

# Our Lady of Pity - 272 East 151st Street

## Environmental Assessment Statement

PREPARED FOR

Our Lady of Pity Apartments, LLC  
Representative: Goldman Harris, LLC  
475 Park Avenue South, Suite 2803  
New York, NY 10016

PREPARED BY



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One Penn Plaza, Suite 715  
New York, NY 10119-0800

October 29, 2021



## 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** Our Lady of Pity - 272 East 151st Street

#### 1. Reference Numbers

CEQR REFERENCE NUMBER (to be assigned by lead agency)  
21DCP160X

BSA REFERENCE NUMBER (if applicable)

ULURP REFERENCE NUMBER (if applicable)  
210321ZMX, N210322ZR

OTHER REFERENCE NUMBER(S) (if applicable)  
(e.g., legislative intro, CAPA)

#### 2a. Lead Agency Information

NAME OF LEAD AGENCY

New York City Department of City Planning

NAME OF LEAD AGENCY CONTACT PERSON

Stephanie Shellooe, Deputy Director, EARD

ADDRESS 120 Broadway, 31st Floor

CITY New York

STATE NY

ZIP 10271

TELEPHONE 212-720-3328

EMAIL

sshellooe@planning.nyc.gov

#### 2b. Applicant Information

NAME OF APPLICANT

Our Lady of Pity Apartments LLC

NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON

Caroline Harris, Goldman Harris LLC

ADDRESS 475 Park Avenue South, Suite 2803

CITY New York

STATE NY

ZIP 10016

TELEPHONE 212-935-1622

EMAIL

charris@goldmanharris.com

#### 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)(10)

**Action Type** (refer to [Chapter 2](#), "Establishing the Analysis Framework" for guidance)

LOCALIZED ACTION, SITE SPECIFIC

LOCALIZED ACTION, SMALL AREA

GENERIC ACTION

#### 4. Project Description

The Applicant, Our Lady of Pity Apartments LLC, proposes a zoning map amendment to rezone the Project Area (i.e., Block 2410, Lots 1, 3-9, 14, 72, and 77) in the Melrose neighborhood of Bronx Community District 1 from an R6 district with Lots 1, 3-9, and portions of Lots 14 and 77 within a C1-4 overlay district to an R7A district and a zoning text amendment of Appendix F of the Zoning Resolution to classify the Project Area as a Mandatory Inclusionary Housing (MIH) Designated Area (the "Proposed Actions"). The Proposed Actions would facilitate the construction of two 9-story residential buildings for affordable housing totaling 201,334 gross square feet (gsf) (187,334 zoning square feet [zsf]) on Block 2410, Lots 14, 72, and 77 (the "Development Site"). The Proposed Project would provide open space at grade between the two buildings, which would serve as a rear yard equivalent for the through lot. There would be approximately 276 dwelling units of which 55 dwelling units would comply with Mandatory Inclusionary Housing affordability Options 1 or 2 and would be affordable in perpetuity; although, as proposed by the Applicant, all 276 units would be affordable. The proposed buildings are within the transit zone; therefore, no parking is required, and none would be provided. However, it is assumed that 111 parking spaces would be provided if developed with the number of affordable units under MIH.

#### Project Location

BOROUGH Bronx

COMMUNITY DISTRICT(S) 1

STREET ADDRESS 272 East 151st Street

TAX BLOCK(S) AND LOT(S) Block 2410, Lots 1, 3, 4, 5, 6, 7, 8, 9, 14, 72, and 77

ZIP CODE 10451

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS The Project Area is on the east side of Morris Avenue between East 150th and East 151st Streets. Lots 14, 72 and 77 are 70 feet east of Morris Avenue with a total lot area of 40,795 sf. It is an irregularly shaped through lot with 200 feet of frontage along East 150th Street (a narrow street) and 150 feet of frontage along East 151st Street (a narrow street) and has a depth of 236 feet 9 inches. Lots 5-7 has a total area of 4,490 sf. Lot 5 has a depth of 95 feet with 26 feet of frontage on Morris Avenue. Lots 6 and 7 each have a depth of approximately 70 feet with 14.5 feet of frontage on Morris Avenue.

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY R6 with a C1-4 overlay on Lots 1, 3-9, and the western portions of Lots 14 and 77.

ZONING SECTIONAL MAP NUMBER 6a

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

<b>City Planning Commission:</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNIFORM LAND USE REVIEW PROCEDURE (ULURP)		
<input type="checkbox"/> CITY MAP AMENDMENT	<input type="checkbox"/> ZONING CERTIFICATION	<input type="checkbox"/> CONCESSION
<input checked="" type="checkbox"/> ZONING MAP AMENDMENT	<input type="checkbox"/> ZONING AUTHORIZATION	<input type="checkbox"/> UDAAP
<input checked="" type="checkbox"/> ZONING TEXT AMENDMENT	<input type="checkbox"/> ACQUISITION—REAL PROPERTY	<input type="checkbox"/> REVOCABLE CONSENT
<input type="checkbox"/> SITE SELECTION—PUBLIC FACILITY	<input type="checkbox"/> DISPOSITION—REAL PROPERTY	<input type="checkbox"/> FRANCHISE
<input type="checkbox"/> HOUSING PLAN & PROJECT	<input type="checkbox"/> OTHER, explain:	
<input type="checkbox"/> SPECIAL PERMIT (if appropriate, specify type: <input type="checkbox"/> modification; <input type="checkbox"/> renewal; <input type="checkbox"/> other); EXPIRATION DATE:		
SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION <b>Appendix F</b>		
<b>Board of Standards and Appeals:</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
<input type="checkbox"/> VARIANCE (use)		
<input type="checkbox"/> VARIANCE (bulk)		
<input type="checkbox"/> SPECIAL PERMIT (if appropriate, specify type: <input type="checkbox"/> modification; <input type="checkbox"/> renewal; <input type="checkbox"/> other); EXPIRATION DATE:		
SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION		
<b>Department of Environmental Protection:</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO    If "yes," specify:		
<b>Other City Approvals Subject to CEQR</b> (check all that apply)		
<input type="checkbox"/> LEGISLATION	<input type="checkbox"/> FUNDING OF CONSTRUCTION, specify:	
<input type="checkbox"/> RULEMAKING	<input type="checkbox"/> POLICY OR PLAN, specify:	
<input type="checkbox"/> CONSTRUCTION OF PUBLIC FACILITIES	<input type="checkbox"/> FUNDING OF PROGRAMS, specify:	
<input type="checkbox"/> 384(b)(4) APPROVAL	<input type="checkbox"/> PERMITS, specify:	
<input checked="" type="checkbox"/> OTHER, explain: HPD funding (potential, application for funding has not been made at this time)		
<b>Other City Approvals Not Subject to CEQR</b> (check all that apply)		
<input type="checkbox"/> PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC)		<input type="checkbox"/> LANDMARKS PRESERVATION COMMISSION APPROVAL
<input type="checkbox"/> OTHER, explain:		
<b>State or Federal Actions/Approvals/Funding:</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO    If "yes," specify:		
<b>6. Site Description:</b> <i>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.</i>		
<b>Graphics:</b> <i>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.</i>		
<input checked="" type="checkbox"/> SITE LOCATION MAP	<input checked="" type="checkbox"/> ZONING MAP	<input checked="" type="checkbox"/> SANBORN OR OTHER LAND USE MAP
<input checked="" type="checkbox"/> TAX MAP	<input type="checkbox"/> FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S)	
<input checked="" type="checkbox"/> PHOTOGRAPHS OF THE PROJECT SITE TAKEN WITHIN 6 MONTHS OF EAS SUBMISSION AND KEYED TO THE SITE LOCATION MAP		
<b>Physical Setting</b> (both developed and undeveloped areas)		
Total directly affected area (sq. ft.): 58,056		Waterbody area (sq. ft.) and type: 0
Roads, buildings, and other paved surfaces (sq. ft.): Site is currently undergoing demolition		Other, describe (sq. ft.): Site is currently undergoing demolition.
<b>7. Physical Dimensions and Scale of Project</b> (if the project affects multiple sites, provide the total development facilitated by the action)		
SIZE OF PROJECT TO BE DEVELOPED (gross square feet): 226,969		GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): Projected Development Site 1 North Building = 89,575 gsf; Projected Development Site 1 South Building = 111,759 gsf; Projected Development Site 2 Building = 25,635 gsf
NUMBER OF BUILDINGS: 3		
HEIGHT OF EACH BUILDING (ft.): Projected Development Site 1 = 95 feet; Projected Development Site 2 = 85 feet		NUMBER OF STORIES OF EACH BUILDING: Projected Dev Site 1 = 9 stories each; Projected Development Site 2 = 8 stories
Does the proposed project involve changes in zoning on one or more sites? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
If "yes," specify: The total square feet owned or controlled by the applicant: 40,795		
The total square feet not owned or controlled by the applicant: 17,261		
Does the proposed project involve in-ground excavation or subsurface disturbance, including, but not limited to foundation work, pilings, utility lines, or grading? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
If "yes," indicate the estimated area and volume dimensions of subsurface disturbance (if known):		
AREA OF TEMPORARY DISTURBANCE: 40,815 sq. ft. (width x length)		VOLUME OF DISTURBANCE: 385,260 cubic ft. (width x length x depth)
AREA OF PERMANENT DISTURBANCE: 40,815 sq. ft. (width x length)		

**8. Analysis Year** [CEQR Technical Manual Chapter 2](#)

ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2024

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 24

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:  
community facilities, mixed-use

**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.

	<b>EXISTING CONDITION</b>	<b>NO-ACTION CONDITION</b>	<b>WITH-ACTION CONDITION</b>	<b>INCREMENT</b>
<b>LAND USE</b>				
<b>Residential</b>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify the following:				
Describe type of residential structures	Multi-family residential	Multi-family residential	Multi-family residential	Multi-family residential
No. of dwelling units	5	145	306	161
No. of low- to moderate-income units	0	0	282	282
Gross floor area (sq. ft.)	6,401	114,456	225,119	110,664
<b>Commercial</b>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify the following:				
Describe type (retail, office, other)	Retail, deli, laundromat	Retail, deli, laundromat	Ground floor retail	
Gross floor area (sq. ft.)	2,656	2,656	1,850	-806
<b>Manufacturing/Industrial</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
Type of use				
Gross floor area (sq. ft.)				
Open storage area (sq. ft.)				
If any unenclosed activities, specify:				
<b>Community Facility</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
Type				
Gross floor area (sq. ft.)				
<b>Vacant Land</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," describe:				
<b>Publicly Accessible Open Space</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify type (mapped City, State, or Federal parkland, wetland—mapped or otherwise known, other):				
<b>Other Land Uses</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," describe:				
<b>PARKING</b>				
<b>Garages</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces	0	70	111 (under MIH only scenario for Projected Site 1)	41
Operating hours				
Attended or non-attended				
<b>Lots</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces				
Operating hours				
<b>Other</b> (includes street parking)	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," describe:				
<b>POPULATION</b>				
<b>Residents</b>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify number:	14	340	861	521

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
Briefly explain how the number of residents was calculated:	The number of residents is based on an average household size of 2.86 for the census tract in which the projected development sites are located (Census Tract 65).			
<b>Businesses</b>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
No. and type	8-local retail, residential	13-local retail, residential	18-local retail, residential	5-local retail, residential
No. and type of workers by business	8-local retail, residential	13-local retail, residential	18-local retail, residential	5-local retail, residential
No. and type of non-residents who are not workers				
Briefly explain how the number of businesses was calculated:	The number of employees is based on an average employee rate of 333.3 gsf for local retail and 1 employee per 25 units			
<b>Other</b> (students, visitors, concert-goers, etc.)	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If any, specify type and number:				
Briefly explain how the number was calculated:				
<b>ZONING</b>				
Zoning classification	R6 and R6/C1-4	R6 and R6/C1-4	R7A and R7A/C1-4	
Maximum amount of floor area that can be developed	3.0 within 100 feet of a wide street and 2.20 beyond 100 feet of a wide street; 2.0 Commercial	3.0 within 100 feet of a wide street and 2.20 beyond 100 feet of a wide street; 2.0 Commercial	4.6 (with MIH) 2.0 Commercial	
Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed project	mix of institutional, residential, commercial, open space, mixed-use, and parking	mix of institutional, residential, commercial, open space, mixed-use, and parking	mix of institutional, residential, commercial, open space, mixed-use, and parking	
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
<b>1. LAND USE, ZONING, AND PUBLIC POLICY:</b> <a href="#">CEQR Technical Manual Chapter 4</a>		
(a) Would the proposed project result in a change in land use different from surrounding land uses?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Is there the potential to affect an applicable public policy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) If “yes,” to (a), (b), and/or (c), complete a preliminary assessment and attach.		
(e) Is the project a large, publicly sponsored project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If “yes,” complete the <a href="#">Consistency Assessment Form</a> .		
<b>2. SOCIOECONOMIC CONDITIONS:</b> <a href="#">CEQR Technical Manual Chapter 5</a>		
(a) Would the proposed project:		
o Generate a net increase of more than 200 residential units or 200,000 square feet of commercial space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ If “yes,” answer both questions 2(b)(ii) and 2(b)(iv) below.		
o Directly displace 500 or more residents?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ If “yes,” answer questions 2(b)(i), 2(b)(ii), and 2(b)(iv) below.		
o Directly displace more than 100 employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ If “yes,” answer questions under 2(b)(iii) and 2(b)(iv) below.		
o Affect conditions in a specific industry?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ 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.		
<b>i. Direct Residential Displacement</b>		
o If more than 500 residents would be displaced, would these residents represent more than 5% of the primary study area population?	<input type="checkbox"/>	<input type="checkbox"/>
o 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?	<input type="checkbox"/>	<input type="checkbox"/>
<b>ii. Indirect Residential Displacement</b>		
o Would expected average incomes of the new population exceed the average incomes of study area populations?	<input type="checkbox"/>	<input type="checkbox"/>
o If “yes:”		
▪ Would the population of the primary study area increase by more than 10 percent?	<input type="checkbox"/>	<input type="checkbox"/>
▪ 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?	<input type="checkbox"/>	<input type="checkbox"/>
o If “yes” to either of the preceding questions, would more than 5 percent of all housing units be renter-occupied and unprotected?	<input type="checkbox"/>	<input type="checkbox"/>
<b>iii. Direct Business Displacement</b>		
o 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?	<input type="checkbox"/>	<input type="checkbox"/>
o Is any category of business to be displaced the subject of other regulations or publicly adopted plans to preserve,	<input type="checkbox"/>	<input type="checkbox"/>

	YES	NO
enhance, or otherwise protect it?		
<b>iv. Indirect Business Displacement</b>		
o Would the project potentially introduce trends that make it difficult for businesses to remain in the area?	<input type="checkbox"/>	<input type="checkbox"/>
o 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?	<input type="checkbox"/>	<input type="checkbox"/>
<b>v. Effects on Industry</b>		
o Would the project significantly affect business conditions in any industry or any category of businesses within or outside the study area?	<input type="checkbox"/>	<input type="checkbox"/>
o Would the project indirectly substantially reduce employment or impair the economic viability in the industry or category of businesses?	<input type="checkbox"/>	<input type="checkbox"/>
<b>3. COMMUNITY FACILITIES: <a href="#">CEQR Technical Manual Chapter 6</a></b>		
<b>(a) Direct Effects</b>		
o 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>(b) Indirect Effects</b>		
<b>i. Child Care Centers</b>		
o 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 <a href="#">Chapter 6</a> )	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the project result in a collective utilization rate of the group child care/Head Start centers in the study area that is greater than 100 percent?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project increase the collective utilization rate by 5 percent or more from the No-Action scenario?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>ii. Libraries</b>		
o 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 <a href="#">Chapter 6</a> )	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project increase the study area population by 5 percent or more from the No-Action levels?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the additional population impair the delivery of library services in the study area?	<input type="checkbox"/>	<input type="checkbox"/>
<b>iii. Public Schools</b>		
o 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 <a href="#">Chapter 6</a> )	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project result in a collective utilization rate of the elementary and/or intermediate schools in the study area that is equal to or greater than 100 percent?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the project increase this collective utilization rate by 5 percent or more from the No-Action scenario?	<input type="checkbox"/>	<input type="checkbox"/>
<b>iv. Health Care Facilities</b>		
o Would the project result in the introduction of a sizeable new neighborhood?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project affect the operation of health care facilities in the area?	<input type="checkbox"/>	<input type="checkbox"/>
<b>v. Fire and Police Protection</b>		
o Would the project result in the introduction of a sizeable new neighborhood?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project affect the operation of fire or police protection in the area?	<input type="checkbox"/>	<input type="checkbox"/>
<b>4. OPEN SPACE: <a href="#">CEQR Technical Manual Chapter 7</a></b>		
<b>(a)</b> Would the project change or eliminate existing open space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>(b)</b> Is the project located within an under-served area in the <a href="#">Bronx</a> , <a href="#">Brooklyn</a> , <a href="#">Manhattan</a> , <a href="#">Queens</a> , or <a href="#">Staten Island</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>(c)</b> If "yes," would the project generate more than 50 additional residents or 125 additional employees?	<input type="checkbox"/>	<input type="checkbox"/>
<b>(d)</b> Is the project located within a well-served area in the <a href="#">Bronx</a> , <a href="#">Brooklyn</a> , <a href="#">Manhattan</a> , <a href="#">Queens</a> , or <a href="#">Staten Island</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>(e)</b> If "yes," would the project generate more than 350 additional residents or 750 additional employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>(f)</b> If the project is located in an area that is neither under-served nor well-served, would it generate more than 200 additional residents or 500 additional employees?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>(g)</b> If "yes" to questions (c), (e), or (f) above, attach supporting information to answer the following:		
o If in an under-served area, would the project result in a decrease in the open space ratio by more than 1 percent?	<input type="checkbox"/>	<input type="checkbox"/>
o If in an area that is not under-served, would the project result in a decrease in the open space ratio by more than 5	<input type="checkbox"/>	<input checked="" type="checkbox"/>



