriate to match the wider horizontal scale of the adjoining public realm. As noted in **Attachment F, "Shadows**," incremental shadows on Walter Gladwin Park would be minimal as the projected development sites are northwest of the park. Accordingly, although the Proposed Actions would create an area of higher permitted residential density than found in the secondary study area, it would not result in incompatible development, as it would allow a range of densities, a hierarchy found in many neighborhoods across the City reflecting the varied urban fabric.

The Proposed Actions would not result in any significant impacts to zoning patterns in the area, nor have a significant impact on the extent of conformity within the current surrounding area.

Public Policy

As detailed below, the Proposed Actions would not result in any significant adverse public policy impacts to the primary or secondary study areas.

OneNYC 2050

The proposed zoning actions would be consistent with *OneNYC 2050* and the sustainability goals outlined in the plan. Notably, the Proposed Actions would support the plan's goal to create "Thriving Neighborhoods," where all communities have safe, affordable housing and shared spaces. It would also support the plan's "An Inclusive Economy" initiative, which seeks to create more opportunities for local businesses to thrive. The Proposed Actions are expected to facilitate the development of the Proposed Project, an 11-story mixed-use building with 205 affordable DUs, 12,817 gsf of local retail space, and 10,696 gsf of community facility space. Additionally, Projected Development Site 2 would provide a mixed residential/commercial building with 61 DUs (18 affordable). This combination of space advances outlined strategies in *OneNYC 2050* to ensure that all New Yorkers have access to safe, secure, and affordable housing and space to gather, and that local businesses and economies can strengthen.

Therefore, the Proposed Actions would be supportive of the applicable goals and objectives of *OneNYC 2050*, and further analysis is not warranted.

Housing New York 2.0

The Proposed Actions would be consistent with the *Housing New York 2.0* plan and would result in an increase of approximately 266 DUs (223 of which would be affordable). The Proposed Actions would establish an MIH area encompassing the area to be rezoned, which would require residential development in the With-Action condition to include permanently affordable housing units. The affordable dwelling units under the With-Action condition would provide the area with new affordable housing units and would support the City's efforts to increase the overall amount of affordable housing. Therefore, the Proposed Actions would be supportive of this key public policy goal and further analysis is not warranted.

Overall, the Proposed Actions would not result in any significant adverse public policy impacts as per the analysis presented in this section.

No significant adverse impacts on land use, zoning or public policy, as defined by the guidance for determining impact significance set forth in the *CEQR Technical Manual*, are expected in the 2025 future with the Proposed Actions in the primary and secondary study areas. The Proposed Actions would result in changes to land use on two projected development sites. The Proposed Actions would not directly displace any land uses so as to adversely affect surrounding land uses, nor would they generate land uses that would be incompatible with surrounding land uses, zoning, or public policy in the secondary study area.

The Proposed Actions would increase the allowable residential density in the primary study area and reduce allowable commercial floor area to encourage mixed-use development. The proposed zoning

change would create additional residential zoning capacity in a transit-accessible area by supporting new housing creation and increasing affordable housing units in New York City. The Proposed Actions would result in new development along East Tremont Avenue, which is a major east-west corridor in the surrounding area that is suited for denser development near public transit and a neighborhood park.

The proposed C4-4D zoning district would not create land uses or structures that would be incompatible with the underlying zoning in the surrounding area, nor would it cause existing structures to become nonconforming. The proposed uses would be consistent with uses already present in the surrounding area. The Proposed Actions would not result in land uses that conflict with public policies applicable to the primary or secondary study areas.

ATTACHMENT D
COMMUNITY FACILITIES

I. INTRODUCTION

The 2021 *CEQR Technical Manual* defines community facilities as public or publicly funded facilities including schools, libraries, child care centers, health care facilities, and fire and police protection services. This attachment examines the potential effects of the Proposed Actions on the capacity and provision of services by those community facilities. Direct effects may occur when a particular action physically alters or displaces a community facility. Indirect effects result from increases in population, which create additional demand on service delivery. As described in **Attachment A, "Project Description,"** Projected Development Sites 1 and 2 are currently occupied by commercial and community facility uses. However, the Proposed Actions would not result in any direct effects to existing community facilities and this analysis therefore concentrates on the potential for indirect effects. [1]

The analysis of community facilities has been conducted in accordance with the guidance established in the *CEQR Technical Manual*. The demand for community services generally stems from the introduction of new residents to an area. In general, size, income characteristics, and the age distribution of a new population are factors that could affect the delivery of services. The *CEQR Technical Manual* provides guidance or thresholds that can be used to make an initial determination of whether a detailed study is necessary to determine potential impacts.

As discussed in **Attachment A, "Project Description,"** the Proposed Actions would result in an incremental development of approximately 167 affordable dwelling units (DUs) in the Rezoning Area, all of which would be at or below 80 percent Area Median Income (AMI). As such, the Proposed Actions would exceed *CEQR Technical Manual* thresholds in the area of child care facilities; detailed analysis of this service is provided below. As discussed In **Attachment B, "Supplemental Screening**," the population anticipated to be introduced as a result of the Proposed Actions would not exceed the CEQR thresholds requiring detailed analysis of other community facilities, including schools, libraries, health care facilities, and fire and police protection services.

II. PUBLICLY FUNDED CHILD CARE CENTERS

Methodology

The NYC Department of Education (DOE) Division of Early Childhood Education (DECE) provides subsidized child care in center-based group child care, family-based child care, informal child care, and Head Start programs. Publicly financed child care services are available for income-eligible children up through the age of 12. The CEQR analysis focuses on services for children under age six, as eligible children aged six through 12 are expected to be in school for most of the day.

Families eligible for subsidized child care must meet financial and social eligibility criteria established by ACS. In general, children in families that have incomes at or below 200 percent of the federal poverty

[1] See **Attachment A**. As discussed therein, the existing Community Healthcare Network health clinic would be replaced by an expanded and modernized facility under With-Action conditions. See also in Attachment A for a description of All Star Club LLC.

level, depending on family size, are financially eligible, although in some cases eligibility can go up to 275 percent. The family must also have an approved "reason for care," such as involvement in a child welfare case or participation in a "welfare-to-work" program. Head Start is a federally funded child care program that provides children with half-day and full-day early childhood education; program eligibility is limited to families with incomes at 130 percent or less than the federal poverty level.

The City's affordable housing market is pegged to the Area Median Income (AMI), rather than the federal poverty level. Since family incomes at or below 200 percent of the federal poverty level fall under 80 percent of AMI, for the purposes of CEQR analysis, the number of housing units expected to be subsidized and targeted for incomes of 80 percent AMI or below is used as a proxy for eligibility. This provides a conservative assessment of demand, since eligibility for subsidized child care is not defined strictly by income, but also takes into account family size and other reasons for care (e.g., low-income parent(s) in school; low-income parent(s) training for work; or low-income parent(s) who is/are ill or disabled).

Since there are no locational requirements for enrollment in child care centers, and some parents or guardians choose a child care center close to their place of employment rather than their residence, the service areas of these facilities can be quite large and are not subject to strict delineation on a map. However, in accordance with *CEQR Technical Manual* guidance, for the purposes of this child care center analysis, publicly funded group child care centers within approximately 1.5 miles of the Proposed Rezoning Area in the borough of The Bronx were identified, reflecting the fact that the centers closest to a given site are more likely to be subject to increased demand. ACS provided the most recent information regarding publicly funded group child care facilities within the study area, including their current capacity, enrollment, and number of available slots. Family child care and voucher slots were not included in the analysis, in accordance with the *CEQR Technical Manual.*

The child care center enrollment in the future without the Proposed Actions was estimated by multiplying the number of new low-income and low- and moderate-income housing units expected in the 1.5-mile child care study area by the appropriate multiplier from Table 6-1b of the *CEQR Technical Manual*. The estimate of new publicly funded child care-eligible children was added to the existing child care enrollment to estimate enrollment in the future without the Proposed Actions. The child care-eligible population introduced by the Proposed Actions was also estimated using the *CEQR Technical Manual* child care multipliers. The action-generated publicly funded child-care eligible population was then added to the No-Action child care enrollment to determine future With-Action enrollment. According to the *CEQR Technical Manual*, if a project would result in demand for slots greater than the remaining slots for child care centers and if that demand would constitute an increase of five percentage points or more in the collective capacity of child care centers serving the study area, a significant adverse impact may result.

Existing Conditions

As indicated in **Table D-1** and **Figure D-1**, there are 45 publicly funded child care centers within the study area with a combined capacity of 2,260 slots and 1,670 available slots (37.2 percent utilization). **Table D-1** shows the current capacity and enrollment for each of these facilities. As noted above, while family-based or privately-funded child care facilities and informal care arrangements provide additional slots in the study area, these slots are not included in the quantitative analysis**.**

Figure D-1
Child Care Facilities

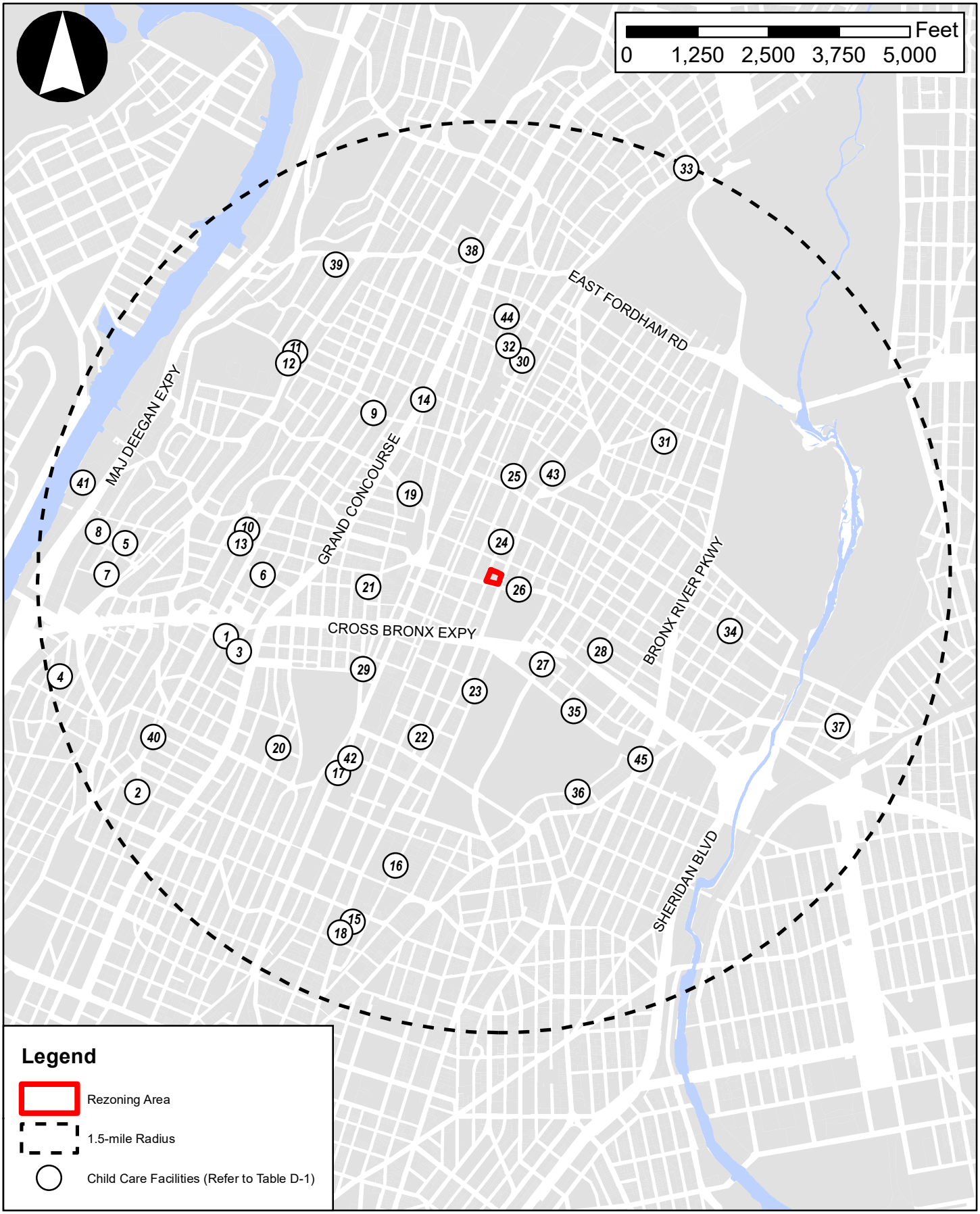


Table D-1: Publicly Funded Child Care Centers Serving the 1.5-Mile Area[1]

Map No.	Name	Address	Capacity	Enrollment[2]	Available Slots[3]	Utilization (%)
1	Highbridge Advisory Council Early Childhood Center I	1594 Townsend Avenue	70	78	-8	111%
2	Whedco Early Childhood Discovery Center	50 East168 Street	105	94	11	90%
3	Mid Bronx CCRP Early Childhood Center, Inc.	100 East Mount Eden	66	32	34	48%
4	Highbridge Advisory Council Early Childhood Center #3	1399 Ogden Avenue	68	35	33	51%
5	Seventh Avenue Center For Family Services	1646 Montgomery Avenue	46	20	26	43%
6	Marc Academy And Family Center, Inc.	55 East 175 Street	73	32	41	44%
7	Bronxworks UAC Early Childhood Learning Center	1472 Montgomery Avenue	26	0	26	0%
8	Promesa Head Start	1650 Undercliff Avenue	16	0	16	0%
9	Early Life University Heights	80 East181 Street	180	53	127	29%
10	Be Above 52	1810 Davidson Avenue	125	58	67	46%
11	Trabajamos Community Head Start	2167 University Avenue	48	27	21	56%
12	Bronx Community College Early Childhood Center	2155 University Avenue	0	6	-6	N/A
13	Little Scholars Early Development Center	1770 Davidson Avenue	94	0	94	0%
14	Arcadia Children's Daycare And Preschool	2195 Grand Concourse	46	0	46	0%
15	Habitot ES LLC	3480 Third Avenue	142	0	142	0%
16	1332 Fulton Avenue Day Care Center, Inc.	1332 Fulton Avenue	12	26	-14	217%
17	Aleene Logan Child Preschool Center	1450 Webster Avenue	55	37	18	67%
18	3467 Ready Set Learn	3467 Third Avenue	45	0	45	0%
19	East Burnside Avenue	279 East Burnside Avenue	81	64	17	79%
20	Help Morris Early Childhood Program	285 East 171 Street	53	43	10	81%
21	Promesa Day Care	301 East 175th Street	14	0	14	0%
22	Tremont-Monterey Day Care Center, Inc.,	1600 Bathgate Avenue	26	35	-9	135%
23	La Peninsula Head Start 1717 Fulton Avenue	1717 Fulton Avenue	108	50	58	46%
24	Trabajamos Community Head Start	1997 Bathgate Avenue	90	70	20	78%
25	The Salvation Army Bronx Tremont Corps Community Center	2121 Washington Avenue	42	0	42	0%
26	Bronx Day Care Center Inc	559 East Tremont Avenue	23	0	23	0%
27	East Tremont Child Care And Development Center	1811 Crotona Avenue	0	19	-19	N/A
28	P.S./C.S. 211 Whitney Young Jr.	1919 Prospect Avenue	33	44	-11	133%
29	Labor Bathgate Community CCC	1638 Anthony Avenue	57	28	29	49%
30	Concourse House Day Care Center	2348 Webster Avenue	66	22	44	33%
31	Belmont Community Day Care Center, Inc.	2340 Cambreleng Avenue	66	13	53	20%

Table D-1: Publicly Funded Child Care Centers Serving the 1.5-Mile Area (Continued)

Map No.	Name	Address	Capacity	Enrollment	Available Slots	Utilization (%)
32	UCNY Round-The-Clock Nursery	2380 Marion Avenue	78	0	78	0%
33	Marc Academy And Family Center, Inc.	2863 Webster Avenue	124	21	103	17%
34	Phipps Neighborhoods Daly Avenue Early Childhood Education Center	921 East 180 Street	14	0	14	0%
35	Help Crotona Early Childhood Program	785 Crotona Park North	35	17	18	49%
36	Tremont Crotona Day Care Center	1600 Crotona Park East	96	17	79	18%
37	Phipps Neighborhoods Lebanon West Farms Early Childhood Education Center	1175 East Tremont Avenue	14	0	14	0%
38	1199seiu/Employer Child Care Corporation	2500 Creston Avenue	37	0	37	0%
39	Tolentine Zeiser Early Learn	2340 Andrews Avenue	66	49	17	74%
40	NYCELC - Elliot	1362 Jerome Avenue	33	0	33	0%
41	Luminous Early Child Care Center Richman	16 Richman Plaza	117	0	117	0%
42	Mid-Bronx CCRP Early Childhood Center, Inc.	1458 Webster Avenue	81	0	81	0%
43	Sheltering Arms Site At 4439 3rd Avenue	4439 3rd Avenue	50	0	50	0%
44	Bronx Baptist Day Care & Learning Center	331-337 East 187 Street	17	0	17	0%
45	NYCELC - Sb2	1778 Southern Boulevard	22	0	22	0%
Totals			**2,660**	**990**	**1,670**	**37%**

[1] Locations with 0 capacity and 0/unlisted enrollment for the 2021-2022 school year are not considered in the analysis
[2] Locations with enrollment listed as 0 or unlisted in DOE enrollment data are assumed to have 0% utilization and full available capacity
[3] Locations with enrollment greater than capacity are assumed to have fewer than 0 available slots and a greater than 100% utilization

Source: DOE, November 2021 (via DCP)

The Future without the Proposed Actions (No-Action Condition)

Under the No-Action condition, Projected Development Site 1 is anticipated to be redeveloped as-of-right to include 154,680 gsf of residential uses, 8,343 gsf of commercial uses, and 11,683 gsf of community facility uses for a total of 174,706 gsf. The proposed development would also include 14 accessory parking spaces. The proposed development would be 111 feet and 10 inches in height (11-stories) and would result in 182 DUs (55 affordable DUs; 30 percent of total units). Projected Development Site 2 would retain existing conditions under the No-Action scenario.

Under No-Action conditions there are several residential development projects planned or under construction in the surrounding area expected to be completed by 2025 (See **Appendix B** for a complete list). These planned and proposed development projects – i.e., No-Build projects – in the child care study area (1.5 miles from the Proposed Rezoning Area in The Bronx) will introduce approximately 3,150 new affordable DUs to the study area by the 2025 build year.[2] With the 55 affordable DUs on Projected

[2] Source: DOB's 'New Buildings' permits list published in December 2020. Some of the planned or proposed developments are known to contain affordable DUs; in such cases, the specific number of anticipated affordable DUs has been accounted for. For other proposed developments where information on affordable DUs is not available at this time, employing a conservative analysis, this analysis assumes that 20 percent of DUs in developments of 20 or more DUs would be occupied by low- or low/moderate-income households meeting the financial and social criteria for

Development Site 1 and 3,150 new affordable DUs in the study area, there would be a total of 3,205 affordable DUs added under No-Action conditions. Based on the *CEQR Technical Manual* generation rates for developments in The Bronx, these approximately 3,205 new affordable DUs are expected to generate 446 (438 eligible children from No-Build Projects and 8 eligible children from Projected Development Site 1) additional publicly funded child care-eligible children under the age of six in the study area, increasing the total child care enrollment to 3,295.

No changes to child care center capacity are anticipated in the 2025 No-Action condition. As presented in **Table D-2**, the future No-Action child care utilization rate is expected to increase by 16.8 percentage points in the future without the Proposed Actions to 54.0 percent. Therefore, the study area's child care centers are expected to operate well under capacity in the No-Action condition, with an excess of approximately 1,224 slots.

TABLE D-2: Comparison of Budget Capacity, Enrollment, Available Slots, & Utilization: 2025 No-Action Condition

	Budget Capacity	Enrollment	Available Slots	Utilization
Existing Conditions	2,660	990	1,670	37.2%
No-Action Increment	0	+446	-446	+16.8%
2025 No-Action Condition	2,660	1,436	1,224	54.0%

Sources: *CEQR Technical Manual*, Table 6-1b

The Future with the Proposed Actions (With-Action Condition)

As discussed previously, a detailed analysis of child care centers is necessary when a project would produce a substantial number of low- to moderate-income family housing units that may therefore generate a sufficient number of children eligible to affect the availability of slots at publicly funded child care centers. For conservative analysis purposes, it is expected that under With-Action conditions, 167 additional affordable housing units for families with incomes at or below 80 percent AMI would be constructed in the Rezoning Area as compared to No-Action conditions, an incremental increase of 149 and 18 affordable DUs from Projected Development Sites 1 and 2, respectively. Overall, there would be 222 affordable DUs under With-Action conditions as compared to aforementioned 55 affordable DUs on Projected Development Site 1 under No-Action conditions. Using Table 6-1b of the *CEQR Technical Manual*, these additional 167 affordable housing units would generate 24 children under the age of six eligible for publicly funded child care services (refer to **Table D-3**).

Based on these assumptions, the collective utilization rate of study area child care centers would increase to 54.9 percent in the 2025 With-Action condition (with an excess of approximately 1,200 slots), an approximate 0.9 percent increase over the No-Action utilization rate (refer to **Table D-3**).

publicly funded child care.

TABLE D-3: Comparison of Budget Capacity, Enrollment, Available Slots, & Utilization: 2025 With-Action Condition

	Budget Capacity	Enrollment	Available Slots	Utilization
2025 No-Action Condition	2,660	1,436	1,224	54.0%
With-Action Increment	0	+24	-24	+0.9%
2025 With-Action Condition	2,660	1,460	1,200	54.9%

Sources: *CEQR Technical Manual*, Table 6-1b.

According to the *CEQR Technical Manual*, a significant adverse child care center impact could result if a proposed action results in: (1) a collective utilization rate greater than 100 percent in the With-Action condition; and (2) the demand constitutes an increase of five percent or more in the collective capacity of child care centers serving the study area over the No-Action condition. As shown in **Table D-3**, in the future with the Proposed Actions, the child care study area would experience a utilization rate of 54.9 percent, an increase of 0.9 percentage points over No-Action conditions. As such, the Proposed Actions would not result in significant adverse impacts on publicly funded child care facilities.

ATTACHMENT E
OPEN SPACE

I. INTRODUCTION

This attachment assesses the potential impacts of the Proposed Actions on open space resources. Open space is defined in the 2021 *City Environmental Quality Review* (CEQR) *Technical Manual* as publicly accessible, publicly or privately owned land that is available for leisure, play, or sport or serves to protect or enhance the natural environment. According to the guidance established in the *CEQR Technical Manual*, an open space analysis should be conducted if an action would result in a direct effect, such as the physical loss or alteration of public open space, or an indirect effect, such as when a substantial new population could overburden an area's available open spaces. Direct effects include a Proposed Action's effects on open spaces due to increased noise, air pollutant emissions, odor, or shadows. Indirect effects consist of the increase in the residential, worker, and other non-residential populations resulting from the Proposed Actions, which have the potential to diminish the capacity of open space in the area to serve the future population.

As discussed in **Attachment A, "Project Description,"** under the reasonable worst-case development scenario (RWCDS), the development on the Applicant-controlled Development Site ("Projected Development Site 1") would total approximately 178,475 gross square feet (gsf) of residential uses, 12,817 gsf of commercial uses, and 10,696 gsf of community facility uses. Projected Development Site 1 would include 205 dwelling units (DUs) (204 DUs would be affordable units and 1 would be a superintendent's unit). In addition, according to the RWCDS, there is one non-applicant controlled development site (Block 3034, Lots 43 and 84), which is considered "Projected Development Site 2." Projected Development Site 2 would total approximately 51,926 gsf of residential uses (18 affordable DUs and 43 market rate DUs) and 5,702 gsf of ground floor local retail uses.

As presented in **Attachment A**, the incremental change that could result is the incremental development of 75,751 gsf of residential uses (+84 DUs) and 2,686 gsf of local retail space, as well as a net reduction in community facility use (-987 gsf). In terms of population, the Proposed Actions are expected to result in an incremental increase of 225 residents and 4 additional workers as compared to the 2025 No-Action conditions. As such, for conservative analysis purposes, the open space assessment assumes the Proposed Actions would generate approximately 4 workers and 225 residents.

II. METHODOLOGY

The analysis of open space resources has been conducted in accordance with the guidance established in the *CEQR Technical Manual*. Using CEQR methodology, the adequacy of open space in the study area is assessed quantitatively using a ratio of usable public open space acreage to the study area population, referred to as the open space ratio. This quantitative measure is then used to assess the changes in the adequacy of open space resources by the analysis year of 2025, both without and with the Proposed Actions. In addition, qualitative factors such as utilization and condition are considered in assessing the Proposed Action's effects on open space resources.

Open Space Study Areas

The first step in assessing potential open space impacts is to establish the appropriate study areas for the new population(s) to be added because of the Proposed Actions. In accordance with the guidance established in the *CEQR Technical Manual,* the open space study area is generally defined by a reasonable walking distance that users would travel to reach local open space and recreational resources, which differs by user. Workers typically use passive open spaces within a short walking distance of their workplaces. Residents are more likely to travel farther to reach parks and recreational facilities, and they use both passive and active neighborhood open spaces. Workers are assumed to walk up to a 0.25-mile distance to reach neighborhood open spaces, and residents are assumed to walk up to a 0.5-mile distance. As the incremental worker population generated by the With-Action Condition would not exceed the CEQR threshold analysis of 500 employees, a non-residential (worker) analysis is not warranted. As the incremental residential population generated by both Projected Development Sites 1 and 2 would exceed the CEQR analysis threshold of 200 residents, a residential analysis is warranted. The *CEQR Technical Manual* states that the residential open space study area be comprised of all census tracts that have at least 50 percent of their area located within a 0.5-mile of the project site.

The residential study area is shown in **Figure E-1**. It includes census tracts 165, 231, 233.02, 235.02, 369.01, 369.02, 371, 373, 375.04, 379, 381, and 395, and is generally bounded by East 182nd Street to the north, Mapes and Prospect Avenues to the east, Crotona Park North and East 173rd Street to the south, and Clay Avenue and Grand Concourse to the west.

