E-240

DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

OFFICE OF THE CHAIR

December 14, 2009

CONDITIONAL NEGATIVE DECLARATION

Project Identification
CEQR No. 09DCP028X
ULURP No. 090397ZMX
Bronx, Community District 12
SEQRA Classification: Unlisted

Lead Agency
City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal

Webster Avenue Residential Development
The applicant, Webster Commons, LLC, is proposing a Zoning Map Amendment to change the zoning designation of a 84,103 square foot parcel (Block 3360, Lot 76) located in the Olinville section of the Bronx, Community District 12, from R6 to R7X (hereinafter referred to as the "project site"). The project site is comprised of an irregularly shaped zoning lot bounded by Webster Avenue to the west, an area north of East 211th Street to the south, the MTA Metro-North railroad tracks to the east, and East 233rd Street to the north. Woodlawn Cemetery is located on the west side of Webster Avenue across the street from the project site.

The proposed action would facilitate a proposal by the applicant to construct a development, "Webster Commons," that consists of four residential buildings (Buildings A through D) containing 400 affordable (low to moderate income) and senior dwelling units, as well as a 10,616 square foot day care center. The applicant intends to seek discretionary financing for the development through the NYC Housing Development Corporation's (HDC) LAMP (Low-Income Affordable Marketplace) and New Hop (New Housing Opportunities Program) programs.

The project site is currently vacant and unimproved. A small gorge, located approximately midway along the Webster Avenue street frontage, cuts through the property from east to west. The gorge contains a watercourse at its base. This surface water feature connects two culverts, one under Webster Avenue to the east, and the other under the Metro North tracks to the west, carrying surface water drainage from the Woodlawn Cemetery to the Bronx River. The gorge area is approximately 0.23 acres in size and occupies approximately 13.6% of the project site's total lot area.

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The project site is located within an R6 zoning district, a medium-density height factor district which generally allows buildings ranging from three to twelve stories. The maximum permitted FAR is 2.43 for residential and 4.8 for community facility use, and if developed pursuant to Quality Housing the maximum permitted FAR is 3.0 on a wide street (such as Webster Avenue). R7X districts are medium density contextual districts in which use of Quality Housing regulations are mandatory. The proposal would change the zoning from R6 to R7X and would increase the allowable residential FAR pursuant to Quality Housing from 3.0 to 5.0 and increase the maximum building height from 70 feet to 125 feet. Under the proposed R7X zoning, new development could not achieve the maximum permitted FAR of 5.0 because no development is proposed within the gorge area described above, and, thus, the proposed development would have a FAR of approximately 4.63.

The illustrative site plan prepared by the applicant indicates that Buildings A, B and C would be located south of the gorge area, and Building D would be located directly north of the gorge. The buildings would range in height from approximately 117 feet for Building A located at the south end of the site and 81 feet at Building D on the north end. The applicant's intended programming for each of the buildings is described further below:

Building A, located on the southernmost portion of the project site would be a 13-story, mixed-use building with 150 dwelling units for low-income residents and a 10,616 sq. ft. daycare center. It is anticipated that this building would contain a total of 143 dwelling units. The building would have a base height of 81'-2" and a maximum building height of 117'-9".

Building B would be a 13-story residential building with 98 dwelling units for middle-income residents. It is anticipated that this building would contain a total of 105 dwelling units. The building would have a base height of 81'-10" and a maximum building height of 117'-9".

Building C would be a 12-story, 109'-6" tall, 52,411 sq. ft. residential building with 55 dwelling units for senior residents. The building would have a base height of 81'-2" and a maximum building height of 109'-6".

Building D, located on the northern most portion of the project site would be a 9-story, 81'-2" tall, 100,184 sq. ft. residential building with 97 moderate-income dwelling units.

Pursuant to the proposed R7X zoning, one parking space must be provided for 25% of the government assisted housing units and 12.5% of the senior housing units. In total, 94 parking spaces are required under the proposed development, including 87 spaces for the government assisted units and 7 spaces for the senior housing units. The applicant proposes a total of 94 accessory on-site parking spaces, located below grade in two separate garages – one under buildings A, B, and C, and the other under Building D. Access to the proposed parking garage under Buildings A, B and C would be provided via a new curb cut and entrance located on Webster Avenue at the south end of Building B. Access for Building D's parking garage would be via a new curb cut on Webster Avenue located at the north end of this building.

The project's Environmental Assessment Statement (EAS) includes a Market-Rate Scenario for analysis purposes. Similar to the subsidized development scenario, the Market-Rate Scenario consists of four buildings, ranging from nine to thirteen stories in height and containing a total of approximately 400 rental apartment units. This scenario would have the same maximum FAR

and the same area of non development around the gorge as the subsidized scenario. Additionally, the Market-Rate scenario would provide approximately 202 accessory parking spaces, 108 more spaces than would be provided under the subsidized scenario.