	YES	NO
percent?		
<ul style="list-style-type: none"> <li>o If "yes," are there qualitative considerations, such as the quality of open space, that need to be considered?</li> </ul> Please specify:	<input type="checkbox"/>	<input type="checkbox"/>
<b>5. SHADOWS:</b> <a href="#">CEQR Technical Manual Chapter 8</a>		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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.		
<b>6. HISTORIC AND CULTURAL RESOURCES:</b> <a href="#">CEQR Technical Manual Chapter 9</a>		
(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 <a href="#">GIS System for Archaeology and National Register</a> to confirm)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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.		
<b>7. URBAN DESIGN AND VISUAL RESOURCES:</b> <a href="#">CEQR Technical Manual Chapter 10</a>		
(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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to either of the above, please provide the information requested in <a href="#">Chapter 10</a> .		
<b>8. NATURAL RESOURCES:</b> <a href="#">CEQR Technical Manual Chapter 11</a>		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of <a href="#">Chapter 11</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o 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 <a href="#">Jamaica Bay Watershed</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," complete the <a href="#">Jamaica Bay Watershed Form</a> and submit according to its <a href="#">instructions</a> .		
<b>9. HAZARDOUS MATERIALS:</b> <a href="#">CEQR Technical Manual Chapter 12</a>		
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) 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 <a href="#">Appendix 1</a> (including nonconforming uses)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) 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)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(f) 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Has a Phase I Environmental Site Assessment been performed for the site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i) Based on the Phase I Assessment, is a Phase II Investigation needed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>10. WATER AND SEWER INFRASTRUCTURE:</b> <a href="#">CEQR Technical Manual Chapter 13</a>		
(a) Would the project result in water demand of more than one million gallons per day?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	YES	NO
(c) If the proposed project located in a <a href="#">separately sewerred area</a> , would it result in the same or greater development than that listed in Table 13-1 in <a href="#">Chapter 13</a> ?	<input type="checkbox"/>	<input type="checkbox"/>
(d) Would the project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) If the project is located within the <a href="#">Jamaica Bay Watershed</a> or in certain <a href="#">specific drainage areas</a> , 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?	<input type="checkbox"/>	<input type="checkbox"/>
(f) Would the proposed project be located in an area that is partially sewerred or currently unsewerred?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i) If "yes" to any of the above, conduct the appropriate preliminary analyses and attach supporting documentation.		
<b>11. SOLID WASTE AND SANITATION SERVICES:</b> <a href="#">CEQR Technical Manual Chapter 14</a>		
(a) Using Table 14-1 in <a href="#">Chapter 14</a> , the project's projected operational solid waste generation is estimated to be (pounds per week): 6,601 lbs/week		
o Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the proposed project comply with the City's Solid Waste Management Plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>12. ENERGY:</b> <a href="#">CEQR Technical Manual Chapter 15</a>		
(a) Using energy modeling or Table 15-1 in <a href="#">Chapter 15</a> , the project's projected energy use is estimated to be (annual BTUs): 13,846,664,300 annual BTUs		
(b) Would the proposed project affect the transmission or generation of energy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>13. TRANSPORTATION:</b> <a href="#">CEQR Technical Manual Chapter 16</a>		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in <a href="#">Chapter 16</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," conduct the appropriate screening analyses, attach back up data as needed for each stage, and answer the following questions:		
o Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour?	<input type="checkbox"/>	<input type="checkbox"/>
o 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 <a href="#">Chapter 16</a> for more information.	<input type="checkbox"/>	<input type="checkbox"/>
o Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction) or 200 subway/rail trips per station or line?	<input type="checkbox"/>	<input type="checkbox"/>
o Would the proposed project result in more than 200 pedestrian trips per project peak hour?	<input type="checkbox"/>	<input type="checkbox"/>
o 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, or bus stop?	<input type="checkbox"/>	<input type="checkbox"/>
<b>14. AIR QUALITY:</b> <a href="#">CEQR Technical Manual Chapter 17</a>		
(a) <i>Mobile Sources:</i> Would the proposed project result in the conditions outlined in Section 210 in <a href="#">Chapter 17</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) <i>Stationary Sources:</i> Would the proposed project result in the conditions outlined in Section 220 in <a href="#">Chapter 17</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in <a href="#">Chapter 17</a> ? (Attach graph as needed)	<input type="checkbox"/>	<input type="checkbox"/>
(c) Does the proposed project involve multiple buildings on the project site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation.		
<b>15. GREENHOUSE GAS EMISSIONS:</b> <a href="#">CEQR Technical Manual Chapter 18</a>		
(a) Is the proposed project a city capital project or a power generation plant?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project fundamentally change the City's solid waste management system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Would the proposed project result in the development of 350,000 square feet or more?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) If "yes" to any of the above, would the project require a GHG emissions assessment based on guidance in <a href="#">Chapter 18</a> ?	<input type="checkbox"/>	<input type="checkbox"/>

	YES	NO
<ul style="list-style-type: none"> <li>o If “yes,” would the project result in inconsistencies with the City’s GHG reduction goal? (See <a href="#">Local Law 22 of 2008</a>; § 24-803 of the Administrative Code of the City of New York). Please attach supporting documentation.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
<b>16. NOISE:</b> <a href="#">CEQR Technical Manual Chapter 19</a>		
(a) Would the proposed project generate or reroute vehicular traffic?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project introduce new or additional receptors (see Section 124 in <a href="#">Chapter 19</a> ) 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) If “yes” to any of the above, conduct the appropriate analyses and attach any supporting documentation.		
<b>17. PUBLIC HEALTH:</b> <a href="#">CEQR Technical Manual Chapter 20</a>		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality; Hazardous Materials; Noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If “yes,” explain why an assessment of public health is or is not warranted based on the guidance in <a href="#">Chapter 20</a> , “Public Health.” Attach a preliminary analysis, if necessary.		
<b>18. NEIGHBORHOOD CHARACTER:</b> <a href="#">CEQR Technical Manual Chapter 21</a>		
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If “yes,” explain why an assessment of neighborhood character is or is not warranted based on the guidance in <a href="#">Chapter 21</a> , “Neighborhood Character.” Attach a preliminary analysis, if necessary.		
<b>19. CONSTRUCTION:</b> <a href="#">CEQR Technical Manual Chapter 22</a>		
(a) Would the project’s construction activities involve:		
o Construction activities lasting longer than two years?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, etc.)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o The operation of several pieces of diesel equipment in a single location at peak construction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Closure of a community facility or disruption in its services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Activities within 400 feet of a historic or cultural resource?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Disturbance of a site containing or adjacent to a site containing natural resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>(b) If any boxes are checked “yes,” explain why a preliminary construction assessment is or is not warranted based on the guidance in <a href="#">Chapter 22</a>, “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.</p> <p>Construction activities related to the proposed project would last approximately 24 months and would be limited to construction of the new buildings on Projected Development Site 1. Governmental oversight of construction in New York City is extensive and involves a number of City, State, and Federal agencies, each with specific areas of responsibility, including the New York City Department of Buildings, the New York City Department of Environmental Protection, the New York City Fire Department, the New York City Department of Transportation Office of Construction Management and Coordination (DOT OCMC), New York City Transit, the New York City Landmarks Preservation Commission, the New York State Department of Environmental Conservation, the New York State Department of Labor, the U.S. Environmental Protection Agency, and the Occupational Safety and Health Administration.</p> <p>The timing for future development on Projected Development Site 2 is unknown at this time. However, for analysis purposes, it is assume development would occur by the build year of Projected Development Site 1. It is assumed that since Projected Development Site 2 would be small in size, 8-story, 30-unit building, it would take less than 2 years for construction. Projected Development Site 2 would be subject to the same oversight and permitting procedures for construction outlined herein.</p> <p>The Project would comply with the requirements of the New York City Noise Control Code, which limits construction activities to weekdays between the hours of 7:00 AM and 6:00 PM (absent a permit), requires that a Construction Noise Mitigation Plan be implemented, and sets noise limits for specific pieces of construction equipment.</p>		

YES	NO
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In the event of closure of any portion of sidewalk element(s) or travel lanes is needed, such temporary closures would be fully addressed through coordination with DOT OCMC. Based on the project's adherence to New York City's stringent requirements related to construction, a preliminary construction assessment is not warranted

**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 Nancy Doon, AICP	SIGNATURE <i>Nancy Doon</i>	DATE Oct. 29, 2021
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**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	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Socioeconomic Conditions	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Community Facilities and Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Open Space	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Shadows	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Historic and Cultural Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Urban Design/Visual Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Natural Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hazardous Materials	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Water and Sewer Infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Solid Waste and Sanitation Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Energy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Transportation	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Air Quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Greenhouse Gas Emissions	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Noise	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Public Health	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Neighborhood Character	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Construction	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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 Deputy Director, Environmental Assessment and Review Division	LEAD AGENCY Department of City Planning, acting on behalf of the City Planning Commission
NAME Stephanie Shellooe	DATE October 29, 2021
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 are a Zoning Map Amendment to rezone the project area (Bronx Block 2410, Lots 1, 3-9, 14, 72, and 77) from R6 and R6/C1-4 districts to R7A and R7A/C1-4, and a Zoning Text Amendment to establish a Mandatory Inclusionary Housing area coterminous with the project area in the Melrose neighborhood of Bronx, Community District 1. The proposed actions would facilitate the development of two new residential buildings on Bronx Block 2410, Lots 14, 72, and 77, containing 276 residential units, all of which the applicant intends to be affordable. Zoning controls would also be modified on Lots 1 and 3-9, within the project area. The analysis framework conservatively assumes Lots 5, 6, and 7 would assemble in the with-action condition and be developed with an 8-story mixed use building containing 30 dwelling units and 1,850 gsf of ground floor retail space. The remaining lots in the project area are not expected to redevelop as a result of the proposed actions given their size and existing uses. The proposed actions are anticipated to result in a change in land use, increasing residential density within the project area, however, given the existing residential and mixed use character of the surrounding area, the change in land use and zoning would not constitute a significant adverse impact. Additionally, there would be no significant adverse impact to public policy.

**Community Facilities**

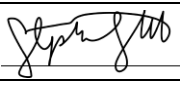
**Public Schools:** A detailed analysis related to public schools is included in the EAS. According to the CEQR Technical Manual, a significant adverse impact may occur if the proposed actions would result in both a collective utilization rate of 100 percent or more in the with-action condition and an increase of five percent or more in the collective utilization rate between the no-action and with-action conditions. The proposed actions would introduce approximately 37 elementary students and 14 intermediate students to the sub-district. For elementary schools, this represents a with-action collective utilization rate of 94.7 percent, a 0.7 percent increase from the no-action. For intermediate schools, this represents a with-action collective utilization rate of 76 percent, a 0.5 percent increase from the no-action. As the proposed actions would not result in a collective utilization rate of 100 percent or more, and would not increase the collective utilization rate by 5 percent or more between the no-action and the with-action scenarios, the proposed actions would not result in a significant adverse impact to public schools.

**Childcare:** A detailed analysis related to childcare is included in the EAS. According to the CEQR Technical Manual, a significant adverse impact may occur if the proposed actions would result in both a collective utilization rate of 100 percent or more in the with-action condition and an increase of five percent or more in the collective utilization rate between the no-action and with-action conditions. The analysis shows a with-action collective utilization rate of 94.9 percent, a 1.0 percent increase from the no-action. As the proposed actions would not result in a collective utilization rate of 100 percent or more, and would not increase the collective utilization rate by 5 percent or more between the no-action and the with-action scenarios, the proposed actions would not result in a significant adverse impact to public schools.

**Air Quality and Noise**

An (E) designation (E-652) related to air quality 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 air quality and noise analyses conclude that with the (E) designation in place, the proposed actions would not result in a significant adverse impact related to air quality 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 Rachel Antelmi at +1 212-720-3621.*

TITLE Deputy Director, Environmental Assessment and Review Division	LEAD AGENCY Department of City Planning on behalf of the City Planning Commission 120 Broadway, 31 <sup>st</sup> Fl. New York, NY 10271   212.720.3328
NAME Stephanie Shellooe	DATE October 29, 2021
SIGNATURE 	
TITLE Chair, City Planning Commission	
NAME Anita Laremont	DATE November 1, 2021
SIGNATURE	

**Project Name: Our Lady of Pity - 272 East 151st Street Rezoning**

**CEQR # 21DCP160X**

**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	BX	Block 2410, Lots 14, 72, 77
Projected Development Site 2	BX	Block 2410, Lots 5, 6, 7

(E) Designation Requirements

To ensure that the proposed actions would not result in significant adverse impacts related to air quality and noise an (E) designation (**E-652**) 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

Air Quality

The (E) designation requirements for air quality would apply as follows:

**Projected Development Site 1 (North Building and South Buildings):** Any new residential or commercial development on the above-referenced property, if using fossil-fuel fired heating, ventilation, and air conditioning (HVAC) systems, must exclusively use natural gas and ensure that the HVAC stacks are located at the highest building tier and at least 108.66 feet above grade to avoid any significant adverse air quality impacts.

**Projected Development Site 2:** Any new residential or commercial development on the above-referenced property, if using fossil-fuel fired heating, ventilation, and air conditioning (HVAC) systems, must exclusively use natural gas and be fitted with low-NOx (20 ppm) burners. Additionally, HVAC stacks must be located at the highest building tier and at least 88 feet above grade, and a minimum of 25 feet away from the lot line facing the rear yard (i.e., at least 25 feet away from the eastern lot line closest to Courtlandt Avenue) to avoid any significant adverse air quality impacts.

Noise

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

**Projected Development Site 1:** In order to ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation on all building facades to maintain an interior noise level not greater than 45 dBA for residential uses. 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, air conditioning.

**Projected Development Site 2:** In order to ensure an acceptable interior noise environment, future residential/commercial office uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation on all building facades to maintain an interior noise level not greater than 45 dBA for residential uses or not greater than 50 dBA for commercial office uses. 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, air conditioning.

YES	NO
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In the event of closure of any portion of sidewalk element(s) or travel lanes is needed, such temporary closures would be fully addressed through coordination with DOT OCMC. Based on the project's adherence to New York City's stringent requirements related to construction, a preliminary construction assessment is not warranted

**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 Nancy Doon, AICP	SIGNATURE <i>Nancy Doon</i>	DATE Oct. 29, 2021
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**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.**



