



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, NY 10007

POSITIVE DECLARATION

NOTICE OF INTENT TO PREPARE DRAFT ENVIRONMENTAL IMPACT STATEMENT

<u>PROJECT:</u> Gun Hill Square Community District 12 Borough of Bronx CEQR Number: 14DME010X ULURP Number(s): Pending	<u>LEAD AGENCY:</u> Office of the Deputy Mayor for Housing and Economic Development 100 Gold Street, 2nd Floor New York, NY 10038
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DATE ISSUED: July 2, 2014

TYPE OF ACTION: Type I

NAME, LOCATION, AND DESCRIPTION OF PROPOSAL:

Gun Hill Square
Community District 12, Bronx
Block 4804; part of Lot 100

The applicant, Gun Hill Square LLC, is proposing a development including a six-building pedestrian-oriented open-air urban shopping center with accessory parking, and an up to 11-story senior housing building on a site (Block 4804, part of Lot 100) generally bounded by East Gun Hill Road to the southwest and Edson Avenue to the northeast and south (“the project site”) in the Baychester neighborhood of the Bronx. Directly east of the project site is the New England Thruway (I-95). The irregular-shaped project site comprises the southern approximately 12.6 acres of Lot 100. The project site is currently owned by the City of New York and covered by a Master Lease between the City and New York City Transit (NYCT).

The proposed project would contain approximately 390,400 gross square feet (gsf) of commercial space (shopping center), of which up to 40,000 gsf would include a fitness center, 92,000 gsf of residential space (senior housing building), 238,500 gsf of parking space (garage), and a total of 1,170 parking spaces (garage and parking lot) accessory to these uses, for a total of 720,900 gsf of new development. The proposed project would add 1,183 workers and up to 200 senior residents to the project site.

The proposed shopping center, which would occupy the majority of the project site, would be comprised of six 2- to 3-story buildings located around two central squares which would be solely accessible to pedestrians. The commercial uses for the project site would include both local and destination retail, restaurants, as well as a fitness center, and approximately one acre of privately-owned public open space as well as accessory parking to these uses. More specifically, 467 parking spaces would be provided at grade and 680 parking spaces in a 4-story garage building, for a total of 1,147 parking spaces accessory to commercial uses. The shopping center would have three main points of entry for pedestrians and vehicles, including a signalized intersection on East Gun Hill Road and two additional entrances on Edson Avenue. There would also be three points of egress from the project site, including two on East Gun Hill Road and another on Edson Avenue.

The proposed senior housing building, fronting on East Gun Hill Road, would be up to 11 stories tall and include up to 100 units. An at-grade parking lot accessible from East Gun Hill Road would provide 23 accessory parking spaces.

DISCRETIONARY ACTIONS SUBJECT TO CEQR AND SEQRA:

The proposed Gun Hill Square project requires a number of public approvals in order to be implemented. Some of these are discretionary actions requiring review under the CEQR process; others are ministerial and do not require environmental review. It is anticipated that the following discretionary actions would be required to facilitate the proposed project:

- Disposition of City-owned property to the applicant. The disposition of City-owned property will require approval through ULURP under City Charter Section 197(c) and separate Borough Board and Mayoral Approval pursuant to City Charter Section 384(b)(4).
- Zoning Map amendment (Zoning Sectional Map No. 4a). The zoning designation of a portion of Lot 100, Block 4804, would be changed from a M1-1 manufacturing district to a C4-3 commercial district.
- Zoning Special Permit. To achieve the design of the proposed project, the applicant is seeking a Large-Scale General Development (LSGD) special permit for the proposed development from the City Planning Commission (CPC) pursuant to ZR Section 74-74 with waivers for exterior signage, yard requirements, height and setback regulations, minimum distance between buildings, and the use of required residential open space for parking.
- NYC Board of Standards and Appeals (BSA) Special Permit. The applicant would also potentially seek a BSA special permit pursuant to ZR Section 73-36 to permit a physical culture or health establishment (fitness center) in the proposed C4-3 commercial zoning district.

Prior to the proposed disposition of City-owned property to the applicant, approval is required from the Metropolitan Transportation Authority (MTA) Board authorizing the surrender of the MTA's leasehold interest in the project site. In addition, the provision of public financing may be sought for the senior housing component of the project to provide affordable units. Also, a State Pollutant Discharge Elimination System (SPDES) permit from the New York State Department of Environmental Conservation (NYSDEC) will be required for stormwater discharges during the construction period because construction on the project site comprises more than one acre.