Analysis Framework

Direct Effects Analysis

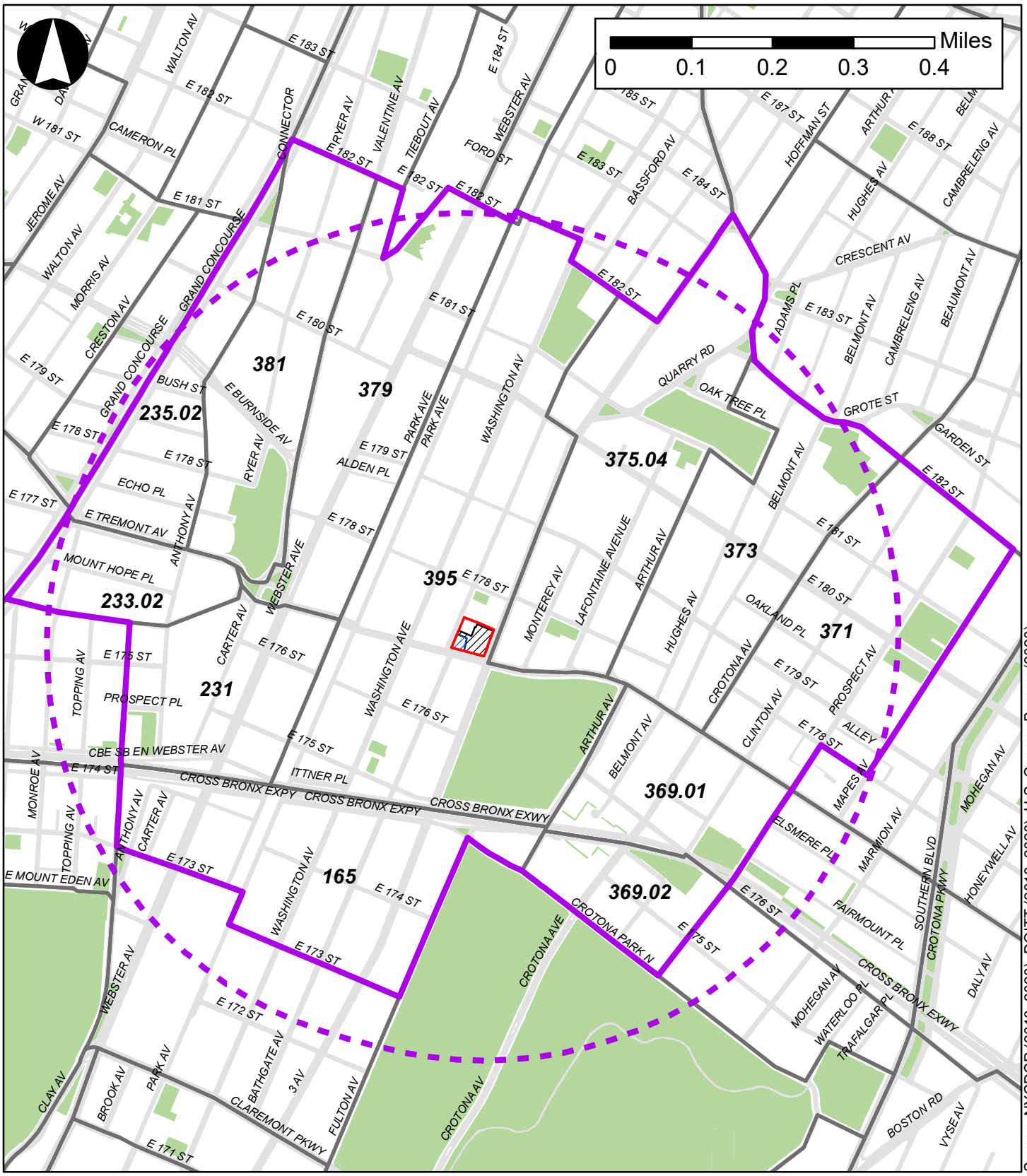
According to the *CEQR Technical Manual*, a project would have a direct effect on an open space if it causes the physical loss of public open space because of encroachment onto the space or displacement of the space; changes the use of an open space so that it no longer serves the same user population; limits public access to an open space; or causes increased noise or air pollutant emissions, odors, or shadows that would affect its usefulness, whether on a permanent or temporary basis. As there are no existing publicly accessible open spaces within the Rezoning Area, the Proposed Actions would not have any direct effects on open space and no further analysis is warranted. Additionally, this attachment used information from **Attachment B, "Supplemental Screening**," **Attachment F, "Shadows,"** and **Attachment H, "Noise,"** to determine whether the Proposed Actions would directly affect any open spaces within, or in close proximity to, the project area.

Indirect Effects Analysis

As described in the *CEQR Technical Manual*, open space can be indirectly affected by Proposed Actions if the project would add enough population, either workers or residents, to noticeably diminish the ability of an area's open space to serve the existing or future population. Typically, an assessment of indirect effects is conducted when a project would introduce more than 200 residents or 500 workers to an area. Additionally, as described in the *CEQR Technical Manual*, as part of the preliminary assessment for open space, a project should be reviewed to determine if it is located in an area of the City within a Walk to a Park Service Area. A Walk to a Park Service Area (WtPSA) is a part of the *OneNYC 2050 Building a Strong and Fair City* plan, in which New York City has laid out a goal for 85 percent of New York City residents living within a walking distance of a park by 2030. Existing areas located within a WtPSA are within a

Figure E-1

Open Space Study Area



Source: NYCDCP (2018, 2020); DOITT (2018, 2020); U.S. Census Bureau (2020)

Legend

- Rezoning Area
- Projected Development Site 1
- Projected Development Site 2
- 395 Census Tracts
- 1/2-Mile Radius
- 1/2-Mile Residential Study Area
- Open Space

walking distance of a park (i.e. 0.5-miles). Areas not located within a WtPSA are considered "walk gaps;" they are areas of New York City that are not within walking distance to a park. As shown in **Figure E-2**, the project area is located within an area that has been identified as a walk to a park service area (i.e. not a walk gap area).

With an inventory of available open space resources and potential users, the adequacy of open space in the study area can be assessed both quantitatively and qualitatively. The quantitative approach computes the ratio of open space acreage to the population in the study area and compares this ratio with certain guidance. The qualitative assessment examines other factors that can affect conclusions about adequacy, including proximity to additional resources beyond the study area, the availability of private recreational facilities, and the demographic characteristics of the area's population. Specifically, the analysis in this attachment includes:

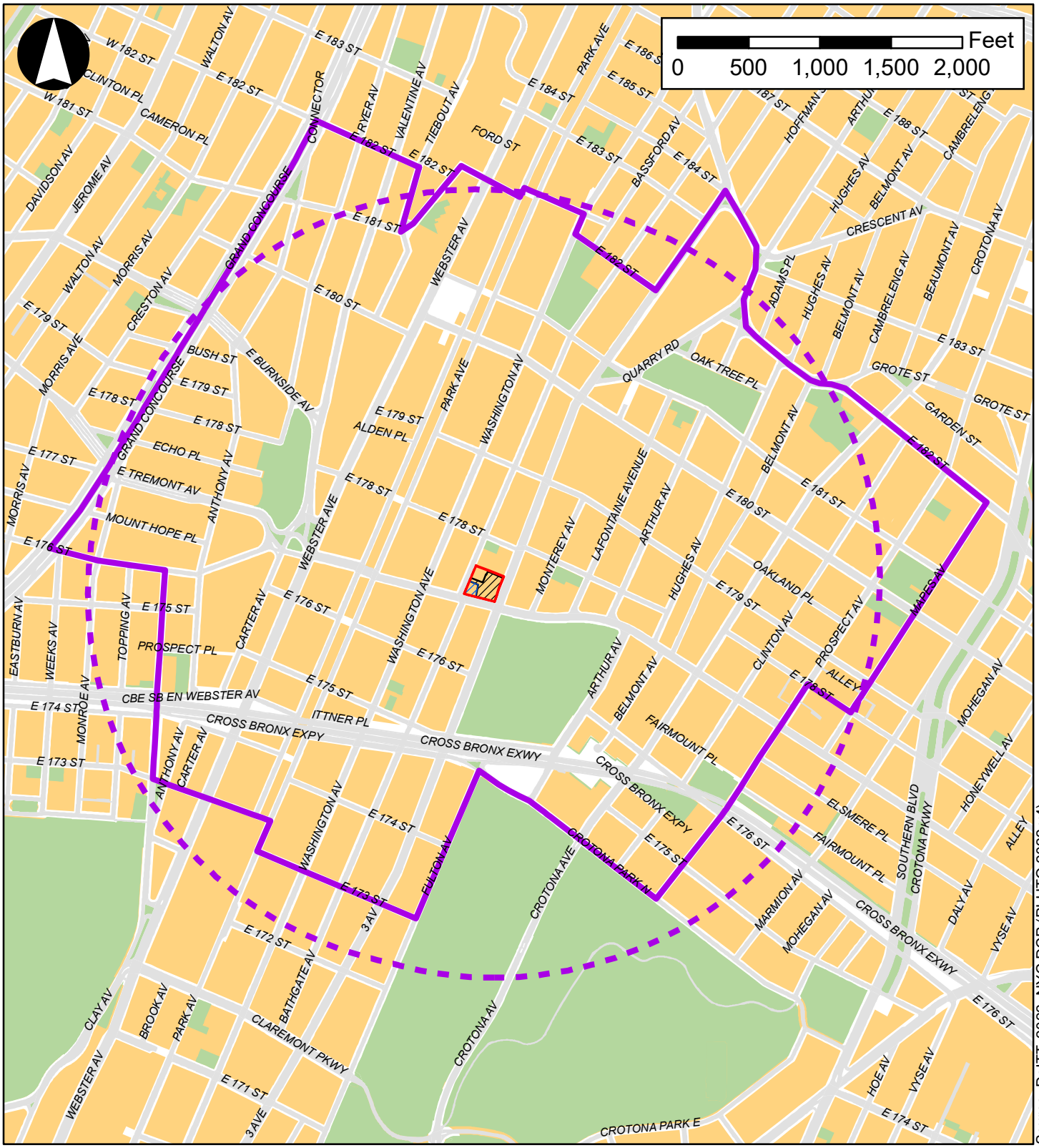
- Characteristics of the open space users: residents. To determine the number of residents in the study area 2020 US Census data were compiled.
- An inventory of all publicly accessible passive and active recreational facilities in the residential open space study areas (see **Table E-3** and **Figure E-3**).
- An assessment of the quantitative ratio of open space in the study area by computing the ratio of open space acreage to the population in the study area and comparing this open space ratio with certain guidance. The *CEQR Technical Manual* planning guideline is 2.5 acres of open space per 1,000 residents, including 2.0 acres of active open space and 0.5 acres of passive open space. According to the *CEQR Technical Manual*, a ratio of 0.15 acres of passive open space per 1,000 workers represents a reasonable amount of open space.
- An evaluation of qualitative factors affecting open space use.
- A final determination of the adequacy of open space in the non-residential and residential open space study areas.
- An assessment of expected changes in future levels of open space supply and demand in the 2025 analysis year, based on other planned development projects. To estimate the population expected in the study areas in the future without the Proposed Actions, an average household size of 2.69 persons is applied to the number of new housing units expected in portions of the study area located within and the 2020 Tremont Neighborhood Tabulation Area (NTA).[1] Open space ratios are calculated for future No-Action conditions and compared with existing ratios to determine changes in future levels of adequacy.

Impact Assessment

Impacts are based in part on how a project would change the open space ratios in the study area as well as other qualitative considerations. According to the *CEQR Technical Manual*, a decrease in an open space ratio of five percent or more compared to the No-Action condition is generally considered to be a significant adverse impact. If a study area exhibits a low open space ratio, indicating a shortfall of open space, smaller decreases in that ratio as a result of the action may constitute significant adverse impacts. As shown in **Table E-1**, the guidance for percent change in open space ratio is determined based on the open space ratio as outlined in the *CEQR Technical Manual*.

[1] Tremont Neighborhood Tabulation Area (NTA) average household size, 2020 US Census via NYC Population FactFinder (the most recently available NTA data)

Walk to Park Service Area



Open Space Resources

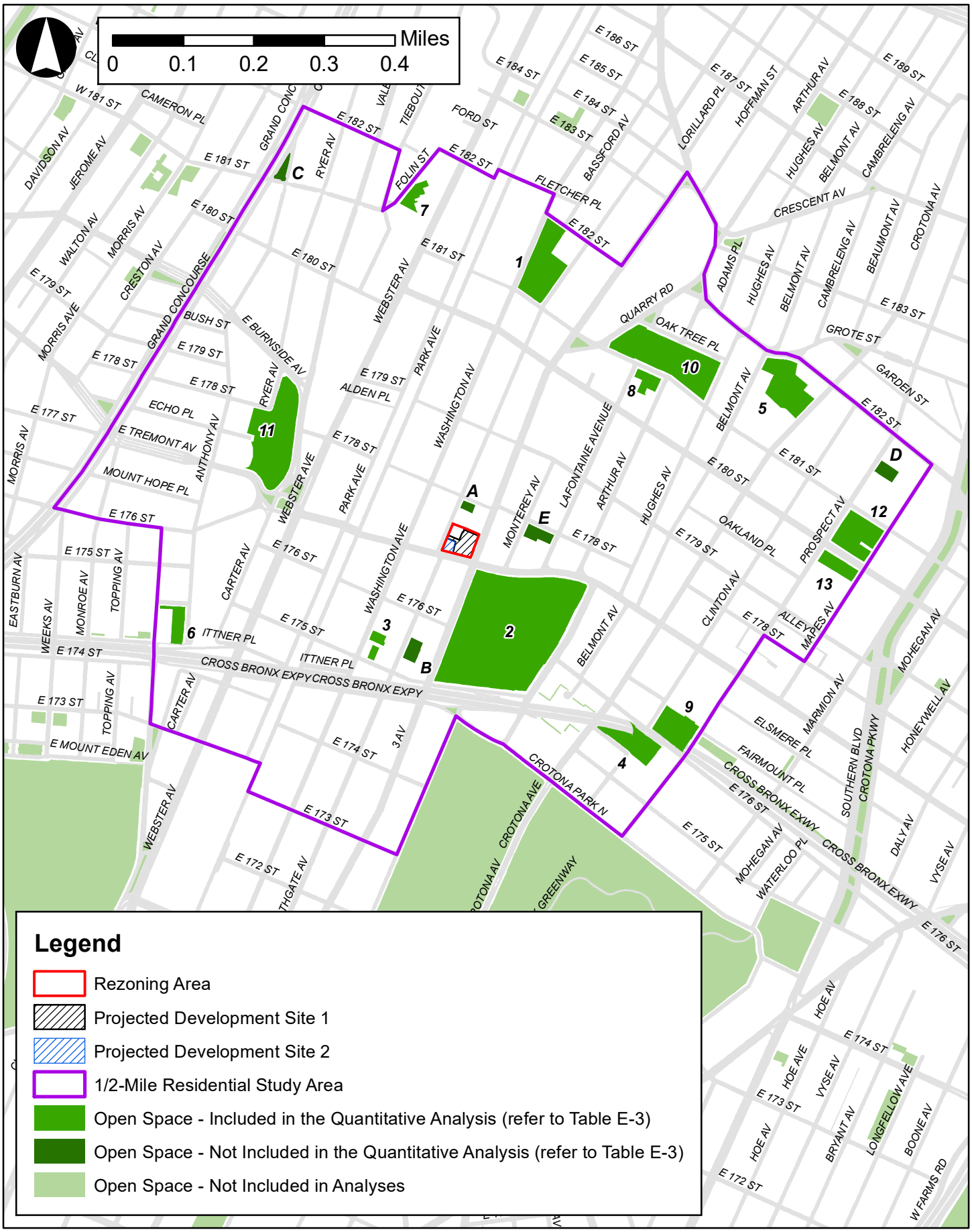


TABLE E-1: Guidance for Percentage Change in Open Space Ratio

Open Space Ratio Range	Percent Change in Open Space Ratio
2.01 to 2.50 or Greater[1]	5%
1.51 to 2.0	4%
1.01 to 1.5	3%
0.51 to 1.0	2%
0.50 or Less	1%

Note: Copied from Table 7-1 in the Open Space chapter of the CEQR Technical Manual.
[1] 2.5 open space ratio is the planning goal in New York City.

In addition to the quantitative factors cited above, the *CEQR Technical Manual* also recommends consideration of qualitative factors in assessing the potential for open space impacts. These include the availability of nearby destination resources, the beneficial effects of new open space resources provided by a project, and the comparison of projected open space ratios with established City guidelines. It is recognized that the open space ratios of the City guidelines described above are not feasible for many areas of the City, and they are not considered impact thresholds on their own. Rather, these are benchmarks that indicate how well an area is served by open space. Determinations as to what constitutes a significant adverse open space impact are not based solely on the results of the quantitative assessment. Qualitative considerations such as the distribution of open space, whether a site is within a WtPSA, the distance to regional parks, the connectivity of open space, and any additional open space provided by the proposed project, should be considered in a determination of significance.

III. EXISTING CONDITIONS

Study Area Population

To determine the population served by existing open space resources, Census data were compiled for the census tracts comprising the residential (0.50-mile) study area. As mentioned above and shown in **Figure E-1**, the residential (0.50-mile) open space study area is comprised of 12 census tracts. **Table E-2** reveals that the residential study area has a population of approximately 47,415 residents.

TABLE E-2: Existing Open Space Study Area Non-Residential and Residential Populations

Census Tract	Residential Population	Census Tract	Residential Population
165	1,097	371	4,504
231	1,464	373	6,117
233.02	3,574	375.04	4,023
235.02	4,417	379	6,878
369.01	1,910	381	6,853
369.02	2,324	395	4,254
0.50-Mile Study Area Total			**47,415**

Source: 2020 US Census

The residential population of the 0.50-mile study area was also broken down by age group.[2] As shown in **Table E-3**, people between the ages of 20 and 64 make up the majority (approximately 57.7 percent) of the residential population in the 0.50-mile study area. Children and teenagers (0 to 19 years old) account for approximately 31.4 percent of the residential study area population, and persons 65 years and over account for approximately 10.9 percent of the residential study area population. Given the range of age groups present in the residential study area population, the study area has a need for various kinds of active and passive recreation facilities, including open space features that can be used by young children and adults.

TABLE E-3: Existing Residential Open Space (0.50-mile) Study Area Population Characteristics

Age Category	Persons	Percent of Population
4 and younger	4,413	9.3%
5-9	3,640	7.7%
10-14	3,752	7.9%
15-19	3,120	6.6%
20-64	27,318	57.6%
65 and older	5,163	10.9%

Source: 2020 US Census; NYC DCP Population FactFinder
Note: Age group percentages based on 2015-2019 ACS data and applied to 2020 US Census data.

Inventory of Open Space Resources

According to the *CEQR Technical Manual*, open space may be public or private and may be used for active or passive recreational purposes. Pursuant to the *CEQR Technical Manual*, publicly accessible open space is defined as facilities open to the public at designated hours on a regular basis and is assessed for impacts

[2] Aside from age groups under/over 18 years of age, the 2020 US Census data does not include detailed information about residential age groups. As such, the residential population age groups were determined based on the percentage of age group characteristics provided in the 2015-2019 5-Year ACS data.

using both a quantitative and a qualitative analysis, whereas private open space is not accessible to the public on a regular basis, and is therefore only considered qualitatively. Public open spaces that do not contain seating are also excluded from the quantitative assessment, in accordance with *CEQR Technical Manual* methodology. Field surveys and secondary sources were used to determine the number, availability, and condition of publicly accessible open space resources in the study area.

An open space is determined to be active or passive by the uses that the design of the space allows. Active open space is the part of a facility used for active play, such as sports or exercise, and may include playground equipment, playing fields and courts, swimming pools, skating rinks, golf courses, and multi-purpose play areas (open lawns and paved areas for active recreation such as running games, informal ball-playing, skipping rope, etc.). Passive open space is used for sitting, strolling, and relaxation, and typically contains benches, walkways, and picnicking areas.

Within the defined study area, all publicly accessible open spaces were inventoried and identified by their location, size, owner, type, utilization, equipment, hours, and condition. The information used for this analysis was gathered through field inventories conducted in January 2022, the New York City Department of Park and Recreation's (DPR) website, the New York City Open Accessible Space Information System (OASIS) database, and other secondary sources of information.

The condition of each open space facility was categorized as "Excellent," "Good," "Fair," or "Poor." A facility was considered in excellent condition if the area was clean and attractive and if all equipment was present and in good repair. A good facility had minor problems such as litter or older but operative equipment. A fair or poor facility was one that was poorly maintained, had broken or missing equipment or lack of security, or other factors that would diminish the facility's attractiveness. Determinations were made based on a visual assessment of the facilities.

Likewise, judgments as to the intensity of use of the facilities were qualitative, based on an observed degree of activity or utilization on a weekday afternoon, which is considered the weekday peak utilization period according to the *CEQR Technical Manual*. If a facility seemed to be at or near capacity (i.e. the majority of benches or equipment was in use), then utilization was considered heavy. If the facility or equipment was in use but could accommodate additional users, utilization was considered moderate. If a playground or sitting area had few people, usage was considered light. **Table E-4** identifies the address, ownership, features, and acreage of active and passive open spaces in the study area, as well as their condition and utilization. **Figure E-3** maps their location in the study area.

Residential (0.50-Mile) Study Area

As shown in **Table E-4**, the residential study area contains a total of 35.31 acres of open space, of which approximately 15.30 acres (43 percent) comprises passive open space uses and approximately 20.01 acres (57 percent) comprises active open space uses. The largest open space resource within the residential study area is the 15-acre Walter Gladwin Park (**Figure E-3,** Map No. 2). Walter Gladwin Park has spray showers, playgrounds, baseball fields, handball courts, and dog-friendly areas. The 4.42-acre Quarry Ballfields are the second largest open space resource in the residential study area (Map No. 10). There are multiple schoolyard playgrounds located within the residential study area including I.S. 391 (Map No. 7) and P.S. 3 (Map No. 8).

TABLE E-4: Inventory of Existing Open Space and Recreational Resources in Study Area

Map No.[1]	Name	Address	Owner/ Agency	Amenities	User Groups	Hours of Access	Total Acres	Active		Passive		Condition & Utilization
								%	Acres	%	Acres	
Open Space Resources Included in Quantitative Analysis												
1	Bathgate Playground	Washington to Bathgate Avenues, bet. W 181 and E 183 Streets	DPR	Playgrounds	Children, Teenagers, Adults	6AM - 9PM	2.50	2.00	80%	0.50	20%	Good/High
2	Walter Gladwin Park	E 175 Street to E Tremont Avenue, bet. Third and Arthur Avenues	DPR	Baseball Fields, Dog-Friendly Areas, Playgrounds, Spray Showers, Handball Courts	Children, Teenagers, Adults, Senior Citizens	6AM - 10PM	15.00	6.00	40%	9.00	60%	Good/Low
3	Stop & Go Playground	W 175 Street, bet. Washington and Bathgate Avenues	DPR	Playgrounds, Spray Showers	Children, Teenagers	Mon - Fri: School close until dusk Sat & Sun: 8AM - Dusk	0.32	0.26	80%	0.06	20%	Good/Low
4	Admiral Farragut Playground	S/SE E 176 Street, bet. Crotona and Prospect Avenues	DPR	Asphalt Courts, Playgrounds	Children, Teenagers, Adults	6AM - 9PM	1.36	1.09	80%	0.27	20%	Good/Low
5	Belmont Playground	E 182 Street, bet. Belmont and Croton Avenues	DPR	Basketball Courts, Fitness Equipment, Playgrounds, Handball Courts, Spray Showers	Adults, Senior Citizens	24/7	2.21	1.11	50%	1.11	50%	Good/High

6	Cleopatra Playground	Anthony Avenue, bet. Prospect and Ittner Places	DPR	Playgrounds, Basketball Courts	Children, Teenagers, Adults	Mon - Fri: School close until dusk	0.62	0.56	90%	0.06	10%	Good/Low
7	I.S. 391	2225 Webster Avenue	DPR/ DOE	Playgrounds, Track, Benches	Children, Teenagers, Adults	Mon - Fri: School close until dusk Sat & Sun: 8AM - Dusk	0.46	0.46	100%	0.0	0%	Fair/Low
8	P.S. 3	2100 Lafontaine Avenue	DPR/ DOE	Playgrounds, Benches	Children	Mon - Fri: School close until dusk Sat & Sun: 8AM - Dusk	0.11	0.10	90%	0.01	10%	Good/Low
9	Prospect Playground	Fairmount Place, bet. Clinton and Prospect Avenues	DPR	Basketball Courts, Playgrounds, Handball Courts, Field Track	Children, Teenagers, Adults, Senior Citizens	6AM - 9PM	1.44	1.44	100%	0.0	0%	Excellent/Low
10	Quarry Ballfields	E 181 Street, Oak Tree Place, bet. Quarry Road and Hughes Avenue	DPR	Baseball Fields, Football Fields, Soccer Fields	Children, Teenagers, Adults, Senior Citizens	6AM – 10PM	4.42	4.42	100%	0.0	0%	Poor/Low
11	Richman (Echo) Park	Valentine Avenue, bet. E Tremont and E Burnside Avenues	DPR	Basketball Courts, Handball Courts, Spray Showers, Playgrounds	Children, Teenagers, Adults, Senior Citizens	6AM – 10PM	4.38	1.31	30%	3.07	70%	Under construction

12	Mapes Ballfield	Mapes and Prospect Avenue, bet. E 180 and E 181 Streets	DPR/ DOE	Baseball Field, Playground, Tables	Children, Teenagers, Adults, Senior Citizens	6AM – 10PM	1.81	1.27	70%	0.54	30%	Under construction
13	Mapes Pool/ Playground	E 180 Street, bet. Prospect and Mapes Avenues	DPR/ DOE	Benches, Plantings, Pool	Adults, Senior Citizens	6AM – 1AM	0.68	0.0	0%	0.68	100%	Good/Low
0.5-Mile Study Area Total							**35.31**	**56.7%**	**20.01**	**43.3%**	**15.30**	

TABLE E-4 (cont.)
Inventory of Existing Open Space and Recreational Resources in Study Area

Map No .[1]	Name	Address	Owner/ Agency	Amenities	User Groups	Hours of Access	Total Acres	Passive		Active		Condition & Utilization
								%	Acres	%	Acres	
Open Space Resources Not Included in Quantitative Analysis												
A	El Batey de Doña Provi	1965 Bathgate Avenue	DPR/ Green Thumb	Trees, Plantings, Gardens	Adults, Senior Citizens	Mon - Thu: 3-5PM Fri: 3-8PM Sat & Sun: 9AM - 8PM	0.13	0%	0.0	100%	0.13	Good/Low
B	Bathgate Community Garden	1818 Bathgate Avenue	NYRP	Trees, Plantings, Gardens	Adults, Senior Citizens	Unlisted	0.60	0%	0.0	100%	0.60	Good/Low
C	Bergen Triangle	E 181 Street, Anthony Avenue, Grand Concourse	DPR	Trees, Plantings, Benches	Adults, Senior Citizens	24/7	0.21	0%	0.0	100%	0.21	Good/Low
D	Garden Of Happiness	2156 Prospect Avenue	DPR/ Green Thumb	Trees, Plantings, Benches, Picnic Tables	Adults, Senior Citizens	Apr 1 - Oct 31, 20 hrs per week	0.34	0%	0.0	100%	0.34	Good/Low

E	Tremont Community Garden	Monterey Avenue, E 178th Street, Lafontaine Avenue	Bronx Land Trust	Trees, Plantings, Gardens	Adults, Senior Citizens	Unlisted	0.42	0%	0.0	100%	0.42	Good/Low
0.5-Mile Study Area Total							**1.70**	**0%**	**0.0**	**100%**	**1.70**	

Sources: NYC OASIS, NYC Parks, January 2022 field visits.

Notes: There are six Greenstreets and three landscaped medians within the residential (0.5-mile) study area, which totals 0.92 acres. However, they do not meet the CEQR criteria to qualify as open space. As such, they are not included in either the quantitative or qualitative analyses.

[1] Refer to **Figure E-3**.

[2] DPR = New York City Department of Parks and Recreation; DOE=New York City Department of Education; DOT = New York City Department of Transportation

One open space resource was under construction while this analysis was prepared. Reconstruction of the playground, spray showers, and basketball courts at Richman (Echo) Park (Map No.11) began in December 2016 and has a projected completion date of February 2022. Prospect Playground reconstruction (Map No. 9) began in October 2017 and was completed in December 2021. They are accounted for in the existing conditions analysis.