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## EAS Figures

Figure 1 Site Location Map

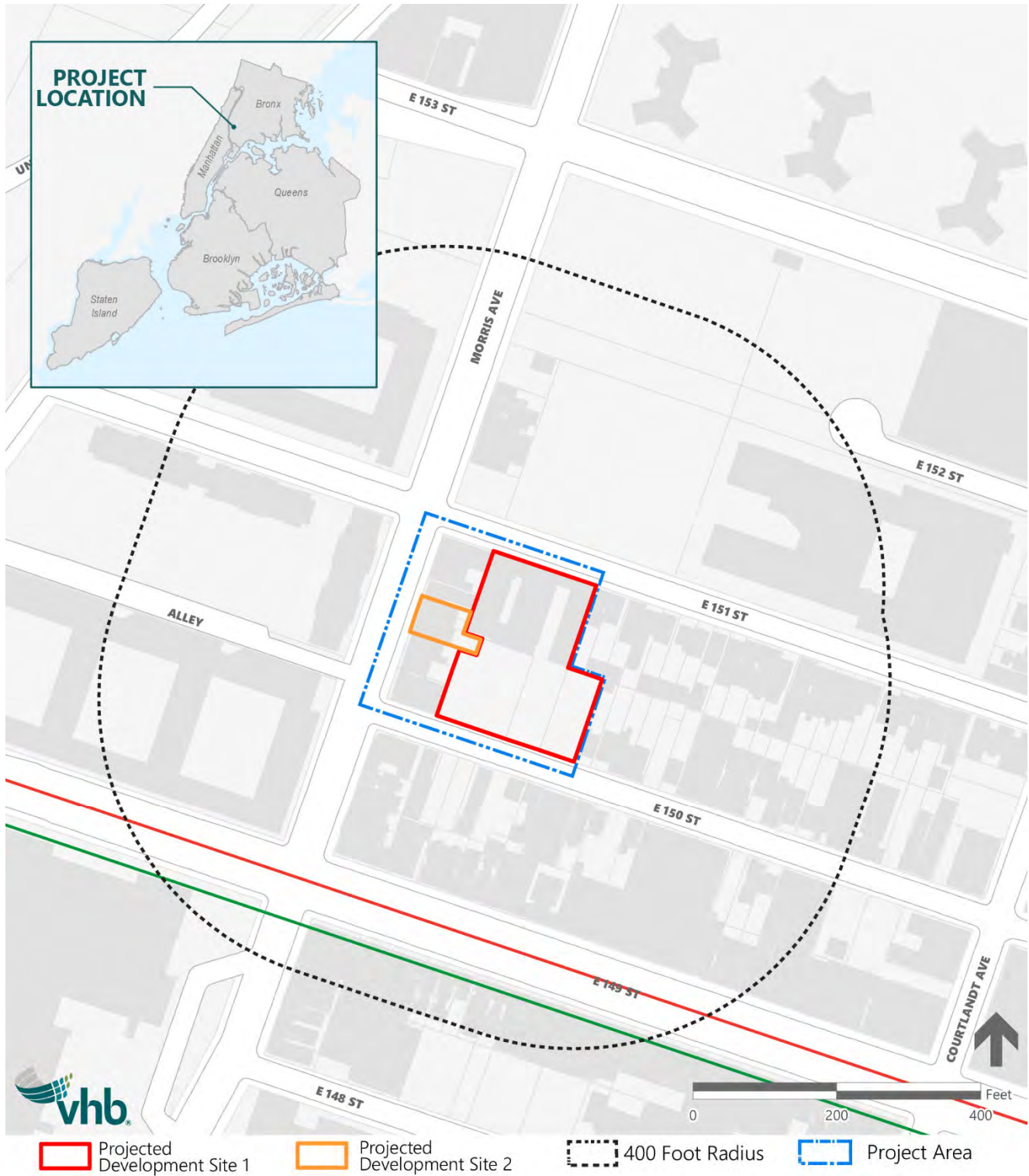


Figure 2 Tax Map

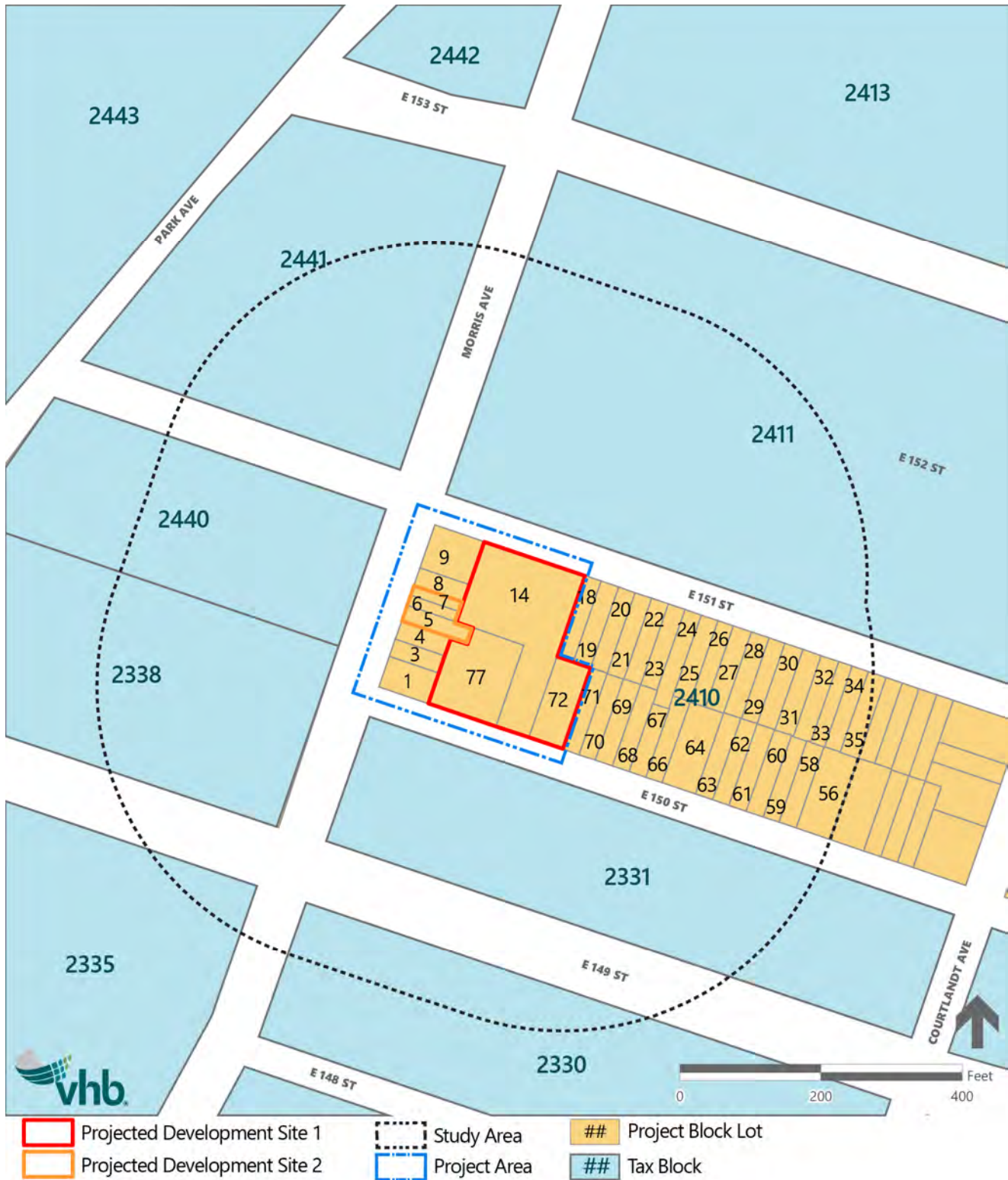


Figure 3.1 Existing Zoning Map

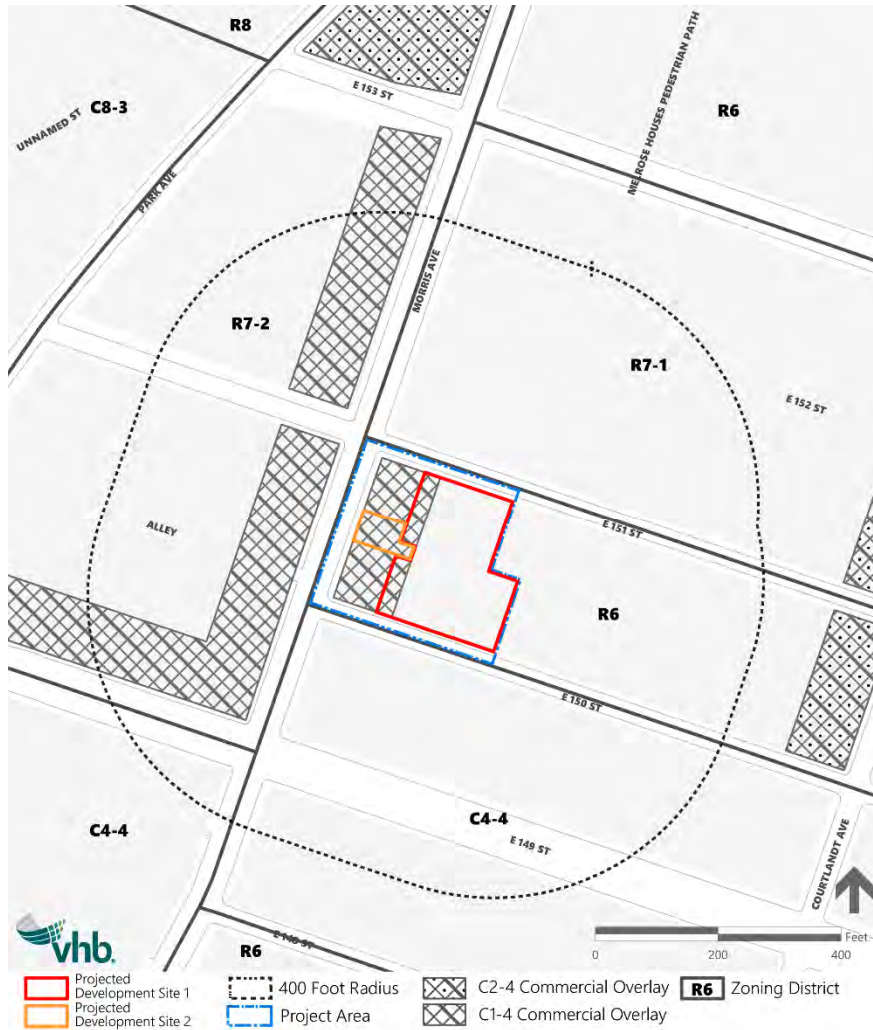
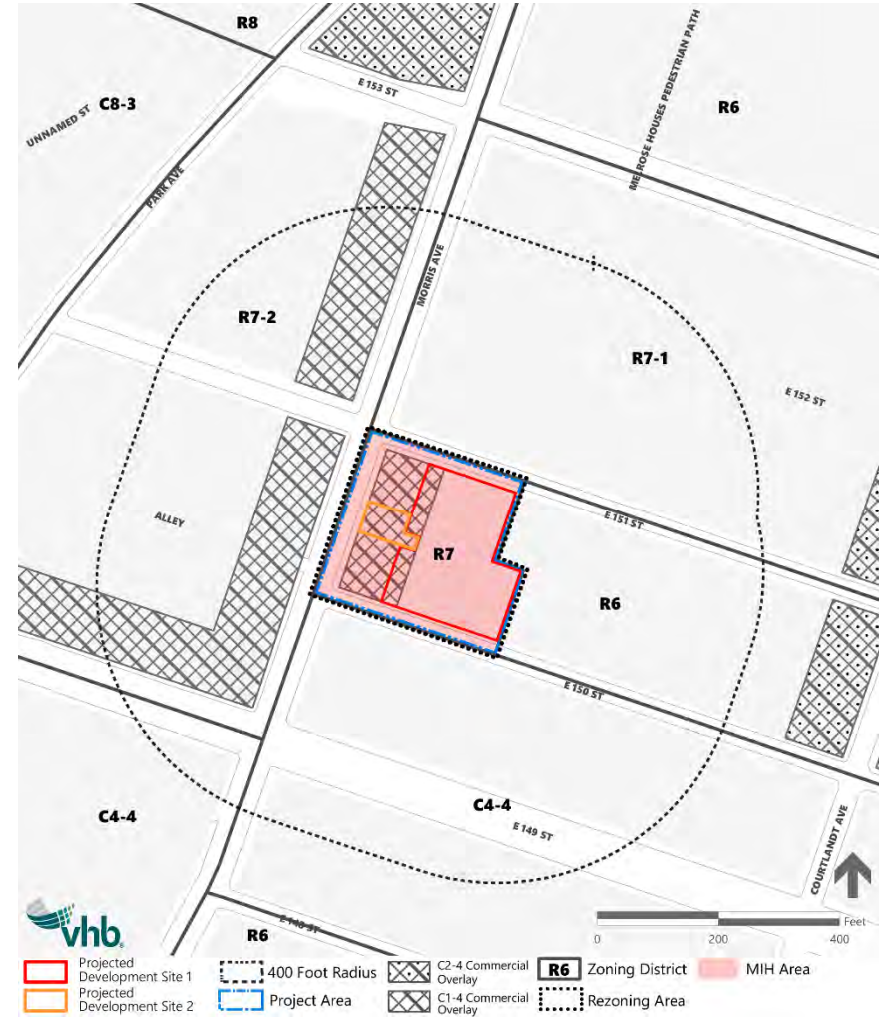


Figure 3.2 Proposed Zoning Map



**Figure 4 Land Use Map**



Figure 5 Photo Key Map



Photo 1. View of Development Site 1 from East 150th Street facing west



Photo captured 11/5/20

Photo 3. View of project area looking east on East 151st Street



Photo captured 11/5/20 prior to complete demolition

Photo 2. View of Development Site 1 looking north from East 150th Street



Photo captured 12/1/20

Photo 4. View of project area looking south on East 151st Street



Photo captured 12/1/20

Photo 5. View of Development Site 1 looking west from East 151st Street



Photo captured 11/5/20 prior to complete demolition

Photo 6. View of Development Site 2 Looking east on Morris Avenue

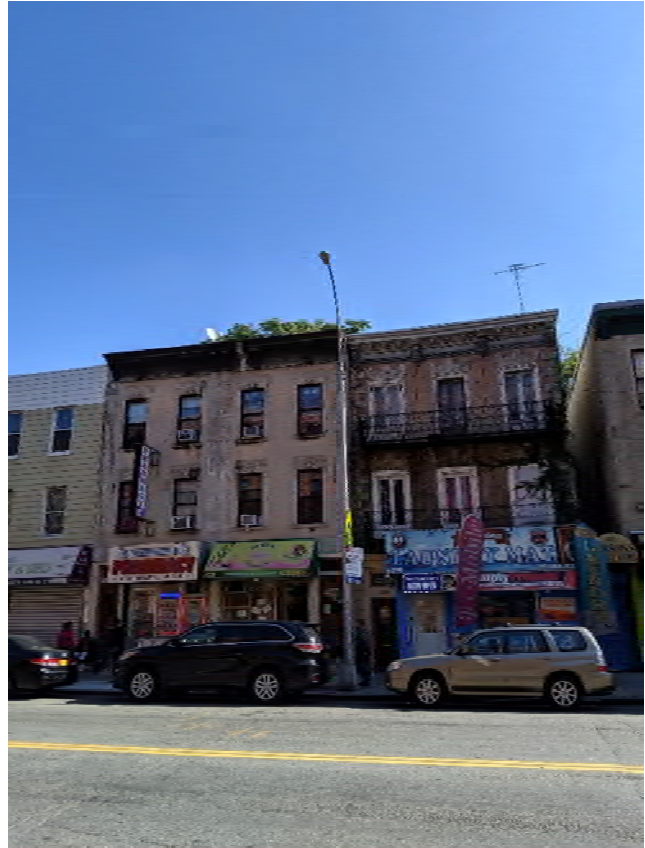


Photo captured 11/5/20





# 1

## Project Description

This section provides descriptive information about the requested discretionary land use action(s) and the development project that could be facilitated by the requested actions. The purpose of this section is to convey project information relevant to the environmental review.

### Introduction

The Applicant, Our Lady of Pity Apartments LLC, is seeking the following actions from the City Planning Commission (CPC): a zoning map amendment to rezone 11 lots, Block 2410, Lots 1, 3, 4, 5, 6, 7, 8, 9, 14, 72, and 77, (the "Project Area") from R6 and R6/C1-4 (Lots 1, 3-9 and portions of Lots 14 and 77 are mapped within a C1-4 overlay district) to R7A and R7A/C1-4; and a zoning text amendment to Zoning Resolution (ZR) Appendix F to designate a new Mandatory Inclusionary Housing (MIH) Area at the Project Area (the "Proposed Actions").

The Proposed Actions would facilitate the Applicant developing two residential buildings on Lots 14, a through lot, and Lots 72 and 77 of approximately 201,334 gross square feet (gsf), totaling 276 units (the "Proposed Project"). As a result of the mapping of a MIH designated area, 55 dwelling units would comply with MIH affordability Options 1 or 2 and be affordable in perpetuity. However, the Applicant intends for all 276 units to be affordable.

Although not part of the Proposed Project, the Proposed Actions would also facilitate the development of an eight-story, 85-foot-tall, 25,635 gsf (22,435 zsf) mixed-use building on

Lots 5, 6, and 7, which is not owned or controlled by the Applicant. The mixed-use building would have 1,850 gsf of commercial space on the ground floor and 23,785 gsf of residential space consisting of approximately 30 residential dwelling units on the upper floors. Of these units, it is assumed that six would be permanently affordable under MIH affordability Options 1 or 2.

The remainder of the Project Area, Lots 1, 3, 4, 8, and 9 are not assumed to be redeveloped as a result of the Proposed Actions.

## Project Area and Projected Development Sites

The Project Area consists of Bronx Block 2410, Lots 1, 3, 4, 5, 6, 7, 8, 9, 14, 72, and 77, located in the Melrose neighborhood of the Bronx, Community District 1 (see **EAS Figure 1**). The Applicant owns and controls Lots 14, a through lot, and Lots 72 and 77, both interior lots, referred to as "Projected Development Site 1." As shown on **EAS Figure 3.1**, the Project Area is located within an R6 district. Lots 1, 3-9, and portions of Lots 14 and 77 are mapped within a C1-4 overlay district.

Projected Development Site 1 is 70 feet east of Morris Avenue with a total lot area of 40,795 square feet ("sf"). It is an irregularly shaped through lot with 200 feet of frontage along East 150<sup>th</sup> Street (a narrow street) and 150 feet of frontage along East 151<sup>st</sup> Street (a narrow street) and has a depth of 236 feet 9 inches. Along East 150<sup>th</sup> Street, the southern portions of Lots 14, 72, and 77 are not improved and currently are vacant. The remainder of the site has recently undergone demolition and site clearing activities and is vacant as well. Demolition, in accordance with Department of Buildings approval removed three former buildings: a 4-story rectory, a 45-foot-tall, 1-story church, and a 2-story rectory building. None of the former structures were determined eligible for listing on the National or State Historic Register, nor are they individually NYC Landmarks Preservation Commission ("LPC") designated landmarks.

Lots 5, 6, and 7 (not owned or controlled by the Applicant) comprise Projected Development Site 2 and have a total area of 4,490 sf. Lot 5 has a depth of 95 feet with 26 feet of frontage on Morris Avenue. Lots 6 and 7 each have a depth of approximately 70 feet with 14.5 feet of frontage on Morris Avenue. Each lot is improved with a 3-story one- to two-family building with ground floor retail. A 4,358 gsf building containing one residential unit and a ground floor laundromat is located on Lot 5. A 2,349 gsf building containing two residential units and a ground floor deli is located on Lot 6. A 2,349 gsf building with two residential units and a ground floor pharmacy is located on Lot 7.

For the remainder of the Project Area, Lot 1 is improved with a 4-story building while the other lots (lots 3, 4, 8, 9) are improved with 3-story buildings. None are held in common ownership. The building on Lot 1 was constructed in 1997 with an existing FAR of 3.5 with 17 residential units. Lots 3, 4, and 8 were constructed in 1931 and each have a lot area of 1,756 sf and contain two residential units. Lot 3 has a built FAR of 1.7, Lot 4 has a built FAR of 2.2, and Lot 8 has a built FAR of 2.1. Lot 9 contains two buildings constructed in 1920 with a lot area of 4,454 sf and contains a total of nine residential units with built FAR of 2.0. None of the existing structures are eligible for listing on the National or State Register of Historic Places nor are they individually LPC designated landmarks.

In 1929, the former church building on Projected Development Site 1 was built. The church and adjoining rectory buildings have been vacant since 2007. The church was deconsecrated in 2017. The church and the other two buildings were recently demolished.

The Project Area is in a Transit Zone, which is generally an area of the city within one-half mile of a subway station, where special lower accessory parking requirements apply for affordable housing. The Third Avenue – 149<sup>th</sup> Street 2/5 New York City Transit subway station is approximately 0.25 mile southeast of the Project Area. The 19<sup>th</sup> Street – Grand Concourse 2/4/5 New York City Transit subway station is approximately 0.28 mile west of the Project Area. The Metro North Harlem Line Melrose station, and several MTA bus stations are also located near the Project Area.

## Proposed Actions

The Proposed Actions would apply to the Project Area and would consist of:

- › Zoning Map Amendment from R6 and R6/C1-4 to R7A and R7A/C1-4
- › Zoning Text Amendment to Appendix F to designate a new Mandatory Inclusionary Housing Area

The Applicant may also seek funding from the New York City Department of Housing Preservation and Development (HPD).

## Proposed Project

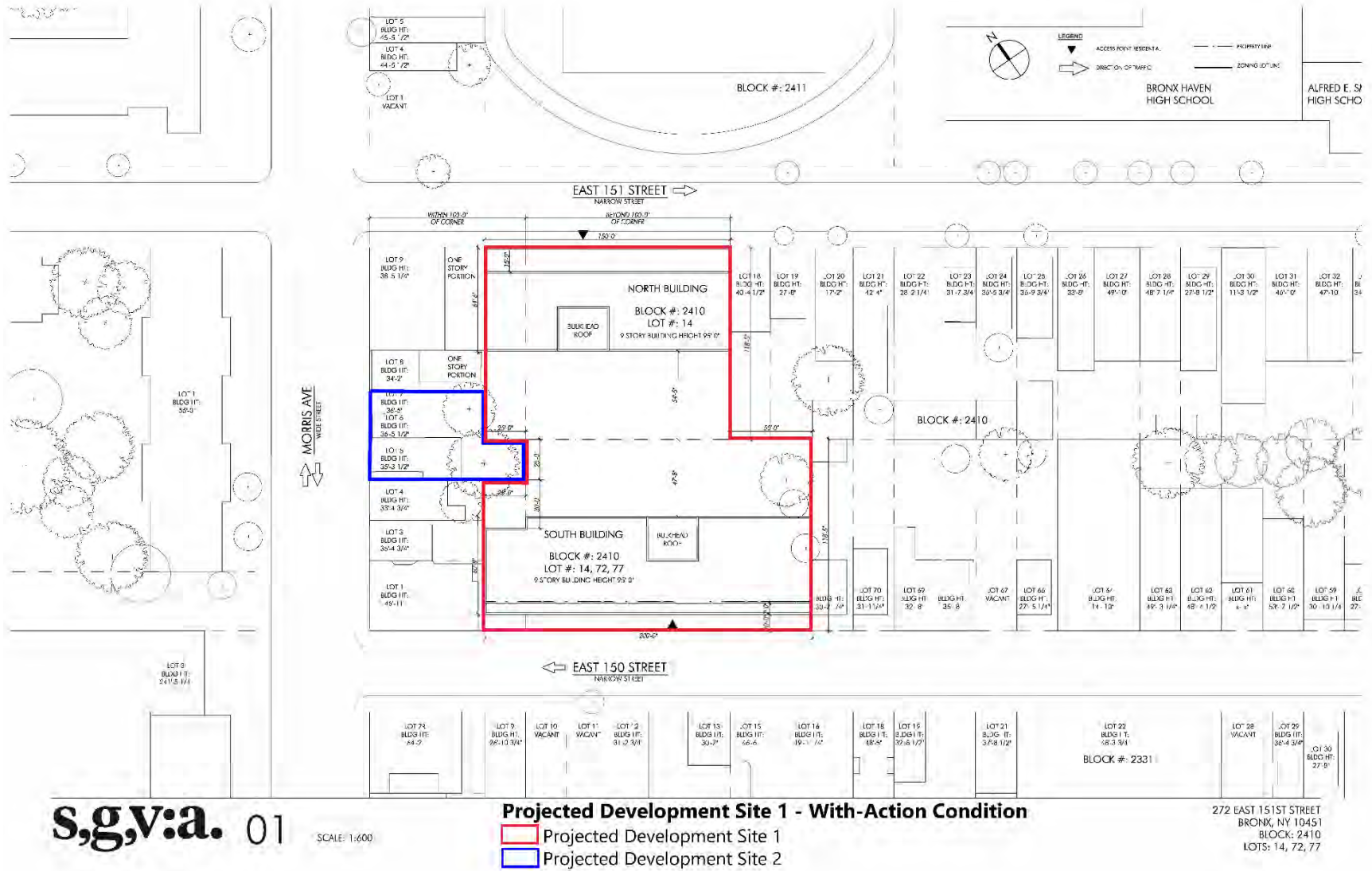
The Proposed Project would consist of two new nine-story residential buildings, totaling approximately 201,334-gsf on Projected Development Site 1. The North Building would be 89,575 gsf (82,575 zoning square feet [zsf]) and the South Building would be 111,759 gsf (104,759 zsf). The Proposed Project would contain 276 dwelling units, of which it is assumed that 55 units would be permanently affordable under MIH affordability Options 1 or 2. However, the Applicant intends for all 276 units to be affordable. The Proposed Project would have a total zoning floor area of 187,334 zsf, with a Floor Area Ratio (FAR) of 4.59. The Proposed Project would provide open space at grade between the two buildings in the middle of Projected Development Site 1, serving as a rear yard equivalent for the through lot.

The proposed buildings are within the transit zone; therefore, no parking is required, and none would be provided. However, it is assumed under the With-Action Scenario that 111 parking spaces would be provided at Projected Development Site 1 if developed with the number of affordable units under MIH.

The developments on Projected Development Sites 1 and 2 would total 226,969 gsf and 306 units with 61 units permanently affordable under MIH Options 1 or 2. With the assumption of 100 percent affordable on Projected Development Site 1, there would be 282 total affordable units.

A site plan and illustrative elevations for the With-Action condition on each Projected Development Site are provided in **Figure 1-1** through **Figure 1-4**.

