DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Daniel R. Garodnick, *Director*
Department of City Planning

July 18, 2025

POSITIVE DECLARATION

Project Identification
1014 Brook Avenue Rezoning
CEQR No. 26DCP001X
ULURP Nos. Pending
SEQRA Classification: Type I

Lead Agency
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271
Contact: Stephanie Shellooe
(212) 720-3328

Name, Description and Location of Proposal:

1014 Brook Avenue Rezoning
The Applicant, 1004 Brooks, LLC, is proposing two land use actions: a zoning map amendment to rezone the western portion of Bronx Block 2386, Lots 1, 2, 5, 7, 8, 11, 17, 20, 21, 22, 24, 29, 30, 34, 35, part of ("p/o") 59, 65, 66, 67, 74, p/o 136, and p/o 164 (the "Proposed Rezoning Area"); and a zoning text amendment to Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing (MIH) Areas of the New York City Zoning Resolution (ZR) to establish the Proposed Rezoning Area as an MIH Area (collectively, the "Proposed Actions"). The Proposed Actions would facilitate the redevelopment of Block 2386, including Lots 1, 2, 5, 7, 8, 11, 17, 20, 21, 22, 24, 29, 30, 34, 65, 66, 67, 74, and 164 (the "Projected Development Site") with two high-rise, mixed-use buildings ("Buildings A and B") containing residential use, local retail, a recreation facility, light industrial/ manufacturing space, below-grade accessory parking, and publicly accessible open space (the "Proposed Development"). The Proposed Rezoning Area is located on the eastern side of Brook Avenue, between East 164th and East 165th Streets in the Morrisania neighborhood of Bronx Community District 3. In addition, the Applicant intends to seek public financing from City and/or State sources to facilitate the Proposed Development which is intended to be fully income-restricted pursuant to NYC Department of Housing Preservation and Development ("HPD") term sheets.

The Proposed Development would contain a total of 1,197,381 gross square feet (gsf) containing 988,843 gsf of residential use distributed across 1,128 dwelling units ("DUs"), including 1,126 income-restricted and 2 superintendents' units; a 153,005 gsf recreational facility; 14,238 gsf of local retail; 31,208 gsf of accessory parking (135 parking spaces); 45,467 sf of publicly accessible open space (including 25,465 sf that would always be accessible to the public and 20,002 sf that would be considered semi-public and available to the public during designated hours only); and 10,086 gsf of light industrial/ manufacturing space. Building A would rise to a maximum of

approximately 204 feet (20-stories); Building B would rise to a maximum of approximately 170 feet (16-stories).

Specifically, the Proposed Actions include:

- **Zoning map amendment** to change the existing M1-1 zoning district mapped within the Proposed Rezoning Area to an MX district, designated MX-7, that would establish an M1-4/R8 (MX-7) zoning district within 150 feet of Brook Avenue. The existing M1-1/R7-2 (MX-7) district beyond 150 feet of Washington Avenue would be changed to M1-4/R7-2 (MX-7) and would be extended to beyond 150 feet of Brook Avenue.
- **Zoning text amendment** to amend Appendix F of the ZR to establish an MIH area coterminous with the Proposed Rezoning Area.

The Applicant proposes to map the Proposed Rezoning Area with both MIH Options 1 and 2, which would require 25-30 percent of residential floor area (282-339 DUs) to be permanently affordable pursuant to MIH program requirements.

Absent the Proposed Actions, the future No-Action scenario assumes that the 78,187-sf portion of the Projected Development Site that is under control of the Applicant would be redeveloped on an as-of-right basis pursuant to the existing M1-1 zoning district. Under the No-Action scenario, Lots 1, 7, 8, 11, 17, 20, 21, 22, 24, and 74 would be redeveloped with a new mixed-use commercial and manufacturing building containing 22,073 gsf of local retail space, 98,536 gsf of light industrial makerspace, and 29,433 gsf of parking (173 parking spaces). For the remainder of the lots in the Proposed Rezoning Area that are not controlled by the Applicant (Lots 2, 5, 29, 30, 34, 65, 66, 67 and 164), the No-Action scenario assumes that the existing auto repair and commercial shipping uses would remain.

Because the Proposed Development would not maximize the allowable building envelope or the amount of developable floor area, a With-Action scenario was developed to allow for a conservative environmental review process. Under the With-Action scenario, it is assumed that the total development size would increase to 1,204,274 gsf, comprising 995,737 gsf of residential use distributed across 1,129 DUs, including 1,127 income-restricted and 2 superintendents' units; a 153,005 gsf recreational facility; 10,086 gsf of light industrial/ manufacturing space; 14,238 gsf of local retail; 45,467 sf of publicly accessible open space (comprising 25,465 sf that would always be accessible to the public and 20,002 sf that would be considered semi-public and available to the public during designated hours only); and 31,208 gsf of accessory parking (135 parking spaces). Under the With-Action scenario, Building A would rise to a maximum of approximately 264 feet (26-stories); Building B would rise to a maximum of approximately 230 feet (22-stories).