In addition, as shown in **Table E-4**, there are five open space resources that are not included in the quantitative analysis because they do not provide consistent public hours or do not include seating or other amenities. Four of five of these resources are community gardens.

Assessment of Open Space Adequacy

The following analysis of the adequacy of open space resources within the residential study area takes into consideration the ratios of total, passive, and active open space resources.

Quantitative Assessment

The residential study area contains a total of 35.31 acres of open space, of which approximately 15.30 acres are for passive uses and approximately 20.01 acres are for active uses. With a residential population of 47,415, the study area has a total open space ratio of 0.745 acres per 1,000 residents, which is below the applicable City open space guidelines. The residential study area's passive and active open space ratios are 0.323 and 0.422 acres per 1,000 residents, respectively. As shown in **Table E-5**, the passive open space ratio of 0.323 and the active open space ratio of 0.422 are both below the applicable City open space goal for passive (0.50 acres of passive open space per 1,000 people) and active (2.00 acres of active open space per 1,000 people) open space. As such, there is an insufficient amount of both passive and active open space in the residential study area.

TABLE E-5: Adequacy of Open Space Resources: Existing Conditions

	Population	Open Space Acreage			Open Space Ratios per 1,000 People			CEQR Technical Manual Open Space Optimal Planning Goal		
		Total	Passive	Active	Total	Passive	Active	Total	Passive	Active
Residential	47,415	35.31	15.30	20.01	0.745	0.323	0.422	2.50	0.50	2.00

Qualitative Assessment

As shown in **Table E-4**, a majority of the study area open space resources are in good condition and feature low to moderate utilization levels. The residential study area includes many passive and active open space uses, such as playgrounds, basketball courts, handball courts, benches, and landscaped areas. Moreover, an additional 1.70 acres of open space were conservatively not included in the quantitative assessment (as they are not fully accessible to the public, have limited hours, or do not include seating or other amenities), although it is likely that they are used by people that live in the study area. In addition, Crotona Park (approximately 127 acres) and Claremont Park (38 acres) are significant open space resources located just beyond the boundaries of the study area boundary (approximately 25 miles south and 0.53 miles southwest, respectively, of the project area). In particular, Crotona Park is readily available to study area

residents given that a portion of it lies within a half-mile radius of the project area but it is excluded from the quantitative analysis as it is in a census tract with more than 50 percent of its area outside the radius.

IV. THE FUTURE WITHOUT THE PROPOSED ACTIONS (NO-ACTION)

In the 2025 future without the Proposed Actions, it is anticipated that the Applicant-controlled Development Site would be redeveloped as-of-right to include 154,680 gsf of residential uses, 8,343 gsf of commercial uses, and 11,683 gsf of community facility uses. The Development Site would contain 182 DUs, of which 55 would be affordable. Projected Development Site 1 (Lots 43 and 84) would retain existing conditions under the No-Action scenario. Lot 43 would remain with approximately 3,237 gsf of commercial uses. Lot 84 would remain with approximately 4,253 of commercial uses. No other changes to the remaining project area lots are anticipated in the future without the Proposed Actions.

Study Area Population

There are 24 known and anticipated developments within the residential (0.5-mile) study area (see **Figure E-4 and Table E-6**). The No-Action development on the Development Site is expected to introduce approximately 528 residents to the residential (0.5-mile) study area. The anticipated No-Action developments are anticipated to introduce approximately 4,432 residents to the residential (0.5-mile) study area.

In total, the 24 No-Action developments, in addition to the No-Action development on the Development Site in the future without the Proposed Actions, are expected to introduce approximately 4,922 residents to the residential (0.5-mile) study area (see **Table E-7**).

Study Area Open Space Resources

There are no new publicly accessible open spaces expected to be added to the residential study areas under the No-Action condition. There is one anticipated change to an existing open space resources currently located within those study areas. Quarry Ballfield is slated to undergo construction of a new athletic turf field, additional seating area, and amenities. As such, its condition and utilization are expected to improve and increase, respectively. In June 2020, the design phase for the project was completed. It is currently in the procurement phase, which is expected to conclude in April 2022. Construction is expected to begin shortly after procurement is completed, with an expected construction phase of 12-18 months.

Assessment of Open Space Adequacy

As detailed above, it is anticipated that under No-Action conditions, new development in the residential (0.5-mile) study areas would result in an increase in the population, and thus, would increase the demand on the area's open spaces. Within the study area, as under existing conditions, the total, passive, and active open space ratios would be less than the City's open space planning goals of 2.5 acres of open space per 1,000 residents (including 0.5 acres of passive open space and two acres of active open space). Specifically, the residential total open space ratio is expected to decrease to 0.675 acres per 1,000 residents in the No-Action condition, with No-Action passive and active open space ratios of 0.292 and 0.382 acres per 1,000 residents, respectively. Refer to **Table E-8**.

TABLE E-6: 2025 No-Action Developments

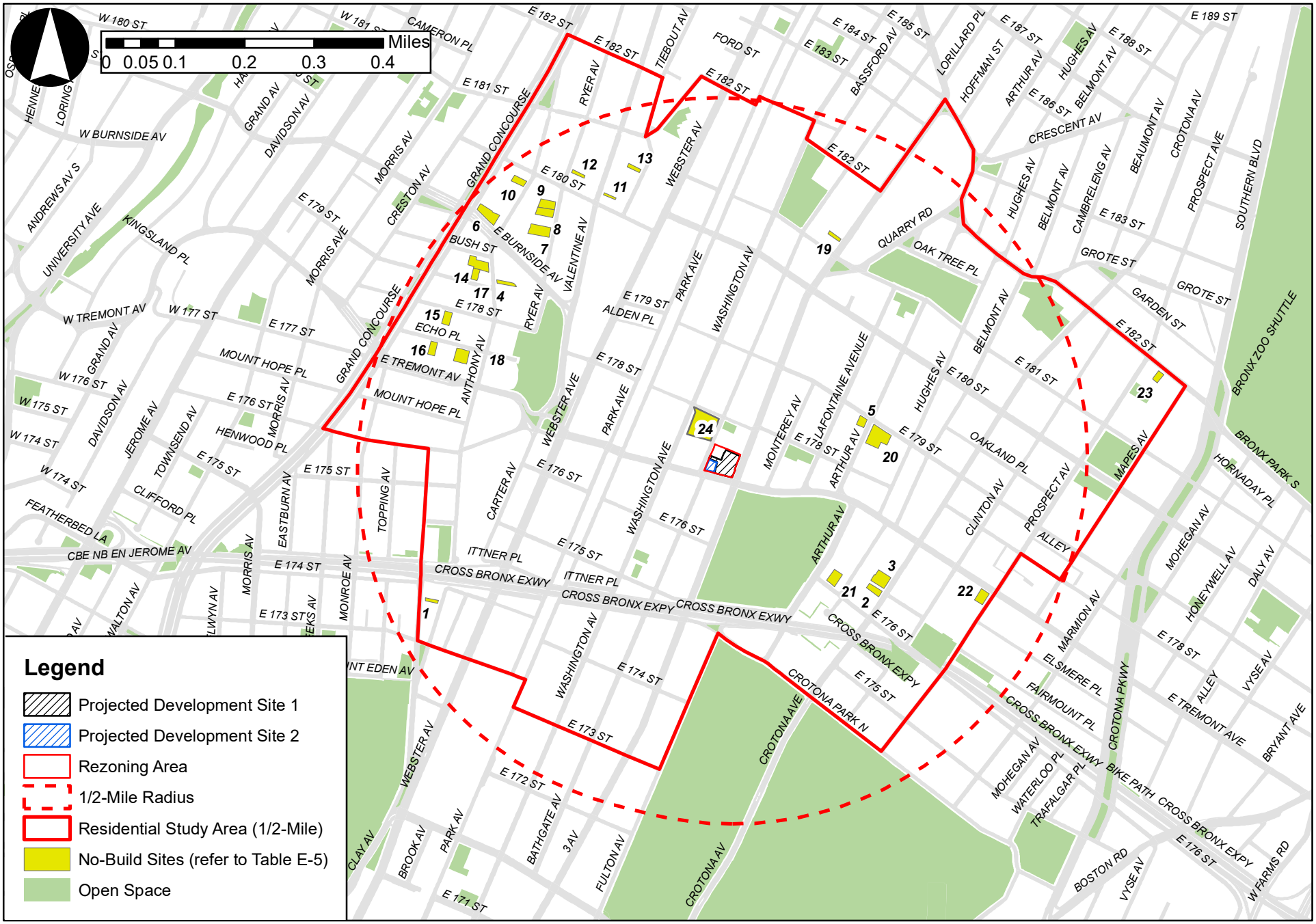
Map Number	Address/Name	Dwelling Units	Residential Pop[1]
1/2-Mile Study Area			
1	1701 Anthony Ave	21	61
2	1893 Crotona Ave	28	82
3	1899 Crotona Ave	64	187
4	1988 Anthony Ave	68	199
5	2021 Arthur Ave	18	52
6	2050 Grand Concourse	96	280
7	2051 Ryer Ave	86	251
8	2065-6067 Ryer Ave	66	193
9	2067 Ryer Ave	66	193
10	2075 Anthony Ave	44	128
11	2086 Valentine Ave	38	111
12	2088 Ryer Ave	10	29
13	2109 Tiebout Ave	14	41
14	218 Bush Street	91	266
15	220 E 178 St	52	152
16	222 Echo Pl	44	128
17	225 E 179 St	37	108
18	246 Echo Pl	90	263
19	4415 3 Ave	20	54
20	600 E 179 St	177	476
21	637 E 176 St	46	124
22	752 E Tremont Ave	87	234
23	772 E 182 St	18	48
24	1949 Bathgate Ave	287	772
1/2-Mile Total		***1,568***	***4,432***

Source: NYC Active Major Construction via Department of Buildings, NYC Dept. Housing Preservation and Development Housing New York Map
[1] Residential population calculated based on location of development in NTA.

TABLE E-7: 2025 No-Action Open Space Study Area Population

	Existing Population	Additional Population from No-Action Developments[1,2]	Future 2025 No-Action Population
Residential	47,415	4,922	52,337

Notes:
[1] Residential population estimate for No-Action developments based on respective NTAs for which the development is located. The NTAs include: Tremont NTA (2.69 persons per household), Mount Hope NTA (2.92 persons per household), and Claremont Village NTA (2.91 persons per household). 2020 US Census data via NYC Population FactFinder.
[2] Includes the projected residential population generated by the No-Action developments (approximately 490 residents) listed in **Attachment C "Land Use, Zoning, and Public Policy."**


Miles
0 0.05 0.1 0.2 0.3 0.4
Legend
Projected Development Site 1
Projected Development Site 2
Rezoning Area
1/2-Mile Radius
Residential Study Area (1/2-Mile)
No-Build Sites (refer to Table E-5)
Open Space
1
2
3
4
5
6
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GRAND CONCOURSE
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W 175 ST
W 174 ST
CAMERON PL
FORD ST
TIEBOUT AV
RYER AV
WEBSTER AV
BASSFORD AV
LORILLARD PL
HOFFMAN ST
ARTHUR AV
HUGHES AV
BELMONT AV
CRESCENT AV
BEAUMONT AV
CROTONA AV
PROSPECT AVE
SOUTHERN BLVD
BRONX ZOO SHUTTLE
W BURNSIDE AV
GRAND AV
DAVIDSON AV
MORRIS AV
CRESTON AV
ANDREWS AV S
UNIVERSITY AVE
KINGSLAND PL
MORRIS AVE
E BURNSIDE AV
BUSH ST
VALENTINE AV
QUARRY RD
OAK TREE PL
GROTE ST
GARDEN ST
W TREMONT AV
GRAND AV
MOUNT HOPE PL
E TREMONT AV
ECHO PL
ANTHONY AV
ALDEN PL
PARK AVE
WASHINGTON AV
WEBSTER AVE
MONTEREY AV
LAFONTAINE AVENUE
OAKLAND PL
CLINTON AV
PROSPECT AV
ALLEY
MAPES AV
BRONX PARK S
HORNADAY PL
MOHEGAN AV
HONEYWELL AV
DALY AV
VYSE AV
BRYANT AVE
JEROME AV
TOWNSEND AV
HENWOOD PL
CLIFFORD PL
FEATHERBED LA
CBE NB EN JEROME AV
EASTBURN AV
TOPPING AV
CARTER AV
ITTNER PL
CROSS BRONX EXWY
CROSS BRONX EXPY
MONROE AV
WALTON AV
CLWYN AV
NT EDEN AV
CROTONA PARK N
CROTONA AVE
CROTONA PKWY
ELSMERE PL
FAIRMOUNT PL
E TREMONT AVE
MOHEGAN AV
WATERLOO PL
TRAFALGAR PL
BIKE PATH
BOSTON RD
VYSE AV
W FARMS RD
WEBSTER AV
BROOK AV
PARK AV
BATHGATE AV
3 AV
FULTON AV
CLAY AV

TABLE E-8: Adequacy of Open Space Resources: 2025 No-Action Condition

	Population	Open Space Acreage			Open Space Ratios per 1,000 People			*CEQR Technical Manual* Open Space Optimal Planning Goal		
		Total	Passive	Active	Total	Passive	Active	Total	Passive	Active
Residential	52,337	35.31	15.30	20.01	0.675	0.292	0.382	2.50	0.50	2.00

V. THE FUTURE WITH THE PROPOSED ACTIONS (WITH-ACTION)

In the 2025 future with the Proposed Actions, the proposed zoning map and text amendments would be approved and the Development Site would be redeveloped. As discussed in **Attachment A, "Project Description,"** under the RWCDS, Projected Development Site 1 would introduce an increment of 23,795 gsf of residential uses (+23 DUs) and 4,474 gsf of local retail uses, as well as a net reduction in community facility uses (-987 gsf). Projected Development Site 1 is expected to generate approximately 61 incremental residents, as compared to the 2025 No-Action condition. Projected Development Site 2 under With-Action conditions was also considered for conservative analysis purposes. Because of the Projected Development Site 2, the Proposed Actions would introduce an increment of 51,926 gsf of residential uses (+61 DUs), as well as a net reduction in local retail uses (-1,788 gsf). Projected Development Site 2 is expected to generate approximately 164 incremental residents, as compared to the 2025 No-Action condition. Additionally, project-generated open space includes two rooftop terrace spaces (approximately 3,127 gsf total), which would be for common use by building residents and accessible from the public corridor. While the rooftop terraces have not been fully designed, it is anticipated that these spaces would offer passive recreational uses and would include amenities such as seating areas. This would help alleviate the demand for total and passive open space generated by the project.[3]

Therefore, as described above, for conservative analysis purposes the open space analysis assumes the Proposed Actions would generate up to approximately 225 residents.

Direct Effects Analysis

No publicly accessible open space is currently located in the project area. Therefore, the Proposed Actions would not cause the physical loss of publicly accessible open space. In addition, as discussed in **Attachment F, "Shadows,"** and **Attachment H, "Noise,"** the Proposed Actions would not result in any significant adverse shadows or noise impacts affecting existing open space resources. Furthermore, the Proposed Actions would not change the use of a publicly accessible open space resource so that it no longer serves the same user population, nor would it limit public access to any open space resources.

Indirect Effects Analysis

Study Area Population

In the 2025 future with the Proposed Actions, 225 additional residents would be introduced in the project area compared to No-Action conditions. As indicated below in **Table E-9**, the residential (0.50-mile) study area's residential population is expected to increase to 52,562.

[3] Since the project's open space would not be considered publicly accessible by *CEQR*, it is not counted in the qualitative or quantitative analyses.

TABLE E-9: 2025 With-Action Open Space Study Area Population

	No-Action Population	Incremental Population[1]	2025 With-Action Population
Residential	52,337	225	52,562

Notes:
[1] Residential population estimate for With-Action developments based on Tremont NTA average of approximately 2.69 persons per household (2020 Census via NYC Population FactFinder).

Assessment of Open Space Adequacy

Quantitative Assessment

As presented in **Table E-10**, as under No-Action conditions, the total, passive, and active open space ratios would remain below the City's open space planning goals of 2.5 acres of open space per 1,000 residents (including 0.5 acres of passive open space and two acres of active open space). Specifically, the residential total open space ratio is expected to be 0.672 acres per 1,000 residents in the With-Action condition, with passive and active open space ratios of 0.291 and 0.381 acres per 1,000 residents, respectively.

TABLE E-10: Adequacy of Open Space Resources: 2025 With-Action Condition

	Population	Open Space Acreage			Open Space Ratios per 1,000 People			*CEQR Technical Manual* Open Space Optimal Planning Goal		
		Total	Passive	Active	Total	Passive	Active	Total	Passive	Active
Residential	52,715	35.31	15.30	20.01	0.672	0.291	0.381	2.50	0.50	2.00

Qualitative Assessment

In the future with the Proposed Actions, the residential open space ratios in the residential (0.50-mile) study area would remain below the City's planning guidelines for total, passive, and active open space ratios. The population to be generated by the Proposed Actions is not expected to have any special characteristics, such as a disproportionately younger or older population, that would place heavy demand on facilities that cater to specific groups. Moreover, a majority of the residential study area open spaces are in good condition and use levels are characterized by low-to-heavy utilization (refer to **Table E-4**).

Further, and as described above, several open space resources cannot be included in the quantitative analysis as per guidance from the *CEQR Technical Manual*. Specifically, there are four community gardens and one landscaped median with seating within the residential study area not included in the quantitative analysis as per CEQR guidance. Combined, these open spaces add an additional 1.70 acres of passive open space that is not considered in the analysis. Both Crotona Park (approximately 127 acres) and Claremont Park (approximately 38-acres) are located just outside the residential study area and are approximately 0.25 miles south and 0.53 miles southwest, respectively, of the project area. As shown in **Figure E-2**, the project area is not located within a "walk gap" area. As such, New York City DPR has determined that this area is within walking distance of a park. As such, it can be assumed that residents of study area and those that would reside in the future Development Site and Projected Development Site 1 would likely also visit and utilize these large parks.

Determining Impact Significance

A significant adverse open space impact may occur if the Proposed Actions would reduce the open space ratio by more than five percent in areas that are currently below the *CEQR Technical Manual's* open space ratio of 2.5 acres per 1,000 residents and 0.15 acres per 1,000 non-residents. In areas that are extremely lacking in open space, a reduction as little as one percent may be considered significant, depending on the area of the City. Conversely, in areas well served by open space, a greater percentage of change (more than five percent) may be tolerated. These reductions may result in overburdening existing facilities or further exacerbating a deficiency in open space.

Table E-11 compares the No-Action and With-Action open space ratios for the 0.5-mile residential study area. The open space ratios for total, passive, and active open space would remain below the City's optimal open space ratio guidance for project areas with open space ratios below the *CEQR Technical Manual.* As shown in **Table E-12**, total open space ratios ranging between 0.51 to 1.0 acres per 1,000 residents could tolerate a two percent change; active open space ratios ranging between 0.01 to 0.40 acres per 1,000 residents could tolerate a one percent change, and; passive open space ratios ranging between 0.21 to 0.30 acres per 1,000 residents could tolerate a three percent change. The future No-Action to With-Action ratios would not decrease by more than one percent compared to No-Action conditions (0.58, 0.5166, and 0.6651 percent, respectively), which would not exceed the percent changes outlined in **Table E-12** above. As discussed in the qualitative assessment, several factors offset existing and projected demand for open space. These factors include the good condition of study area open spaces, that the population to be generated by the Proposed Actions is not expected to place heavy demand on facilities, and that significant open spaces (ranging from 38 to 127 acres) are located within a half-mile of the study area boundaries. Additionally, project-generated open space includes two rooftop terrace spaces (approximately 3,127 gsf of combined passive space) for building tenants, which would alleviate the demand for open space generated by the project.

TABLE E-11: Residential Open Space Ratios Summary

Ratio	*CEQR Technical Manual* Open Space Optimal Planning Goal (acres per 1,000)	Open Space Ratios Per 1,000			Percent Change
		Existing	No-Action	With-Action	Future No-Action to Future With-Action
Residential					
Passive	0.50	0.323	0.292	0.291	**-0.66%**
Active	2.0	0.422	0.382	0.381	**-0.51%**
Total	2.50	0.745	0.675	0.672	**-0.58%**

TABLE E-12: CEQR Percentage Change Guidance to Determine Possible Open Space Impact

Total Open Space Ratio Range	Active Open Space Ratio Range	Passive Open Space Ratio Range	Percentage Change in Open Space Ratio Signifying a Possible Adverse Open Space Impact
2.01 to 2.50 or greater[1]	1.61 to 2.0 or greater	0.41 to 0.50 or greater	5%
1.51 to 2.00	1.21 to 1.60	0.31 to 0.40	4%
1.01 to 1.50	0.81 to 1.20	0.21 to 0.30	3%
0.51 to 1.00	0.41 to 0.80	0.11 to 0.20	2%
0.50 or Less	0.01 to 0.40	0.01 to 0.10	1%

Notes: Copied from Table 7-5 in the Open Space chapter of the *CEQR Technical Manual*.

[1] 2.5 total open space ratio is the planning goal in New York City.

The quantitative analysis reveals that increase in demand because the Proposed Actions would not result in significant reductions (as shown in **Table E-11** and **Table E-12** above) in the total, active and passive open space ratios, compared to the No-Action condition. Moreover, given qualitative factors, such as the existing good condition of the study area open spaces and the availability of additional space just outside the study area, the Proposed Actions would not overburden existing open space resources. Therefore, while the population in the residential study area would continue to be underserved by open space, the Proposed Actions would not result in any significant adverse impacts on existing open spaces.

ATTACHMENT F
SHADOWS

I. INTRODUCTION

This attachment assesses the potential for the Proposed Actions to result in incremental shadows long enough to reach any nearby publicly accessible open spaces or other sunlight-sensitive resources. According to the 2021 *City Environmental Quality Review (CEQR) Technical Manual*, a shadows assessment is required if a proposed action would result in structures (or additions to existing structures) of 50 feet or greater in height, or those that would be located adjacent to, or across the street from, a sunlight-sensitive resource. As discussed in **Attachment A, "Project Description,"** the Proposed Actions would facilitate the development of buildings that would be greater than 50 feet, located adjacent to several sunlight-sensitive resources. Therefore, a detailed shadows analysis was prepared in accordance with *CEQR Technical Manual* guidance to determine the potential for the Proposed Actions to result in significant adverse impacts on sunlight-sensitive resources.

II. METHODOLOGY

According to the *CEQR Technical Manual*, the longest shadow a structure will cast in New York City, except for periods close to dawn or dusk, is 4.3 times its height. For actions or projects resulting in structures less than 50 feet tall, a shadow assessment is generally not necessary, unless the site is adjacent to a park, historic resource, or important natural feature (if the feature that makes the structure significant depends on sunlight).

First, a preliminary screening assessment must be conducted to ascertain whether shadows resulting from an action or project could reach any sunlight-sensitive resource at any time of year. The *CEQR Technical Manual* defines sunlight-sensitive resources as those resources that depend on sunlight or for which direct sunlight is necessary to maintain the resource's usability or architectural integrity. The following are considered to be sunlight-sensitive resources[1]:

- *Public open space* (e.g., parks, playgrounds, plazas, schoolyards, greenways, and landscaped medians with seating). Planted areas within unused portions of roadbeds that are part of the Greenstreets program are also considered sunlight-sensitive resources. The use of an open space establishes its sensitivity to shadows. This sensitivity is assessed for both (1) warm-weather dependent features, such as wading pools and sandboxes, or vegetation that could be affected by loss of sunlight during the growing season (i.e., March through October); and (2) features, such as benches, that could be affected by a loss of winter sunlight. Open space uses that rely on sunlight include: Passive uses, such as sitting or sunning areas; active uses, such as playfields or paved courts; and such activities as gardening, or children's wading pools and sprinklers. Where lawns are actively used, the turf requires extensive sunlight. Vegetation requiring direct sunlight includes the tree canopy, flowering plants, and plots in community gardens. Generally, six to eight hours a day of sunlight, particularly in the growing season, is a minimum requirement.

[1] According to the *CEQR Technical Manual*, city streets, sidewalks, and private open spaces (such as private residential front and back yards, stoops, and vacant lots) are not considered to be sunlight-sensitive resources.

- *Features of historic architectural resources that depend on sunlight for their enjoyment by the public.* Only the sunlight-sensitive features are considered, as opposed to the entire architectural resource. Sunlight-sensitive features include the following: design elements that are part of a recognized architectural style that depends on the contrast between light and dark (e.g., deep recesses or voids, such as open galleries, arcades, recessed balconies, deep window reveals, and prominent rustication); elaborate, highly carved ornamentation; stained glass windows; exterior building materials and color that depend on direct sunlight for visual character (e.g., the polychromy [multicolored] features found on Victorian Gothic Revival or Art Deco facades); historic landscapes, such as scenic landmarks, including vegetation recognized as an historic feature of the landscape; and structural features for which the effect of direct sunlight is described as playing a significant role in the structure's importance as an historic landmark.

- *Natural resources where the introduction of shadows could alter the resource's condition or microclimate.* Such resources could include surface water bodies, wetlands, or designated resources, such as coastal fish and wildlife habitats.

The preliminary shadow screening assessment consists of three tiers of analysis. The first tier determines a simple radius around the site representing the longest shadow that could be cast by the proposed building(s). If there are sunlight-sensitive resources within the radius, the analysis proceeds to the second tier, which reduces the area that could be affected by action-generated shadows by accounting for a specific range of angles that can never receive shade in New York City due to the path of the sun in the northern hemisphere. If the second tier of analysis does not eliminate the possibility of new shadows on sunlight-sensitive resources, a third tier of screening analysis further refines the area that could be reached by new shadows by looking at specific representative days of the year and determining the maximum extent of shadow coverage over the course of each representative day.

If the third tier of analysis does not eliminate the possibility of new shadows on sunlight-sensitive resources, a detailed shadow analysis is required to determine the extent and duration of the incremental shadow – or the additional, or new, shadow that a building or other built structure resulting from a proposed action would cast on a sunlight-sensitive resource during the year – resulting from a proposed action. Incremental shadows are determined by establishing a baseline condition (the No-Action condition) and comparing it to the future condition resulting from a proposed action (the With-Action condition), thus illustrating the shadows cast by existing or future buildings and distinguishing the additional (incremental) shadows cast by a proposed project. In accordance with *CEQR Technical Manual* guidance, shadows on sunlight-sensitive resources of concern were modeled for four representative days of the year. For the New York City area, the months of interest for an open space resource encompass the growing season (i.e., March through October) and one month between November and February representing a cold-weather month (usually December). Representative days for the growing season are generally the March 21 vernal equinox (or the September 21 autumnal equinox, which is approximately the same), the June 21 summer solstice, and a spring or summer day halfway between the summer solstice and equinoxes, such as May 6 or August 6 (which are approximately the same). For the cold weather months, the December 21 winter solstice is included to demonstrate conditions when open space users rely most heavily on available sunlight warmth. As these months and days are representative of the full range of possible shadows, they are also used for assessing shadows on sunlight-sensitive resources.

The *CEQR Technical Manual* defines the temporal limits of a shadow analysis period to fall from an hour and a half after sunrise to an hour and a half before sunset.

