ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Marisa Lago, *Director*
Department of City Planning

October 20, 2020

Webster 1099 Realty LLC
c/o Adam Rothkrug
55 Watermill Lane
Great Neck, NY 11021

Re:	**1099 Webster Avenue Rezoning**
CEQR No.	19DCP115X
ULURP No(s).	210103ZMX, 210104ZRX
SEQRA Classification:	Type I
Bronx Community District:	BX04

Dear Adam Rothkrug,

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

Enclosed is the Negative Declaration for CEQR No. 19DCP115X, 1099 Webster Avenue Rezoning, including supporting statements for the finding that the proposed actions would not have a significant adverse impact on the environment. The Negative Declaration was issued on .

Sincerely,

Olga Abinader, *Director* — October 20, 2020 Date

cc: Project File
Marisa Lago, Chair
City Planning Commissioners
Raju Mann, Director, City Council Land Use Division
Ruben Diaz Jr., Bronx Borough President
Bronx Community Board BX04

Olga Abinader, *Director,* (212) 720-3493 | oabinad@planning.nyc.gov
Stephanie Shellooe, AICP, *Deputy Director,* (212) 720-3328 | sshellooe@planning.nyc.gov
120 Broadway, 31st Floor, New York, N.Y. 10271 | Fax: (212) 720-3488

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 project. 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 project 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 have no significant effect on the quality of the environment. Reasons supporting this determination are noted below.

Air Quality and Noise

An (E) designation (E-576) for air quality and noise has been incorporated into the proposed actions. Refer to "Determination of Significance Appendix: (E) Designation" for a list of the sites affected by the proposed (E) designation and applicable (E) designation requirements. With these measures in place, the proposed actions would not result in significant adverse impacts to air quality or noise.

Land Use, Zoning, and Public Policy

The EAS includes a detailed analysis of Land Use, Zoning, and Public Policy and that analysis determined that no significant adverse impacts would occur. According to the CEQR Technical Manual (CEQR TM), a significant adverse impact could occur if a proposed action would generate a land use incompatible with the surrounding area. The proposed actions include a Zoning Map amendment to rezone the project area (Bronx Block 2426, Lots 17, 21, 25) from M1-1 to R7X/C2-4 and a Zoning Text Amendment to establish a Mandatory Inclusionary Housing (MIH) area coterminous with the project area within the East Concourse section of Bronx, Community District 4. The proposed actions would allow residential use, which is not permitted under the current zoning, however, the surrounding area west of the project area contains predominantly residential uses and is within a transit zone. As such, the proposed actions would not introduce an incompatible land use, nor affect the existing character of the area, which represent the thresholds of impact significance as defined in the CEQR TM. Furthermore, the proposed actions would have no adverse effect on zoning or public policy.

Community Facilities

The EAS includes a detailed analysis of publicly funded child care facilities and public schools. The proposed actions would facilitate the development of 356 dwelling units, 297 of which would be reserved for low- and moderate-income tenants who would be at or below 80% of the area median income, which would generate approximately 36 additional children under the age of six who would be eligible for publicly funded child care programs, 47 public high school students, 79 elementary school students, and 33 middle school students. The related CEQR TM thresholds for detailed analysis are 20 or more children for child care, 150 or more high school students, and 50 or more total elementary and middle school students. As such, detailed analysis is warranted for child care and elementary and middle school students.

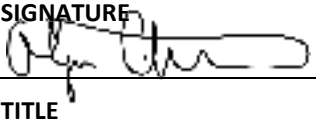
Child Care - The CEQR TM indicates that if the child care utilization rate exceeds 100 percent, and is reduced by over 5 percent compared to the No-Action condition, a significant adverse impact may be identified. A detailed analysis showed that the proposed actions would result in an increase of 0.9% in the collective utilization rate of the child care/Head Start centers in the study area. At a utilization rate of 87%, the collective utilization rate of the group childcare/Head Start centers in the study area would not exceed 100 percent. Therefore, the proposed actions would not result in significant adverse impacts to child care facilities.