Figure 1-1 With-Action Site Plan – Projected Development Site 1



Source: Shakespeare, Gordon, Vlado: Architects.  
For Illustrative Purposes Only

**Figure 1-2 With-Action Elevations – Projected Development Site 1**



**S,g,v:a.** 01

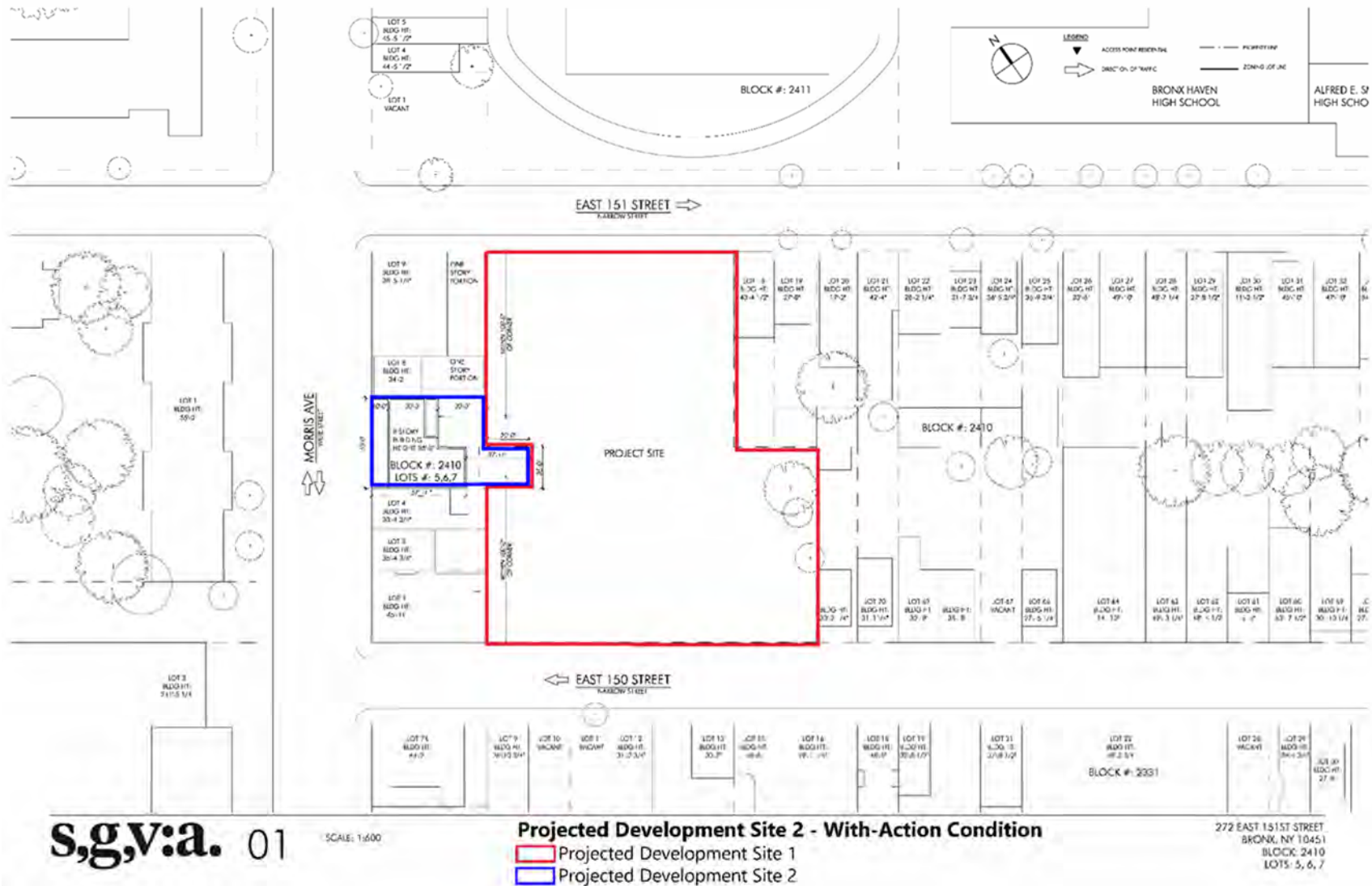
SCALE: 1/32" = 1'-0"

**Projected Development Site 1 - With-Action Condition**

272 EAST 151ST STREET  
BRONX, NY 10451  
BLOCK: 2410  
LOTS: 14, 72, 77

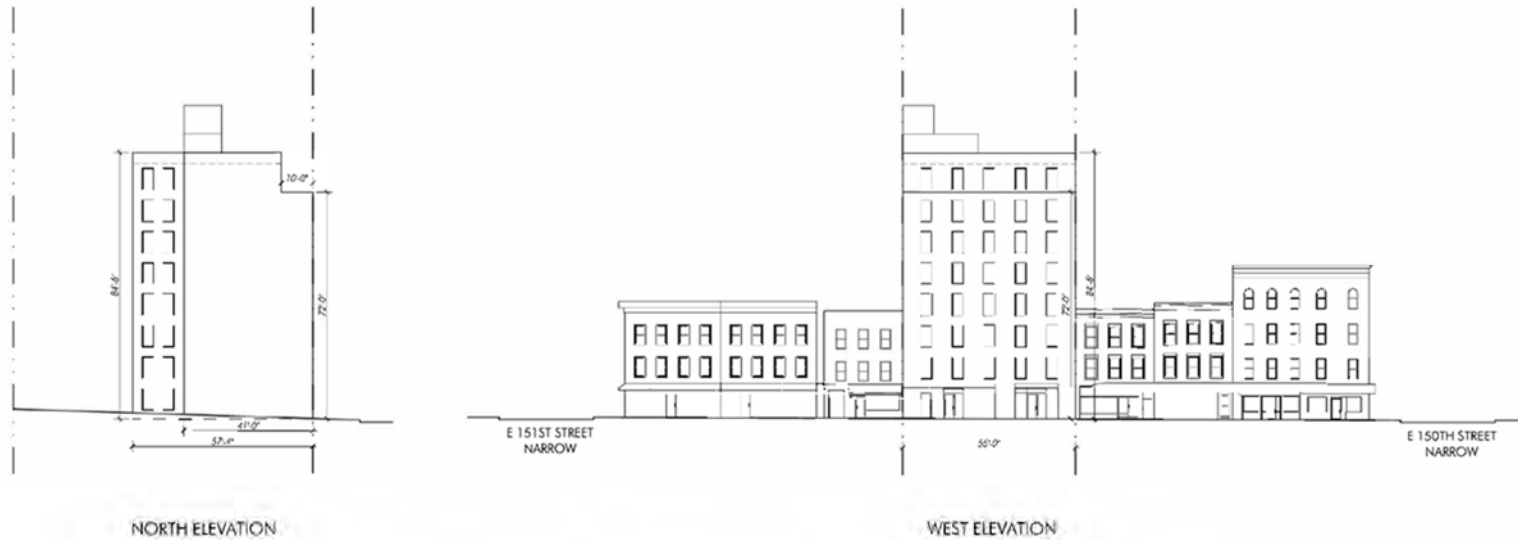
Source: Shakespeare, Gordon, Vlado: Architects.  
For Illustrative Purposes Only

**Figure 1-3 With-Action Site Plan – Projected Development Site 2**



Source: Shakespeare, Gordon, Vlado: Architects.  
For Illustrative Purposes Only

Figure 1-4 With-Action Elevations – Projected Development Site 2



**s,g,v:a.** 01  
SG/11, 1/32" = 1'-0"

**Projected Development Site 2 - With-Action Condition**

272 EAST 151ST STREET  
BRONX, NY 10451  
BLOCK-2410  
LOTS: 5, 6, 7

Source: Shakespeare, Gordon, Vlado: Architects.  
*For Illustrative Purposes Only*

## Project Purpose and Need

The Proposed Actions are necessary in order to facilitate the development of the Proposed Project. The Applicant believes that the proposed affordable multi-family residential buildings would contribute to achieving the City's stated goal of creating new affordable housing units, as expressed in Mayor Bill de Blasio's affordable housing plan, "Housing New York" and "Housing 2.0."

The rezoning to R7A and the establishment of an MIH area would allow for an increased number of units than what is allowed as-of-right, as well as require permanently affordable units pursuant to MIH Option 1 or 2. The proposed rezoning would also facilitate the creation of new affordable housing in Bronx Community District 1, where 48.2 percent of households are rent burdened (spending 35 percent or more of their income on rent).<sup>1</sup>

The Applicant, Our Lady of Pity Apartments LLC, is a subsidiary of Catholic Homes New York, which is the housing development office of Catholic Charities. Catholic Homes New York develops safe, affordable housing for families and seniors. In partnership with the Association of New York Catholic Homes, New York Institute for Human Development and in collaboration with the Archdiocese of New York, Catholic Charities of New York creates new affordable homes while preserving existing units, continuing decades of work building strong, sustainable communities through affordable housing. Reusing underutilized church-owned sites for affordable housing is central in working towards this mission. To date, Catholic Charities of New York has now developed 13 buildings with over 2,770 units of affordable housing for families and seniors. The Proposed Actions would further the mission of the Applicant to provide new safe affordable housing.

Finally, the project would revive a vacant, underutilized site.

## Analysis Framework and Reasonable Worst-Case Development Scenario

The *CEQR Technical Manual* will serve as guidance on the methodologies and impact criteria for evaluating the potential environmental effects of the Proposed Project that would result from the discretionary actions. The CEQR assessment examines the incremental differences between the Reasonable Worst-Case Development Scenario (RWCDs) of the future without the Proposed Actions in place (No-Action condition) and the future with the Proposed Actions in place and the associated development operation (With-Action condition).

For the purpose of the environmental analyses, the No-Action condition represents the future absent the Proposed Actions and serves as the baseline by which the Proposed Project (or With-Action condition) is compared to determine the potential for significant adverse impacts. The difference between the No-Action and With-Action conditions represents the increment to be analyzed in the CEQR process.

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<sup>1</sup> New York City Department of City Planning. "Community District Profiles." Available from: <https://communityprofiles.planning.nyc.gov/bronx/1>.



## Future No-Action Condition

Without the Proposed Actions, the Applicant would develop Projected Development Site 1 as-of-right with a four-story, 45-foot-tall building (the "North Building") and a five-story, 55-foot-tall building (the "South Building") consisting entirely of residential uses comprising 140 units. The buildings would total approximately 108,055 gsf (94,055 zsf, 2.30 FAR). The North Building would be 46,380 gsf (39,380 zsf) and the South Building would be 61,675 gsf (54,675 zsf). The No-Action development would have 70 parking spaces to be located in the cellar or rear yard.

All other lots in the Project Area, including Projected Development Site 2, would remain in their existing conditions under the No-Action condition. The future No-Action condition would be developed as-of-right within the current zoning regulations to the maximum permitted FAR and height at Projected Development Site 1, without the adoption of an Inclusionary Housing bonus. A site plan and illustrative elevations for the future No-Action condition are provided in **Figure 1-5** and **Figure 1-6**.

## Future With-Action Condition

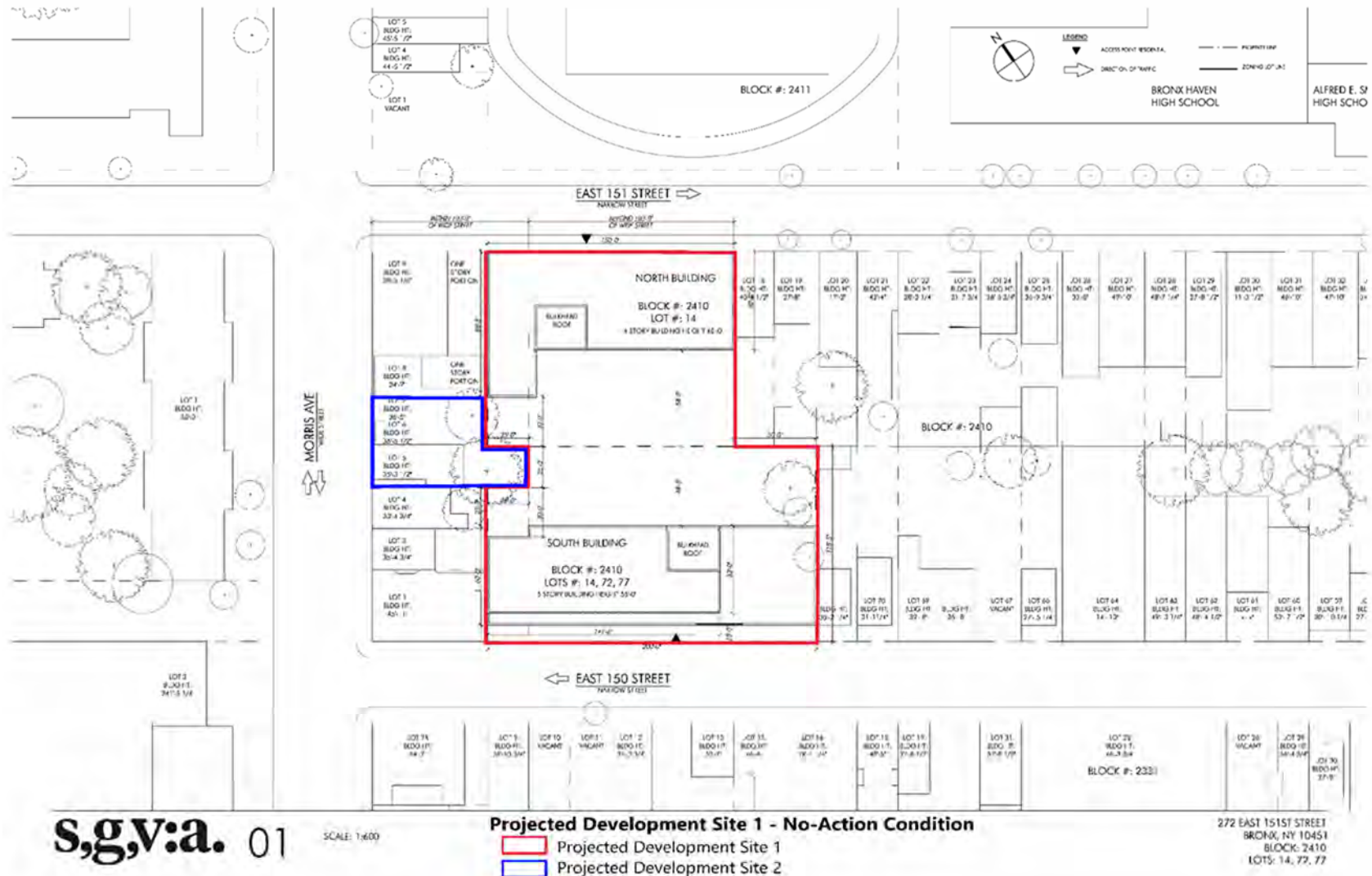
As noted above, the Proposed Actions would facilitate the development by the Applicant of two nine-story multi-family residential buildings together totaling 201,334 gsf (187,334 zsf) with a FAR of 4.59 on Projected Development Site 1 (Block 2410, Lots 14, 72, and 77). The With-Action condition would result in a maximum height of 95 feet on Projected Development Site 1. There would be approximately 276 dwelling units on Projected Development Site 1, of which 55 dwelling units would comply with MIH affordability Options 1 or 2 and would be affordable in perpetuity; although, as proposed by the Applicant, all 276 units at Projected Development Site 1 would be affordable.

The Proposed Actions would also facilitate the development of an 8-story, 25,635-gsf (22,435-zsf) mixed-use building with a FAR of 4.58 containing 1,850 gsf of commercial space on the ground floor and 23,785 gsf of residential space on the upper floors on Projected Development Site 2 (Block 2410, Lots 5, 6, and 7). The FAR for Projected Development Site 2 would be 4.58, maximizing the available FAR permitted by the proposed rezoning. The With-Action condition would result in a maximum height of 85 feet on Projected Development Site 2. Under the With-Action Scenario, the building on Projected Development Site 2 would contain 30 dwelling units, six of which would be affordable under MIH (24 dwelling units would be market rate)

## Increment for Analysis

In total, the future With-Action condition would result in a net increase of 109,857 gsf over the future No-Action condition (see **Table 1-1**). The total FAR incremental increase would be 2.29 on Projected Development Site 1 and 2.56 on Projected Development Site 2. There would be no incremental ground disturbance between the No-Action and With-Action condition.

Figure 1-5 No-Action Site Plan



Source: Shakespeare, Gordon, Vlado: Architects.  
For Illustrative Purposes Only

Figure 1-6 No-Action Elevations



**s,g,v:a.** 01

SCALE: 1/32" = 1'-0"

**Projected Development Site 1 - No-Action Condition**

7/2 EAST 151ST STREET  
BRONX, NY 10451  
BLOCK: 2410  
LOTS: 14, 72, 77

Source: Shakespeare, Gordon, Vlado: Architects.  
*For Illustrative Purposes Only*

**Table 1-1 Future No-Action and With-Action Comparison**

	<b>No-Action Condition</b>	<b>With-Action Condition</b>	<b>Increment</b>
<b>Projected Development Site 1</b>			
Residential GSF	108,055	201,334	+93,279
Commercial GSF	0	0	0
<b>Total FAR</b>	2.3	4.59	+2.29
Residential Units	140 (0 affordable)	276* (Affordable: 276*, 55 under MIH)	+136 (Affordable: 276*, 55 under MIH)
Building Height/ Stories	45-55 feet / 4-5 stories	95 feet / 9 stories	50 feet / 5 stories
<b>Projected Development Site 2</b>			
Residential GSF	6,401	23,785	+17,384
Commercial GSF	2,656	1,850	-806
<b>Total FAR</b>	2.02	4.58	+2.56
Residential Units	5	30 (Affordable: 6 under MIH)	+25 (Affordable: 6 under MIH)
Building Height/Stories	3 stories	85 feet/ 8 stories	5 stories
<b>Total Development</b>			
Residential GSF	114,456	225,119	+110,663
Commercial GSF	2,656	1,850	-806
Residential Units	145	306 (Affordable: 282*, 61 under MIH)	+161 (Affordable: 282 *, 61 under MIH)
Parking Spaces	70	0	-70
Building Height/Stories	55 feet/ 5 stories	95 feet/ 9 stories	50 feet/ 5 stories

\*The Applicant intends for all units to be affordable.

### Analysis (Build) Year

The 2024 build year assumes approval of the actions and commencement of construction in 2021, and up to two-year construction period.



# 2

## Land Use, Zoning and Public Policy

This section considers the potential for the Proposed Actions to result in significant adverse impacts to land use, zoning, and public policy. Under the guidelines of the *2020 City Environmental Quality Review (CEQR) Technical Manual*, this analysis evaluates the uses in the area that may be affected by the Proposed Actions and determines whether the Proposed Actions are compatible with those conditions or may otherwise affect them. The analysis also considers the Proposed Actions' compatibility with zoning regulations and other public policies applicable to the area.

### Introduction

The Applicant, Our Lady of Pity Apartments LLC, is seeking a Zoning Map Amendment to rezone the Project Area (Bronx Block 2410, Lots 1, 3, 4, 5, 6, 7, 8, 9, 14, 72, and 77) from an R6 and R6/C1-4 to an R7A and R7A/C1-4 zoning district and a Zoning Text Amendment to designate the Project Area into a Mandatory Inclusionary Housing (MIH) area. The Proposed Actions would facilitate the development of Projected Developments Sites 1 and 2.

## Methodology

This analysis of land use, zoning, and public policy follows the guidelines set forth in the *CEQR Technical Manual* for a preliminary assessment (Section 320). According to the *CEQR Technical Manual*, a preliminary land use and zoning assessment:

- › Describes existing and future land uses and zoning information, and describes any changes in zoning that could cause changes in land use;
- › Characterizes the land use development trends in the area surrounding the project area that might be affected by the Proposed Action; and
- › Determines whether the Proposed Project is compatible with those trends or may alter them.

The following assessment method was used to determine the potential for the Proposed Project to result in significant adverse impacts on Land Use, Zoning, and Public Policy:

1. Establish a "study area", a geographic area surrounding the Project Area and Development Sites to determine how the Proposed Project may affect the immediate surrounding area. For this assessment, a study area of 400 feet surrounding the Project Area was used.
2. Identify data sources, including any public policies (formal plans, published reports) to be used to describe the existing and No-Action conditions related to Land Use, Zoning, and/or Public Policy.
3. Assess the Proposed Project's potential effects on Land Use, Zoning and Public Policy to determine whether the Proposed Project is consistent with or conflicts with area land uses, zoning, or the identified policies.
  - If the Proposed Project could conflict with the identified policies, a detailed assessment would be conducted; or
  - If the Proposed Project is found to not conflict with the identified policies, no further assessment is needed.