The detailed analysis provides the data needed to assess the shadow impacts. The effects of the new shadows on the sunlight-sensitive resources are described, and their degree of significance is considered. The results of the analysis and assessment are documented with graphics, a table of incremental shadow durations, and narrative text. As described in the *CEQR Technical Manual*, an incremental shadow is generally not considered significant when its duration is no longer than ten minutes at any time of year and the resource continues to receive substantial direct sunlight. A significant shadow impact generally occurs when an incremental shadow of ten minutes or longer falls on a sunlight-sensitive resource and results in one of the following:

- *Vegetation:* A substantial reduction in sunlight available to sunlight-sensitive features of the resource to less than the minimum time necessary for their survival (when there would be sufficient sunlight in the future without the project) or a reduction in direct sunlight exposure where the sensitive features of the resource are already subject to substandard sunlight (i.e., less than the minimum time necessary for their survival).

- *Historic and cultural resources:* A substantial reduction in sunlight available for the enjoyment or appreciation of the sunlight-sensitive features of an historic or cultural resource.

- *Open space utilization:* A substantial reduction in the usability of open space as a result of increased shadow, including information regarding anticipated new users and the open space's utilization rates throughout the affected time periods.

- *For any sunlight-sensitive feature of a resource:* Complete elimination of all direct sunlight on the sunlight-sensitive feature(s) of the resource, when the complete elimination results in substantial effects on the survival, enjoyment, or, in the case of open space or natural resources, the use of the resource.

In general, a significant adverse shadow impact occurs when the incremental shadow added by a proposed action falls on a sunlight-sensitive resource and substantially reduces or completely eliminates direct sunlight exposure, thereby significantly altering the public's use of the resource or threatening the viability of vegetation or other resources.

III. PRELIMINARY SCREENING

Tier 1 Screening Assessment

According to the *CEQR Technical Manual*, the longest shadow that a structure will cast in New York City, except for periods close to dawn or dusk, is 4.3 times its height. The maximum shadow radius for both Projected Development Site 1 and Projected Development Site 2 (796 feet) was determined using a maximum building height (including rooftop bulkhead) of 185 feet (Tier 1 Assessment).[2]

[2] In accordance with *CEQR Technical Manual* guidance, to be conservative, the maximum shadow radius was calculated by combining the maximum building height possible pursuant to the proposed C4-4D zoning (145 feet) and a rooftop bulkhead height of 40 feet (totaling approximately 185 feet), and multiplying that number by 4.3.

A base map was prepared (refer to **Figure F-1**) for Projected Development Sites 1 and 2, which identify all potentially sunlight-sensitive resources within the maximum shadow radius (sunlight-sensitive resources are identified in **Table F-1**). As shown in the figure, within the longest shadow study area, several potentially sunlight-sensitive resources were identified.[3] Therefore, further screening was warranted to determine whether these resources could be affected by action-generated shadows.

Tier 2 Screening Assessment

Due to the path of the sun across the sky in the northern hemisphere, no shadow can be cast in a triangular area south of any given site. In New York City, this area lies between -108 and +108 degrees from true north. The purpose of the Tier 2 screening is to determine whether the sunlight-sensitive resources identified in the Tier 1 screening are located within portions of the longest shadow study area that can receive shade from the proposed building(s).

Figure F-1 provides a base map illustrating the results of the Tier 1 and Tier 2 screening assessments (i.e., the portion of the longest shadow study area lying within -108 degrees from the true north and +108 degrees from true north as measured from the southernmost corner of Projected Development Site 1). As shown in **Figure F-1**, there are three sunlight-sensitive open space resources, one LPC individual landmark, one S/NR-listed resource, and one S/NR-eligible resource that potentially could be affected by action-generated shadows. While the open space resources warrant further assessment, the three other historic properties have no shadow sensitive properties according to an environmental review dated 16 March 2021 from the NYC Landmarks Preservation Commission (LPC) (refer to Appendix A), and therefore do not warrant further assessment.

Table F-1 identifies the open space sunlight-sensitive resources that warranted further assessment.

Table F-1: Sunlight-Sensitive Resources Warranting Further Analysis Based on Tier 1 and 2 Screening

Map No.[1]	Sunlight-Sensitive Resources
1	El Batey de Doña Provi Garden
2	Tremont Community Garden
3	Walter Gladwin Park

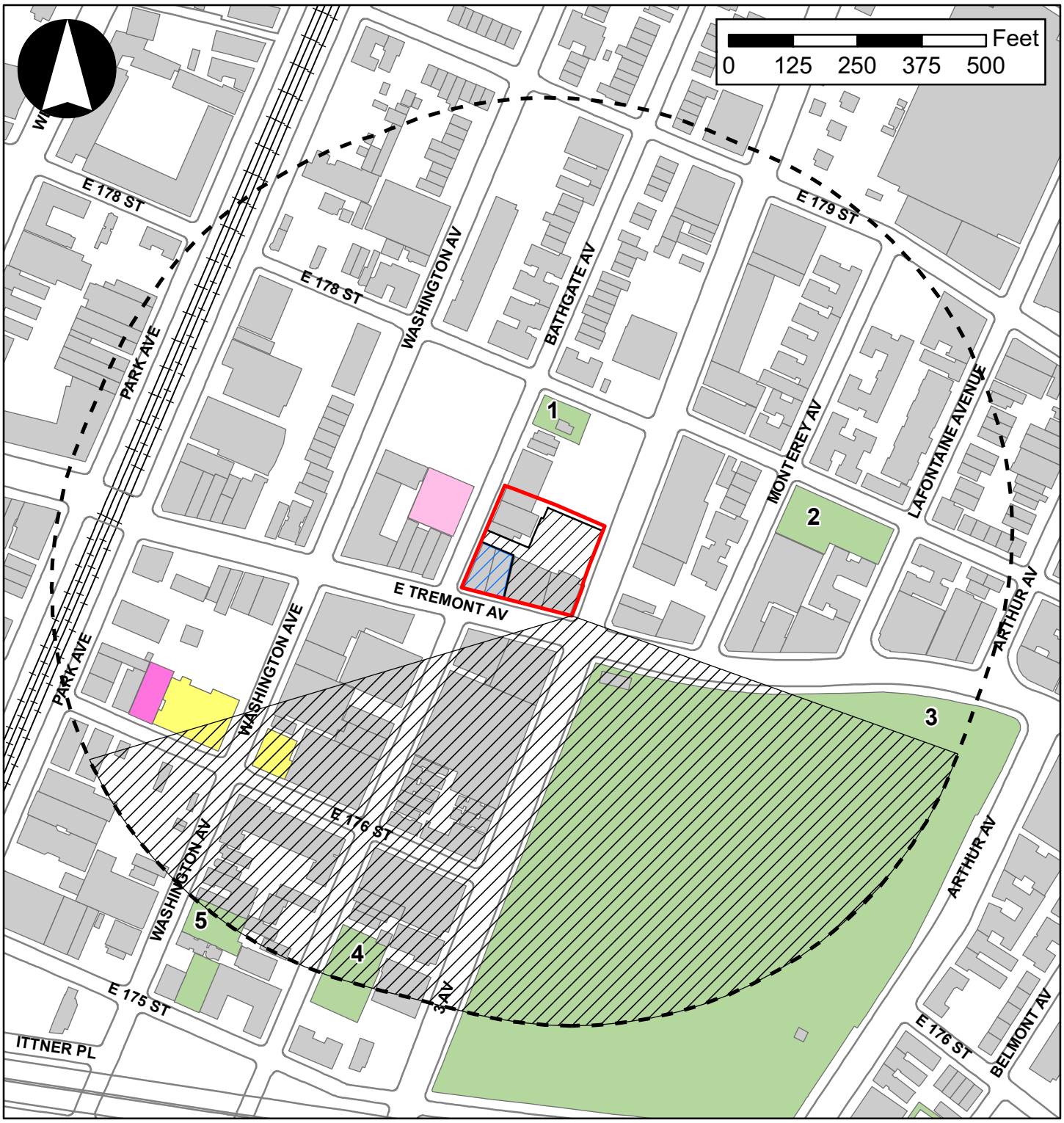
Note:
[1] Numbers keyed to **Figure F-1**.

Tier 3 Screening Assessment

According to the *CEQR Technical Manual*, a Tier 3 screening assessment should be performed to determine if, in the absence of intervening buildings, shadows resulting from a proposed action can reach a sunlight-sensitive resource, thereby warranting a detailed shadow analysis. The Tier 3 screening assessment is used to determine if shadows resulting from a proposed action can reach a sunlight-

[3] Within the longest shadow study area, there are several historic architectural resources. These resources include: the State/National Registers of Historic Places (S/NR)-listed 48th Precinct Police Station, the S/NR-eligible P.S. 58, the S/NR-eligible New York Public Library, Tremont Branch, and the S/NR-eligible and the New York City Landmarks Preservation Commission (LPC)-designated Firehouse, Engine Company 46/Ladder Co. 17. However, it was determined that these historic resources do not contain any sunlight-sensitive features or rely on sunlight for their historic significance, and therefore, no further analysis of these historic architectural resources is warranted.

Tier I & II Shadow Assesment



Legend

- Rezoning Area
- Projected Development Site 1
- Projected Development Site 2
- Tier I: Longest Shadow Study Area
- Tier II: Area That Cannot Be Shaded
- Sunlight-Sensitive Open Space Resources
- LPC Individual Landmark
- S/NR-Listed Resource
- S/NR-Eligible Resources
- Existing Building Footprints

sensitive resource at any time between an hour and a half after sunrise and an hour and a half before sunset on representative analysis days.

As action-generated shadows could reach three sunlight-sensitive resources, a Tier 3 assessment was performed using three dimensional (3D) computer mapping software. The 3D model was used to calculate and display action-generated shadows on individual representative analysis days. The model contained 3D representations of the elements in the base map used in the preceding assessments and a 3D model of the Proposed Project located on Projected Development Site 1 and the future building located on Projected Development Site 2. At this stage of the assessment, surrounding buildings within the longest shadow study area were not included in the model so that it may be determined whether action-generated shadows would reach the sunlight-sensitive resources identified.

As shown in **Figures F-2a** and **F-2b**, and presented in **Table F-2**, based on the Tier 3 screening assessment, the potential for new incremental shadows to be cast on El Batey de Doña Provi Garden (Map No. 1) on the March 21/September 21 and December 21 analysis days, Tremont Community Garden (Map No. 2) on the March 21/September 21 and May 6/August 6 analysis days, and Walter Gladwin Park (Map No. 3) on the June 21 analysis day could not be ruled out. Therefore, a detailed shadows analysis is warranted for this sunlight-sensitive resource.

Table F-2: Sunlight-Sensitive Resources Warranting Further Analysis Based on Tier 3 Screening

Map No.	Name	Mar 21/Sep 21 7:36AM - 4:29PM	May 6/Aug 6 6:27AM - 5:18PM	Jun 21 5:57AM - 6:01PM	Dec 21 8:51AM - 2:53PM	Analysis Days
1	El Batey de Doña Provi Garden	YES	NO	NO	YES	2
2	Tremont Community Garden	YES	YES	NO	NO	2
3	Walter Gladwin Park	NO	NO	YES	NO	1

IV. DETAILED ANALYSIS OF SHADOW IMPACTS

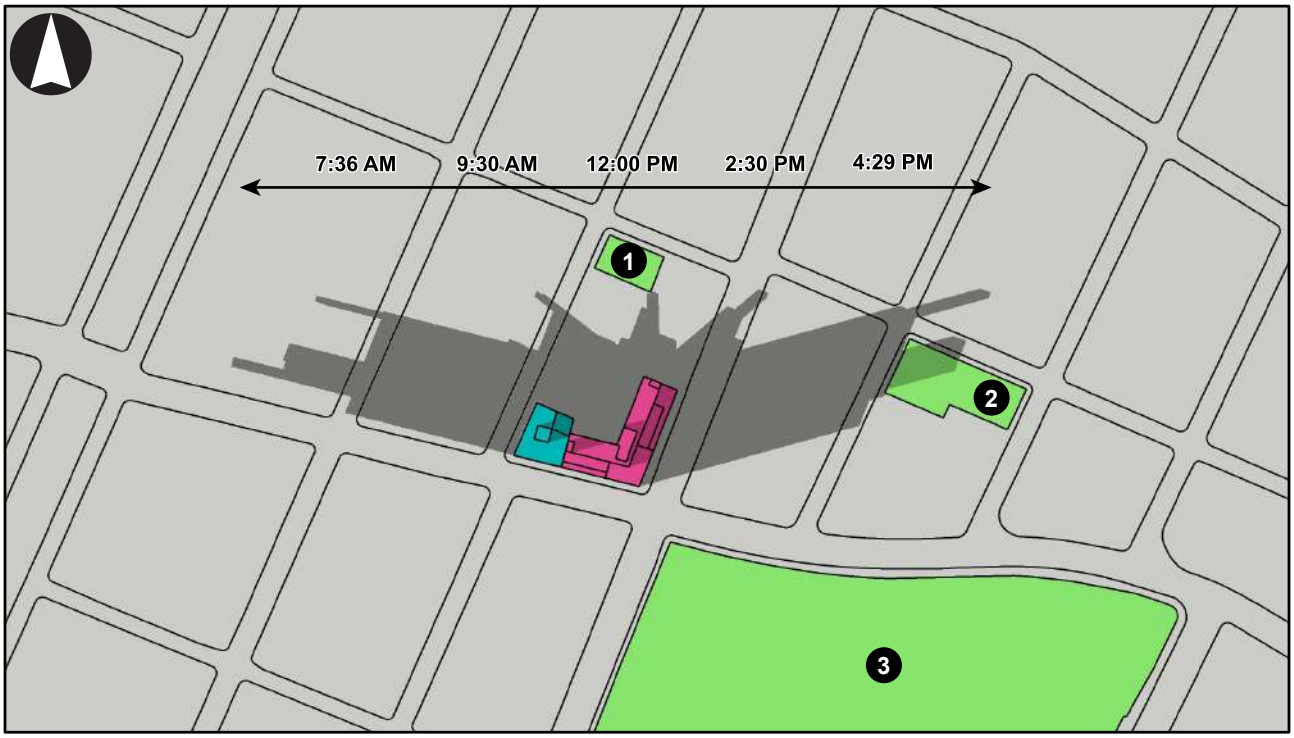
Resources Potentially Affected by Action-Generated Shadows

El Batey de Doña Provi Garden

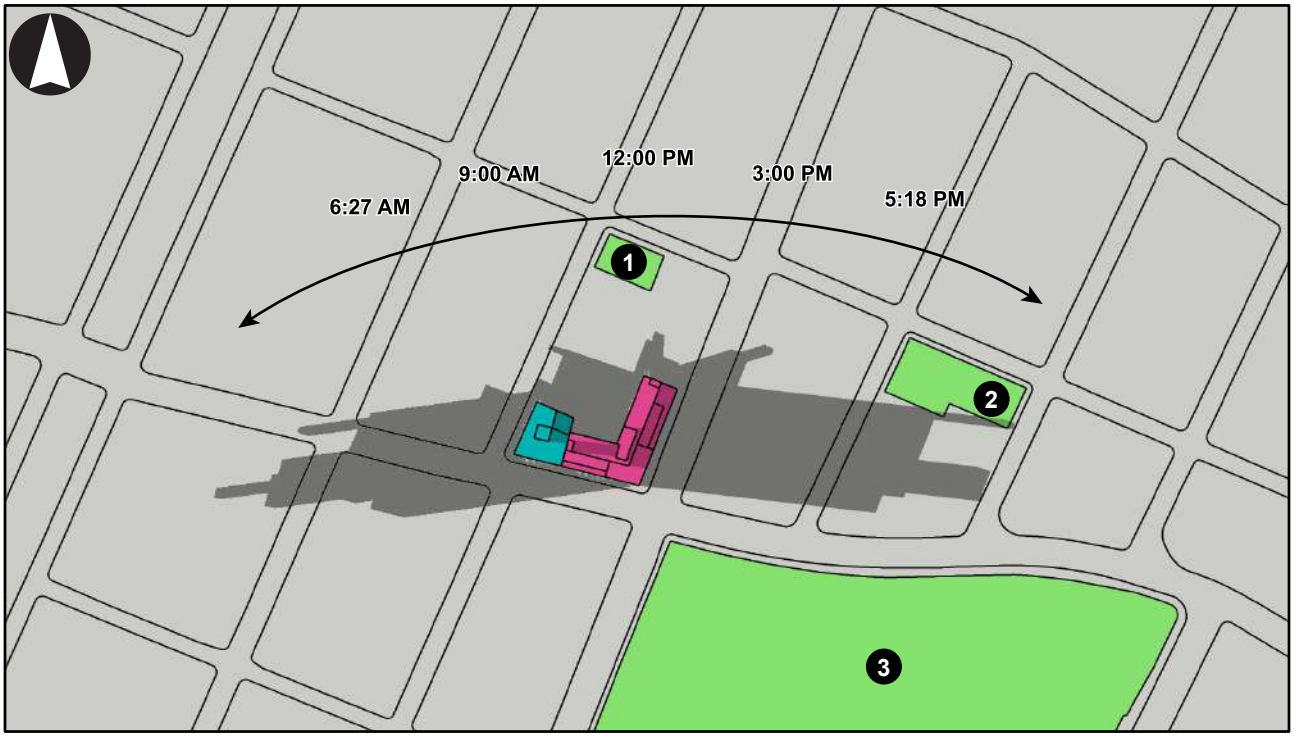
El Batey de Doña Provi Garden is an approximately 0.13-acre community garden owned by NYC Parks and operated by neighborhood volunteers. The garden, located at 504 East 178th Street (Block 3043, Lot 57), features a shed, a covered seating area, raised plant beds, and multiple trees. El Batey de Doña Provi Garden is open to the public Monday – Thursday from 3:00PM to 5:00PM; Friday from 3:00PM to 8:00PM; and Saturday – Sunday from 9:00AM to 8:00PM.

Tremont Community Garden

Tremont Community Garden is an approximately 0.40-acre community garden owned and operated by Bronx Land Trust. The garden, located at 1981 Lafontaine Avenue (Block 3060, Lots 38, 39, 42, and 43),



MARCH 21/SEPTEMBER 21



MAY 6/AUGUST 6

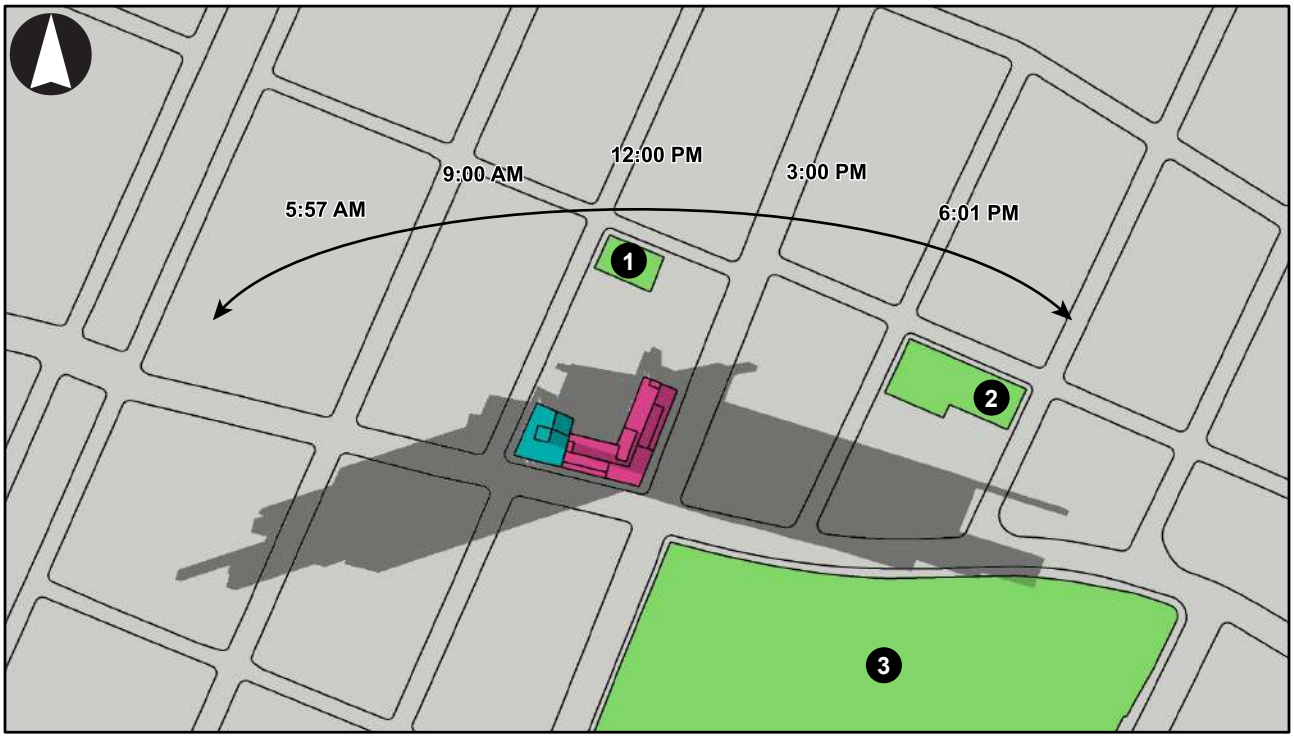
Proposed Project
(Projected Development Site 1)

Open Space

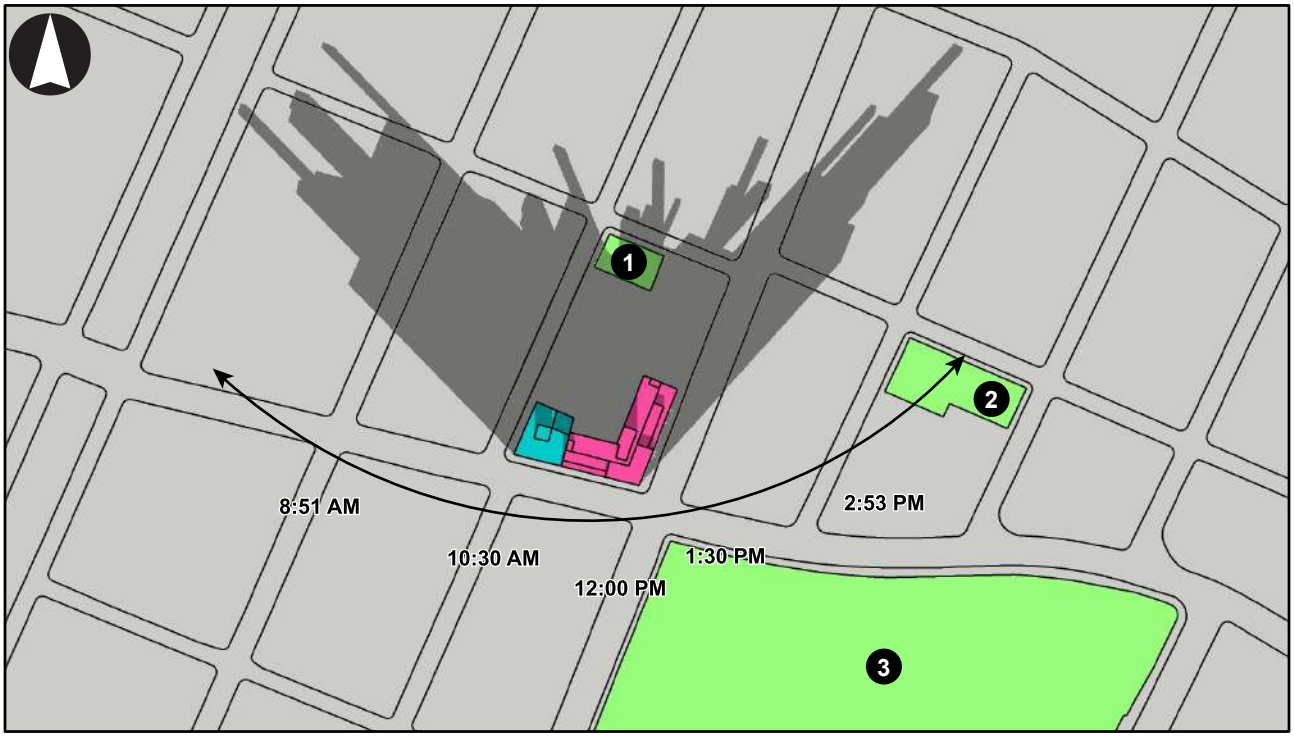
Incremental Shadow

Note: Resources keyed to Table F-1

Projected Development
(Projected Development Site 2)



JUNE 21



DECEMBER 21

Proposed Project
(Projected Development Site 1)

Open Space

Incremental Shadow

Note: Resources keyed to Table F-1

Projected Development
(Projected Development Site 2)

features a shed, raised plant beds, benches, and patio furniture sets, as well as perimeter landscaping and multiple trees. No public hours are listed for Tremont Community Garden.

Walter Gladwin Park[4]

Walter Gladwin Park is an approximately 15-acre public park owned and operated by NYC Parks. The park, located to the southeast of the Rezoning Area, across East Tremont Avenue (Block 2943, Lot 1), features playgrounds, spray showers, handball courts, dog-friendly areas, baseball fields, and numerous benches and seating areas, as well as landscaping and numerous large trees. It is open to the public daily from 6:00AM to 10:00PM.

Detailed Shadows Analysis

Per *CEQR Technical Manual* guidance, shadow analyses were performed for the sunlight-sensitive resources identified above on four representative days of the year: March 21/September 21 (the equinoxes); May 6 (the midpoint between the summer solstice and the equinoxes, and equivalent to August 6); June 21 (the summer solstice and the longest day of the year); and December 21 (the winter solstice and shortest day of the year). These four representative days indicate the range of shadows over the course of the year. As noted previously, *CEQR Technical Manual* guidance defines the temporal limits of a shadow analysis period to fall from an hour and a half after sunrise to an hour and a half before sunset. The results of the shadow analyses show the incremental difference in shadow impact between the No-Action condition and the With-Action condition, the results of which are summarized in **Table F-3**.

Table F-3: Duration of Shadows on Sunlight-Sensitive Resources (Increment Compared to the No-Action Condition)

Sunlight-Sensitive Resource	Analysis Day	March 21/Sept. 21	May 6/August 6	June 21	December 21
		7:36AM – 4:29PM	6:27AM – 5:18PM	5:57AM – 6:01PM	8:51AM – 2:53PM
El Batey de Doña Provi Garden	Shadow enter-exit time	11:54AM – 12:05PM	--	--	10:15AM – 2:22PM
	Incremental shadow duration	11 minutes	--	--	4 hour 7 minutes
Tremont Community Garden	Shadow enter-exit time	--	--	--	--
	Incremental shadow duration	--	--	--	--
Walter Gladwin Park	Shadow enter-exit time	--	--	6:00PM – 6:01PM	--
	Incremental shadow duration	--	--	1 minute	--

Notes:
[A] All times are Eastern Standard Time; Daylight Saving Time was not accounted for per *CEQR Technical Manual* guidance.
[B] Table indicates the entry and exit times and total duration of incremental shadows for the sunlight-sensitive resources.

As shown in **Table F-3**, incremental action-generated shadows would reach portions of two sunlight-sensitive resources identified in the Tier 3 assessment: El Batey de Doña Provi Garden and Walter Gladwin Park. Incremental action-generated shadows would not reach Tremont Community Garden on any of the

[4] As noted in **Attachment A, "Project Description,"** this park formerly known as Tremont Park was renamed in 2020.

four representative analysis days. Increases in shadow coverage would occur at El Batey de Doña Provi Garden on the March 21/September 21 and December 21 representative analysis days. Increases in shadow coverage would occur at Walter Gladwin Park on the June 21 representative analysis day. **Figure F-3, Figure F-4**, and **Figures F-5a** and **F-5b**, provided at the end of this attachment, show representative shadow views for El Batey de Doña Provi Garden on each of the representative analysis days on which incremental shadows would occur: March 21/September 21 and December 21.