The Proposed Actions would result in an incremental increase of 970,945 gsf of development on the Projected Development Site, comprising: 995,737 gsf of residential use (1,129 DUs, including 1,127 income-restricted and 2 superintendent DUs),[1] 153,005 gsf of recreational facility use, 45,467 sf (1.04 acre) of publicly accessible open space,[2] 1,775 sf of accessory parking (44 spaces); and a decrease of 7,834 gsf of local retail use, 2,725 gsf of automotive use, 80,563 gsf of warehouse/ storage use, and 88,449 gsf of light manufacturing /makerspace use.

[1] The Applicant intends to construct the Proposed Development as 100 percent affordable pursuant to HPD term sheets. Pursuant to the MIH program, 20 to 30 percent of the residential floor area (226 to 339 DUs) would be permanently affordable depending on which MIH Option is mapped.

[2] The With-Action condition (and Proposed Development) would include approximately 25,465 sf of open space that would always be accessible to the public and approximately 20,002 sf of open space that would be considered semi-public and would be available to the public at designated hours and could be closed off to the public at times with gated access.

The Proposed Actions would result in a net increase of 3,093 residents and 232 workers at the Projected Development Site.

The Analysis Year for the Proposed Actions is 2032.

Statement of Significant Effect:

On behalf of the CPC, the Environmental Assessment and Review Division has determined, pursuant to 6 NYCRR Part 617.7, that the Proposed Actions may have a significant effect on the quality of the environment as detailed in the following environmental impacts, and that an environmental impact statement will be required: land use, zoning and public policy; socioeconomic conditions; community facilities and services; open space; shadows; historic and cultural resources; urban design and visual resources; hazardous materials; water and sewer infrastructure; transportation; air quality; greenhouse gas emissions and climate change; noise; public health; neighborhood character; and construction.

The Proposed Actions would not have significant adverse impacts related to natural resources, solid waste and sanitation services, or energy.

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

1. Land Use, Zoning and Public Policy – The Proposed Actions include discretionary land use actions that would affect land use and zoning within the Proposed Rezoning Area. Therefore, the Proposed Actions could have the potential to result in significant adverse impacts related to land use, zoning, and public policy.
2. Socioeconomic Conditions –The Proposed Actions would not result in any direct residential displacement, because there are no existing residential uses on the Projected Development Site. The Proposed Actions could displace two businesses currently located on the Projected Development Site; however, because less than 100 employees would be displaced, an assessment of direct business displacement is not warranted. Similarly, because the Proposed Actions would not introduce more than 200,000 gsf of new commercial development, there is no potential for in indirect business displacement. Because the Proposed Actions are not expected to adversely affect the economic and operational conditions of any specific industries in the City, an analysis of adverse effects on specific industries is not warranted. However, because the Proposed Actions would introduce greater than 200 residential units, an assessment for indirect residential displacement is warranted. Therefore, the Proposed Actions could have the potential to result in significant adverse impacts related to indirect residential displacement.
3. Community Facilities – The Proposed Actions would introduce up to 1,129 incremental residential units and would increase demand at public elementary and intermediate schools, early childhood programs, and public libraries. Therefore, the Proposed Actions could have the potential to result in a significant adverse impact related to community facilities and services.
4. Open Space – The Proposed Actions would result in an incremental increase of an estimated 3,093 residents and 232 workers, exceeding the 200-resident threshold that warrants an analysis of indirect effects on residential open space. As the Proposed Actions would introduce fewer than 500 nonresidents, an analysis of indirect effects due to nonresidents is not warranted. An assessment of the potential for direct effects to open

space will be provided if warranted based on the results of the shadows analysis. Therefore, the Proposed Actions could have the potential to result in a significant adverse impact related to open space.