## Assessment

### Existing Conditions

#### Land Use

##### **Project Area**

The Project Area, located within the Melrose neighborhood of Bronx Community District 1, consists of Block 2410, Lots 1, 3, 4, 5, 6, 7, 8, 9, 14, 72, and 77 (see **Figure 2-1**).

The Applicant owns and controls Lot 14, a through lot, and Lots 72, and 77, both interior lots, referred to as "Projected Development Site 1". Along East 150th Street, the southern portions of Lots 14, 72, and 77 are not improved and currently are vacant. The remainder of the site has recently undergone demolition and site clearing activities and is vacant as well. Demolition, in accordance with Department of Buildings approval removed three former

buildings: a 4-story rectory, a 45-foot-tall, 1-story church, and a 2-story rectory building. None of the former structures were determined eligible for listing on the National or State Historic Register, nor are they individually NYC Landmarks Preservation Commission ("LPC") designated landmarks.

Lots 5, 6, and 7 (not owned or controlled by the Applicant) comprise Projected Development Site 2 and have a total area of 4,490 sf. Each lot is improved with a 3-story one- to two-family building with ground floor retail. A 4,358 gsf building containing one residential unit and a ground floor laundromat is located on Lot 5. A 2,349 gsf building containing two residential units and a ground floor deli is located on Lot 6. A 2,349 gsf building with two residential units and a ground floor pharmacy is located on Lot 7.

For the remainder of the Project Area, Lot 1 is improved with a 4-story building while other lots are improved with 3-story buildings. All lots appear to be built at FARs below the permitted floor area under the current R6/C1-4 regulations and contain mixed-use developments with residential upper floors and ground floor community facility uses or retail, including: a medical office, a dental office, a hair and nail supply, two delis, a pharmacy, three restaurants, and laundromat.

### ***Study Area***

The surrounding area includes a variety of land uses, including residential, mixed-used, commercial, community facilities, and open space (see **Figure 2-1**). There also are a variety of urban built forms, including, low- and mid- buildings and open space.

The areas to the west and south of the Project Area along Morris Avenue and East 149th street are the commercial corridors in the area. The uses along these streets consist primarily of local retail with markets, pharmacies, small delis/restaurants, and some office spaces.

The commercial corridors and the project block also contain the study area's housing. Much of the three to six story commercial buildings that line the major streets have apartments above them. Two large residential elevator building complexes are located along Morris Avenue to the west of the Project Area. East 150th and 151st Streets have a mix of one- and two-family residences and multi-family residences.

There are two large public facilities/institutions that intersect the study area. The Lincoln Medical Center is a large hospital with an emergency room located on Morris Avenue. Alfred E. Smith High School is located just north of the Project Area has a large area of outdoor sport facilities associated with the high school including a football field, track, tennis and basketball courts. The high school outdoor sport facilities (owned by the Department of Education) are not open to the public. Just north of the high school is an elementary school - PS1x, The Courtlandt School. Other institutional uses such as churches and day cares are mixed in with residential uses. There is a LPC designated landmark building in the surrounding area, Firehouse - Engine Co. 41, located half a block from the Project Area to the east.

**Figure 2-1 Land Use Map**





Manufacturing uses are limited throughout the study area and are in the form of small warehouses intermixed with residential and commercial uses. There are also a few parking uses. The largest one, located on the southern side of East 150th Street, is a four story NYS New York City Department of Transportation parking facility, but appears inactive. Other parking uses in the study area are small surface lots.

## Zoning

The Project Area is located within an R6 district (see **Figure 2-2**). Lots 1, 3-9 and portions of Lots 14 and 77 are mapped within a C1-4 overlay district. The area immediately north of the Project Area is within a R7-1 district. The western portion of the study area consists of a R7-2 District, and the southern portion consists of a C4-4 district. C1-4 Commercial Overlays exist along portions of Morris Avenue within the study area.

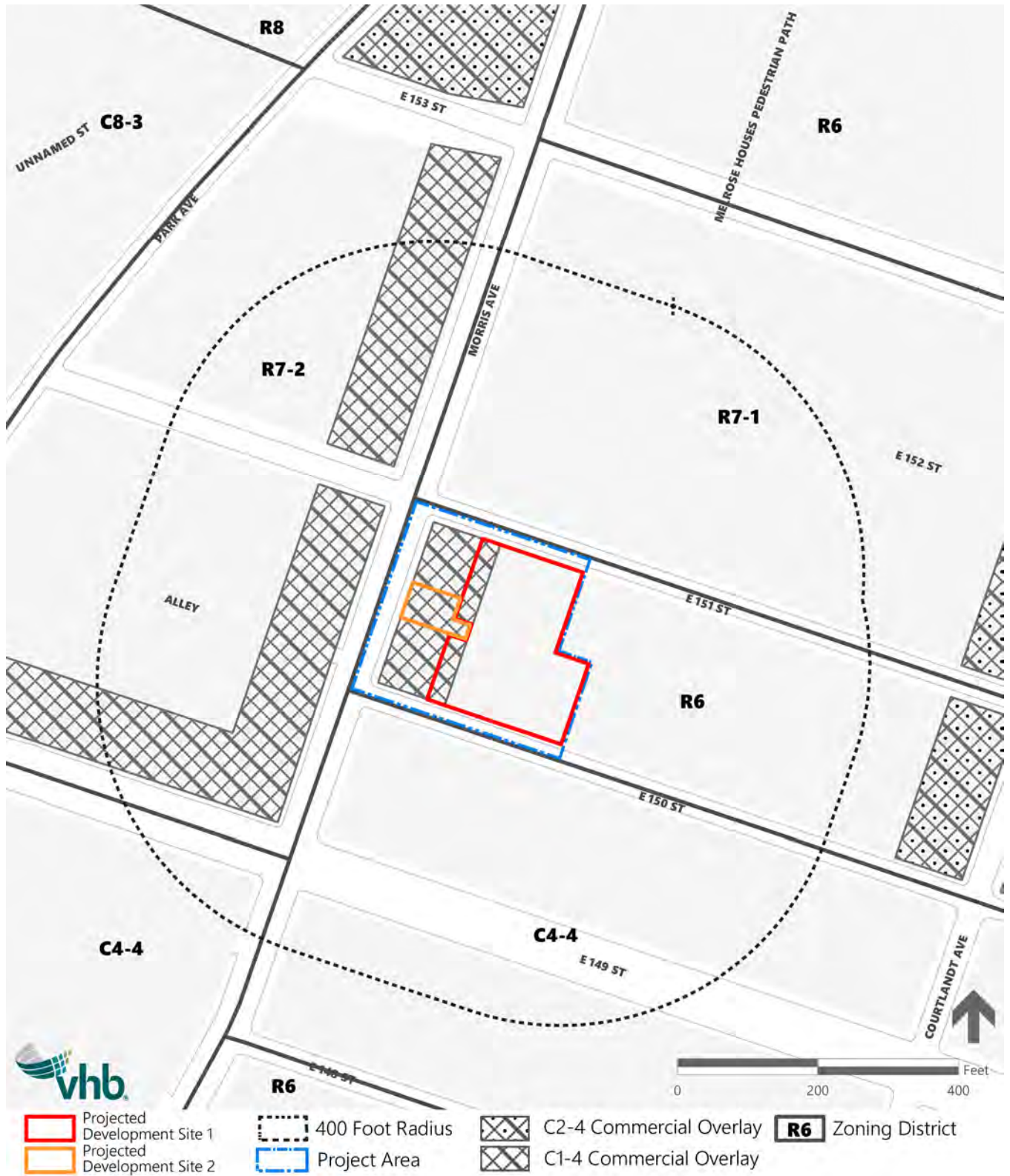
R6 districts permit residential and community facility uses. Commercial and manufacturing uses are not permitted. They permit a residential floor area ratio (FAR) of 2.20 on a narrow street and 3.00 on a wide street (or up to 2.42 and 3.60 respectively pursuant to the Inclusionary Housing program, if applicable), and a community facility FAR of 4.8. R6 districts also have optional Quality Housing (QH) regulations. For QH developments, absolute envelope controls are imposed; specifically, a minimum base height of 30-40 feet (depending on the street width), a maximum base height of 45-65 feet and a maximum building height of 70 feet. The maximum building height may be increased up to 75 feet for developments with a Qualifying Ground Floor. For QH developments in Inclusionary Housing areas or providing MIH, the maximum base height can be 65 feet and the maximum building height can be increased up to 115 feet.

R7-1 and R7-2 districts are medium density residential districts and allow for both residential and community facility uses. Commercial and manufacturing uses are not permitted. R7 districts are medium-density apartment house districts that encourage taller buildings with less lot coverage on larger lots. FAR ranges from 0.87 to 3.44 in R7 districts and the sky exposure plane starts at 60 feet. Off-street parking is generally required for 60 percent of a building's dwelling units in an R7-1 district and 50 percent in an R7-2 district.

C1-4 commercial overlays are intended for local retail and services and are mapped in residential districts to allow commercial at street level. In R6 and R7 Districts, a commercial FAR of 2.0 is permitted. The building height within the initial setback distance is 60 feet or four stories, whichever is less. One parking space is required per 1,000 sf if commercial space.

C4-4 districts are mapped in regional commercial centers containing specialty department stores, theaters and other commercial and office uses. A commercial FAR of 3.4 is allowed and a residential district equivalent that allows for residential uses with up to 3.44 FAR. One parking space is required per 1,000 sf if commercial space.

Figure 2-2 Existing Zoning Map



## Public Policy

### ***Housing New York: A Five-Borough, Ten-Year Plan***

On May 5, 2014, the de Blasio administration released Housing New York: A Five-Borough, Ten-Year Housing Plan (“Housing New York”), a plan to build or preserve 200,000 affordable residential units. To achieve this goal, the plan aims to double the New York City Department of Housing Preservation and Development (HPD)’s capital budget, target vacant and underused land for new development, protect tenants in rent-regulated apartments, streamline rules and processes to unlock new development opportunities, contain costs, and accelerate affordable construction. The plan details the key policies and programs for implementation, including developing affordable housing on underused public and private sites. In 2017, Housing New York 2.0 was released as an update to the original 10-year plan, which increased this number from 200,000 to 300,000 homes.

### ***One New York: The Plan for a Strong and Just City***

In April 2007, the Mayor’s Office of Long-Term Planning and Sustainability released PlaNYC: A Greener, Greater New York (PlaNYC). Since that time, updates to PlaNYC have been issued that build upon the goals set forth in 2007 and provide new objectives and strategies. In 2015, One New York: The Plan for a Strong and Just City (OneNYC) was released by the Mayor’s Office of Sustainability and the Mayor’s Office of Recovery and Resiliency. OneNYC builds upon the sustainability goals established by PlaNYC and focuses on growth, equity, sustainability, and resiliency. Goals outlined in the report include those related to housing (ensuring access to affordable, high-quality housing) and thriving neighborhoods (ensuring that neighborhoods will be well-served). OneNYC sets forth specific targets for the creation of new housing units.

## No-Action Condition

Absent the Proposed Project (the future No-Action condition), the Applicant would develop the site with an as-of-right building consistent with the regulations of the existing R6 district. In the No-Action condition, it is assumed that Projected Development Site 1 would be developed with one 4-story, 45-foot-tall (the “North Building”) and one 5-story, 55-foot-tall, (the “South Building”) building.

They would consist entirely of residential uses and total 140 market-rate units. The buildings would total approximately 108,055 gsf (94,055 zsf, 2.30 FAR). The North Building would be 46,380 gsf (39,380 zsf) and the South Building would be 61,675 gsf (54,675 zsf). The No-Action development would have 70 parking spaces to be located in the cellar or rear yard. All other lots in the Project Area, including Projected Development Site 2 would remain in their existing conditions under the No-Action condition.

## Land Use and Zoning

The future No-Action condition would introduce a new residential land use to the currently vacant Projected Development Site 1; this is consistent with the site’s zoning and the surrounding context. Projected Development Site 1 and study area would continue to be

governed by the various zoning regulations found in the area, as described in the Existing Conditions section above.

There are no planned developments within the 400-foot study area that are expected to be completed by the 2024 analysis year.

## Public Policy

In the future No-Action condition, there are no known public policy changes that are anticipated to affect the Project Area or study area.

## With-Action Condition

In the With-Action condition there would be two 9-story (approximately 95-foot tall) residential buildings (the "North Building" and the "South Building") totaling 201,334 gsf located on Projected Development Site 1. The proposed buildings would have a total FAR of 4.59 (187,334 zsf) with approximately 276 dwelling units, which would comply with MIH affordability Options 1 or 2 and will be affordable in perpetuity.

The North Building would be 89,575 gsf (82,575 zsf) and the South Building would be 111,759 gsf (104,759 zsf). The Applicant intends for all of the 276 units to be affordable, but under MIH assumptions only 55 units would be assumed to be at or below 80 percent AMI for analysis purposes. Under the MIH assumptions, 111 parking spaces would be required. For the scenario assuming the 276 units as all affordable, no parking would be required.

Projected Development Site 2 would have an 8-story, 85-foot-tall, 22,435 zsf (25,635 gsf) residential building with a FAR of 4.58. The proposed mixed-use building would have 1,850 gsf of commercial space and 23,785 gsf of residential space consisting of approximately 30 residential dwelling units. Of these units, approximately 20 percent (six units) would be assumed to be at or below 80 percent AMI for analysis purposes. No parking spaces would be provided as the site is in a Transit Zone and no spaces are required for income-restricted units and the parking required (30 percent) for the market rate units would require six spaces, which can be waived since it is fewer than 15 spaces.

## Land Use

In the With-Action condition, the Project Area would maintain the same land uses as under the No-Action condition, but at a higher density. As discussed above, the study area is characterized by a mix of residential, mixed-use, commercial, and community facilities with a few cases of industrial and manufacturing uses. The land use of the Proposed Project would be consistent with that of the study area, which currently has many multi-family elevator buildings and would have more in the No-Action condition.

## Zoning

As detailed in **Section 1, Project Description**, the Applicant is seeking a zoning map amendment to rezone the Project Area from R6 and R6/C1-4 to an R7A and R7A/C1-4 and a zoning text amendment to Appendix F to designate the Project Area as a MIH Area.

The Proposed Actions would allow for an increased number of units than what is allowed as of right. As compared to the No-Action condition, there would be about twice as many units, a majority of which would be affordable.

The Proposed Actions include the following zoning changes:

- › **Proposed Zoning Map Amendment:** A zoning map amendment to Zoning Map 6a in the Bronx would change the zoning of the Project Area from a R6 to an R7A zoning, maintaining the existing C1-4 overlay. The proposed R7A district is a medium-density contextual residential district that mandates Quality Housing Regulations. It allows residential and community facility land uses with a maximum residential FAR of 4.0 (4.6 with inclusionary allowances). Buildings with qualifying ground floors developed pursuant to the Inclusionary Housing Program in R7A districts are restricted to a maximum base height of 95 feet, require a setback above the maximum base height, and are limited to a maximum building height of 10 feet.
- › **Proposed Zoning Text Amendment:** A zoning text amendment to Appendix F of the Zoning Resolution, "Mandatory Inclusionary Housing Areas," would establish an MIH Area that is coterminous with the Project Area.

The Proposed Actions would be compatible with the residential zoning in the area, including the area that will remain R6 around the project, the R7-1 and R7-2 districts to the north and west, and the C4-4 district to the south that has a residential equivalent of R7-2. The With-Action condition would also introduce a larger amount of affordable housing than the No-Action condition. In addition, under the With-Action condition, the Proposed Project would conform to the proposed zoning in full. Therefore, the Proposed Actions would not result in a significant adverse impact to zoning.

## Public Policy

### *Housing New York: A Five-Borough, Ten-Year Plan*

The Proposed Actions would be consistent with the Housing New York plan and would result in a 100 percent affordable development with 276 dwelling units on Development Site 1, of which up to 55 dwelling units would be permanently affordable under MIH affordability Options 1 or 2. It is also assumed that a housing development would be built on Development Site 2 with an estimated 30 dwelling units, six being permanently affordable under MIH. Therefore, the Proposed Actions would be supportive of this public policy goal.

### *One New York: The Plan for a Strong and Just City*

The Proposed Actions would be consistent with OneNYC by increasing access to affordable, high-quality housing through the creation of new, 100 percent affordable housing development and a second mixed-income housing development. Therefore, the Proposed Actions would be supportive of this public policy goal.

## Conclusion

As described above, the Proposed Actions would result in the redevelopment of Projected Development Sites 1 and 2 as residential buildings with a FAR of 4.59 and 4.58 respectively.

The Proposed Project would be consistent with the land use pattern in the study area and provide a greater number of affordable housing units than in the No-Action condition. The Proposed Actions would be consistent with the City's goals of facilitating greater amounts of affordable housing. Therefore, the Proposed Action is not expected to result in significant adverse zoning impacts. In addition, the Proposed Project would support the City's stated goal of creating new affordable housing units, as expressed in "Housing New York" and "Housing New York 2.0". Therefore, the Proposed Actions would not result in any significant adverse impacts to land use, zoning, or public policy.



# 3

## Community Facilities

This section assesses the potential impacts of the Proposed Actions on community facilities and services. The *2020 City Environmental Quality Review (CEQR) Technical Manual* defines community facilities as public or publicly-funded facilities including schools, libraries, childcare centers, health care facilities, and fire and police protection services.

### Introduction

This chapter assesses the potential impacts of the Proposed Action on community facilities and services. According to the *CEQR Technical Manual*, a community facilities assessment should be conducted if a project would directly or indirectly affect existing community facilities, including publicly supported day care, libraries, public schools, health care facilities, and fire and police protection services. A project can affect community services when it physically displaces or alters a community facility or causes a change in population that may affect the services delivered by a community facility, as might happen if a facility is already over-utilized, or if a project is large enough to create a demand that could not be met by the existing facility.

The Proposed Action would facilitate the development of two new residential buildings on the Applicant-owned lots (Projected Development Site 1) with 276 dwelling units. As a result of the mapping of a Mandatory Inclusionary Housing (MIH) designated area, 55 dwelling

units would comply with MIH affordability Options 1 or 2 and be affordable in perpetuity. However, the Applicant intends for all 276 units to be affordable.

The Proposed Actions would also facilitate the development of an eight-story, 85-foot-tall, mixed-use building, consisting of 30 residential dwelling units on the upper floors on Projected Development Site 2. Of these units, it is assumed that six would be permanently affordable under MIH affordability Options 1 or 2.

As discussed in **Section 1, Project Description**, in the No-Action condition, Projected Development Site 1 would be developed with two new buildings containing 145 market-rate units. Therefore, the Proposed Actions are expected to introduce 161 more units and 282 more affordable units in the Project Area in comparison to the No-Action condition.

## Methodology

The *CEQR Technical Manual* provides thresholds to make an initial determination of whether detailed studies are necessary to determine potential indirect impacts on public schools, libraries, early childhood programs, health care facilities, and fire and police protection services. According to CEQR guidelines, a project would need to introduce a sizeable new neighborhood to trigger further analysis on police/fire services and health care facilities. A project introducing 141 units affordable to residents earning not more than 80 percent of the area median income would introduce 20 or more eligible children under age five and would warrant further analysis on early childhood programs. A project generating more than 50 elementary and intermediate school aged children would warrant an elementary schools analysis, and a project generating more than 150 high school students would generate a high school analysis. Finally, a project would need to introduce 734 total units to trigger a detailed analysis on libraries.

Using the CEQR App, an analysis tool developed by the New York City Department of City Planning (DCP), the need for detailed analysis was assessed for these areas. As stated previously, the Proposed Actions would have an increment of 282 affordable dwelling units and 161 units overall. As analyzed in the **EAS Technical Screenings** and shown in **Table 3-1** below, the Proposed Actions do not have the potential to impact health care facilities, libraries or police and fire services. Furthermore, the Proposed Actions would not directly displace a community facility, nor place a physical barrier to service delivery. Therefore, an analysis of direct effects is not warranted. However, an assessment of public elementary and intermediate schools and early childhood programs is warranted.