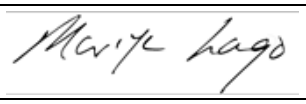
Public Schools - The CEQR TM indicates that if the school utilization rate exceeds 100 percent, and is reduced by over 5 percent compared to the No-Action condition, a significant adverse impact may be identified. A detailed analysis showed that, as a result of the proposed actions, elementary schools in the study area would be operating at a utilization rate of 103 percent, however, the difference between the No-Action and With-Action utilization rate of the elementary schools would be 1.96 percent. The analysis also showed that intermediate schools in the study area would be operating at 69 percent capacity as a result of the proposed actions, a difference of .94 percent compared to the No-Action condition. As such, neither elementary nor intermediate school conditions would meet both thresholds established in the CEQR TM

and as such, no significant adverse impacts to public schools would occur.

Historic and Cultural Resources
A detailed analysis related to Historic and Cultural Resources is included in this EAS. As stated in the CEQR TM, a significant adverse impact to historic resources could result from significant new shadows, obstruction of publicly accessible views of a resource, construction-related impacts, or the introduction of incompatible elements to a resource's setting. The proposed actions would result in new development adjacent to the Landmarks Preservation Commission-designated Clay Avenue Historic District, separated by East 116th Street. However, the resulting development would not result in significant adverse visual effects to features of the historic district that defines this historic resource. Construction-related impacts, or physical changes to resources would not occur as a result of the proposed actions. Therefore, the proposed actions would not result in significant adverse impacts to historic and cultural resources.

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 Rachel Antelmi at (212) 720-3621.

TITLE	**LEAD AGENCY**
Director, Environmental Assessment and Review Division	Department of City Planning, acting on behalf of the City Planning Commission 120 Broadway, 31st Fl. New York, NY 10271 | (212) 720-3493
NAME Olga Abinader	**DATE** October 16, 2020
SIGNATURE 	

TITLE	
Chair, City Planning Commission	
NAME Marisa Lago	**DATE** October 19, 2020
SIGNATURE 	

Project Name: 1099 Webster Avenue Rezoning
CEQR #: 19DCP115X
SEQRA Classification: Type I

Determination of Significance Appendix: (E) Designation (E-576)

Air Quality

To ensure that there would be no significant adverse air quality impacts associated with the proposed project, an E designation (E-576) will be placed on the project site as follows:

Block 2426, Lot 25 (Projected Development Site 1 - Building A): Any new residential or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC) and hot water system to avoid any potential significant adverse air quality impacts. Stack shall be located at the building's highest level and at a minimum of 148 feet above grade to avoid any potential significant adverse air quality impact.

Block 2426, Lot 25 (Projected Development Site 1 - Building B): Any new residential or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC) and hot water system to avoid any potential significant adverse air quality impacts. Stack shall be located at the building's highest level and at a minimum of 148 feet above grade to avoid any potential significant adverse air quality impact.

Block 2426, Lot 17 and 21 (Projected Development Site 2): Any new residential or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC) and hot water system to avoid any potential significant adverse air quality impacts. Stack shall be located at the building's highest level and at a minimum of 148 feet above grade to avoid any potential significant adverse air quality impact.

Noise

To ensure that there would be no significant adverse noise impacts associated with the proposed project, an E designation (E-576) will be placed on the project site as follows:

Block 2426, Lot 25 (Projected Development Site 1): To ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation on all facades facing Webster Avenue or East 167th Street or southern façade facing East 166th Street within 50 feet from Webster Avenue to maintain an interior noise level not greater than 45 dBA for residential uses or not greater than 50 dBA for commercial uses. 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 2426, Lots 17 and 21 (Projected Development Site 2): To ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed- window condition with a minimum of 31 dBA window/wall attenuation on all facades to maintain an interior noise level not greater than 45 dBA for residential uses or not greater than 50 dBA for commercial uses. 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.