It should be noted that, per *CEQR Technical Manual* guidance, all times reported herein are Eastern Standard Time and do not reflect adjustments for Daylight Saving Time that is in effect from mid-March to early November. Therefore, the times reported in this attachment for March 21/September 21, May 6/August 6, and June 21 need to have one hour added to reflect Daylight Saving Time.

March 21/September 21

On March 21/September 21, the time period for shadows analysis begins at 7:36AM and continues until 4:29PM. March is considered the beginning of the growing season in New York City, and September 21, which has the same shadow patterns as March 21, is also within the growing season. On the March 21/September 21 analysis day, incremental shadows from the Proposed Project located on Projected Development Site 1 and the future building located on Projected Development Site 2 would reach a small portion of El Batey de Doña Provi Garden.

The two buildings would cast incremental shadows on a small portion of El Batey de Doña Provi Garden beginning at 11:54AM and continuing until 12:05PM, for a duration of approximately 11 minutes. Prior to 10:15AM and after 12:05PM, the open space would not experience any incremental shadow coverage as a result of the two buildings; between the hours of 12:05PM and 2:45PM (totaling two hours and 40 minutes), a majority of the open space would experience direct sunlight. Prior to 11:54AM, a majority of the open space would experience direct sunlight between the hours of 7:36 AM and 11:54 AM (totaling four hours and 18 minutes). As indicated in **Figure F-3**, incremental shadows would enter the open space from the west before moving in an easterly direction across the open space towards the open space's southeastern corner. As indicated in **Figure F-3**, the extent of incremental shadow coverage would be minimal, and the majority of the open space would receive direct sunlight. The small area of El Batey de Doña Provi Garden that would experience incremental shadow coverage contains vegetation.

June 21

On June 21, the time period for shadows analysis begins at 5:57AM and continues until 6:01PM. On the summer solstice, which is the day of the year with the longest period of daylight, the sun is most directly overhead and generally shadows are shortest and move across the widest angular range from west to east. On this date, incremental shadows from the Proposed Project located on Projected Development Site 1 and the future building located on Projected Development Site 2 would reach a small portion of Walter Gladwin Park.

As indicated in **Figure F-4**, the two buildings would cast incremental shadows on a small portion of Walter Gladwin Park beginning at 6:00PM and continuing until 6:01PM, for a duration of approximately one (1) minute. Prior to 6:00PM, the open space would not experience any incremental shadow coverage as a result of the two buildings. As described in the *CEQR Technical Manual*, an incremental shadow is generally not considered significant when its duration is no longer than ten minutes at any time of year and the resource continues to receive substantial direct sunlight.

Incremental Shadows on March 21st/September 21st - El Batey de Doña Provi Garden



12:00 PM

Proposed Project
(Projected Development Site 1; not shown in this figure)

Projected Development
(Projected Development Site 2; not shown in this figure)

Area of Resource in Direct Sunlight

Area of Resource in Existing Shadow

Area of Resource in New Shadow

Area of Resource Cast in Shadow in the No-Action Condition but not in With-Action Condition

Incremental Shadows on June 21st - Walter Gladwin Park



6:01 PM

Proposed Project
(Projected Development Site 1)

Projected Development
(Projected Development Site 2; not shown in this figure)

Area of Resource in Direct Sunlight

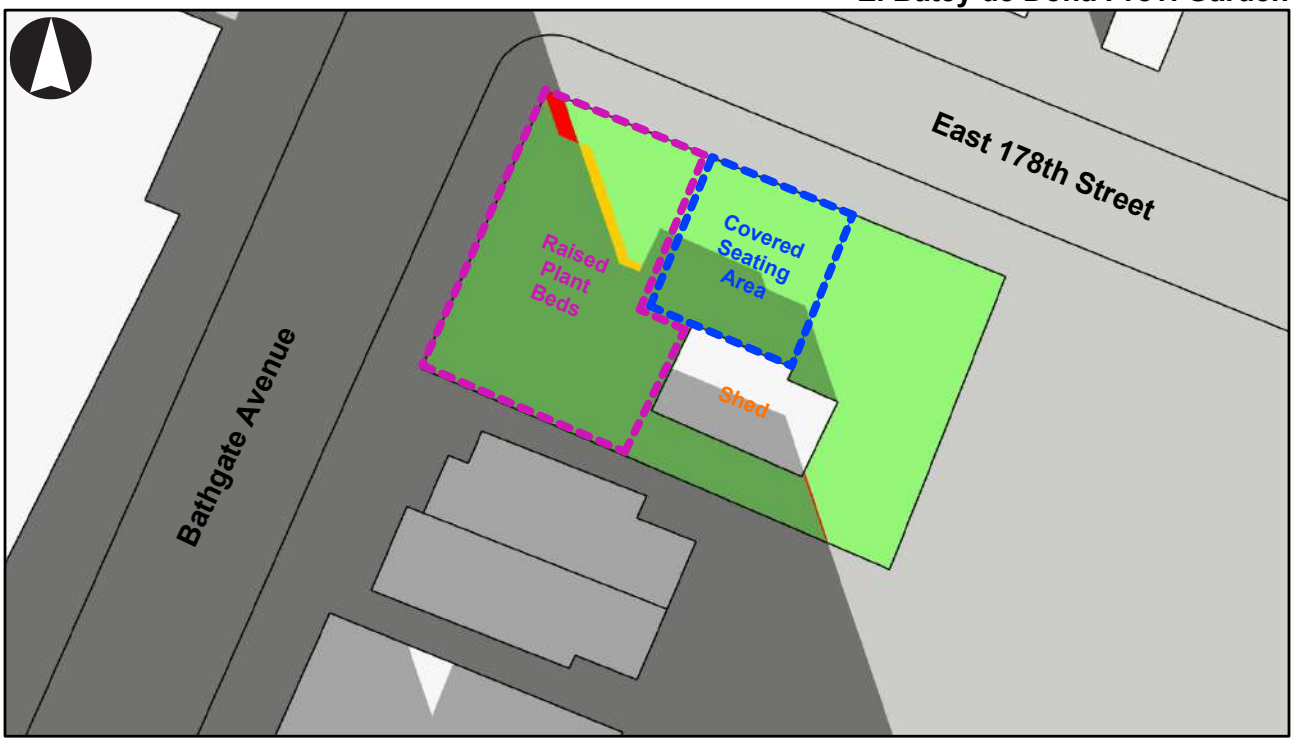
Area of Resource in Existing Shadow

Area of Resource in New Shadow

Area of Resource Cast in Shadow in the No-Action Condition but not in With-Action Condition

Figure F-5a

Incremental Shadows on December 21st - El Batey de Doña Provi Garden



10:45 AM



11:45 AM

Proposed Project
(Projected Development Site 1; not shown in this figure)

Projected Development
(Projected Development Site 2; not shown in this figure)

Area of Resource in Direct Sunlight

Area of Resource in Existing Shadow

Area of Resource in New Shadow

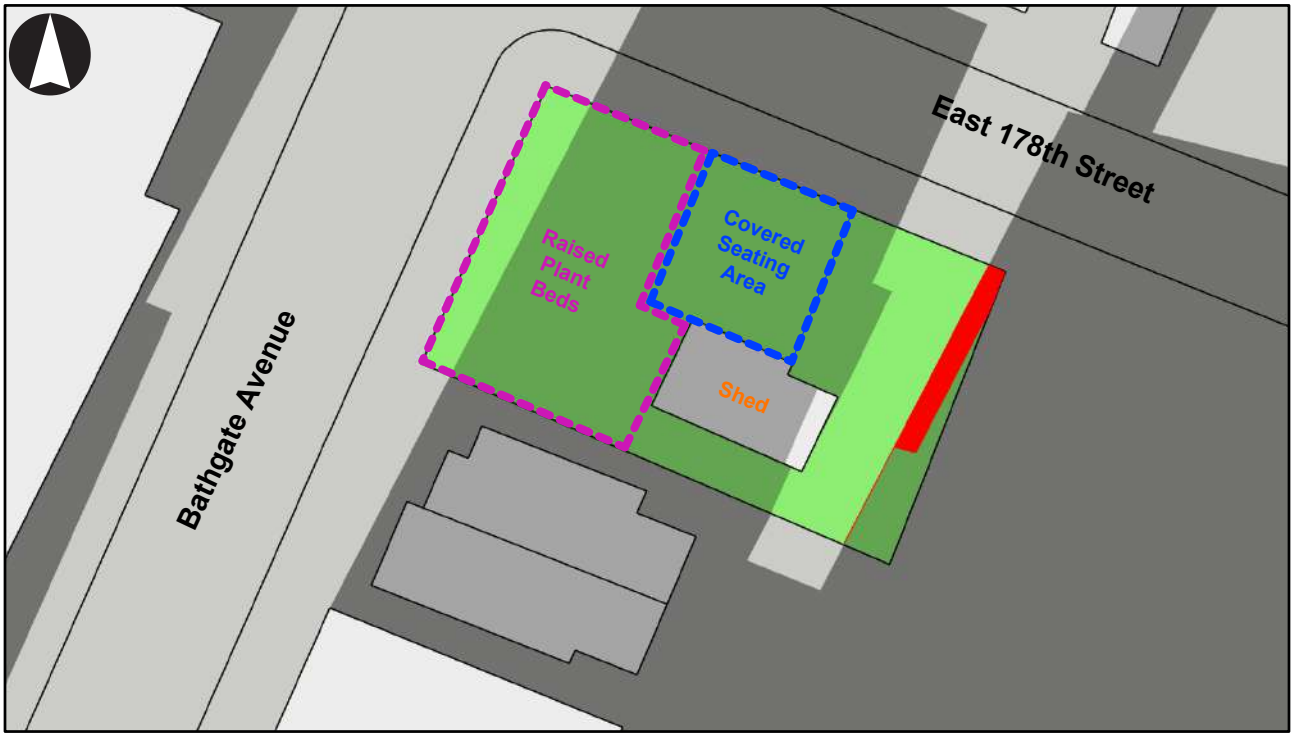
Area of Resource Cast in Shadow in the No-Action Condition but not in With-Action Condition

Figure F-5b

Incremental Shadows on December 21st - El Batey de Doña Provi Garden



12:45 PM



1:45 PM

Proposed Project
(Projected Development Site 1; not shown in this figure)

Projected Development
(Projected Development Site 2; not shown in this figure)

Area of Resource in Direct Sunlight

Area of Resource in Existing Shadow

Area of Resource in New Shadow

Area of Resource Cast in Shadow in the No-Action Condition but not in With-Action Condition

December 21

On December 21, the time period for shadows analysis begins at 8:51AM and continues until 2:53PM. On the winter solstice, which is the day of the year with the shortest period of daylight, the sun is low in the sky and shadows are at their longest but move rapidly. On this date, incremental shadows from the Proposed Project located on Projected Development Site 1 and the With-Action building located on Projected Development Site 2 would reach portions of El Batey de Doña Provi Garden.

The two buildings would cast incremental shadows on portions of El Batey de Doña Provi Garden beginning at 10:15AM and continuing until 2:22PM, for a duration of approximately four hours and seven (7) minutes. Prior to 10:15AM and after 2:22 PM, the open space would not experience any incremental shadow coverage as a result of the two buildings. As indicated in **Figures F-5a** and **F-5b**, incremental shadows would enter the open space from the west before moving in an easterly direction across the open space towards the open space's eastern border. The areas of El Batey de Doña Provi Garden that would experience incremental shadow coverage contain a shed, a covered seating area, raised plant beds, and multiple trees.

Assessment

A shadow impact can occur when the incremental shadow from a proposed project falls on a sunlight-sensitive resource or feature and reduces its direct sunlight exposure. Determining whether this impact is significant or not depends on the extent and duration of the incremental shadow and the specific context in which the shadow occurs.

For open space resources, the uses and features of the space indicate its sensitivity to shadows. Shadows occurring during the cold-weather months of interest generally do not affect the growing season of outdoor vegetation; however, their effects on other uses and activities should be assessed. Therefore, this sensitivity is assessed for both (1) warm-weather-dependent features like wading pools and sand boxes, or vegetation that could be affected by a loss of sunlight during the growing season; and (2) features, such as benches, that could be affected by a loss of winter sunlight. Uses that rely on sunlight include: passive use, such as sitting or sunning; active use, such as playfields or paved courts; and such activities as gardening, or children's wading pools and sprinklers. Where lawns are actively used, the turf requires extensive sunlight. Vegetation requiring direct sunlight includes the tree canopy, flowering plants, and plots in community gardens. Generally, six to eight hours a day of sunlight, particularly in the growing season, is often a minimum requirement. Consequently, the assessment of an open space's sensitivity to increased shadow coverage focuses on identifying the existing conditions of its facilities, plantings, and uses, and the sunlight requirements for each.

El Batey de Doña Provi Garden

The Proposed Project located on Projected Development Site 1 and the future building located on Projected Development Site 2 would cast incremental shadows on portions of El Batey de Doña Provi Garden on two of the four representative analysis days.

On the March 21/September 21 analysis day, incremental shadow duration would be minimal, occurring for 11 minutes. Incremental shadow coverage would be limited to a small southeastern corner of the open

space, allowing a majority of the open space's sunlight-sensitive features to receive adequate direct sunlight during the growing season (at least six to eight hours as specified in the *CEQR Technical Manual*).

On the December 21 analysis day, incremental shadow duration would occur for four hours and seven (7) minutes. Incremental shadow coverage would not affect the open space's raised plant beds or vegetation, as the December 21 analysis day is outside of the growing season (i.e., March through October). Annuals, commonly found in community gardens do not survive winter seasons and must be replanted annually. Vegetables grown in community gardens are typically annuals. Therefore, no annuals would be affected by incremental shadow during the winter months as these types of plants do not survive the winter months under normal conditions. The other type of plant within the community garden are perennials. Within perennials there are two sub-categories – deciduous and evergreens. Deciduous plants and trees shed their leaves and store their energy (sugars and starches) in the roots for the winter months; whereas evergreens continue photosynthesis in the winter, but at extremely low levels and do not require sunlight during the dormant stage. A site visit to the community garden in May 2022 confirms that the community garden contains trees, plant beds, and gardens. The fruit and vegetables are seasonal and do not grow during the winter months. Further, the existing trees – approximately 12 total trees – would be considered deciduous, meaning that the trees shed its leaves in the winter months and is not growing. Therefore, incremental shadow would not threaten the vitality of any vegetation within the community garden during the December 21 analysis day. As shown in **Figure F-5a**, incremental shadow coverage would affect a small portion of the open space's covered seating area located to the north of the open space's shed. However, incremental shadow coverage would generally be limited in scope and would not be cast on the covered seating area of El Batey de Doña Provi Garden for an extended period of time (totaling approximately one hour, from 11:30M to 12:30PM), as shadows move from west to east throughout the day. In addition, according to El Batey de Doña Provi Garden's current hours of operation, the open space is not open to the public Monday through Friday before 3:00PM. Therefore, incremental shadow duration would only affect the public's use of the open space during Saturday and Sunday, when the open space opens for public use at 9:00AM.

Therefore, as the extent and duration of the incremental shadows would: (1) not significantly reduce or completely eliminate direct sunlight exposure on any of the sunlight-sensitive features found within the open space; and (2) would not significantly alter the public's use of the open space resource or threaten the viability of vegetation or other sunlight-sensitive features, incremental shadows from the Proposed Project located on Projected Development Site 1 and the future building located on Projected Development Site 2 on El Batey de Doña Provi Garden would not be considered a significant adverse impact, in accordance with *CEQR Technical Manual* guidance.

Walter Gladwin Park

The Proposed Project located on Projected Development Site 1 and the future building located on Projected Development Site 2 would cast incremental shadows on portions of Walter Gladwin Park on one of the four representative analysis days.

On the June 21 analysis day, incremental shadow duration would be minimal, occurring for one (1) minute. As described in the *CEQR Technical Manual*, an incremental shadow is generally not considered significant when its duration is no longer than ten minutes at any time of year and the resource continues to receive substantial direct sunlight.

Therefore, as the extent and duration of the incremental shadows would: (1) not significantly reduce or completely eliminate direct sunlight exposure on any of the sunlight-sensitive features found within the open space; and (2) would not significantly alter the public's use of the open space resource or threaten the viability of vegetation or other sunlight-sensitive features, incremental shadows from the Proposed Project located on Projected Development Site 1 and the future building located on Projected Development Site 2 on Walter Gladwin Park would not be considered a significant adverse impact, in accordance with *CEQR Technical Manual* guidance.

ATTACHMENT G
URBAN DESIGN AND VISUAL RESOURCES

I. INTRODUCTION

The 2021 *City Environmental Quality Review* (CEQR) *Technical Manual* states that the urban design components and visual resources determine the "look" of a neighborhood—its physical appearance, including the street pattern, the size and shape of buildings, their arrangement on blocks, streetscape features, natural resources, and noteworthy views that may give an area a distinctive character. Pursuant to *CEQR Technical Manual* methodology, actions that would allow a project to potentially obstruct view corridors compete with icons in the skyline, or make substantial alterations to the streetscape of a neighborhood by noticeably changing the scale of buildings may warrant a detailed urban design and visual resources analysis. The Proposed Actions include: (i) a zoning map amendment to rezone a portion of Block 3043 from C4-5X, R6A, and M1-4/R7A to C4-4D; and, (ii) a zoning text amendment to ZR Appendix F to designate the rezoning area a Mandatory Inclusionary Housing (MIH) area (collectively, the "Proposed Actions"). The Proposed Actions would result in a development that would differ from what is permitted as-of-right, and, as such, an analysis of urban design and visual resources is warranted.

As discussed in **Attachment A, "Project Description,"** the development on the Applicant-controlled Development Site ("Projected Development Site 1") would total approximately 178,475 gross square feet (gsf) of residential uses, 12,817 gsf of commercial uses, and 10,696 gsf of community facility uses. Projected Development Site 1 would include 205 dwelling units (DUs) of which 204 would be affordable and one would be a superintendent's unit. There is one non-applicant controlled development site (Block 3034, Lots 43 and 84), which is considered "Projected Development Site 2." Projected Development Site 2 would total approximately 51,926 gsf of residential uses (18 affordable DUs and 43 market rate DUs) and 5,702 gsf of ground floor local retail uses.

This attachment considers the potential for the Proposed Actions to affect the urban design characteristics and visual resources of the Project Area (Block 3034, Lots 43, 46, 47, 48, 72, 77, 80, 84, and parts of Lot 50 and Lot 67) and the surrounding secondary study area. In total, the proposed rezoning area comprises approximately 38,799 square feet (sf) of lot area bound by a line 195 feet south of and parallel to East 178th Street on the north, Bathgate Avenue on the west, East Tremont Avenue on the south, and Third Avenue on the east.

The technical analysis presented below follows *CEQR Technical Manual* guidance and addresses each of the above-listed characteristics for existing conditions, the future without the Proposed Actions (the No-Action condition), and the future with the Proposed Actions (the With-Action condition) for a 2025 analysis year.

II. METHODOLOGY

In accordance with the *CEQR Technical Manual,* this analysis considers the effects of the proposed project on the following elements that collectively form an area's urban design:

- *Street Pattern and Streetscape*—the arrangement and orientation of streets define location, flow of activity, and street views, and create blocks on which buildings and open spaces are arranged. Other elements including sidewalks, plantings, street lights, curb cuts, and street furniture also contribute to an area's streetscape.
- *Buildings*—building size, shape, pedestrian and vehicular entrances, lot coverage and orientation to the street are important urban design components that define the appearance of the built environment.
- *Open Space*—open space includes public and private areas that do not include structures, including parks and other landscaped areas, cemeteries, and parking lots.
- *Natural features*—natural features include vegetation and geologic and aquatic features that are natural to the area.
- *View Corridors and Visual Resources*—visual resources include significant natural or built features, including important view corridors, public parks, landmark structures or districts, or otherwise distinct buildings.

In general, an assessment of urban design is needed when a proposed project may have effects on one or more of the elements that contribute to the pedestrian experience, described above. As the Proposed Actions could result in physical changes to the Project Area beyond the bulk, form, and height currently permitted as-of-right, they have the potential to result in development that could alter the arrangement, appearance, and functionality of the built environment and, therefore, change the experience of a pedestrian in the Project Area. The following urban design analysis follows *CEQR Technical Manual* guidance.

Per criteria of Section 230 of the *CEQR Technical Manual* Chapter 10, a wind condition analysis is not warranted for the Proposed Actions. The Project Area is not located in a high wind location, such as directly along the waterfront, nor is it in a location where wind conditions from the waterfront are not attenuated by buildings or natural features.

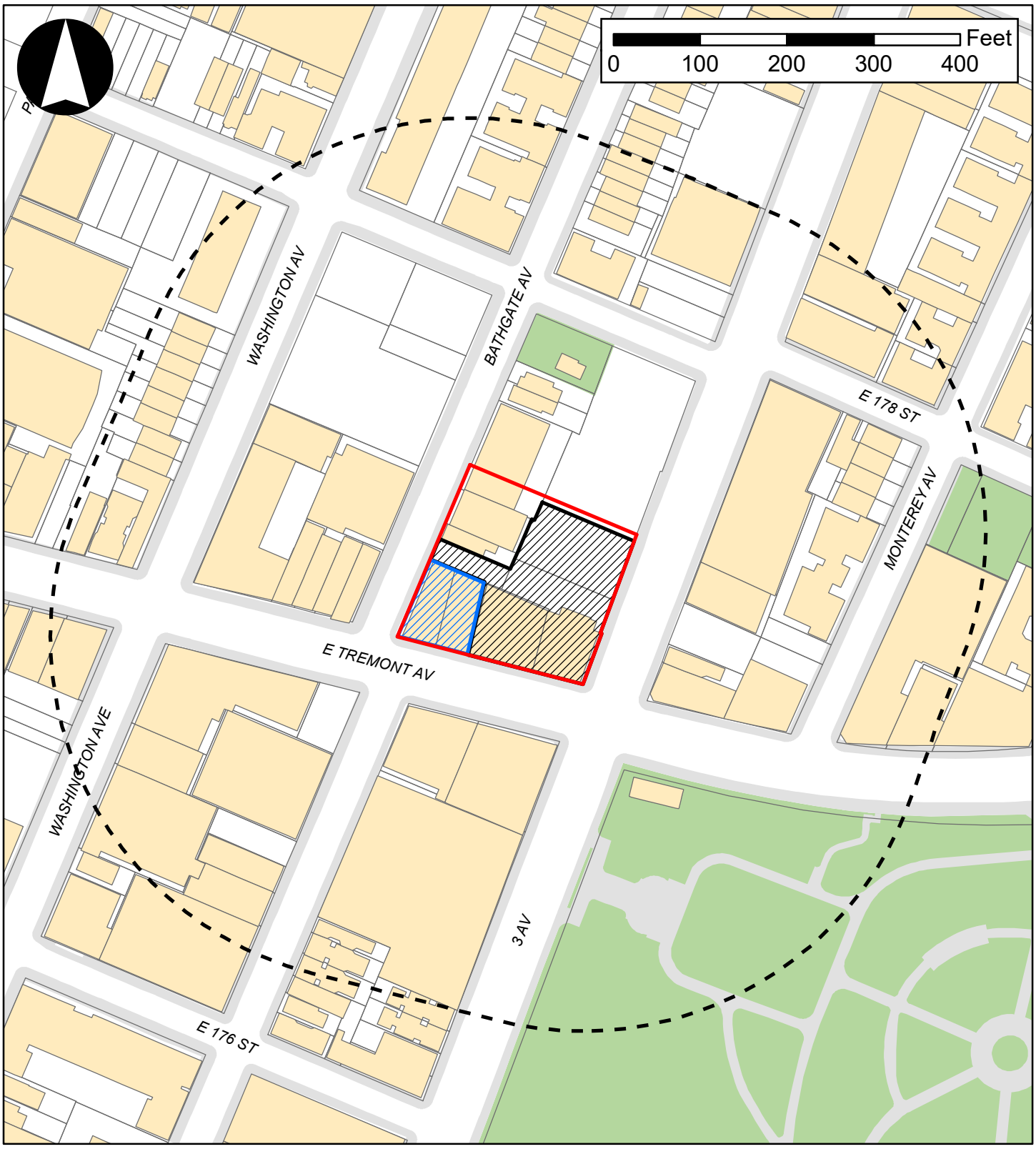
Study Areas

The study area for the assessment of urban design and visual resources corresponds to the area where the Proposed Actions may influence land use patterns and the built environment and is consistent with that used for the land use analysis.

The urban design analysis considers both a primary study area, which is generally coterminous with the boundaries of the Project Area (or, "Rezoning Area"), and a secondary study area, which extends 400 feet from the primary study area's boundary. As shown in **Figure G-1,** the secondary study area is generally bound by Washington Avenue to the west, East 176th Street to the south, Monterey Avenue to the east, and East 178th Street to the north. The study areas have been established in accordance with *CEQR Technical Manual* guidance.

The following analysis is based on field visits, photographs, aerial views, and other graphic images of the Project Area and surrounding secondary study area. Zoning calculations, including floor area calculations, building heights, and lot coverage information are also provided for the Project Area and, where applicable, the secondary study area.

Figure G-1
Urban Design Study Area



Legend

- Primary Study Area (Rezoning Area)
- Secondary Study Area (1/4-Mile Radius)
- Projected Development Site 1
- Projected Development Site 2
- Existing Buildings
- Open Space

III. PRELIMINARY ASSESSMENT

According to the *CEQR Technical Manual*, a preliminary assessment is appropriate when there is the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning, including the following: (i) projects or actions that permit the modification of yard, height, and setback requirements; and (ii) projects or actions that result in an increase in built floor area beyond what would be allowed as-of-right or in the future without the Proposed Actions. Beyond a preliminary assessment, a detailed analysis may be needed for projects or actions that potentially obstruct view corridors, compete with icons in the skyline, or make substantial alteration to the streetscape of a neighborhood by noticeably changing the scale of buildings. Detailed analyses are generally appropriate for rezonings and large-scale developments. Therefore, a detailed analysis is provided below.

IV. DETAILED ANALYSIS

Existing Conditions

The following section discusses existing urban design components in the primary and secondary study areas. The assessment focuses on streets, buildings, open space, natural resources, and visual resources (see **Figures G-2a to G-2e**); a pedestrian wind condition analysis is not warranted, as noted above. The visual resources assessment considers important views of landmark structures and other distinct buildings within, or viewable from, the primary and secondary study areas, that may be obstructed due to the buildings developed under the Proposed Actions. Two figures are referenced throughout the existing conditions discussion below: **Figure G-3** shows the existing density in floor area ratio (FAR) for the primary and secondary study areas; and **Figure G-4** shows the existing building heights in the two study areas.