STATEMENT OF SIGNIFICANT EFFECT:

In accordance with 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 (CEQR), the Office of the Deputy Mayor for Housing and Economic Development, lead agency for the referenced project, has determined that the proposed project may have a significant impact on the quality of the human environment. Accordingly, an Environmental Impact Statement is required to evaluate and disclose the extent to which impacts may occur. Aspects that may require evaluation of potential environmental impacts include:

- 1) The potential for substantial impacts related to land use, zoning, and public policy;
- 2) The potential for substantial impacts related to socioeconomic conditions;
- 3) The potential for substantial impacts related to open space;
- 4) The potential for substantial impacts related to shadows;
- 5) The potential for substantial urban design and visual resource impacts;
- 6) The potential for substantial impacts related to hazardous materials;
- 7) The potential for substantial impacts related to water and sewer infrastructure;
- 8) The potential for substantial impacts related to solid waste and sanitation services;
- 9) The potential for substantial impacts related to transportation;
- 10) The potential for substantial impacts related to air quality;
- 11) The potential for substantial impacts related to greenhouse gas emissions and climate change;
- 12) The potential for substantial impacts related to noise;
- 13) The potential for substantial impacts related to public health;
- 14) The potential for substantial impacts related to neighborhood character; and
- 15) The potential for substantial impacts related to construction.

Statement in Support of Determination:

The above determination is based on a review of an Environmental Assessment Statement (EAS) dated July 2, 2014, and related materials prepared for the project, which finds that:

- 1) The proposed project would require several actions, including a zoning map amendment, zoning special permits, as well as disposition of property. The proposed actions would directly affect the land use on the project site, which is located within the City's coastal zone. Therefore, the potential for the proposed project to affect land use, zoning, and public policy will be examined.
- 2) The proposed project would introduce more than 200,000 sf of new commercial uses to the project area, which is the 2014 *CEQR Technical Manual* threshold for new development warranting a socioeconomic assessment. Moreover, as the proposed project would include a retail component in excess of 200,000 sf on a single site, and the proposed retail uses may not primarily serve the local population, an assessment of indirect business displacement due to market saturation is appropriate. Therefore, an assessment of indirect business displacement will be provided. In addition, a preliminary analysis is conducted to determine the potential for indirect business displacement due to competition. More specifically, the analysis will identify whether the project may capture the retail sales in a particular category of goods to the extent that the market for such goods would become saturated as a result, potentially resulting in vacancies and disinvestment on neighborhood commercial streets.

- 3) The proposed project would result in an increase of approximately 1,183 workers compared to No-Action conditions. As such, the proposed project would exceed the 2014 *CEQR Technical Manual* threshold for workers, requiring an analysis of passive open space resources within an approximate ¼-mile radius of the project site boundaries. Therefore, an open space assessment for the worker population generated by the proposed project is warranted and will be conducted.
- 4) The proposed project would result in eight new structures on the project site, of which a single 11-story residential building would be approximately 110 feet tall. This is a net height increase of 50 feet or more and therefore, a shadows assessment will be performed to determine how project-generated shadows would affect sunlight sensitive resources.
- 5) The proposed actions would rezone the project site from M1-1 to C4-3, which would increase permitted density on the project site, and involve a zoning special permit for a LSGD with waivers for exterior signage, yard requirements, height and setback regulations, minimum distance between buildings, and the use of required residential open space for parking. The proposed project would result in physical changes to the project site that could be observed by a pedestrian from the street level. Therefore, a preliminary assessment of urban design and visual resources will be undertaken.
- 6) Because the proposed project would result in soil disturbance activities, and because the project site has a documented history of hazardous materials conditions, an analysis of hazardous materials will be provided.
- 7) As the proposed project, which is located in a separately sewered area of the Bronx, would result in a net increase of more than the 2014 *CEQR Technical Manual* threshold of 100,000 sf of commercial space compared to No-Action conditions, a preliminary assessment of wastewater and stormwater infrastructure is warranted and will be provided.
- 8) As the proposed 390,400 gross square feet (gsf) shopping center would include a mix of local and destination retail, as well as restaurant uses and a fitness center, the proposed project has the potential to generate a substantial amount of solid waste, exceeding the 2014 *CEQR Technical Manual* threshold of 50 tons [100,000 pounds] per week. Therefore, an analysis of solid waste and sanitation services is warranted and will be provided.
- 9) The proposed project would generate additional vehicular travel and increased demand for parking, as well as pedestrian traffic and subway and bus riders. These new trips have the potential to affect the area's transportation systems, and consequently could have significant traffic, pedestrian, parking, and transit impacts. Therefore, a detailed analysis of the potential transportation impacts of the proposed project is warranted and will be provided.
- 10) The proposed project would warrant an assessment of stationary sources. Specifically, the proposed project would use fossil fuels for heat and hot water systems, and would add new residential uses within 400 feet of an existing MTA bus depot located directly north of the project site. The air quality assessment will consider the potential impacts on air quality from project-generated vehicle trips, use of the accessory parking facilities, and from existing uses in the surrounding area on the proposed project.
- 11) The proposed project would result in development of 350,000 sf or greater and therefore a Greenhouse Gas Emission assessment will be conducted. In addition, the project site is located within the Coastal Zone Boundary, the 2020s 500-year flood zone, the 2050s 100-