**Table 3-1 Residential Increment for Analysis**

Land Use	Unit	Existing Condition	No-Action Condition	With-Action Condition	Increment
Residential	<i>Dwelling Units</i>	0	145	306	161
	<i>Affordable Units</i>	0	0	282	282
	<i>Total Residential gsf</i>	0	114,456	225,119	110,663
Residents <sup>1</sup>		0	418	881	464
Elementary Students <sup>2</sup>		0	33	70	37
Intermediate Students <sup>2</sup>		0	12	26	14
High School Students <sup>2</sup>		0	19	40	21
Early Childhood Program Eligible Children <sup>3</sup>		0	0	39	39

<sup>1</sup> The number of residents is based on an average household size of 2.88 for the neighborhood, Melrose (2014-2018 ACS Survey).

<sup>2</sup> The number of students generated is based on the 2019 School Multipliers provided by the SCA for Bronx District 7. The multipliers assume 0.23 Elementary Students per unit, 0.08 intermediate students per unit, and .13 high school students per unit.

<sup>3</sup> The number of early childhood program eligible children is determined by the Bronx multiplier of .139 eligible children per affordable housing unit (2020 CEQR Technical Manual Table 6-1a). Please note that while the 2020 CEQR Technical Manual adjusted the eligible age to five years old, the multiplier remains for children under 6 years old for conservative analysis purposes.

## Public Schools

In conformance with the 2020 CEQR Technical Manual guidance, the public school analysis uses the most recent New York City Department of Education (DOE) data on school capacity, enrollment, and utilization rates for elementary and intermediate schools in the sub-district study area and School Construction Authority (SCA) projections of future enrollment to determine indirect effects on public schools (the 2018-2019 and 2019-2020 SCA Enrollment, Capacity and Utilization Blue Book). Then the existing conditions of the public schools within the study area are examined by assessing their enrollment, target capacity, and available seats to understand the percent utilization for the study area.

Future conditions are then predicted based on SCA enrollment projections and data obtained from SCA Capital Planning Division on the number of new housing units and students expected at the sub-district and borough levels. The future utilization rate for school facilities is calculated by adding the estimated enrollment from proposed residential developments in the schools' study area to DOE's projected enrollment and then comparing that number with projected school capacity. DOE does not include charter school enrollment in its projections. DOE's enrollment projections for years 2019 through 2028, the most recent data currently available, is posted on the SCA website. The latest available enrollment projections to 2028 have been used in this analysis to project student enrollment to 2031. These enrollment projections are based on broad demographic trends and do not explicitly account for discrete new residential development projects expected to be completed within

the study area. Therefore, the estimated student population from other new development projects expected to be completed within the study area have been obtained from the SCA Capital Planning Division and are added to the projected enrollment to ensure a more conservative prediction of future enrollment and utilization. In addition, any new school projects identified in the DOE Five-Year Capital Plan are included if construction has begun, or if deemed appropriate to include in the analysis by the lead agency and the SCA. This data together provides the analysis of the No-Action Condition

The number of students that would be generated by a proposed project are estimated by "Projected Public School Ratios" (i.e., the number of elementary, intermediate, and high school students that would be generated by each residential unit) and assessed under the With-Action Condition. The With-Action condition is assessed against the No-Action condition by calculation the change in utilization rates.

### Study Area

According to the guidelines presented in the *CEQR Technical Manual*, the study area for the analysis of public elementary and intermediate schools is the school districts' "sub-district" (also known as "regions" or "school planning zones") in which the proposed project is located. The project area is in sub-district 3 of Community School District (CSD) 7 (see **Figure 3-1**).

### Data Sources

This analysis presents the most recent New York City Department of Education (DOE) data on school capacity, enrollment and utilization rates for elementary and intermediate schools and the New York City School Construction Authority (SCA) projections of future enrollment in the respective study areas, as provided and guided by DCP and the CEQR App.<sup>1</sup> The existing conditions analysis uses data provided in the DOE's *Utilization Profiles: Enrollment/Capacity/ Utilization, 2018- 2019 Edition*. Future conditions are predicted based on SCA enrollment and capacity projections for current schools and schools under construction as provided by the CEQR App. In the No-Action condition, the future utilization rate for school facilities is calculated by adding DOE's projected enrollment for the sub-district study area and the CSD, and then comparing that number with projected school capacity. DOE's enrollment projections for years 2019-2028, the most recent data currently available, were provided by DCP through the CEQR App. These enrollment projections are based on broad demographic trends and do not explicitly account for discrete new residential projects planned for the study area. In addition, new capacity from any new school projects identified in the DOE Five Year Capital Plan are included if construction has begun or if deemed appropriate to include in the analysis by the lead agency and SCA.

In the With-Action condition, the number of school children generated by the proposed project is added to DOE's projected enrollment for the sub-district study area and the CSD in the No-Action condition. If the proposed project would include the construction of new schools or other measures that result in additional seats, such seats would be included in the future capacity estimates.

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<sup>1</sup> Consistent with CEQR methodology, the analysis focuses only on potential impacts on public schools operated by the DOE; private and parochial education facilities as well as charter schools are excluded from the analysis.

## Impact Criteria

The effect of new students introduced by the proposed project on the capacity of schools within the study areas is then evaluated. According to the *CEQR Technical Manual*, a significant adverse impact may occur if a proposed project would result in both:

- › A collective utilization rate of elementary schools or intermediate schools in the sub-district study area equal to or greater than 100 percent in the future With-Action condition; and
- › An increase of five percent or more in the collective utilization rate between the future No-Action and the future With-Action conditions.

## Early Childhood Programs

Publicly financed early childhood education services, under DOE are available for eligible children 5 and younger (until the child is eligible to attend Kindergarten for a fall start date). Early childhood programs comprise EarlyLearn NYC (Child Care and Early Head Start), 3-K, and Pre-K for All. While 3-K and Pre-K programs are free for all three and four-year-old children in New York City, there are financial and social eligibility requirements for children to enroll in EarlyLearn NYC Child Care and Early Head Start programs. For the purposes of CEQR analysis, early childhood program analysis is limited to EarlyLearn.

The existing conditions analysis presents the most recent capacity and enrollment data of existing publicly funded early childhood programs within the study area using information from DOE. The early childhood program enrollment in the future No-Action condition is estimated by multiplying the number of new affordable housing units expected in the study area by the CEQR multiplier for estimating the number of children under the age of five eligible for publicly funded early childhood services. For Queens, the multiplier estimates 0.140 eligible children per affordable housing unit (*CEQR Technical Manual* Table 6-1a)<sup>2</sup>.

For purposes of this analysis the early childhood program eligible population resulting from the number of housing units expected to be subsidized and targeted for incomes of 80 percent AMI or below are used as a proxy for eligibility. Therefore, the incremental 161 affordable units under the With-Action condition is then added to the early childhood program enrollment calculated in the future No-Action condition above. In addition, any changes in capacity due to the introduction of space available as part of the Proposed Actions for use as a early childhood program facility are accounted for.

## Study Area

According to the *CEQR Technical Manual*, the study area for the analysis of early childhood programs is typically defined as the area within 1.5 miles of the site. Although there are no locational requirements for enrollment in early childhood programs and parents/guardians can choose an early childhood program close to their employment rather than their residence, centers closest to the Project Area are more likely to be subject to increased demand. Therefore, a 1.5-mile study area around the Project Area was used for this analysis.

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<sup>2</sup> Note that the 2020 *CEQR Technical Manual* Table 6-1a multiplier pertains to children under 6 years old. This multiplier was used for a conservative analysis.

## Data Sources

Consistent with the *CEQR Technical Manual*, the data obtained for this analysis is provided by DOE's Division of Early Childhood Education. DOE did not provide data on changes planned for early childhood programs or facilities in the area of the proposed project under the No-Action scenario, therefore no capacity changes are assumed.

## Impact Criteria

According to the *CEQR Technical Manual*, a significant adverse impact may occur if a proposed development would result in both:

- › A collective utilization rate of the early childhood programs in the study area that is greater than 100 percent in the With-Action condition; and,
- › An increase of five percent or more in the collective utilization rate between the future No-Action and the future With-Action conditions.

As discussed in the **EAS Technical Screenings** and above, the analysis presented in this chapter is for informational purposes and the impact criteria do not apply other than as a benchmark.

## Detailed Assessment – Public Schools

### Existing Conditions

As shown in **Table 3-2** and **Figure 3-1**, the sub-district contains eight elementary schools with a total enrollment of 3,957 students and a surplus of 792 seats leading to a utilization rate of 83 percent.

Furthermore, the sub-district contains eight intermediate school that have an existing total enrollment of 1,903 students and a surplus of 517 seats leading to an overall utilization rate of 79 percent.

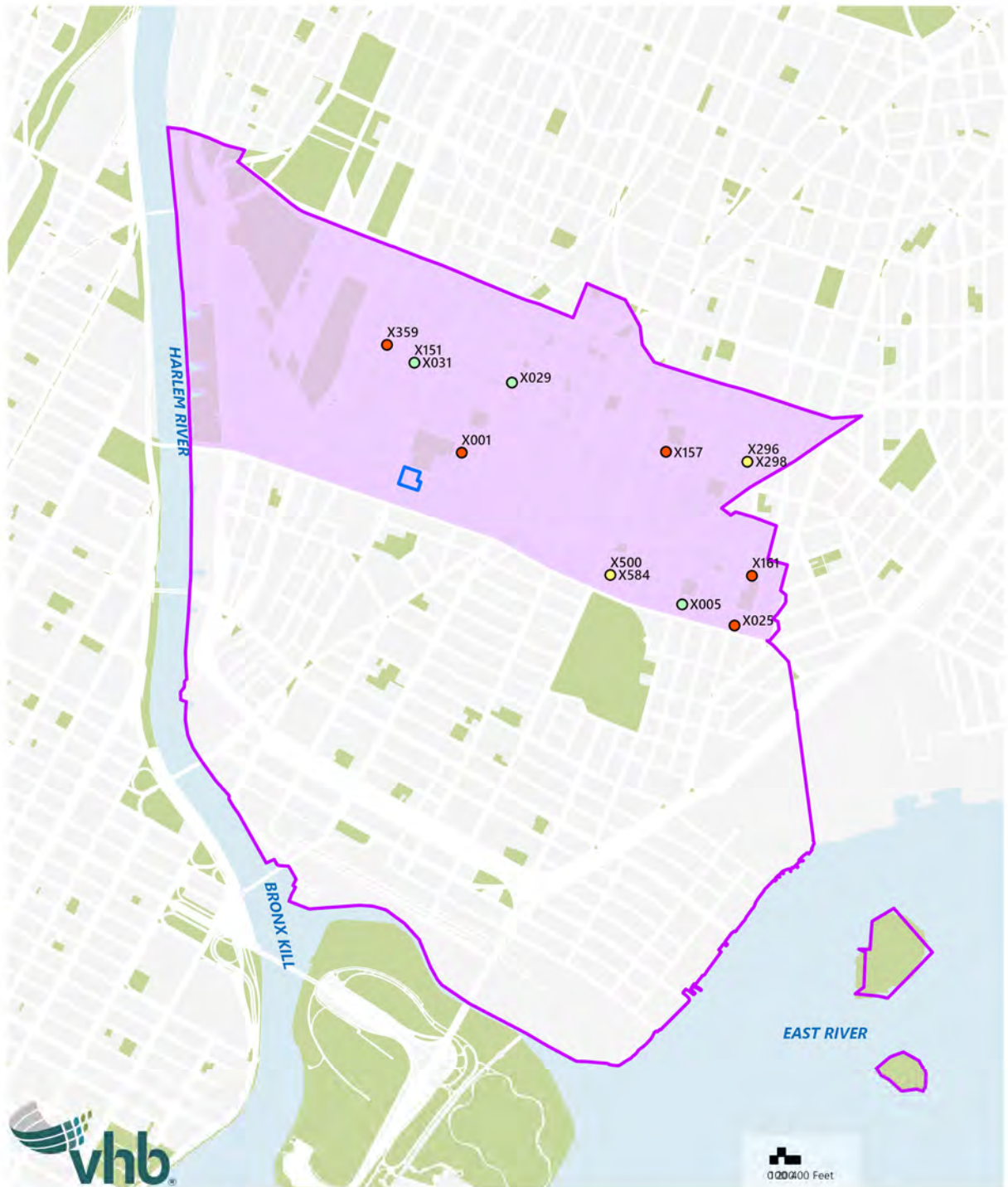
**Table 3-2 Public School Enrollment, Capacity, and Utilization for Existing Conditions, CSD 7, Sub-District 3**

Org. ID	Bldg. ID	School Name	Address	Grades	Enrollment	Target Capacity	Available Seats	Utilization
<b>Elementary Schools</b>								
X001	X001	P.S. 1	335 EAST 152 STREET		621	915	294	68%
X005	X005	P.S. 5	564 JACKSON AVENUE		430	411	-19	105%
X025	X025	P.S. 25	811 EAST 149 STREET		531	450	-81	118%
X029	X029	P.S. 29	758 COURTLANDT AVENUE		521	561	40	93%
X031	X151	P.S. 31	250 EAST 156 STREET		469	516	47	91%
X157	X157	P.S. 157	757 CAULDWELL AVENUE		593	751	158	79%
X161	X161	P.S. 161	628 TINTON AVENUE		453	667	214	68%
X359	X156	P.S. 156	750 CONCOURSE VILLAGE WEST		339	478	139	71%
<b>Study Area Total</b>					<b>3,957</b>	<b>4,749</b>	<b>792</b>	<b>83%</b>
<b>Intermediate Schools</b>								
X005	X005	P.S. 5	564 JACKSON AVENUE		300	286	-14	105%
X029	X029	P.S. 29	758 COURTLANDT AVENUE		275	297	22	93%
X031	X151	I.S. 151	250 EAST 156 STREET		248	272	24	91%
X151	X151	I.S. 151	250 EAST 156 STREET		189	300	111	63%
X296	X184	I.S. 184	778 FOREST AVENUE		216	383	167	56%
X298	X184	I.S. 184	778 FOREST AVENUE		250	350	100	71%
X500	X162	I.S. 162	600 SAINT ANN'S AVENUE		178	171	-7	104%
X584	X162	I.S. 162	600 SAINT ANN'S AVENUE		247	361	114	68%
<b>Study Area Total</b>					<b>1,903</b>	<b>2,420</b>	<b>517</b>	<b>79%</b>

Source: CEQR App, NYC DOE Enrollment, Capacity and Utilization Blue Book 2018-2019, 2019-2020

Note: Only Enrollment and capacity data for relevant grades were included for each elementary and intermediate school. Charter, citywide gifted and talented, D75 special education, and D79 alternative high school equivalency schools are not included in analysis

Figure 3-1 Public Schools District 7, Sub-district 3



- |                   |                                |             |
|-------------------|--------------------------------|-------------|
| Project Area      | Elementary School              | Hydrography |
| School District 7 | Elementary/Intermediate School | Open Space  |
| Subdistrict 3     | Intermediate School            |             |
|                   | X001 Organization Number       |             |

## No-Action Condition

### Enrollment Projections

Projected enrollment was determined for the future 2031 No-Action condition using SCA's *Enrollment Projections for the New York City Public Schools, 2019 - 2028*, which references DOE's projected New Housing Starts, as well as Panel for Educational Policy (PEP) proposals for changes in school utilization. SCA enrollment projections focus on the natural growth of the city's student population (through births and grade retention) and do not account for future residential developments planned for the sub-district study areas (No-Action projects). Therefore, future utilization rate for school facilities is calculated by adding the estimated enrollment from proposed residential developments in the school study areas to SCA's projected enrollment, and then comparing that number with projected school capacity (see **Table 3-3**).

### Projected Capacity Changes

There are three expected capacity changes within the sub-district. First, an elementary school is currently under construction at 639 St. Ann's Avenue, with an estimated future capacity of 572 students. The school is anticipated to be complete in 2021.

The second is the proposed merger of J.H.S. 151 Lou Gehrig (07X151), referred to as J.H.S. 151, with P.S./M.S. 031 The William Lloyd Garrison School (07X031), referred to as P.S./M.S. 31, beginning in the 2021-2022 school year.<sup>3</sup> J.H.S. 151 is a district intermediate school serving students in grades 6-8, and P.S./M.S. 31 is a district school serving students in grades K-8 and in 3-K and pre-Kindergarten (pre-K) programs. A merger means that two or more existing school organizations are combined into one school to operate and serve students more effectively. Proposals for merger seek to improve learning environments by combining the strengths and best practices of both schools and distributing resources to reinforce academic enrichment opportunities, interventions, and other supports. The impact to school capacity for the new combined program is not yet known.

The third also involves building X151, where J.H.S. 151 and P.S./M.S. 031 are located. In a separate proposal, DOE is concurrently proposing to open and co-locate a new elementary school site of the existing multi-sited District 75 School, P.S. X168 (75X168), to be called P168X@X151, in X151 beginning in the 2021-2022 school year.<sup>4</sup> A co-location means that two or more school organizations are located in the same building and may share common spaces, such as auditoriums, gymnasiums, libraries, and cafeterias. The estimated future capacity of the new P.S. X168 is not currently known.

### Analysis

As shown in **Table 3-3**, elementary schools in CSD 7, sub-district 3 would continue to operate within capacity with a 94.0 percent utilization rate and a surplus of 320 seats. Intermediate schools would operate within capacity with a 75.5 percent utilization rate and a surplus of 610 seats.

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<sup>3</sup> <http://www.psms31.org/sites/default/files/2021-02/JPH%20Notice%20X151.pdf>

<sup>4</sup> *ibid*

**Table 3-3 Projected Public School Enrollment, Capacity, and Utilization for No-Action Condition, CSD 7, Sub-District 3**

Projected Enrollment	Students Introduced by No-Action Residential Development	Total No Action Enrollment	Capacity	Available Seats	Utilization (%)
<b>Elementary Schools</b>					
4,056	945	5,001	5,321	320	94.0%
<b>Intermediate Schools</b>					
1,529	349	1,878	2,488	610	75.5%

Source: CEQR App, SCA Enrollment Projections for New York City Public Schools by the Statistical Forecasting (2019-2028)

### With-Action Condition

As described in **Chapter 1, Project Description**, the Proposed Actions are anticipated to result in an increment of 161 dwelling units, which would introduce approximately 37 elementary students and 14 intermediate students to the sub-district. The Proposed Actions are not anticipated to provide additional capacity for public schools.

As shown in **Table 3-4**, elementary schools in CSD 7, sub-district 3 would continue to operate within capacity in the With-Action condition. The sub-district elementary schools would operate at 94.7 percent utilization rate with a surplus of 283 seats. The collective utilization rate in the With-Action condition would increase 0.7 percent from the No-Action condition.

Intermediate schools would also continue to operate within capacity. Under the With-Action condition, the sub-district intermediate schools would operate at approximately 76.0 percent capacity with 596 available seats.

**Table 3-4 Projected Public School Enrollment, Capacity, and Utilization for With-Action Condition, CSD 7, Sub-District 3**

Projected Enrollment Without Project	Students Generated by Project	Total With-Action Enrollment	Projected Capacity	Available Seats	Utilization (%) with Project	Change in Utilization (%) from No Action
<b>Elementary Schools</b>						
5,001	37	5,038	5,321	283	94.7%	0.7%
<b>Intermediate Schools</b>						
1,878	14	1,892	2,488	596	76.0%	0.5%

Source: CEQR App, SCA Enrollment Projections for New York City Public Schools by the Statistical Forecasting (2019-2028)

The collective utilization rate for public elementary schools in the With-Action condition would be less than 100 percent. Therefore, the Proposed Actions would not result in a significant adverse impact to elementary schools. Intermediate schools would continue to operate within capacity under the With-Action condition, therefore the Proposed Actions would not result in a significant adverse impact to intermediate schools.



## Detailed Assessment – Child Care Analysis

### Existing Conditions

There are 50 publicly-funded childcare facilities within the 1.5-mile radius study area (31 in the Bronx and 19 in Manhattan). These childcare and Head Start centers have a total capacity of 3,775 seats and have 647 available slots (82.86 percent utilization). **Table 3-5** shows the current capacity and enrollment for these facilities. Family-based childcare facilities and informal care arrangement provide additional seats in the study area, but these seats are not included in the quantitative analysis.