5. Shadows – The Proposed Actions would introduce two buildings greater than 50 feet in height in the vicinity of sunlight sensitive resources, including the Arcilla Playground, and could result in new incremental shadows on a sunlight-sensitive resource. Therefore, the Proposed Actions could have the potential to result in a significant adverse shadow impact.
6. Historic and Cultural Resources – The Proposed Actions would result in new construction within close proximity to known historic architectural resources. In addition, there is the potential for new construction to affect archaeological resources that may be present on the site. Therefore, the Proposed Actions could have the potential to result in a significant adverse impact on historic and cultural resources.
7. Urban Design and Visual Resources – The Proposed Actions would result in physical changes at the Projected Development Site beyond the bulk and form currently permitted as-of-right. These proposed changes could affect a pedestrian's experience of public space. Therefore, the Proposed Actions could result in a significant adverse impact related to urban design and visual resources.
8. Natural Resources – The Proposed Rezoning Area and the immediately adjacent area are located in a fully developed area of the Bronx, and is substantially devoid of natural resources. Therefore, the Proposed Actions do not have the potential to result in a significant adverse impact to natural resources.
9. Hazardous Materials – The Proposed Actions would result in new in-ground disturbance within the Proposed Rezoning Area, with the potential to increase exposure pathways to hazardous materials that may be present. Therefore, the Proposed Actions could result in a significant adverse impact related to hazardous materials.
10. Water and Sewer Infrastructure – The Proposed Actions would introduce up to 1,129 incremental residential units, which exceeds the 400-unit threshold that warrants an assessment of wastewater and stormwater conveyance and treatment. Therefore, the Proposed Actions could have the potential to result in significant adverse impacts related to water and sewer infrastructure.
11. Solid Waste and Sanitation Services – The Proposed Actions would not generate 50 tons or more of solid waste per week, nor would they involve a reduction of capacity at a solid waste management facility. Therefore, the Proposed Actions would not cause significant adverse impacts related to solid waste and sanitation services are anticipated.
12. Energy – The Proposed Actions would not affect the transmission or generation of energy. Although significant adverse energy impacts are not anticipated for the Proposed Actions, a preliminary assessment of energy consumption under the With-Action scenario will be provided in the EIS as part of the Greenhouse Gas Emissions assessment. Therefore, the Proposed Actions would not cause significant adverse impacts related to energy.
13. Transportation – The Proposed Actions would generate additional vehicular and pedestrian traffic and increase demand for parking, bus and subway service. Therefore, the Proposed Actions could have the potential to result in a significant adverse impact related to transportation.

14. Air Quality – The Proposed Actions would introduce new stationary sources and create new mobile sources of pollutants, and would also introduce new sensitive receptors to an area with existing industrial sources. Therefore, the Proposed Actions could result in a significant adverse impact related to air quality.
15. Greenhouse Gas Emissions and Climate Change – The Proposed Actions would result in development that would exceed the 350,000-square-foot CEQR threshold warranting an assessment of greenhouse gas emissions. Therefore, the Proposed Actions could result in a significant adverse impact related to greenhouse gas emissions.
16. Noise – The Proposed Actions would introduce new residential, commercial, and light industrial development which would create new receptors and generate new vehicular traffic. Therefore, the Proposed Actions could result in a significant adverse impact related to noise.
17. Public Health – The Proposed Actions could result in impacts related to air quality, noise, hazardous materials, or construction. Therefore, the Proposed Actions could result in a significant adverse impact related to public health.
18. Neighborhood Character – The Proposed Actions could affect land use and zoning, seriocomic conditions, community facilities, open space, historic resources, urban design and visual resources, shadows, transportation, and noise. Consequently, the Proposed Actions could have the potential to result in a significant adverse impact related to neighborhood character.
19. Construction – The construction period for the Proposed Actions would be longer than two years, which is considered long term, and would occur in proximity to sensitive receptors. Therefore, the Proposed Actions could result in a significant adverse impact related to construction.
20. Effects on Disadvantaged Communities – The Proposed Actions may cause or increase a disproportionate pollution burden on a disadvantaged community (DAC), as identified by NYSDEC. Therefore, an assessment of the Proposed Actions' potential effects on DACs will be prepared to comply with New York State Environmental Conservation Law Section 8-0109.

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

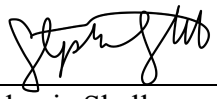
A public scoping meeting has been scheduled for Tuesday, August 19, 2025 at 2:00 PM. To continue to allow for broad public participation options, DCP will hold the public scoping meeting remotely. To join the meeting, please visit the "Calendar" page of the New York City Department of City Planning's website: https://www.nyc.gov/content/planning/pages/calendar. Please refer to participation instructions in the Public Scoping Notice that is available on the project ZAP page: https://zap.planning.nyc.gov/projects/2023X0393.

Written comments will be accepted by the lead agency through 5:00 pm, Friday, August 29, 2025. They can be submitted via email to 26DCP001X_DL@planning.nyc.gov or mailed to Stephanie

Shellooe, AICP, Director, Environmental Assessment and Review Division, New York City Department of City Planning, 120 Broadway, 31st Floor, New York, New York 10271.

This determination has been prepared in accordance with Article 8 of the Environmental Conservation Law.

Should you have any questions pertaining to this Positive Declaration, you may contact Stacey Barron, AICP, at sbarron@planning.nyc.gov.



July 18, 2025

Stephanie Shellooe, AICP, Director
Environmental Assessment & Review Division
New York City Department of City Planning

Date