year flood zone, and the 2050 500-year flood zone, and therefore a Climate Change assessment will be prepared.

- 12) The proposed project would result in additional vehicle trips to and from the project site, which may warrant a detailed mobile-source noise analysis. It also would introduce new sensitive receptors in the vicinity of heavily trafficked roadways including East Gun Hill Road and the New England Thruway (I-95). Therefore, a noise analysis is warranted and will be provided. Building attenuation required to provide acceptable interior noise levels for the proposed uses of the project (commercial and residential) will also be examined.
- 13) According to the guidelines of the 2014 *CEQR Technical Manual*, a public health assessment may be warranted if an unmitigated significant adverse impact is identified in other CEQR analysis areas, such as air quality, hazardous materials, or noise. If unmitigated significant adverse impacts are identified in any one of these technical areas and a public health assessment is warranted, an analysis will be provided for that specific technical area.
- 14) Neighborhood character is determined by a number of factors, including: land use, zoning, and public policy; socioeconomic conditions, open space; historic and cultural resources; urban design and visual resources; shadows; transportation; and noise. As the proposed project represents a substantial change that could affect the character of the surrounding area, an assessment of neighborhood character will be provided.
- 15) Construction of the proposed project would be implemented in a single phase and would be temporary lasting for approximately two years. A preliminary assessment of construction-period impacts is warranted and will evaluate the duration and severity of the disruption or inconvenience to nearby sensitive receptors. Potential construction impacts on hazardous materials, as well as on transportation, air quality, noise, and other technical areas, will be analyzed.

Accordingly, the Office of the Deputy Mayor for Housing and Economic Development directs that a Draft Environmental Impact Statement (EIS) be prepared in accordance with Title 6 of the New York Code, Rules and Regulations (NYCRR) §617.9 and Sections 6-08 and 6-09 of Executive Order No. 91 of 1977, as amended.

PUBLIC SCOPING:

Public Scoping is a process whereby the public is invited to comment on the proposed scope of analysis planned for the Draft EIS. A Draft Scope of Work has been prepared outlining analysis methodologies proposed for use in the Draft EIS.

A public scoping meeting to accept comments on the Draft Scope of Work will be held on Wednesday, August 13, 2014 at the Community Board 12 Office, 4101 White Plains Road, Bronx, NY 10466. The scoping meeting will commence at 6:00 P.M. Written comments on the Draft Scope of Work will be accepted until 5:00 P.M. on Monday, August 25, 2014.

Copies of the Environmental Assessment Statement (EAS), Positive Declaration, and Draft Scope of Work for the project may be obtained by any member of the public from:

Mayor's Office of Environmental Coordination
Chris Reo, Interim Director/Denise Pisani, Senior Project Manager
100 Gold Street, 2nd Floor
New York, New York 10038
Telephone: (212) 788-9956

These documents are available on the website of the Mayor's Office of Environmental Coordination at <http://www.nyc.gov/oec>.

Requests for additional information may be directed to:

New York City Economic Development Corporation
Hardy Adasko, Senior Vice President
110 William Street, 3rd Floor
New York, NY 10038
(212) 312-3703

Written comments will be accepted until 5:00 P.M. on Monday, August 25, 2014, and may be submitted at the public scoping meeting or to Chris Reo/Denise Pisani at the Mayor's Office of Environmental Coordination (see address above).

This Positive Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law.



Chris Reo
Assistant to the Mayor

July 2, 2014
Date