**Table 3-5 Publicly-Funded Childcare Centers Serving the Study Area**

ID	Program Name	Program Address	Borough	Capacity	Enrollment	Available Seats	Utilization Rate (%)
1	Betances Early Childhood	528 East 146th St.	BX	45	34	11	76%
2	Children's Pride	414 Morris Ave.	BX	55	55	0	100%
3	Cmcs/Anna Lefkowitz Dcc	690 Westchester Ave.	BX	55	52	3	95%
4	East Side Sett - Mill Brook	201 St. Ann's Ave.	BX	25	25	0	100%
5	East Side Sett Mott Haven	375 East 143rd St.	BX	74	73	1	99%
6	Episcopal HS - Pauls House	500 Bergen St.	BX	25	23	2	92%
7	Harriet Tubman Sheltering Arms	565 Morris Ave.	BX	139	85	54	61%
8	South Bronx HS 1	490 E 143rd	BX	53	36	17	68%
9	Winifred Wheeler	200 Alexander Ave.	BX	55	45	10	82%
10	La Peninsula - Intervale	1054 Intervale Ave.	BX	106	105	1	99%
11	Lssny - Early Life Center 2	888 Westchester Ave.	BX	137	135	2	99%
12	Prospect Early Childhood Center	730 Kelly St.	BX	20	16	4	80%
13	Trabajamos Community HS 1	940 East 156th St.	BX	26	25	1	96%
14	1332 Fulton Ave Dcc	1332 Fulton Ave.	BX	97	77	20	79%
15	Blondell G Joyner	909 Tinton Ave	BX	54	48	6	89%
16	Five Star Day Care Center	3261 Third Ave.	BX	91	89	2	98%
17	Gwendolyn B. Bland Dcc	749 East 163rd St.	BX	90	85	5	94%
18	Iola's Jordan Dcc	421 East 161 St.	BX	154	97	57	63%
19	Louis A. Fickling Child Dev Ct	1240 Webster Ave.	BX	53	49	4	92%
20	Salvation Army Bronx Citadel	425 East 159th St.	BX	36	30	6	83%
21	Sharon Baptist - Center 1	507-509 East 165th St.	BX	119	105	14	88%
22	United Bronx Parents Dcc	1332 Fulton Ave.	BX	70	26	44	37%
23	Bronxworks Eclc	1130 Grand Concourse	BX	55	54	1	98%
24	Hac/ Doris E. Stone	1165 University Ave.	BX	55	48	7	87%
25	Hac/Marshall England	800 Concourse Village E.	BX	84	73	11	87%
26	Highbridge Advisory Cnl Nelson	1181 Nelson Ave.	BX	47	42	5	89%
27	Highbridge Advisory Council HS	880 River Ave.	BX	77	77	0	100%
28	Mid Bronx Ccrp Childhood Center 1	1125 Grand Concourse	BX	240	229	11	95%
29	Mid Bronx Ccrp Ecc 4	1022 Summit Ave.	BX	40	36	4	90%
30	Richard H. Mangum Elc	383 East 162nd St.	BX	70	65	5	93%
31	Whedco Ec Discovery Ctr	50 East 168th St.	BX	111	110	1	99%
32	Lssny - Early Life Ctr 14	510 West 14th St.	MN	150	111	39	74%
33	Drew Hamilton	2672 Eighth Ave.	MN	67	58	9	87%
34	Ecco Adam Clayton Powell Elc	25 West 132nd St.	MN	39	39	0	100%
35	Ecco Childstart Center	249 West 144th St. 1St	MN	55	33	22	60%
36	Graham Windham #2	669 Lenox Ave.	MN	84	79	5	94%
37	Lssny - Early Life Center 11	110 West 146th St.	MN	72	67	5	93%

**Table 3-5 Publicly-Funded Childcare Centers Serving the Study Area**

ID	Program Name	Program Address	Borough	Capacity	Enrollment	Available Seats	Utilization Rate (%)
38	Lssny - Early Life Center 13	218 West 147 St.	MN	113	101	12	89%
39	Morningside Day Care Center	2967 Frederick Douglass	MN	55	36	19	65%
40	Prince Hall Colon Pk Dcc	159-30 Harlem River Dr.	MN	30	18	12	60%
41	Utopia Children'S Center	236 West 129th St.	MN	40	26	14	65%
42	West Harlem 1	121 West 128 St.	MN	128	104	24	81%
43	Addie Mae Collins 1	110 E 129th St.	MN	37	34	3	92%
44	Addie Mae Collins 3	2322 Third Ave.	MN	111	91	20	82%
45	Community Life Center 1	221 East 122nd St.	MN	148	46	102	31%
46	East Harlem Block Nursery 2	2112 Madison Ave.	MN	39	31	8	79%
47	Episcopal Hs - Fifth Avenue	2289 Fifth Ave.	MN	12	10	2	83%
48	Lssny - Early Life Center 12	1951 Park Ave.	MN	61	51	10	84%
49	Union Settltmt Pequenos Souls	114-34 East 122nd St.	MN	59	47	12	80%
50	Ufbco Cdc	474 West 159th St.	MN	117	97	20	83%
<b>Child Care Total:</b>				<b>3,775</b>	<b>3,128</b>	<b>647</b>	<b>83%</b>

Source: ACS EarlyLearn Contractor Centers Capacity and Enrollment as of June 2018, obtained from the Department of City Planning

### No-Action Condition

There are currently no planned changes for childcare programs or centers in the study area. Planned or proposed No-Action development projects in the childcare study area will introduce approximately 3,039 new affordable housing units by the analysis year (see **Table 3-6**). Based on the CEQR generation rates for the projection of children eligible for publicly funded day care, No-Action developments would introduce approximately 415 children under the age of six who will be eligible for publicly-funded childcare services.

**Table 3-6 No-Action Developments with Affordable Units**

Project	Borough	Total Proposed Dwelling Units	Proposed Affordable Units <sup>1</sup>	Multiplier <sup>2</sup>	Child-Care Eligible Children <sup>3</sup>
972 Washington Avenue	Bronx	107	107		15
3500 Park Avenue	Bronx	115	115		16
448 East 143rd Street	Bronx	152	152		21
1074 Washington Avenue	Bronx	154	154		21
600 East 156th Street	Bronx	175	175		24
345 St. Ann's Avenue	Bronx	178	178		25
556 Bergen Avenue	Bronx	215	160		22
600 Bergen Avenue	Bronx	281	213	0.139	30
1164 River Avenue	Bronx	250	250		35
1325 Jerome Avenue	Bronx	255	255		35
425 Grand Concourse	Bronx	277	276		38
443 East 162nd Street	Bronx	305	288		40
2401 Third Avenue	Bronx	458	138		19
112 East Clark Place	Bronx	122	84		12
3401 Third Avenue	Bronx	148	148		21
149 East 125th Street	Manhattan	233	46	0.115	6
201 East 125th Street	Manhattan	404	300		35
<b>Total:</b>		<b>4,083</b>	<b>3,039</b>		<b>415</b>

Sources: ZAP Planning, NYC Active Major Construction via Department of Buildings, NYC Dept. Housing Preservation and Development Housing New York Map

Notes:

<sup>1</sup> Affordable units relevant to this analysis excludes senior AIRS units

<sup>2</sup> As provided in the *CEQR Technical Manual*, the multiplier for estimating the number of children for publicly funded early childhood programs is 0.139 per affordable unit in The Bronx and 0.115 in Manhattan

<sup>3</sup> All numbers rounded up

As described above, under existing conditions, publicly-funded childcare centers within the 1.5-mile study area currently operate with a surplus of 647 slots and a utilization of 83.0 percent. When the estimated 415 publicly-funded child care-eligible children are introduced by planned No-Action development projects, childcare centers in the study area would operate at 93.9 percent utilization with a surplus of 232 seats (see **Table 3-7** below).

### With-Action Condition

As stated above, the Proposed Actions would introduce 39 child care-eligible children. In the With-Action condition, childcare facilities in the study area would have adequate capacity to accommodate the additional 39 child care-eligible children and would operate capacity at 94.9 percent utilization, an increase of 1.0 percent utilization over the No-Action condition (see **Table 3-7**).

The *CEQR Technical Manual* indicates that a significant adverse impact on childcare centers would occur when: (1) the collective utilization rate of public schools or childcare centers and Head Start Centers in the study area is greater than 100 percent in the With-Action condition, and (2) the proposed project would result in an increase of five percentage points or more in the collective utilization rate of childcare and Head Start centers in the study area between the No-Action and the With-Action condition.

The future With-Action condition would not result in a collective utilization rate greater than 100 percent; and the Proposed Actions would result in an increase of only 1.0 percentage points in the collective utilization rate. As such, the Proposed Actions would not result in significant adverse impacts to childcare centers within the study area.

**Table 3-7 Estimated Publicly-Funded Child Care Center Enrollment, Capacity and Utilization**

	Enrollment	Capacity	Available Slots	Utilization Rate (%)	Change in Utilization
<b>Future No-Action Condition</b>	3,543	3,775	232	93.9	11.0%
<b>Future With-Action Condition</b>	3,583	3,775	192	94.9	1.0%

## Conclusion

As discussed above, the Proposed Actions would result in an increase of 161 total residential units over the No-Action condition. This increment would not exceed CEQR thresholds for analysis of libraries, police/fire services, and health care facilities. As such, further analysis of these areas was not warranted and no significant adverse impacts would result.

Because the Proposed Actions would introduce 282 affordable units (for both Projected Development Sites 1 and 2), assuming all 276 units on Projected Development 1 would be affordable (as intended by the Applicant), assumed to be affordable to households earning below 80 percent AMI, a detailed analysis of childcare services was undertaken. The Proposed Actions would also generate more than 50 elementary and intermediate school aged children, which warrants a elementary schools analysis.

According to the *CEQR Technical Manual*, a significant adverse impact to elementary schools may occur if a proposed project would result in both a collective utilization rate of elementary schools or intermediate schools in the sub-district study area equal to or greater than 100 percent in the future With-Action condition; and an increase of five percent or more in the collective utilization rate between the future No-Action and the future With-Action conditions.

In the With-Action condition, elementary schools in CSD 7, sub-district 3 would operate with a surplus of 283 seats at a 94.7 percent utilization rate, a 0.7 percent increase over the No-Action condition. Intermediate schools would operate with a surplus of 596 seats and a collective utilization rate of 76.0 percent, a 0.5 percent increase over the No-Action condition. Therefore, the Proposed Actions would not result in significant adverse impacts to elementary schools and no further analysis is required.

The *CEQR Technical Manual* indicates that a significant adverse impact on child care centers would occur when: (1) the collective utilization rate of child care centers and Head Start Centers in the Study Area is greater than 100 percent in the With-Action condition, and (2)

the proposed project would result in an increase of five percentage points or more in the collective utilization rate of childcare and Head Start centers in the Study Area between the No-Action and the With-Action condition.

In the With-Action condition, childcare facilities in the Study Area would operate with a surplus of 192 seats and would operate under capacity at 94.9 percent utilization, an increase of 1.0 percent utilization over the No-Action condition. Since the future With-Action condition collective utilization rate would not exceed 100 percent and would result in an increase of less than five percentage points, the Proposed Actions would not result in significant adverse impacts to childcare facilities and no further analysis is required.

# 4

## Open Space

This section assesses the potential impacts of the Proposed Actions on open space. The *2020 City Environmental Quality Review (CEQR) Technical Manual* defines open space as publicly or privately owned land that is publicly accessible and available for leisure, play, or sport, or is set aside for the protection and/or enhancement of the natural environment.

### Introduction

The Proposed Actions would introduce new residents to the Project Area, creating new demands for open space in the area. Therefore, this section examines the potential direct and indirect impacts from the Proposed Actions on open space resources.

### Methodology

#### Direct Effects Analysis

Consistent with the *CEQR Technical Manual*, a direct effects analysis should be performed if a proposed project would directly affect open space conditions by causing the loss of public open space; changing the use of an open space so that it no longer serves the same user population; limiting public access to an open space; or increasing noise or air pollutant emissions, odor, or shadows that would temporarily or permanently affect the usefulness of

a public open space. A proposed project can also directly affect an open space by enhancing its design or increasing its accessibility to the public.

The Proposed Actions would not result in the physical loss or direct displacement of publicly accessible open space or increase access to open space, and no direct effects analysis is warranted.

## Indirect Analysis

An indirect effects analysis is performed where a project could add sufficient population, either residents or non-residents, such that capacity of the open space to serve the population would be noticeably diminished. The threshold for such an analysis is whether the project would introduce more than 200 residents or 500 workers to the area.<sup>1</sup>

Compared to the future No-Action condition, the Proposed Actions would add more than 200 residents, but fewer than 500 workers to the area. Therefore, following *CEQR Technical Manual* guidance, an indirect effects open space analysis was conducted for residential populations, consistent with the following methodology.

## Study Area

As described in the *CEQR Technical Manual*, an open space study area is defined by the reasonable walking distance users would travel to reach open spaces and recreational areas—typically a half-mile for residential populations. All census tracts that have at least 50 percent of their area within the half-mile radius are included in the residential study area in their entirety, and all census tracts with less than 50 percent within the radii are excluded altogether. Though less than 50 percent of Census Tract 63's area falls in the half-mile radius, Tract 63 comprises approximately 20 percent of the half-mile radius. Therefore, Census Tract 63 was assessed based on Block Groups, which are a smaller geographic unit. The same criteria for inclusion in the Residential Open Space Study Area (at least 50 percent of their area within the half-mile radius) was then applied to those Block Groups. As a result, not all of Census Tract 63 is included in the Study Area, only the population and open space resources contained in Block Groups 2, 5 and 6, which have more than 50 percent of their area within the half-mile radius.

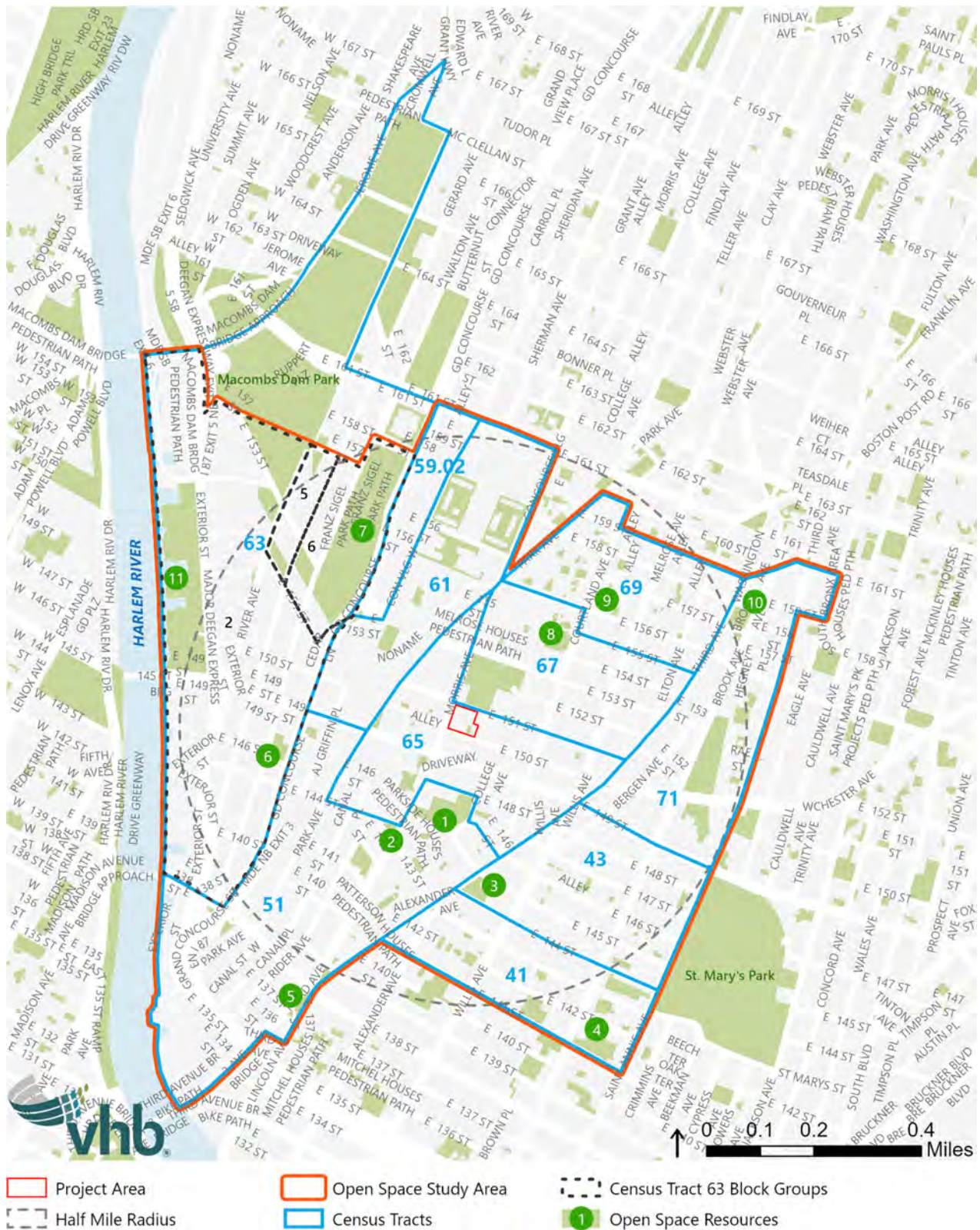
Based on this methodology, the residential open space study area comprises 9 full Bronx County Census Tracts: 41, 43, 51, 59.02, 61, 65, 67, 69, and 71 and Block Groups 2, 5 and 6 in Census Tract 63 (see **Figure 4-1**).

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<sup>1</sup> This is for areas identified as neither well-served nor under-served by existing open space resources. See page 7-4 of the *CEQR Technical Manual*.



Figure 4-1 Residential Open Space Study Area



## Open Space User Populations

### *Existing Conditions*

To identify residential user populations within the study area, data from the 2013-2017 American Community Survey (ACS) were used to determine the number of residents located within the half-mile study area. Refer to **Table 4-1**.

### *The Future No-Action Condition*

Within the half-mile study area, four developments (“No-Action” projects) are anticipated to be constructed by 2024, the build year (see **Table 4-1**) For the Proposed Actions. To estimate the population in the No-Action condition, the average household size for the census tract (2.83 people per household) was applied to the number of new housing units projected from the No-Action projects and added to the existing study area population<sup>2</sup> (refer to **Table 4-1**).

**Table 4-1 No-Action Projects in the Residential Study Area**

No-Action Projects	Number of Dwelling Units
272 East 151st Street (Projected Development Site 1)	140
180 East 156th Street	114
707 Concourse Village West	94
702 Grand Concourse	57
<b>Total</b>	<b>405</b>

### *The Future With-Action Condition*

As discussed in **Section 1, Project Description**, the increment of additional residential units between the No-Action and With-Action conditions in the Project Area (for Projected Development Sites 1 and 2) is a total of 161 units. The incremental residential population introduced in the With-Action condition was estimated by multiplying the number of units (161 units) by the average household size for Census Tract 65 (2.83 people per household). The incremental residential population introduced by Projected Development Sites 1 and 2 was added to the No-Action study area population to calculate the total residential population in the future with the Proposed Actions. Refer to **Table 4-6**.

## Inventory of Open Space Resources

The *CEQR Technical Manual* defines public open space as open space that is publicly or privately owned and is accessible to the public on a regular basis, either constantly or for designated daily periods of time. Open spaces that are only available for limited users or are not available to the public on a regular or constant basis are not considered public open space but may be considered in a qualitative assessment of open space impacts.