Primary Study Area (Project Area)

The proposed rezoning area encompasses Block 3043, Lots 43, 46, 47, 48, 50 (p/o), 67 (p/o), 72, 77, 80, and 84 in the Tremont neighborhood of Bronx Community District (CD) 6 (collectively, the "Project Area"). The Applicant owns Lots 46, 72, 77, and 80 ("Projected Development Site 1"). Projected Development Site 2 (non-Applicant-owned) is located within the proposed rezoning area and includes Lots 43 and 84. The rest of the lots within the primary study area would not be redeveloped as a result of the Proposed Actions. In total, the Project Area encompasses approximately 38,799 sf of lot area and is bound by a line 195 feet south of and parallel to East 178th Street on the north, Bathgate Avenue on the west, East Tremont Avenue on the south, and Third Avenue on the east.

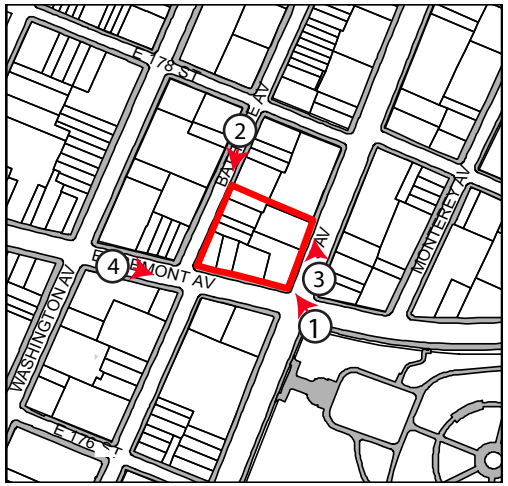
Urban Design

Street Pattern and Streetscape

An orthogonal street pattern (streets that run at 90-degree right angles to each other, forming a grid) generally exists in the immediate vicinity of the Project Area. However, East Tremont Avenue, though roughly parallel to other east-west streets, has an irregular alignment relative to the grid and as such does not intersect north-south streets at right angles.



1) Looking north west on Third Avenue towards 521 East Tremont Avenue.





2) Looking south on Bathgate Avenue towards East Tremont Avenue.



3) Looking north on Third Avenue towards East 178th Street.

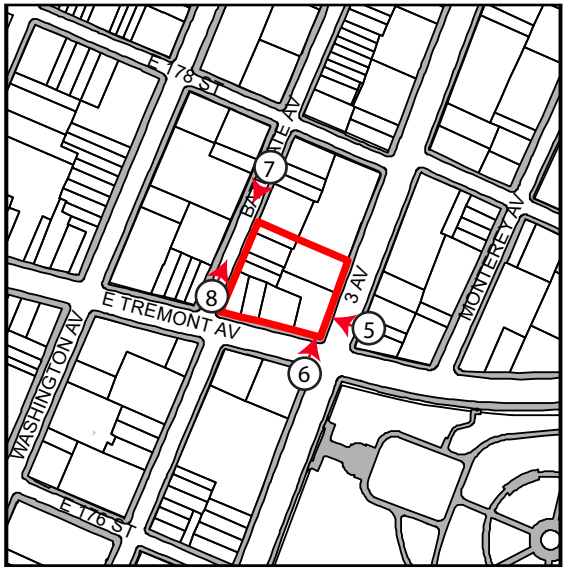


4) Looking east on East Tremont towards Bathgate Avenue.

*Photos taken 08/18/2020



5) Looking west on Third Avenue towards East Tremont Avenue.





6) Looking north on East Tremont Avenue towards Third Avenue.



7) Looking south on Bathgate Avenue towards East Tremont Avenue.

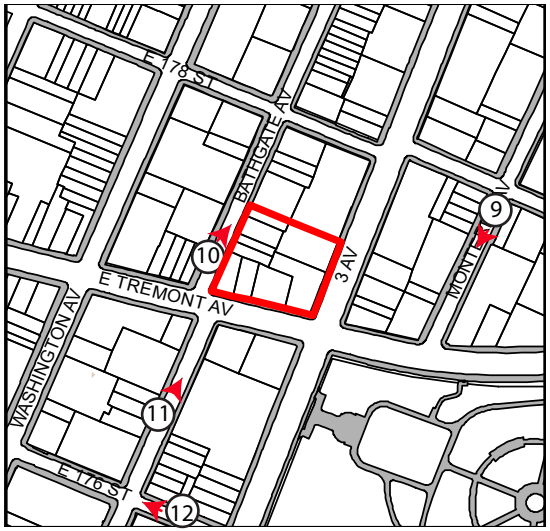


8) Looking north on Bathgate Avenue towards East 178th Street.

*Photos taken 08/18/2020



9) Looking south on Monterey Avenue towards East Tremont Avenue.





10) Looking north east on Bathgate Avenue.



11) Looking north on Bathgate Avenue toward East Tremont Avenue.

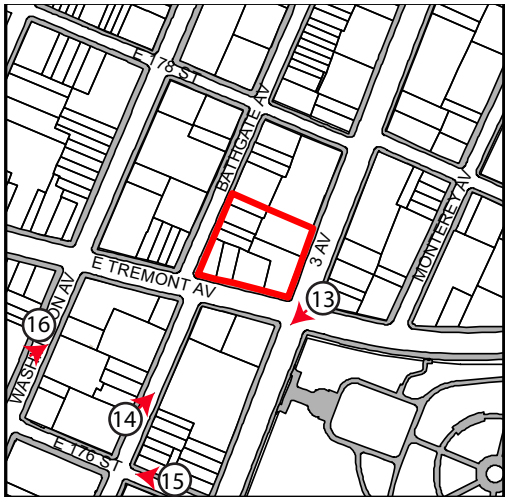


12) Looking west on East 176th Street towards Bathgate Avenue.

*Photos taken 08/18/2020



13) Looking south west at the intersection of East Tremont Avenue and Third Avenue.

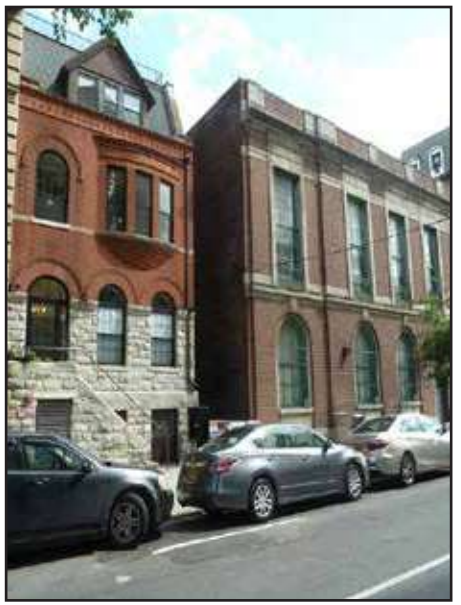




14) Looking north at 1880 Bathgate Avenue.



15) Looking west on East 176th Street towards Bathgate Avenue.

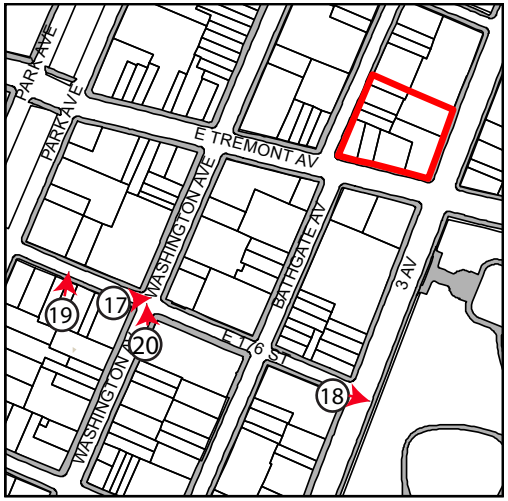


16) Looking south east on Washington Avenue towards 176th Street.

*Photos taken 08/18/2020



17) Tremont Library 1866 Washington Ave.





18) Looking west towards Tremont Park from Third Ave.



19) Firehouse Engine Company 46 Hook & Ladder 27



20) P.S. 58 457 East 176th Street

*Photos taken 08/18/2020

Figure G-3
Building Density

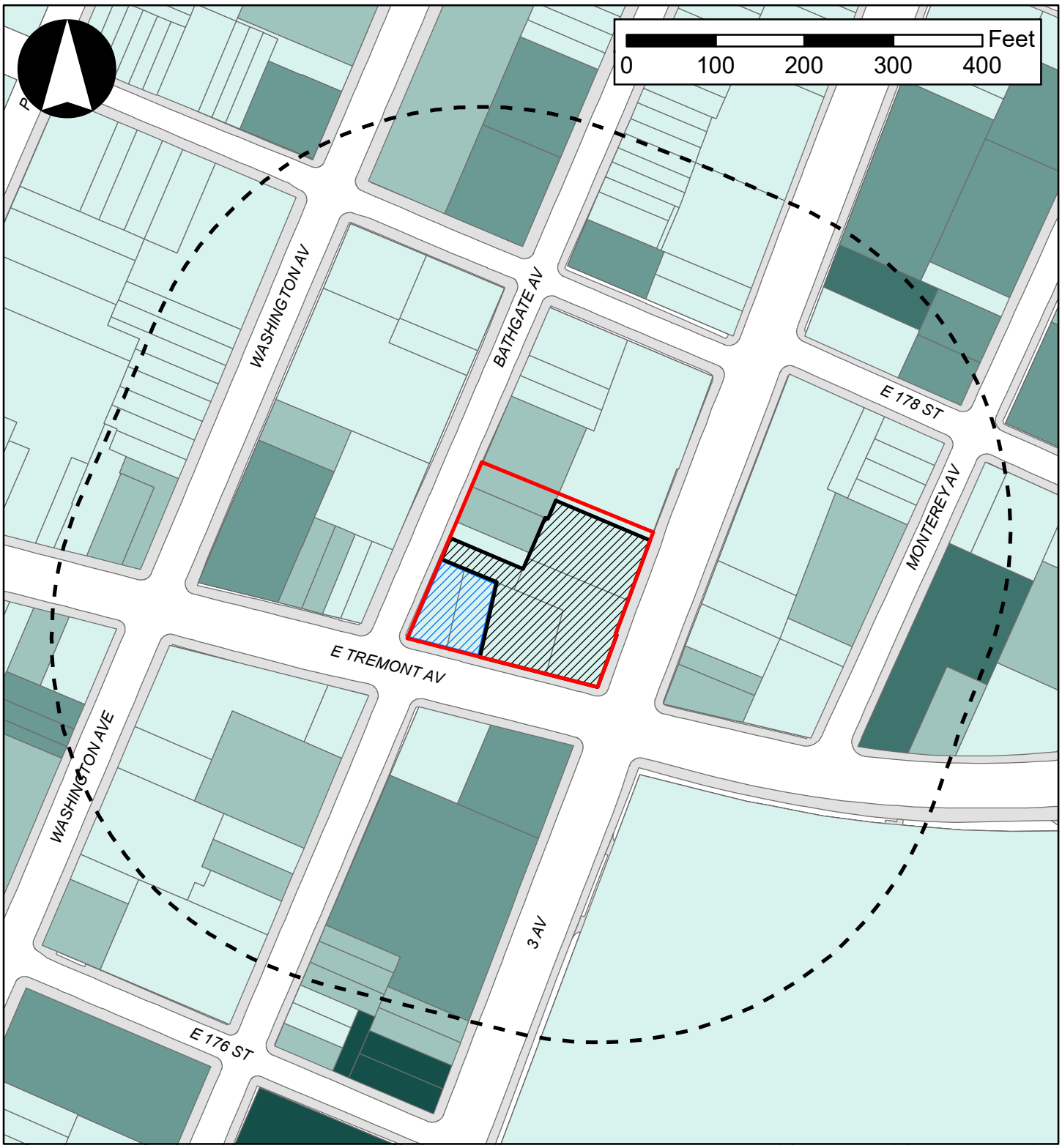
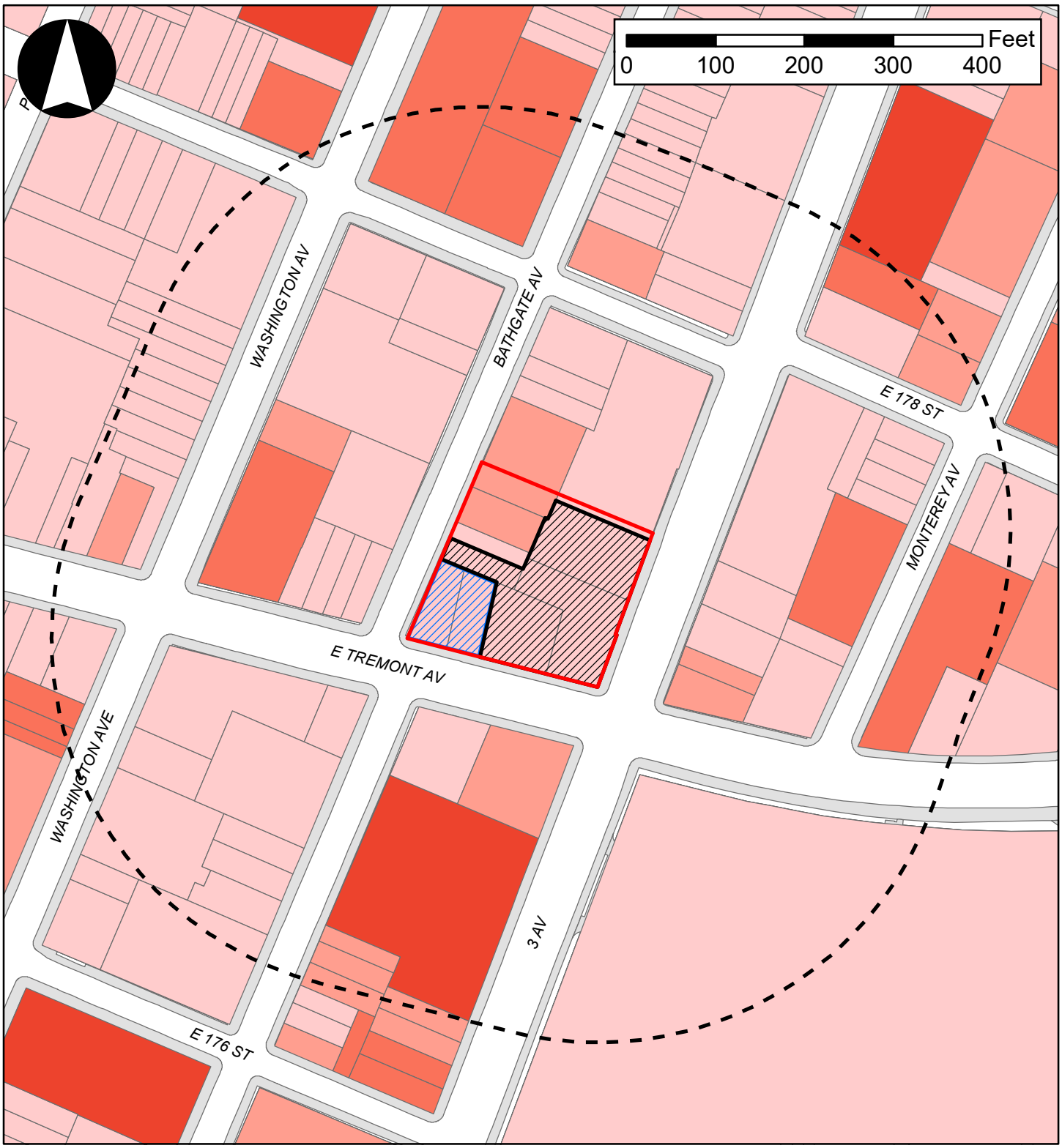


Figure G-4
Building Heights



- East 178th Street, which forms the northern border of the block that the Project Area is located on, carries one-way eastbound traffic and is classified as a "narrow" street with a width of 50 feet. Parking is permitted on both sides of the street.
- Third Avenue, which forms the eastern border of the Project Area, has four lanes and carries two-way traffic in the north-south direction. It is classified as a "wide" street with a width of 80 feet and there is parking permitted on both sides. As Third Avenue runs southbound across East Tremont Avenue and along the west side of Walter Gladwin Park, it condenses to three lanes, with two northbound and one southbound, and runs under the Cross Bronx Expressway. In addition to on street parking lining both sides of the street, there are shared and conventional bike lanes.
- East Tremont Avenue, which forms the southern border of the Project Area, is a 75-foot "wide" street with three lanes. To the west of Third Avenue, one lane travels westward and two travel eastward; to the east of Third Avenue, two lanes travel westward and one travels eastward. It is one of the main commercial corridors in the neighborhood with multiple bus stops for the Bx40 and Bx42 bus lines. On-street parking and conventional bike lanes line both sides of the street. It is the area's principal arterial roadway and one of the borough's longest continuous streets.
- Bathgate Avenue, which forms the western border of the Project Area, carries one-way southbound traffic and is classified as a "narrow" street with a width of 60 feet. Parking is permitted on both sides of the street.

Lots within the Project Area adjoin the public sidewalks along Third, East Tremont, and Bathgate Avenues, and each of these three streets bordering the Project Area are flanked with approximately 15-foot-wide sidewalks that feature traffic signs, streetlights, and fire hydrants. In addition, there are street trees adjacent to the Project Area along Third and Bathgate Avenues. There is an abundance of curb cuts for the parking uses located within and adjacent to the Project Area.

Buildings

The Project Area contains a range of uses including commercial, mixed residential/commercial buildings, and parking facilities uses, which are reflective of the underlying commercial district mapped on the Project Area. The southern portion of the Project Area (Lots 43, 84, 80, and part of 77) contains existing one- to four-story masonry buildings that are built out to the lot lines, creating continuous streetwalls along East Tremont Avenue (refer to **Figures G-2a and G-2b**). In contrast, there are two surface accessory parking lots located along Third Avenue on the eastern border of the Project Area, leaving a majority of its frontage without a built streetwall. Lot 72 is occupied by an approximately 46-space surface accessory parking lot and Lot 67 is occupied by an approximately 66-space surface accessory parking lot used for NYPD vehicles; both lots are accessed via Third Avenue and are surrounded by fencing. Along East 178th Street, to the north, fencing for the Lot 67 parking lot and the Lot 57 community garden are built to the lot line. Bathgate Avenue, to the west side of the Project Area, is lined with the entrance to the fenced-in community garden (Lot 57), three- to four-story residential masonry buildings (Lots 55 and 56), St. Joseph's Private School which is located in a four-story masonry building (Lot 50), and one- to four-story commercial masonry buildings (Lots 47 and 48), as well as a small fenced, unlicensed parking lot (Lot 46).

Natural Features and Open Space

The Project Area does not contain any open space, except open parking areas. In addition, as noted above, natural features within the Project Area are limited to street trees located on the sidewalks adjacent to the Project Area, particularly along East Tremont and Bathgate Avenues.

Visual Resources

There are no designated or eligible historic resources located within the Project Area, nor any open space resources located within the Project Area. However, Walter Gladwin Park, which is located to the southeast of the Project Area, can be seen from the northwest corner of East Tremont and Third Avenues.

Secondary Study Area

The secondary study area comprises lots located within 400 feet of the Project Area (refer to **Figure G-1**). The urban design components and visual resources of the secondary study area are described below.

Urban Design

Street Pattern and Streetscape

The street pattern in the secondary study area becomes slightly irregular due to the curvature of East Tremont Avenue that cuts through the center of the 400-foot radius. However, the secondary study area is still composed of primarily rectilinear blocks that are longer than they are wide, and is generally bound at its outer limits by Washington Avenue to the west, East 176th Street to the south, Monterey Avenue to the east, and East 178th Street to the north.

Major thoroughfares in the secondary study area include the east-west East Tremont Avenue, which traverses the southern/central portion of the study area, and the north-south Third Avenue, which traverses the eastern/central portion of the study area. Both streets contain three to four lanes of vehicular traffic in both directions, parallel parking lanes, street trees, and sidewalks. Additionally, both streets are designated local truck routes. The remaining streets in the secondary study area generally carry local traffic, and are lined with parallel parking, sidewalks, and street trees. Sidewalks in the secondary study area contain traffic signs, streetlights, and fire hydrants, benches, bike racks, and bus stops.

Buildings

As shown in **Figures G-2c, G-2d, and G-2e**, most buildings in the secondary study area are between one and three stories; there are a handful of four- and six-story buildings near the Project Area and toward the southern and northern edges of the boundary. Additionally, there is an eight-story building at the southern edge. In this area, buildings have FARs that range between 1.0 and 7.09 and are predominantly occupied by commercial, residential/commercial, and multi-family elevator building uses. Generally, buildings are taller and denser in the northern and southern edges of the study area, specifically north of East 178th Street and west of East Tremont Avenue bordering Walter Gladwin Park. Along Third and Bathgate Avenues, immediately west of Walter Gladwin Park is the study area's tallest building: The Wilfrid, an 82-foot, eight-story, apartment complex comprised with east and west wings at 4181 Third Avenue and 1880 Bathgate Avenue, respectively, with 190 affordable DUs. It was opened in 2019.

Natural Features and Open Space

As shown in **Figure G-1**, the secondary study area contains several recreational open spaces, including El Batey De Doña Provi Community Garden and Tremont Community Garden, as well as the northwest corner of Walter Gladwin Park. Other natural resources in the study area include street trees, as discussed above. There are also several open-air parking facilities, including one large lot located directly north and adjacent to the project area and one smaller lot located southwest of the project area. The larger parking lot has one access point on Third Avenue between East Tremont Avenue and East 178th Street, while the smaller lot has one access point on East Tremont Avenue. Both parking facilities are fenced and privately accessible.

View Corridors and Visual Resources

The secondary study area includes several notable view corridors and two visual resources. Walter Gladwin Park is a visual resource that can be viewed at multiple points along East Tremont, Third, and Monterey Avenues. These corridors provide views of the park's foliage and hilly topographic features. The other visual resource is a State and National Register of Historic Places (S/NR)-listed site located at 1925 Bathgate Avenue, across the street from the project area. Currently, the site is home to Sharon Baptist Head Start, children's day care and early childhood education center; the organization has three campuses located throughout the borough. The building was originally home to the 48th Police Precinct Station when it was first listed as a historic landmark in 1983. The three-story, 47-foot tall building is freestanding with a facade composed of yellow brick with a stone trim that is reminiscent of Renaissance architecture.

Future without the Proposed Action (No-Action Condition)

Primary Study Area (Rezoning Area)

As described above, in the future without the Proposed Actions, the development of Lots 46, 72, 77, and 80 will continue within the Project Area as-of-right. Projected Development Site 1 will introduce 154,680 gsf of residential use, including 182 DUs (127 market-rate and 55 affordable), 8,343 gsf of local retail space, and 11,683 gsf of community facility space for Community Healthcare Network. Additionally, the Projected Development Site 1 would introduce 64 accessory parking spaces. Projected Development Site 2 (Lots 43 and 84) would remain in its existing built form. New street trees would be placed every 25 feet along the frontages of the Development Site, in compliance with city rules.

Secondary Study Area

As described in **Attachment C**, **"Land Use, Zoning, and Public Policy,"** there are known and anticipated No-Action developments within the secondary study area. 1949 Bathgate Avenue will be an 11-story residential building with 287 permanently affordable DUs. 1893 Washington Avenue will be a seven-story, 66-room hotel. While the No-Action development located at 1949 Bathgate Avenue would be partially visible from select locations within the secondary study area, it would not block any secondary study area views of visual resources and would not significantly alter any secondary study area view corridors.

Future with the Proposed Action (With-Action Condition)

As described in detail in **Attachment A, "Project Description,"** the Proposed Actions include zoning map and zoning text amendments.

Urban Design

Primary Study Area (Rezoning Area)

Approval of the Proposed Actions would facilitate the redevelopment of Projected Development Site 1 (Lots 46, 72, 77, and 80) and Projected Development Site 2 (Lots 43 and 84). Projected Development Site 1 would be redeveloped with a 14-story building including 178,475 gsf of residential uses (204 affordable DUs and 1 superintendents unit), 12,817 gsf of commercial uses, 10,696 gsf of community facility uses, and 14 off-street accessory parking spaces. Projected Development Site 2 would be redeveloped with a nine-story commercial building containing approximately 51,926 gsf of residential uses (18 affordable DUs and 43 market-rate DUs) and 5,702 gsf of local retail space. In total, the proposed rezoning area comprises approximately 38,799 sf of lot area.

Projected Development Site 1's building would have approximately 174.5 feet of frontage along Third Avenue and approximately 133 feet of frontage along East Tremont Avenue. An accessory parking lot with 14 spaces would be accessible via a 24.8-foot curb cut located on Bathgate Avenue. It is anticipated that the main residential entrance to the proposed building would be located at the northeastern corner of the building along Third Avenue. Retail and community facility entrances would be located at various points along Third and East Tremont Avenues. As discussed above and in **Attachment A, "Project Description,"** based on the RWCDS, it is anticipated that both Projected Development Site 1 and Projected Development Site 2 would be redeveloped in accordance with the proposed C4-4D zoning district. As such, Projected Development Site 1 would be redeveloped almost up to the proposed maximum FAR of 7.20.

Projected Development Site 2's building would have approximately 79 feet of frontage along East Tremont Avenue and approximately 95 feet of frontage on Bathgate Avenue. It is anticipate the residential entrance to Projected Development Site 2 would be located on Bathgate Avenue. It is anticipated there would be two local retail entrances, one on Bathgate Avenue and another on East Tremont Avenue.

The completion of Projected Development Sites 1 and 2 would introduce new residential and retail uses to East Tremont, Bathgate, and Third Avenues. Under No-Action conditions, these frontages would continue to be underutilized, and some portions would continue to be occupied by surface parking, allowing an inactive streetscape to persist. The introduction of new residential and retail space within the Project Area would introduce new pedestrians to the Project Area.

Assessment

Development facilitated by the Proposed Actions would be built on an existing block, and not entail any changes to topography, street pattern and hierarchy, block shapes or natural features in the Project Area. The Proposed Actions would introduce two new buildings with massings that are not permitted under the current underlying zoning but would comply with the proposed zoning's contextual height and setback regulations. The RWCDS With-Action developments within the Project Area would create new residential, community facility, and local retail uses along streets that are currently underutilized with a large amount of parking facility uses. The introduction of residential, community facility, and retail uses to these streets

would encourage new pedestrian activity to the area, enlivening streetscapes that are otherwise underutilized. The new developments would also provide new street trees, which would contribute to an improved pedestrian experience along the Project Area's boundaries.

As shown in **Figures G-5a to G-5d**, the Applicant-owned Projected Development Site 1 would be built to the street line along East Tremont and Third Avenue frontages forming a strong street wall presence, as required by the C4-4D (R8A equivalent) contextual zoning. The proposed 14-story building would have a maximum building height of approximately 140 feet.

The Proposed Actions would change the urban design character of the primary study area compared to No-Action conditions. Under the With Action conditions, Projected Development Site 1 would be approximately 28 feet taller than under No-Action conditions. The anticipated height and bulk of the nine-story building (91.5 feet tall) at Projected Development Site 2 under With-Action conditions would be noticeably different when compared to the existing one-story buildings that would remain under No-Action conditions. The increased scale, both in terms of bulk and height, would be a notable change from the pedestrian's perspective to the appearance and character of the projected development sites compared to the No-Action condition.

Compared to the future without the Proposed Actions, the visual appearance of the pedestrian experience of the projected development sites would change significantly. However, this change would not meet the *CEQR Technical Manual* threshold for a significant adverse urban design impact in that it would not alter the arrangement, appearance, or functionality of the Project Area such that the alteration would negatively affect a pedestrian's experience of the area. Rather, it would provide new buildings with active ground floor uses, including local retail and health center uses. In addition, as indicated by the anticipated redevelopment of Projected Development Site 1 under No-Action conditions with an 11-story, 111-foot and 10-inch tall building, buildings taller than those currently on the projected development sites are permitted as-of-right under existing conditions.