The build year for the proposed action is 2011.

Absent the proposed action, the site would be developed pursuant to R6 zoning with a 252,310 square foot residential development with 210 dwelling units and 147 accessory parking spaces.

The proposed rezoning includes an (E) designation for noise on the project site (Block 3360, Lot 76). The text of the (E) designation is as follows:

> **In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 35 dBA window/wall attenuation on the eastern façade and 30 dBA window/wall attenuation on the northern, southern, and western facades in order to maintain an interior noise level of 45 dBA. In order 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, central air conditioning or air conditioning sleeves containing air conditioners.**

With the implementation of the above (E) designation, no significant adverse impacts related to noise would occur.

As described in greater detail below, the applicant has agreed to enter into a restrictive declaration which will be recorded against the property with provisions related to air quality and natural resources. With the implementation of the restrictive declaration, no significant adverse impacts related to air quality or natural resources would occur.

Statement of No Significant Effect:
The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement, dated August 14, 2009, prepared in connection with the ULURP Application (No. 090397ZMX). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment, once it is modified as follows:

1. The applicant, Webster Commons, LLC, has agreed to enter a restrictive declaration which includes measures related to stationary source air quality. The restrictive declaration, prepared by the Department of City Planning in consultation with the Department of Environmental Protection, will be executed by the owner and recorded prior to the City's approval of the proposed action.

   Pursuant to the restrictive declaration, the space heating and hot water (HVAC) systems for any new residential and/or commercial development on the above-referenced properties shall use Natural Gas as the fuel type. In addition, the building stacks in the proposed development (Buildings A through D) will be located:

Building A Stack
Not closer than approximately 84' 8" from Building B at its closest point

Building B Stack
Not closer than approximately 62'-0" from Building A at its closest point and not closer than 84'8" from Building C at its closest point

Building C Stack
Not closer than approximately 35' 1" from Building B at its closest point

Building D Stack
Not closer than approximately 235'6" from Building C at its closest point

2. The applicant, Webster Commons, LLC, has agreed to enter into a restrictive declaration which includes provisions related to natural resources. The restrictive declaration, prepared by the Department of City Planning in consultation with the Department of Environmental Protection, will be executed by the owner and recorded prior to the City's approval of the proposed action.

   Pursuant to the restrictive declaration, the gorge area and water feature below the 70' elevation line on either side of the gorge shall be protected and maintained during and after construction at the project site.

Supporting Statement:

1. The Air Quality Analysis section of the EAS concluded that the heating, ventilating and air conditioning stacks must be in the specific locations identified above in order to avoid significant adverse impacts to air quality. This assessment was based on a given building height, square footage, and spatial relationship to other buildings within the proposed development for each building, as shown on the proposed site plan and as disclosed in the EAS. Such locations would be ensured through the restrictive declaration described above, which would also restrict the proposed development to the heights, square footage, and arrangement disclosed in the EAS and shown on the related site plan.

   With the implementation of the Restrictive Declaration measures, no significant adverse impacts related to stationary source air quality would occur.

2. The Natural Resources Analysis indicated that, in order to avoid significant adverse impacts to natural resources, there must be no development below the 70' elevation line on either side of the gorge and a maintenance plan for the gorge area must be reviewed and approved by the Department of Environmental Protection prior to construction. The location of the no development area is shown on the site plan in the EAS, and will be attached to the restrictive declaration.

With the implementation of the Restrictive Declaration measures, no significant adverse impacts related to natural resources would occur.

3. No other significant adverse effects on the environment which would require an Environmental Impact Statement are foreseeable.

It is fully agreed and understood that if the foregoing conditions, modification, and alterations are not fully incorporated into the proposed action, this Conditional Negative Declaration shall become null and void. In such event, the applicant shall be required to prepare a Draft Environmental Impact Statement before proceeding further with said proposal. This Conditional Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617. Should you have any questions pertaining to this Conditional Negative Declaration, you may contact Celeste Evans at (212) 720-3321.

Webster Avenue Residential Rezoning
CEQR No. 09DCP028X
Conditional Negative Declaration

I, the Undersigned, as the applicant or authorized representative for this proposal, hereby affix my signature in acceptance of the above conditions to the proposed action.

Steven M. Sinacori

Signature of Applicant or Authorized Representative

Date: August 14, 2009

Steven M. Sinacori

Name of Applicant or Authorized Representative

Robert Dobsl

Robert Dobruskin, AICP, Director
Environmental Assessment and Review Division
Department of City Planning

Date: August 14, 2009

Amanda M. Burden, FAICP, Chair
City Planning Commission

Date: 12/14/09