As such, the Proposed Actions would not result in any significant adverse urban design impacts in the Project Area, but, rather, would improve the pedestrian experience within the area.

Secondary Study Area

Assessment

While the Proposed Actions would not result in any new development in the secondary study area, the resulting developments at the projected development sites would be visible from certain sections of the secondary study area. Neither development would block views of existing visual resources in the secondary study area. The Proposed Actions would not alter any street patterns, street hierarchies, block forms, building uses, and bulk regulations in the secondary study area. The With-Action developments would introduce residential, community facility, and retail uses, drawing pedestrians to the area and enlivening the public realm in the Project Area and its immediate vicinity. While the Proposed Project would represent a slight departure from the urban design character of the secondary study area in terms of height and bulk, it would be consistent with study area buildings' land uses, including active ground floor uses, and building placement and orientation along the property lines.

The With-Action developments would introduce continuous streetwalls along East Tremont, Third, and Bathgate Avenues that would be consistent with surrounding development. With a maximum height of



No-Action, aerial view



With-Action, aerial view

*Projected Development Site 1 in white
*Projected Development Site 2 in red



No-Action, pedestrian view on East Tremont Avenue looking west

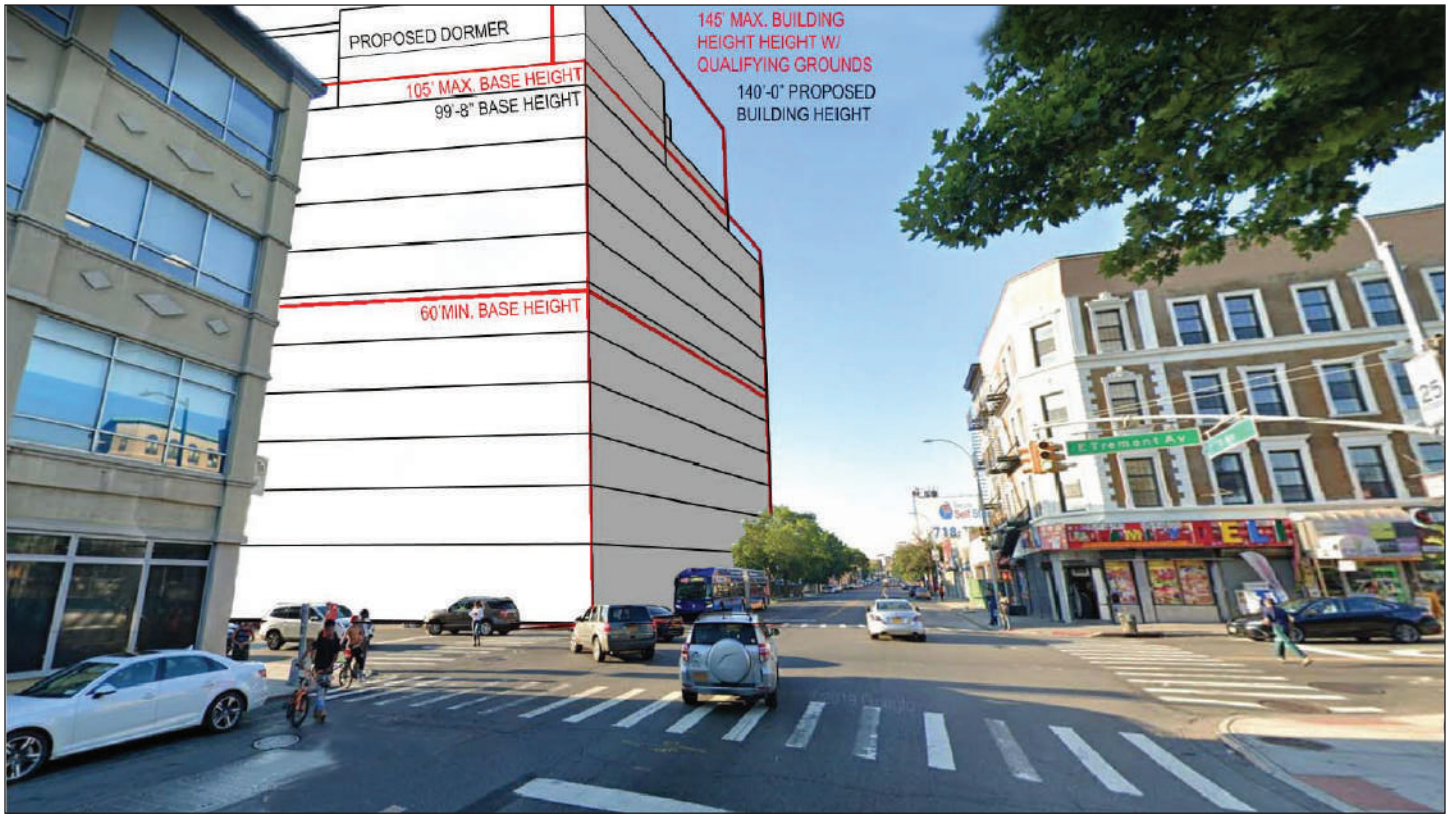


With-Action, pedestrian view on East Tremont Avenue looking west

*Projected Development Site 1 in white
*Projected Development Site 2 in red



No-Action, pedestrian view on Third Avenue looking north

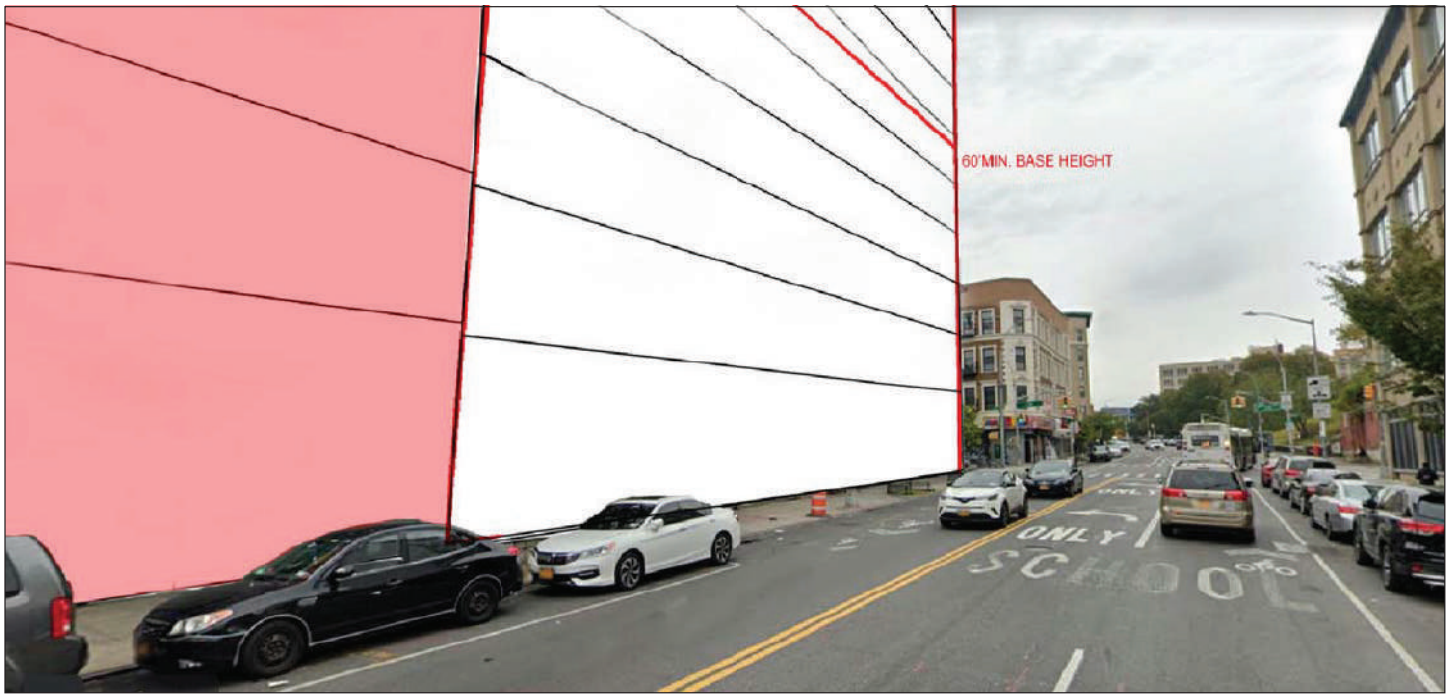


With-Action, pedestrian view on Third Avenue looking north

*Projected Development Site 1 in white



No-Action, pedestrian view on East Tremont Avenue looking east



With-Action, pedestrian view on East Tremont Avenue looking east

*Projected Development Site 1 in white
*Projected Development Site 2 in red

approximately 145 feet, the upper floors of the building would be visible from surrounding streets and from Walter Gladwin Park. As described previously, the surrounding area supports a mix of building types, scales and heights, including low-rise one- to four-story residential and commercial buildings, and office and multifamily apartment buildings reaching up to six to eight stories. While the Proposed Project would be taller than the tallest existing structures in the secondary study area, the building's massing would be setback from the streetwall as required by the contextual zoning. As such, the Proposed Actions are not anticipated to result in any significant adverse impacts to urban design in the secondary study area surrounding the Project Area, nor would they result in significant adverse impacts to the experience of the pedestrian.

View Corridors and Visual Resources

The Project Area contains one visual resource, Walter Gladwin Park, and this would not change in the future with the Proposed Actions. The projected development sites would accommodate buildings that would rise to a maximum height of 145 feet under With-Action conditions. However, no view corridors of significant visual resources would be obstructed as a result of these height and density increases in the Project Area. All new development would occur within an existing block. The new buildings on the projected development sites are expected to further define view corridors in the secondary study area by replacing open, unenclosed accessory parking lots and low-rise buildings with new mixed-use developments containing residential, retail, and community facility space uses, with solid streetwalls along East Tremont, Third, and Bathgate Avenues. While the secondary study area contains one other visual resource, the S/NR-Listed site located at 1925 Bathgate Avenue, it would not be adversely impacted by the Proposed Actions as the area already contains a varied built environment.

In summary, the Proposed Actions and associated RWCDS would not change urban design features such that the context of natural or built features are adversely altered and would not partially or fully block any significant public views to a visual resource. Therefore, the Proposed Actions would not result in significant adverse impacts to study area urban design and visual resources.

ATTACHMENT H
NOISE

I. INTRODUCTION

This attachment assesses the potential for the Proposed Actions to result in significant adverse noise impacts. The Applicant is seeking discretionary actions in order to facilitate the Applicant-controlled Projected Development Site 1 in the Tremont neighborhood of Bronx Community District (CD) 6. The discretionary actions include: (i) a zoning map amendment to rezone a portion of Block 3043 from C4-5X, R6A and M1-4/R7A to C4-4D; and, (ii) a zoning text amendment to ZR Appendix F to designate the rezoning area a Mandatory Inclusionary Housing (MIH) area (the "Proposed Actions"). The development on the Applicant-controlled Projected Development Site 1 would total approximately 178,475 gross square feet (gsf) of residential uses, 12,817 gsf of commercial uses, and 10,696 gsf of community facility uses. Projected Development Site 1 would include 205 dwelling units (DUs) (204 DUs would be affordable units and 1 would be a superintendent's unit). There is also one non-applicant controlled development site (Block 3034, Lots 43 and 84) in the rezoning area, which is considered "Projected Development Site 2." Projected Development Site 2 would total approximately 51,926 gsf of residential uses (18 affordable DUs and 43 market rate DUs) and 5,702 gsf of ground floor local retail uses.

As discussed in **Attachment B, "Supplemental Screening,"** the Proposed Actions would introduce new sensitive uses on Projected Development Site 1 and 2. As the Proposed Actions would introduce new noise-sensitive uses within the Proposed Rezoning Area, an analysis was conducted in order to determine the level of building attenuation required to ensure that future interior noise levels would satisfy applicable noise criteria. Based on a field survey of land uses in the area, it was determined that no stationary noise sources contribute significantly to noise levels in the area, and a stationary source noise analysis was not warranted.

II. NOISE FUNDAMENTALS

Quantitative information on the effects of airborne noise on people is well documented. If sufficiently loud, noise may adversely affect people in several ways. For example, noise may interfere with human activities such as sleep, speech communication, and tasks requiring concentration or coordination. It may also cause annoyance, hearing damage, and other physiological problems. Although it is possible to study these effects on people on an average or statistical basis, it must be remembered that all the stated effects of noise on people vary greatly with the individual. Several noise scales and rating methods are used to quantify the effects of noise on people. These scales and methods consider factors such as loudness, duration, time of occurrence, and changes in noise level with time.

"A"-Weighted Sound Level (dBA)

Noise is typically measured in units called decibels (dB), which are ten times the logarithm of the ratio of the sound pressure squared to a standard reference pressure squared. Because loudness is important in the assessment of the effects of noise on people, the dependence of loudness on frequency must be taken into account in the noise scale used in environmental assessments. Frequency is the rate at which sound

pressures fluctuate in a cycle over a given quantity of time, and is measured in Hertz (Hz), where 1 Hz equals 1 cycle per second. Frequency defines sound in terms of pitch components. In the measurement system, one of the simplified scales that accounts for the dependence of perceived loudness on frequency is the use of a weighting network - known as A-weighting - that simulates the response of the human ear. For most noise assessments, the A-weighted sound pressure level in units of dBA is used due to its widespread recognition and its close correlation to perception. In this analysis, all measured noise levels are reported in dBA or A-weighted decibels. Common noise levels in dBA are shown in **Table H-1**.

Table H-1: Common Noise Levels

Sound Source	(dBA)
Air Raid Siren at 50 feet	120
Maximum Levels at Rock Concerts (Rear Seats)	110
On Platform by Passing Subway Train	100
On Sidewalk by Passing Heavy Truck or Bus	90
On Sidewalk by Typical Highway	80
On Sidewalk by Passing Automobiles with Mufflers	70
Typical Urban Area	60-70
Typical Suburban Area	50-60
Quiet Suburban Area at Night	40-50
Typical Rural Area at Night	30-40
Soft Whisper at 5 meters	30
Isolated Broadcast Studio	20
Audiometric (Hearing Testing) Booth	10
Threshold of Hearing	0

Source: *2021 CEQR Technical Manual* / Cowan, James P., Handbook of Environmental Acoustics. Van Nostrand Reinhold, New York, 1994. Egan, M. David, Architectural Acoustics. McGraw-Hill Book Company, 1988.

Note: A 10 dBA increase appears to double the loudness, and a 10 dBA decrease appears to halve the apparent loudness.

Community Response to Changes in Noise Levels

Table H-2 shows the average ability of an individual to perceive changes in noise. Generally, changes in noise levels less than 3 dBA are barely perceptible to most listeners. However, as illustrated in **Table H-2**, 5 dBA changes are readily noticeable. 10 dBA changes are normally perceived as doublings (or halvings) of noise levels. These guidelines permit direct estimation of an individual's probable perception of changes in noise levels.

Table H-2: Average Ability to Perceive Changes in Noise Levels

Change (dBA)	Human Perception of Sound
2-3	Barely perceptible
5	Readily noticeable
10	A doubling or halving of the loudness of sound
20	A dramatic change
40	Difference between a faintly audible sound and a very loud sound

Source: Bolt Beranek and Neuman, Inc., Fundamentals and Abatement of Highway Traffic Noise, Report No. PB-222-703. Prepared for Federal Highway Administration, June 1973.

Noise Descriptors Used in Impact Assessment

Because the sound pressure level unit, dBA, describes a noise level at just one moment, and very few noises are constant, other ways of describing noise over extended periods have been developed. One way of describing fluctuating sound is to describe the fluctuating noise heard over a specific time period as if it had been a steady, unchanging sound. For this condition, a descriptor called the "equivalent sound level", L_{eq}, can be computed. L_{eq} is the constant sound level that, in a given situation and time period (e.g., 1 hour, denoted by $L_{eq(1)}$, or 24 hours, denoted as $L_{eq(24)}$), conveys the same sound-energy as the actual time-varying sound. Statistical sound level descriptors such as L_1, L_{10}, L_{50}, L_{90}, and L_x, are sometimes used to indicate noise levels that are exceeded 1, 10, 50, 90 and x percent of the time, respectively. Discrete event peak levels are given as L_1 levels. L_{eq} is used in the prediction of future noise levels, by adding the contributions from new sources of noise (i.e., increases in traffic volumes) to the existing levels and in relating annoyance to increases in noise levels.

The one-hour equivalent continuous noise level ($L_{eq\,(1h)}$ in dBA), the tenth percentile level L_{10} and the day-night average sound level L_{dn} were selected as the noise descriptors for the purposes of this analysis. Hourly statistical noise levels (particularly L_{10} and L_{eq} levels) were used to characterize the relevant noise sources and their relative importance at each receptor location.

Applicable Noise Codes and Impact Criteria

New York City Noise Code

The New York City Noise Control Code, amended in December 2005, contains prohibitions regarding unreasonable noise and specific noise standards, including plainly audible criteria for specific noise sources. In addition, the amended code specifies that no sound source operating in connection with any commercial or business enterprise may exceed the decibel levels in the designated octave bands at specified receiving properties. The New York City Department of Environmental Protection (DEP) has set external noise exposure standards. These standards are shown on the following page in **Table H-3**.

Noise Exposure is classified into four categories: acceptable, marginally acceptable, marginally unacceptable, and clearly unacceptable. The standards shown are based on maintaining an interior noise level for the worst-case hour L_{10} of less than or equal to 45 dBA. Attenuation requirements are shown in **Table H-4**.

Table H-3: Noise Exposure Guidance for Use in City Environmental Impact Review

Receptor Type	Time Period	Acceptable General External Exposure	Airport[3] Exposure	Marginally Acceptable General External Exposure	Airport[3] Exposure	Marginally Unacceptable General External Exposure	Airport[3] Exposure	Clearly Unacceptable General External Exposure	Airport[3] Exposure
1. Outdoor area requiring serenity and quiet[2]		$L_{10} \leq 55$ dBA	---------- Ldn ≤ 60 dBA ----------						
2. Hospital, Nursing Home		$L_{10} \leq 55$ dBA		$55 < L_{10} \leq 65$ dBA	---------- 60 < Ldn ≤ 65 dBA ----------	$65 < L_{10} \leq 80$ dBA	(1) 65 < Ldn ≤ 70 dBA, (II) 70 ≤ Ldn	$L_{10} > 80$ dBA	---------- Ldn ≤ 75 dBA ----------
3. Residence, residential hotel or motel	7 AM to 10 PM	$L_{10} \leq 65$ dBA		$65 < L_{10} \leq 70$ dBA		$70 < L_{10} \leq 80$ dBA		$L_{10} > 80$ dBA	
	10 PM to 7 AM	$L_{10} \leq 55$ dBA		$55 < L_{10} \leq 70$ dBA		$70 < L_{10} \leq 80$ dBA		$L_{10} > 80$ dBA	
4. School, museum, library, court, house of worship, transient hotel or motel, public meeting room, auditorium, out-patient public health facility		Same as Residential Day (7 AM-10 PM)		Same as Residential Day (7 AM-10 PM)		Same as Residential Day (7 AM-10 PM)		Same as Residential Day (7 AM-10 PM)	
5. Commercial or office		Same as Residential Day (7 AM-10 PM)		Same as Residential Day (7 AM-10 PM)		Same as Residential Day (7 AM-10 PM)		Same as Residential Day (7 AM-10 PM)	
6. Industrial, public areas only[4]	Note 4	Note 4		Note 4		Note 4		Note 4	

Source: New York City Department of Environmental Protection (adopted policy 1983).

Notes: In addition, any new activity shall comply with the Impact Thresholds detailed in Section 410;

[1] Measurements and projections of noise exposures are to be made at appropriate heights above site boundaries as given by American National Standards Institute (ANSI) Standards; all values are for the worst hour in the time period.

[2] Tracts of land where serenity and quiet are extraordinarily important and serve an important public need and where the preservation of these qualities is essential for the area to serve its intended purpose. Such areas could include amphitheaters, particular parks or portions of parks or open spaces dedicated or recognized by appropriate local officials for activities requiring special qualities of serenity and quiet. Examples are grounds for ambulatory hospital patients and patients and residents of sanitariums and old-age homes.

[3] One may use the FAA-approved L_{dn} contours supplied by the Port Authority, or the noise contours may be computed from the federally approved INM Computer Model using flight data supplied by the Port Authority of New York and New Jersey.

[4] External Noise Exposure standards for industrial areas of sounds produced by industrial operations other than operating motor vehicles or other transportation facilities are spelled out in the New York City Zoning Resolution, Sections 42-20 and 42-21. The referenced standards apply to M1, M2, and M3 manufacturing districts and to adjoining residence districts (performance standards are octave band standards).

Table H-4: Required Attenuation Values to Achieve Acceptable Interior Noise Levels

	Marginally Unacceptable				Clearly Unacceptable
Vehicular Traffic	$70<L_{10}\leq73$	$73<L_{10}\leq76$	$76<L_{10}\leq78$	$78<L_{10}\leq80$	$80<L_{10}$
Aircraft [A]	65<DNL≤68	68<DNL≤71	71<DNL≤73	73<DNL≤75	75<DNL
Train	$65<L_{dn}\leq68$	$68<L_{dn}\leq71$	$71<L_{dn}\leq73$	$73<L_{dn}\leq75$	$75<L_{dn}$
Attenuation [B]	(I) 28 dB(A)	(II) 31 dB(A)	(III) 33 dB(A)	(IV) 35 dB(A)	See [C]

Note:

[A] DNL descriptor based on average values of Ldn over a year period.

[B] The above composite window-wall attenuation values are for residential dwellings. Commercial office spaces and meeting rooms would be 5 dB(A) less in each category. All the above categories require a closed window situation and hence an alternate means of ventilation.

[C] The required attenuation value is the difference between L_{build} and $L_{interior}$, using the appropriate noise descriptor, where:

L_{build} is the projected noise level under the build condition rounded up to the whole number

$L_{interior}$ is the designed interior noise level (45 dB(A) for vehicular noise, 40 dB(A) for aircraft and train noise)

Source: New York City Department of Environmental Protection / 2021 *CEQR Technical Manual*

III. NOISE PREDICTION METHODOLOGY

Proportional Modeling

Proportional modeling was used to determine No-Build and Build noise levels at the receptor locations adjacent to the Project Area, as discussed in more detail below. Proportional modeling is one of the techniques recommended in the 2021 *City Environmental Quality Review (CEQR) Technical Manual* for mobile source analysis.

Using this technique, the prediction of future noise levels (where traffic is the dominant noise source) is based on a calculation using measured existing noise levels and predicted changes in traffic volumes to determine No-Build and Build noise levels. Vehicular traffic volumes (counted during the noise recording), are converted into PCE values, for which one medium-duty truck (i.e., vehicles with two axles and six tires) is assumed to generate the noise equivalent of thirteen cars, one heavy-duty truck (i.e., cargo vehicles with three or more axles) is assumed to generate the noise equivalent of 47 cars, and one bus (vehicles designed to carry more than nine passengers) is assumed to generate the noise equivalent of eighteen cars. Future noise levels are calculated using the following equation:

FNA NL =10 log (NA PCE/E PCE) + E NL

where:

FNA NL = Future No-Action Noise Level
NA PCE = No-Action PCEs
E PCE = Existing PCEs
E NL = Existing Noise Level

Sound levels are measured in decibels and therefore increase logarithmically with sound source strength. In this case, the sound source is traffic volumes measured in PCEs. For example, assume that traffic is the dominant noise source at a particular location. If the existing traffic volume on a street is 100 PCEs and if the future traffic volumes were increased by 50 PCEs to a total of 150 PCEs, the noise level would increase

by 1.8 dBA. Similarly, if the future traffic were increased by 100 PCEs, or doubled to a total of 200 PCEs, the noise level would increase by 3.0 dBA.

To calculate the No-Action noise levels, an annual background growth rate of 0.25 percent for the 2025 Build year was applied to the PCE noise values based on counted vehicles.[1] In order to obtain the necessary With-Action PCE values to calculate the With-Action noise levels, a trip generation was prepared based on the proposed/projected amount of incremental residential, retail, and community facility space generated by the 2025 With-Action development, utilizing existing modal split data for the census tract within which the Project Area is located.[2] This trip generation with the 2025 With-Action traffic increment assignments was converted into PCE values and added to the calculated No-Action PCE values for the weekday AM, MD, School Midday (SC MD) and PM peak hours.[3] For conservative analysis purposes, the number of incremental vehicles generated by the Proposed Actions were added to each noise monitoring location.

IV. EXISTING CONDITIONS

As shown in **Figure H-1**, the Project Area has frontage along approximately 175 feet of Third Avenue, 220 feet of East Tremont Avenue, and 185 feet of Bathgate Avenue. Third Avenue is a two-way, 80-foot wide north-south street that runs east of the Proposed Rezoning Area. East Tremont Avenue is a two-way, 75-foot wide east-west street that runs south of the Proposed Rezoning Area. Bathgate Avenue is a one-way, 60-foot wide north-south street that runs west of the Proposed Rezoning Area

Selection of Noise Receptor Locations

As discussed above, local traffic is the dominant source of noise in the vicinity of the Proposed Rezoning Area. The noise receptor locations were selected to be along each frontage of the Proposed Rezoning Area. One receptor location was included along Third Avenue, East Tremont Avenue, and Bathgate Avenue. The assumption was made that all windows on all frontages of the buildings would be operable. The selected receptor locations in the Proposed Rezoning Area are presented in **Figure H-1**.

Noise Monitoring

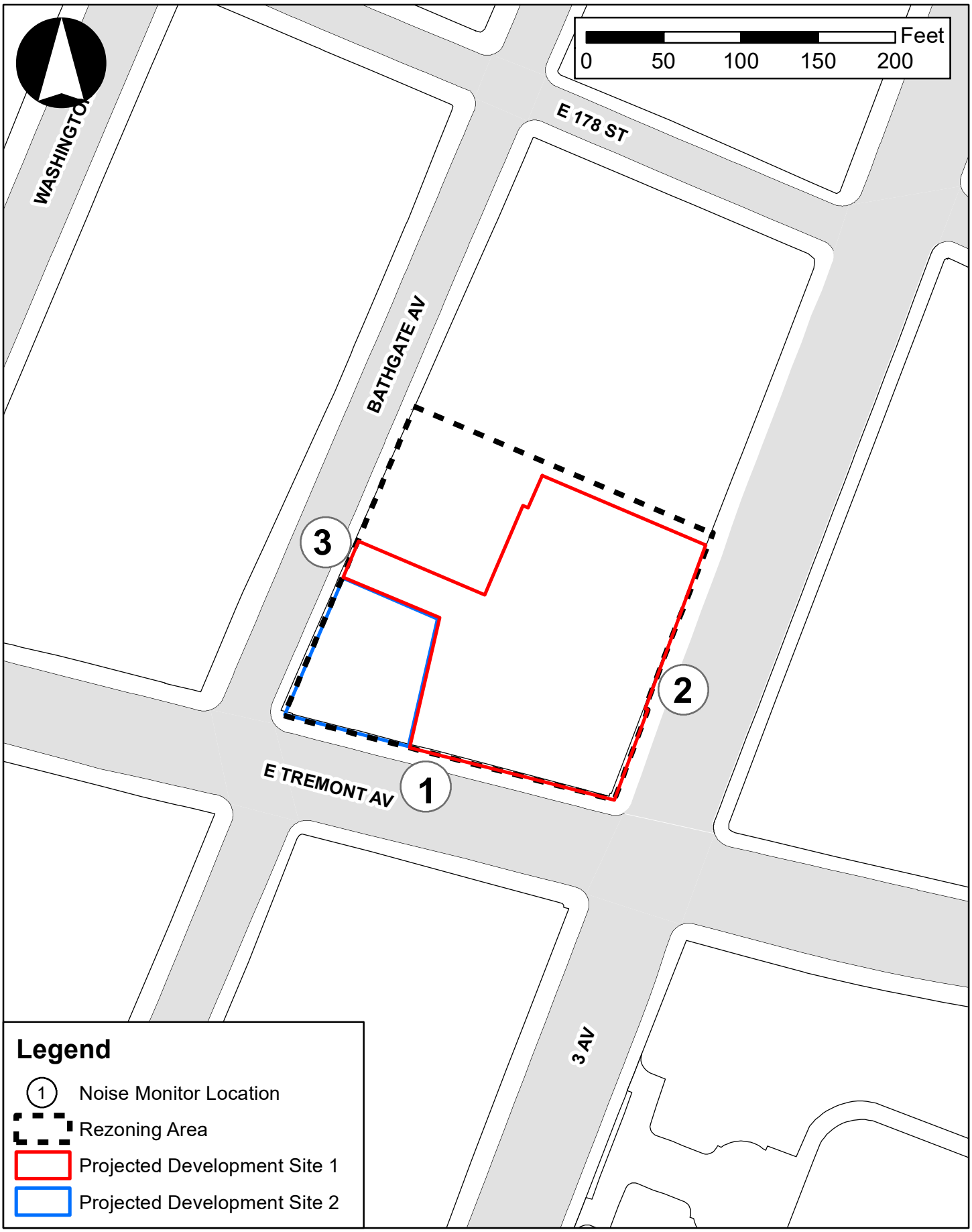
At each of the receptor locations, 20-minute spot measurements of existing noise levels were conducted for each of the three noise analysis time periods - weekday AM peak hour (8:00AM to 9:00AM), weekday midday (MD) peak hour (12:00PM to 1:00PM), and weekday PM peak hour (5:00PM to 6:00PM). Additional noise measurements were performed at Receptor Location 3 during the school dismissal/bus departure (SC MD peak period (2:30PM to 3:30PM), due to the location of both Sharon Baptist Head Start Campus 4 located across from the Project Area at 1925 Bathgate Avenue, and the Bronx 5 Excellence charter school located just north of the Proposed Rezoning Area. Noise monitoring was conducted during the School PM weekday peak period in order to determine the noise levels emanating from vehicles along Bathgate Avenue. If noise levels measured during the School PM weekday peak period at these locations

[1] The background growth rate is based on information provided in Table 16-4 of the 2021 *CEQR Technical Manual.*

[2] Based on 2014-2018 *American Community Survey (ACS) Means of Transportation to Work Table* & AASHTO CTPP Peak Hour Reverse Journey to Work 5-Year data for Bronx County census tracts 375.04 and 395.

[3] The prepared trip generation only includes the total increment of vehicles around the Proposed Rezoning Area at the noise monitoring locations

Figure H-1
Noise Monitor Locations



were greater than those during the AM, midday, and PM weekday peak periods, they would supersede those values and be used in their place to determine building attenuation requirements Noise monitoring was performed on Tuesday, November 10th, 2020. On November 10th, the weather was fair with a high temperature of 74°F.

Equipment Used During Noise Monitoring

The instrumentation used for the measurements was a Brüel & Kjær Type 4189 ½-inch microphone connected to a Brüel & Kjær Model 2250 Type 1 (as defined by the American National Standards Institute) sound level meter. This assembly was mounted at a height of 5 feet above the ground surface on a tripod and at least 6 feet away from any sound-reflecting surfaces to avoid major interference with source sound level that is being measured. The meter was calibrated before and after readings with a Brüel & Kjær Type 4231 sound-level calibrator using the appropriate adaptor. Measurements at the receptor location were made on the A-scale (dBA). The data were digitally recorded by the sound level meter and displayed at the end of the measurement period in units of dBA. Measured quantities included L_{eq}, L_1, L_{10}, L_{50}, and L_{90}. A windscreen was used during all sound measurements except for calibration. Only traffic-related noise was measured; noise from other sources (e.g., emergency sirens, irregular aircraft flyovers, etc.) was excluded from the measured noise levels. Weather conditions were noted to ensure a true reading as follows: wind speed under 12 mph; relative humidity under 90 percent; and temperature above 14°F and below 122°F (pursuant to ANSI Standard S1.13-2005).

Existing Noise Levels at the Noise Receptor Locations

Measured Noise Levels

The noise monitoring results are shown in **Table H-5**. Area traffic was the dominant source of noise at the receptor locations. The existing noise levels reflect the minimal level of vehicular activity on the roadways adjacent to the Proposed Rezoning Area, with the highest existing noise levels observed at receptor location 1 during the AM monitoring period.

As shown in **Table H-5**, the highest L_{10} value was recorded in the AM peak hour (75.14 dBA), placing this receptor location in the "Marginally Unacceptable (II)" CEQR Noise Exposure category pursuant to the guidance of the *CEQR Technical Manual*. At receptor location 2, the highest L_{10} value was recorded in the AM peak hour (74.84 dBA), placing this receptor location in the "Marginally Unacceptable (II)" CEQR Noise Exposure category. At receptor location 3, the highest L_{10} value was recorded in the School MD peak hour (64.78 dBA), placing this receptor location in the "Marginally Acceptable" CEQR Noise Exposure category.

Table H-5: Existing Noise Levels (in dBA) at the Monitoring Locations

Receptor Location	Time	L_{eq}	L_{max}	L_{min}	L_1	L_{10}[2]	L_{50}	L_{90}	CEQR Noise Exposure Category
1	AM	72.35	89.84	61.44	80.90	**75.14**	69.42	65.48	Marginally Unacceptable (II)
	MD	68.91	84.83	58.48	78.30	72.21	66.08	61.85	
	PM	71.70	85.71	60.85	82.62	73.82	67.95	64.59	
2	AM	71.98	88.76	57.38	80.54	**74.84**	69.92	61.83	Marginally Unacceptable (II)
	MD	72.29	90.26	57.37	83.60	74.79	66.86	61.49	
	PM	73.52	93.28	59.23	82.17	74.16	70.12	63.13	
3	AM	59.77	81.25	51.87	69.21	61.74	56.43	54.18	Acceptable
	MD	62.08	84.03	53.20	72.82	62.94	58.57	55.07	
	SC MD	64.73	87.20	52.16	75.59	**64.78**	58.06	54.69	
	PM	62.33	75.50	54.28	72.09	64.62	60.24	57.19	

Notes: Field measurements were performed by Philip Habib & Associates on November 10th, 2020.
[1] Refer to **Figure H-1** for noise monitoring receptor location.
[2] The highest L_{10} noise levels at each monitoring location are shown in **bold**.

V. FUTURE WITHOUT THE PROPOSED ACTION (NO-ACTION)

Using the methodology described in Section IV, "Noise Prediction Methodology," future noise levels in the No-Action condition were calculated for the analysis periods for the 2025 Build year. **Table H-6** shows the measured existing noise levels, as well as the No-Action PCE values and the No-Action noise levels at the receptor location.

Table H-6: Future No-Build Noise Levels and Total PCE Values at Receptor Locations (in dBA)

Noise Receptor Location	Time	Existing PCEs	No-Action PCEs	Existing L_{eq}	No-Action L_{eq}	Change[1]	No-Action L_{10}[2]	CEQR Noise Exposure Category
1	AM	2,484	2,515	72.35	72.40	0.05	**75.19**	Marginally Unacceptable (II)
	MD	1,851	1,874	68.91	68.96	0.05	72.26	
	PM	1,596	1,616	71.70	71.75	0.05	73.87	
2	AM	2,226	2,254	71.98	72.03	0.05	**74.89**	Marginally Unacceptable (II)
	MD	2,115	2,142	72.29	72.34	0.05	74.84	
	PM	1,566	1,586	73.52	73.57	0.05	74.21	
3	AM	111	112	59.77	59.82	0.05	61.79	Acceptable
	MD	165	167	62.08	62.13	0.05	62.99	
	SC MD	267	270	64.73	64.78	0.05	**64.83**	
	PM	129	131	62.33	62.38	0.05	64.67	

Notes: All PCE and noise value are shown for a weekday.
[1] No-Action Leq - Existing Leq
[2] The highest L_{10} noise levels at each monitoring location are shown in **bold**.

Comparing future No-Action noise levels with existing noise levels, the increases in L_{eq} noise level would equal approximately 0.05 dBA during each analysis period. Increases of this magnitude would be barely perceptible, and based upon the *CEQR Technical Manual* impact criteria, would not be significant. The projected No-Action L_{10} noise levels would remain in the same respective CEQR Noise Exposure categories as under existing conditions for receptor locations 1 and 3. Receptor location 2, experiencing a 0.05 dBA increase from existing to No-Action conditions would be categorized under the "Marginally Unacceptable (II)" CEQR noise exposure category.

VI. FUTURE WITH THE PROPOSED ACTION (WITH-ACTION)

Using the methodology described in Section IV, "Noise Prediction Methodology future noise levels in the With-Action condition were calculated for the analysis periods at each of the receptor locations for the 2025 Build year.

As shown in **Table H-7**, after accounting for additional traffic introduced by the Proposed Actions, the maximum projected L_{10} noise level in the With-Action condition would be 75.21 dBA during the AM peak hour at receptor location 1, 74.90 dBA during the MD peak hour at receptor location 2, and 64.90 dBA during the SC MD peak hour at receptor location 3. Receptor locations 1 and 2 would fall under the "Marginally Unacceptable (II)" CEQR noise exposure category. Receptor location 3 would be classified under the "Marginally Acceptable" CEQR noise exposure category.

Comparing the future With-Action noise levels with No-Action noise levels, increases in noise levels would be less than 0.4 dBA. An increase of this magnitude would not be perceptible as they are less than 3.0 dBA, and based upon CEQR impact criteria would not be significant. As the noise levels at the receptor location would experience changes of less than 3.0 dBA in all peak hours, the overall changes to noise levels as a result of the Proposed Actions would not result in any significant adverse impacts.

Table H-7: Future Build Noise Levels and Total PCE Values at Receptor Locations (in dBA)

Receptor Location	Time	With-Action PCEs	No-Action L_{eq}	With-Action L_{eq}	Change[1]	With-Action L_{10}[2]	CEQR Noise Exposure Category
1	AM	2,522	72.40	72.42	0.01	**75.21**	Marginally Unacceptable (II)
	MD	1,877	68.96	68.97	0.01	72.27	
	PM	1,622	71.75	71.77	0.02	73.89	
2	AM	2,257	72.03	72.04	0.01	**74.90**	Marginally Unacceptable (II)
	MD	2,144	72.34	72.35	0.00	74.85	
	PM	1,588	73.57	73.58	0.01	74.22	
3	AM	122	59.82	60.19	0.37	62.16	Acceptable
	MD	171	62.13	62.24	0.10	63.10	
	SC MD	274	64.78	64.85	0.06	**64.90**	
	PM	135	62.38	62.52	0.13	64.81	

Notes: All PCE and noise value are shown for a weekday.

[1] With-Action Leq – No-Action Leq

[2] The highest L_{10} noise levels at each monitoring location are shown in bold.

VII. ATTENUATION REQUIREMENTS

As shown above in **Table H-4**, the *CEQR Technical Manual* has set noise attenuation requirements for buildings based on exterior noise levels. Recommended noise attenuation values for buildings are designed to maintain a maximum interior noise level of 45 dBA or lower for residential and community facility uses and 50 dBA or lower for commercial office uses, and are determined based on exterior L_{10} noise levels. Additional attenuation measures would be required at the site wherever exterior noise levels exceed 70 dBA. As the maximum exterior L_{10} noise level in the With-Action at receptor locations 1 and 2 is above 70 dBA attenuation would be required to ensure an interior noise level of 45 dBA or lower for residential and community facility uses and 50 dBA or lower for commercial uses. Attenuation would be

enforced through the placement of an E-Designation on the lots in the Proposed Rezoning Area with frontage along East Tremont Avenue and Third Avenue (refer to **Figure H-2**).

The E-Designation text would read:

> **Block 3043, Lots 46, 72, 77, 80 (Projected Development Site 1): To ensure an acceptable interior noise environment, future residential and community facility and/or commercial uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation on the facades facing East Tremont Avenue and Third Avenue 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 3043, Lot 43 and 84 (Projected Development Site 2): To ensure an acceptable interior noise environment, future residential and/or commercial uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation on the facade facing East Tremont Avenue and the façade facing Bathgate Avenue within 50 feet of East Tremont Avenue 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.**

VIII. OTHER NOISE CONCERNS

Mechanical Equipment

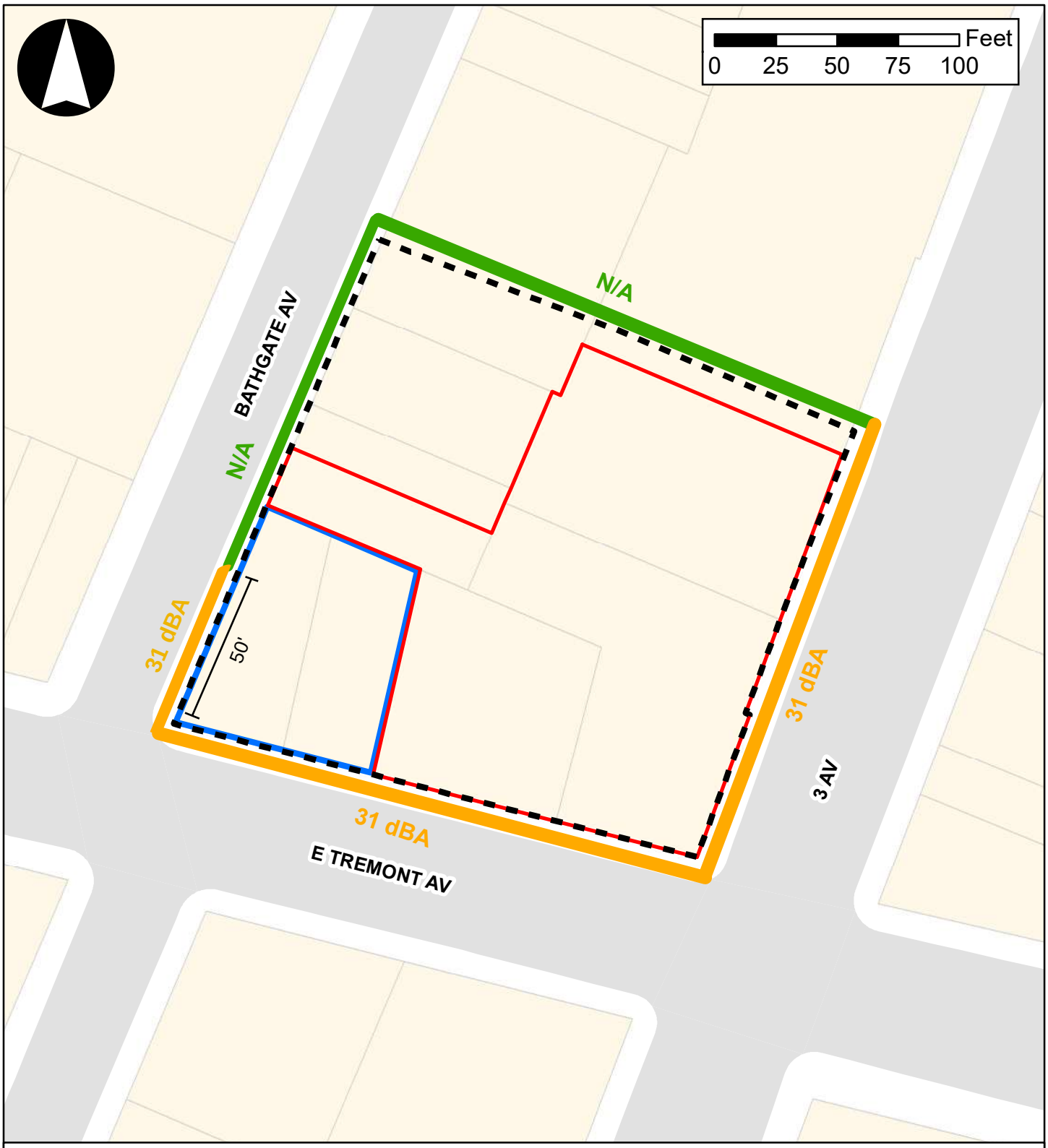
No detailed designs of the building's mechanical systems (i.e., heating, ventilation, and air conditioning systems) are available at this time. However, those systems will be designed to meet all applicable noise regulations and requirements and to produce noise levels that would not result in any significant increase in ambient noise levels. In addition, the building mechanical systems would be designed with enclosures where necessary to meet all applicable noise regulations (i.e., Subchapter 5 §24-227 of the New York City Noise Control Code and the NYC DOB Building Code) and to avoid producing levels that would result in any significant increase in ambient noise levels.

Train Noise

An initial train noise impact screening analysis would be warranted if a new receptor would be located within 1,500 feet of existing rail activity and have a direct line of sight to that activity. The Proposed Rezoning Area is located within 1,500 feet of any existing rail activity -- the Metro North – Harlem line, which runs along Park Avenue approximately 700 feet from the nearest receptor -- however a detailed train noise analysis related to rail operations is not warranted; there is no direct line of site to the rail line from the Proposed Rezoning Area since the rail line is below street grade

Aircraft Noise

Figure H-2
Required Attenuation



An initial aircraft noise impact screening analysis is appropriate if the proposed project would: generate or reroute aircraft, such as airplanes and helicopters; or Introduce a new receptor that is within a 65 dBA DNL contour. Since the Proposed Actions would not generate or reroute aircraft, and as the Proposed Rezoning Area is not within a 65 dBA DNL contour, no initial aircraft noise impact screening analysis is warranted.

APPENDIX 1
AGENCY CORRESPONDENCE

NYC 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: EAST TREMONT REZONING
Date Received: 10/6/2020

Properties with no Architectural or Archaeological significance:

1) 503 EAST TREMONT AVENUE, BBL: 2030430043
2) 1904 BATHGATE AVENUE, BBL: 2030430046
3) 1906 BATHGATE AVENUE, BBL: 2030430047
4) 1910 BATHGATE AVENUE, BBL: 2030430048
5) 1946 BATHGATE AVENUE, BBL: 2030430050
6) 4231 3 AVENUE, BBL: 2030430067
7) 4223 3 AVENUE, BBL: 2030430072
8) 521 EAST TREMONT AVENUE, BBL: 2030430077
9) 513 EAST TREMONT AVENUE, BBL: 2030430080
10) 505 EAST TREMONT AVENUE, BBL: 2030430084

S/NR LISTED 48TH PRECINCT POLICE STATION, 1925 BATHGATE AVENUE WITHIN RADIUS .

Gina Santucci 10/14/2020

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 35209_FSO_DNP_10142020.docx

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: EAST TREMONT REZONING
Date Received: 3/3/2021

The LPC is in receipt of additional documentation regarding a shadow study for the above cited project. There are no shadow impacts as a result of this project and no shadow sensitive properties in the study area.

Gina Santucci

3/16/2021

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 35209_FSO_GS_03162021.docx

APPENDIX 2
HAZARDOUS MATERIALS REPORT: PHASE II ENVRIONMENTAL SITE ASSESMENT

Provided is the Executive Summary. The full report is provided in a separate document.

6.0 CONCLUSIONS

AKRF, Inc. (AKRF) conducted a Subsurface (Phase II) in connection with the redevelopment of the property located at 521 East Tremont Avenue in the East Tremont neighborhood of the Bronx, New York (the "Site"). Alternative addresses for the Site include 1904 Bathgate Avenue, 4223 Third Avenue, and 513 East Tremont Avenue. The Site is identified as Tax Block 3043, Lots 46, 72, 77, and 80 on the New York City Tax Map. The approximately 24,800-square foot Site currently consists of two mixed-use buildings and adjacent parking lots. The proposed redevelopment consists includes construction of a 14-story mixed-use residential building with commercial space on the first floor and one cellar level.

The investigation was conducted to determine whether past uses on or near the Site have adversely affected the Site's subsurface. Field activities were conducted on July 10 and 12, 2019 and included: a geophysical survey; the advancement of 6 soil borings with the collection and laboratory analysis of 11 soil samples; the installation of 3 temporary groundwater monitoring wells, with the collection and laboratory analysis of 3 groundwater samples; and the installation of 4 soil vapor samples, with the collection and laboratory analysis of 4 soil vapor samples.

The geophysical survey did not detect any underground storage tanks or subsurface anomalies beyond surficial buried electrical and drainage lines in the parking lots along Third Avenue. Subsurface materials consisted of historic fill comprising sand, silt, gravel, and brick, with trace amounts of wood, metal, glass, and ceramic fragments from just below surface grade down to approximately 3 to 15 feet below grade. The fill material was underlain by apparent native soil consisting of brown sand, silt, gravel, and clay down to the boring terminus between approximately 3 and 30 feet below grade. Groundwater was measured at depths between 1 and 18 feet below top of casing in the temporary wells. Presumed shallow bedrock was encountered in four of the six borings between approximately 6 and 18.5 feet below grade. A petroleum-like odor and PID readings up to 96.7 ppm were noted in soil from boring SB-06 between approximately 5 and 6 feet below grade. No visual or olfactory evidence of contamination was noted in any other borings.

Soil sample analytical results were compared to NYSDEC 6 NYCRR Part 375 Soil Cleanup Objectives for Unrestricted Use Soil Cleanup Objectives (UUSCOs) and Soil Cleanup Objectives for Restricted – Residential Restricted Use (RRSCOs). The groundwater sample analytical results were compared to NYSDEC *Technical and Operational Guidance Series (TOGS) (1.1.1): Class GA Ambient Water Quality Standards and Guidance Values (AWQSGVs).*

A summary of the analytical results is as follows:

Soil

- Nine volatile organic compounds (VOCs) were detected in the soil samples above laboratory reporting limits at concentrations ranging from 0.00054 milligrams per kilogram (mg/kg) to 33 mg/kg. Acetone, cis-1,2-dichloroethene, methylene chloride, toluene, and total xylenes were detected above UUSCOs in one or more samples. No other VOCs were detected above UUSCOs and/or RRSCOs.
- Twenty-five semivolatile organic compounds (SVOCs) were detected in the soil samples at concentrations ranging from 0.0081 mg/kg to 6.4 mg/kg. Detections primarily consisted of polycyclic aromatic hydrocarbons (PAHs), a class of compounds commonly found in some petroleum products, ash, and historic fill material. Seven PAHs [benzo(a)anthracene, benzo[a]pyrene, benzo[b]fluoranthene, benzo[k]fluoranthene, chrysene, dibenz(a,h)anthracene, and indeno(1,2,3-cd)pyrene] were detected at concentrations exceeding UUSCOs and/or RRSCOs, ranging from 0.40 mg/kg to 5.1 mg/kg.

- Four pesticides were detected in the soil samples. Dieldrin, 4,4'-DDD, 4,4'-DDE, and 4,4'-DDT were detected above UUSCOs at concentration ranging from 0.0077 mg/kg to 0.23 mg/kg. No pesticides were detected above their respective RRSCOs.
- Total polychlorinated biphenyls (PCBs) were detected above laboratory reporting in two samples (SB-05_0-2_20190710 and SB-06_5-7_20190712). PCBs were not detected above UUSCOs or RRSCOs.
- Twenty-three metals were detected in the soil samples at concentrations ranging from 0.19 mg/kg to 1,410 mg/kg, above UUSCOs and/or RRSCOs. The following metals were detected at concentrations above RRSCOs: arsenic (maximum concentration of 51.7 mg/kg), barium (maximum concentration of 1,410 mg/kg), lead (maximum concentration of 933 mg/kg), and mercury (maximum concentration of 0.95 mg/kg).

Groundwater

- Eight VOCs were detected above laboratory reporting limits in the groundwater samples at concentrations ranging from 0.50 to 200 micrograms per liter (µg/L). Cis-1,2-dichloroethylene, tetrachloroethylene (PCE), trichloroethylene (TCE), and vinyl chloride were detected in groundwater sample TW-02_20190710 at concentrations ranging from 14 to 200 µg/L, above AWQSGVs. PCE was also detected in sample TW-05_20190710 above the AWQSGV. No other VOCs were detected above laboratory reporting limits in the groundwater samples. No VOCs were detected in the aqueous trip blank.
- SVOCs, pesticides and PCBs were not detected above laboratory reporting limits in any groundwater samples.
- Six metals (chromium, iron, lead, magnesium, manganese, and sodium) detected at concentrations above their respective AWQSGVs in the unfiltered (total) metals analysis in groundwater. Four metals (iron, magnesium, manganese, and sodium) were detected at concentrations above their respective AWQSGVs in the filtered (dissolved) metals analysis in groundwater.

Soil Vapor

- Twenty-six VOCs were detected in the soil vapor samples. VOCs associated with petroleum, including 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, 4-ethyltoluene, benzene, ethylbenzene, m,p-xylenes, n-heptane, n-hexane, o-xylene, and toluene were detected at individual concentrations up to 180 µg/m^3 (toluene detected in sample SV-03_20190712). Solvent-related VOCs, including acetone, PCE, and TCE were detected at individual concentrations up to 1,800 µg/m^3 (acetone detected in sample SV-01_20190710).

6.1 Recommendations

Based on the findings of this Subsurface (Phase II) Investigation, AKRF recommends the following:

- Based on the concentrations of VOCs in the groundwater, it is recommended that an application to enter the New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) be prepared and submitted.
- During subsurface disturbance, excavated soil and any debris should be handled and disposed of in accordance with a NYSDEC-approved Remedial Action Work Plan (RAWP) or a New York City Department of Environmental Protection (NYCDEP)-approved Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP) and applicable regulatory requirements. Any evidence of a petroleum spill should be reported to the NYSDEC and addressed in accordance with applicable requirements.
- Soil and fill materials excavated as part of site development activities should be properly handled and managed in accordance with applicable regulations. Transportation of material leaving the Site for off-site disposal must be in accordance with federal, state and local regulatory requirements covering licensing of haulers and trucks, placarding, truck routes, manifesting, etc.
- Prior to any construction activities with the potential to disturb suspect asbestos-containing materials (ACM), an asbestos survey of the areas to be disturbed should be conducted and any ACM should be removed and disposed of in accordance with local, state and federal requirements.
- Any activities with the potential to disturb lead-based paint surfaces must be performed in accordance with applicable requirements (including federal Occupational Safety and Health Administration regulation 29 CFR 1926.62 - *Lead Exposure in Construction*). Additional requirements may apply if the Site is considered a "child-occupied facility" under USEPA regulations (defined by the number of hours per year when the Site is used by children under six).
- Any unexpectedly encountered underground storage tanks (USTs) or buried former aboveground storage tanks (ASTs), should be properly closed and removed, along with any contaminated soil. The closure should be performed in accordance with the applicable regulations, including NYSDEC tank registration and spill reporting requirements.