<sup>2</sup> Source: NYC DCP Population Fact Finder

### ***Existing Conditions***

Publicly accessible open space resources in the study area were inventoried through the latest available data obtained from the NYC Department of Parks and Recreation (DPR) and the NYC Planimetric Database, developed by the New York Department of Information Technology and Telecommunications (NYC DoITT). Open space is characterized as passive, active, or a mixture of active and passive. Active open space is used for exercise, sports, or active children's play. Examples include playgrounds, athletic fields or courts, pools, and greenways. Passive open spaces allow for activities such as strolling, reading, sunbathing, and people watching. Examples include plazas, walking paths, gardens, and certain lawns with restricted uses. Esplanades are an example of open space that may be used for active uses, such as running and biking, or passive uses, such as dog walking.

Playgrounds that are jointly owned by the DPR and the NYC Department of Education (DOE) are included in the inventory of open spaces. While public use of these playgrounds is prohibited during school hours, they are still included in the quantitative analysis as they serve the public in the after-school hours.

The inventory does not include the area's community gardens as these gardens are restricted with limited hours of accessibility.

### ***No-Action Condition***

There are no NYC Parks or private projects planned that will add new open space to the study area by the 2024 analysis year.

### ***With-Action Condition***

The Proposed Actions would not provide publicly-accessible open spaces on the Project Area. However, it should be noted that the Proposed Project would provide private open space at grade between the two buildings in the middle of Projected Development Site 1. This private open space would be available to building residents.

## **Adequacy of Open Space Resources**

### ***Comparison to City Guidelines***

The adequacy of open space in the study area is based on ratios of usable open space acreage to the study area populations (the "open space ratios"). The *CEQR Technical Manual* outlines the following guidelines for residential assessments:

- › The City attempts to achieve a ratio of 2.50 acres per 1,000 residents for large-scale proposals. Ideally, this would consist of 0.50 acres of passive space and 2.00 acres of active open space per 1,000 residents. However, these goals are often not feasible for many areas of the city and they do not constitute an impact threshold. Rather, it is a benchmark that represents how well an area is served by its open space.
- › A ratio that meets the Citywide Community District median ratio of 1.50 acres of open space per 1,000 residents is also recommended.

**Impact Assessment**

The determination of significant adverse impacts is based on how a project would change the open space ratios in the study area, as well as qualitative factors not reflected in the quantitative assessment. According to the *CEQR Technical Manual*, if a proposed project would reduce an open space ratio and consequently result in overburdening existing facilities, or if it would substantially exacerbate an existing deficiency in open space, it may result in a significant impact on open space resources. In general, if (1) a study area’s open space ratios fall below City guidelines, and (2) a proposed project would result in a decrease in the open space ratio of more than five percent, it could be considered a substantial change requiring additional analysis. However, in areas that have been determined to be extremely lacking in open space, a reduction as small as one percent may be considered significant warranting further analysis.

## Preliminary Assessment

### Existing Conditions

#### Study Area Population

The existing estimated residential population in the study area is shown in **Table 4-2**.

**Table 4-2 Existing Population in the Residential Study Area**

Census Tract	Residential Population
41	5,946
43	6,190
51	5,721
59.02	2,757
61	3,869
63 (Block Groups 2, 5, 6)	2,918
65	5,471
67	7,314
69	8,351
71	2,702
<b>Total</b>	<b>51,239</b>

Source: 2013-2017 ACS 5-year estimates.

## Study Area Open Space Resources

The study area includes a variety of parks and playgrounds that are accessible for use by the public, as outlined in **Table 4-3**. As depicted in **Figure 4-1** and described in **Table 4-3**, there are 11 publicly accessible open spaces within the half-mile study area, totaling approximately 24.45 acres of active open space.

Open spaces within the study area include playgrounds, neighborhood parks, and community gardens. As noted in **Section 2, Land Use, Zoning and Public Policy**, the outdoor sport facilities to the north of the Project Area are associated with Alfred E. Smith High School and P.S. 1x, The Courtlandt School, which are owned by the Department of Education, and are not open the public.

As noted above, community gardens were not included in the open space inventory or the quantitative analysis as use of these gardens is often restricted to certain days, typically weekends, and certain times of the day.

**Table 4-3 Existing Study Area Open Spaces**

Map No.	Name	Owner/ Agency	Features and Amenities	Total Acres	Active (Acres)	Passive (Acres)
1	Patterson Playground	NYC Parks	Running track, basketball courts, handball courts, football fields, playgrounds	2.37	2.37	0
2	Ryan Triangle	NYC Parks	Benches, trees, plantings	0.22	0	0.22
3	Clark Playground	NYC Parks	Basketball courts, handball courts, playgrounds, bathrooms, spray showers	0.72	0.72	0
4	People’s Park	NYC Parks	Handball courts, playgrounds, eateries, spray showers, bathrooms	1.39	1.39	0
5	Graham Triangle	NYC Parks	Benches, trees, plantings	0.13	0	0.13
6	Garrison Playground	NYC Parks	Handball courts, playgrounds	0.70	0.70	0
7	Franz Sigel Park	NYC Parks	Basketball courts, baseball fields, playgrounds, dog-friendly areas, bathrooms	15.99	11.93	4.06
8	Melrose Playground	NYC Parks	Handball courts, playgrounds, spray showers	1.00	1.00	0
9	P.S. 29 Ballfield	NYC Parks	Baseball field, basketball courts, handball courts	1.11	1.11	0
10	Flynn Playground	NYC Parks	Basketball courts, handball courts, playgrounds, spray showers, bathrooms	0.82	0.82	0
11	Mill Pond Park	NYC Parks	Barbecuing areas, track, bathrooms, tennis courts	11.57	9.26	2.31
<b>Residential Study Area Total</b>				<b>36.02</b>	<b>29.30</b>	<b>6.72</b>
<b>Percent of Study Area Open Space</b>				<b>100%</b>	<b>81.33%</b>	<b>18.67%</b>

Source: NYC Department of Parks and Recreation

## Adequacy of Open Spaces

**Table 4-4** shows the adequacy of open space resources for the residential study area. The area has an overall open space ratio of approximately 0.703 acres per 1,000 residents, which is less than the City’s guideline of 2.50 acres of open space per 1,000 residents and the citywide average of 1.50 acres per 1,000 residents. The study area’s current residential passive open space ratio is 0.131 acres per 1,000 residents, which is below the City’s goal of 0.50 acres per 1,000 residents. The area’s residential active open space ratio is 0.572 acres per 1,000 residents, which is below the City’s guideline of 2.00 acres per 1,000 residents. Despite the low open space ratio in the area, the site is not located in an area identified as underserved as indicated by a map showing Underserved Areas in Bronx Community District 1 (see page 7-4 of the *CEQR Technical Manual*).

**Table 4-4 Existing Conditions – Adequacy of Open Space Resources in Residential Half-Mile Study Area**

Population	Open Space Acreage		Ratios*	DCP Guidelines
51,329	Active	29.30	0.572	2.00
	Passive	6.72	0.131	0.50
	<b>Total</b>	<b>36.02</b>	<b>0.703</b>	<b>2.50</b>

\*Acres per 1,000 people

## No-Action Condition

As described in the **Methodology** section, the No-Action condition accounts for population growth and changes expected to the inventory of open space resources. New development in the residential study area would result in 405 residential units across four developments, increasing the residential population by 1,146 residents, for a total residential population of 52,385 in 2024, the projected build-year.<sup>3</sup>

## Study Area Open Spaces

In the No-Action condition, no new publicly accessible open spaces are planned for the Development Site or within the study area.

## Adequacy of Open Spaces

In the No-Action condition, the open space ratios in the residential study area would decrease slightly (see **Table 4-5**) The total open space ratio would decrease from 0.703 acres per 1,000 residents to 0.688 acres and would remain below the guideline. The active open space ratio would also decrease slightly from 0.572 to 0.559 acres per 1,000 residents and the passive open space ratio would decrease from 0.131 to 0.128 acres per 1,000 residents. As with existing conditions, active open space ratios would remain below the DCP guideline of 2.00 acres, and passive open space ratios would remain below the guideline of 0.50 acres.

<sup>3</sup> No-Action construction calculated using ZAP Planning and the NYC Active Major Construction Map for New Building permits.

**Table 4-5 No-Action Condition – Adequacy of Open Space Resources in Residential Half-Mile Study Area**

<b>Population</b>	<b>Open Space Acreage</b>		<b>Ratios*</b>	<b>DCP Guidelines</b>
<b>52,385</b>	Active	29.30	0.559	2.00
	Passive	6.72	0.128	0.50
	<b>Total</b>	<b>36.02</b>	<b>0.688</b>	<b>2.50</b>

\*Acres per 1,000 people

## With-Action Condition

### Study Area Population

In the With-Action condition, the increment of additional residential units between the No-Action and With-Action conditions in the Project Area (for Projected Development Sites 1 and 2) is a total of 161 units, which is estimated to introduce approximately 456 residents and result in a total residential population of 52,841 in the half-mile study area.

### Adequacy of Open Spaces

#### *Quantitative Analysis*

Under the With-Action condition, the open space ratio for the residential population would decrease only slightly from the No-Action condition open space ratio (see **Table 4-6**). The total open space ratio would be reduced from 0.688 acres per 1,000 residents in the No-Action condition to 0.682 acres per 1,000 residents in the With-Action condition. This is a 0.86 percent decrease in overall open space ratio. The active and passive open space ratios would also be reduced slightly: from 0.559 acres and 0.128 acres per 1,000 residents to 0.554 and 0.1278 acres per 1,000 residents, respectively.

**Table 4-6 With-Action Condition – Adequacy of Open Space Resources in Residential Half-Mile Study Area**

<b>Population</b>	<b>Open Space Acreage</b>		<b>Ratios*</b>	<b>DCP Guidelines</b>
<b>52,841</b>	Active	29.30	0.554	2.00
	Passive	6.72	0.127	0.50
	<b>Total</b>	<b>36.02</b>	<b>0.682</b>	<b>2.50</b>

\*Acres per 1,000 people

As described previously, a proposed project could result in a significant adverse open space impact if it would reduce the open space ratio by more than five percent in areas that are currently below the City’s median community district open space ratio of 1.50 acres per 1,000 residents.

The Proposed Actions would not result in a decrease of the open space ratio of more than five percent, and therefore, no significant adverse impact would result.

### Qualitative Analysis

There are several parks in the vicinity of the Project Area that are not included in the quantitative analysis due to their location outside of the study area, however, residents of the Proposed Project would be expected to visit. The largest of these parks is St. Mary’s Park, located just outside the eastern boundary of the study area along St. Ann’s Avenue. St. Mary’s Park is a 35.31-acre destination park, with amenities not found in other parks in the Melrose-Mott Haven neighborhood such as a recreation center with a media lab and indoor pool as well as a playground, running track, fields and courts.

Another park located just outside of the study area that future residents of the Proposed Project would be expected to visit is Macombs Dam Park, a 44.17 acre park northwest of the Development Site adjacent to Yankee Stadium. Macombs Dam Park contains several high-quality baseball fields, a running track and courts among other amenities.

## Conclusion

### Quantitative Assessment

Under the With-Action condition, the total open space ratio for the residential population would decrease by 0.86 percent compared to the No-Action condition open space ratio: 0.688 to 0.682 acres per 1,000 residents, and the study area would continue to have open space ratios below the guideline of 2.50 acres per 1,000 residents and below the citywide median of 1.50 acres per 1,000 residents. The active and passive open space ratios would also decrease slightly (see **Table 4-7**).

**Table 4-7 Change in Open Space Ratios**

	No-Action	With-Action	Percent Change
Active	0.559	0.554	0.86
Passive	0.128	0.127	0.86
<b>Total</b>	<b>0.688</b>	<b>0.682</b>	<b>0.86</b>

### Qualitative Assessment

Although not included in the quantitative analysis due to their location outside of the study area, there are several parks that are qualitatively considered in terms of open space resources in the Melrose – Mott Haven neighborhood. There are approximately 80-acres of open space between St. Mary’s Park and Macombs Dam Park, which contain amenities such as a recreation center, ball fields, courts and an indoor pool, which can be reasonably expected to be utilized by neighborhood residents.

In conclusion, because the Proposed Actions would not result in a greater than five percent decrease in the open space ratio, no significant adverse impact to open space resources would result.





# 5

## Shadows

A shadow is defined in the *2020 CEQR Technical Manual* as the condition that results when a building or other built structure blocks the sunlight that would otherwise directly reach a certain area, space, or feature. The purpose of this section is to assess whether new structures may cast shadows on sunlight sensitive publicly accessible resources or other resources of concern such as natural resources, and to assess the significance of their impact.

### Introduction

According to the *CEQR Technical Manual*, a shadows assessment is warranted for proposed actions that would result in new structures greater than 50 feet in height or located adjacent to, or across the street from, a sunlight-sensitive resource. Such resources include publicly accessible open spaces, important sunlight-sensitive natural features, or historic resources with sun-sensitive features. A significant adverse shadow impact occurs when the incremental shadow added by a proposed project 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.

As described in **Section 1, Project Description**, on Projected Development Site 1, the No-Action condition consists of a four story, 45-foot-tall residential building and a five story, 55-foot-tall, residential building, as permitted by the current zoning. On Projected Development

Site 1, the Proposed Actions would facilitate the construction of two approximately 95-foot-tall residential buildings in the With-Action condition

Under the No-Action condition, Projected Development Site 2 would remain in its existing condition. On Projected Development Site 2, the Proposed Actions would facilitate the development of an eight-story, 85-foot-tall, mixed-use building.

The Proposed Actions would result in a 50-foot incremental increase in building height over the No-Action condition therefore, further analysis is warranted.

## Methodology

In accordance with the *CEQR Technical Manual*, a preliminary screening assessment is conducted to ascertain whether shadows resulting from a project could reach any sunlight-sensitive resource at any time of year. This preliminary screening assessment consists of two tiers of analysis:

- › Tier 1 Screening: The first tier determines a simple radius around the proposed building representing the longest shadow that could be cast. If there are sunlight-sensitive resources within the radius, the analysis proceeds to the second tier;
- › Tier 2 Screening: The second-tier analysis reduces the area that could be affected by project-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. According to the *CEQR Technical Manual*, shadows can only be cast within New York City within 108 degrees from True North;

For the Proposed Actions, a preliminary assessment including analysis at Tiers 1 and 2 was undertaken.

## Assessment

### Tier 1 and Tier 2

The Proposed Actions would result in two mixed-use residential development projects, one approximately 95 feet in height (Projected Development Site 1), and one mixed-use building, approximately 85 feet in height (Projected Development Site 2), which could cast a maximum shadow of approximately 404.2 feet. **Table 5-1** and **Figure 5-1** show the potential sunlight-sensitive resources identified in the Tier 1 and Tier 2 Screening Assessment. Across the street from the Project Area on the north side of East 151st Street are two public schools and associated playgrounds and athletic fields. Alfred E. Smith High School has a large area of outdoor sport facilities associated with the high school including a football field, track, tennis and basketball courts. The high school outdoor sport facilities (owned by the Department of Education) are not open to the public and therefore not considered a public open space resource for purposes of the shadows analysis. Just north of the high school is an elementary school - PS1x, The Courtlandt School – which has playground equipment, tennis courts and basketball courts. The PS1x outdoor sport facilities (owned by the Department of Education) are not open to the public and therefore not considered a public open space resource for purposes of the shadows analysis. Additionally, the hours during

which these playgrounds and athletic fields are in use by students of the two public schools are inherently limited to school days and primarily to hours that school is in session.

**Table 5-1 Potential Sunlight-Sensitive Resources**

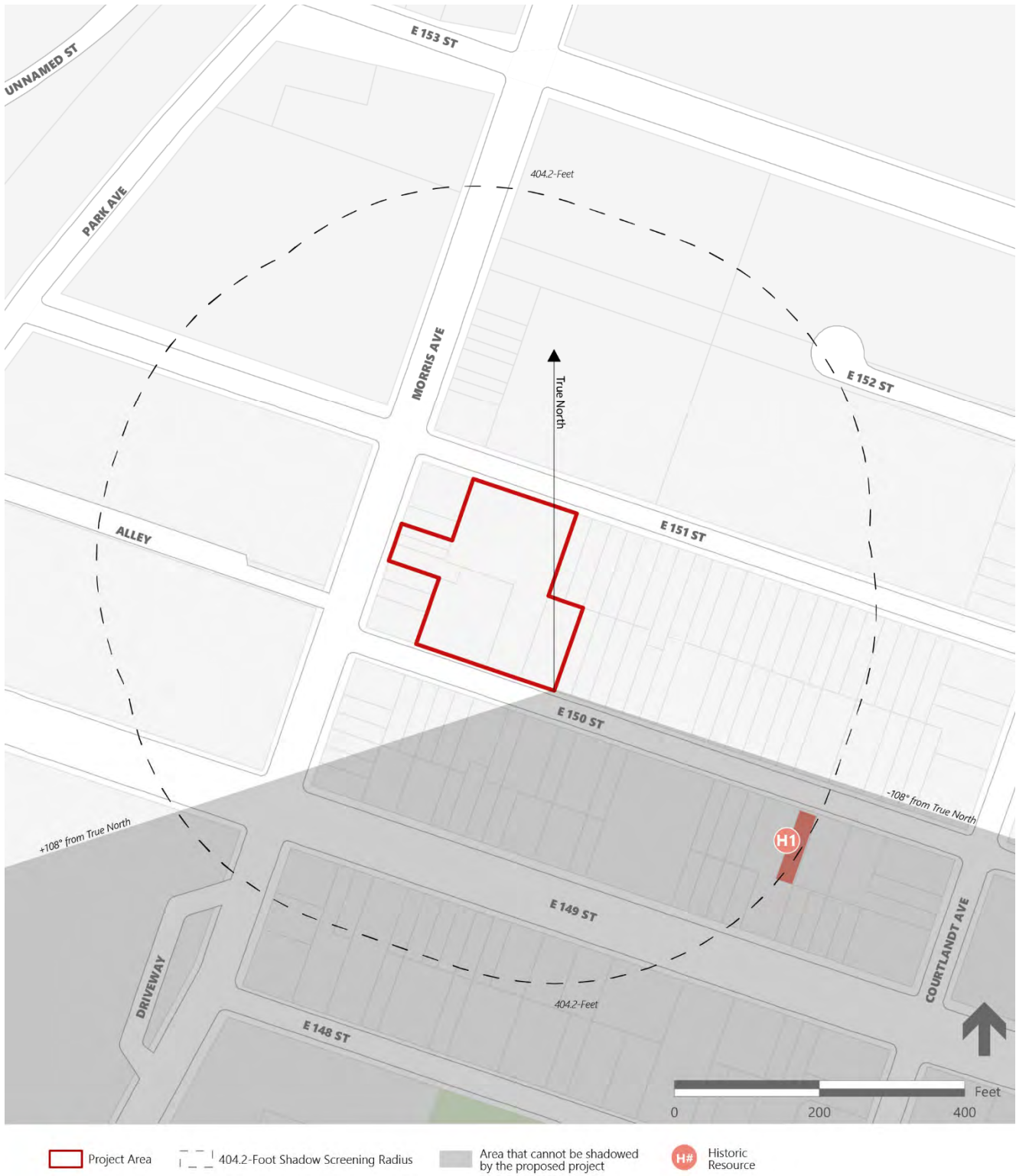
<b>Map ID</b>	<b>Resource Name</b>	<b>Historic Resource Summary</b>	<b>Sunlight-Sensitive Elements</b>	<b>Tier 1-2 Screening Results</b>
H1	Firehouse- Engine Co. 41	Three-story firehouse on East 150th Street, designed in the Renaissance Revival style	None	Screened at Tier 2

As shown in **Figure 5-1** and **Table 5-1**, there is one historic resource within the shadow study area. No public-accessible open space resources or natural resources were identified within the study area.

The one historic resource, Engine Company 41 (H1), is located to the southeast of the Project Area in the area that cannot be shaded by the Proposed Project (refer to **Figure 5-1**). Therefore, no further analysis is warranted for this resource. As no sunlight sensitive resources are located within the maximum shadow radius, no additional shadows analysis is warranted.

Overall, the Proposed Actions would not result in significant adverse shadows impacts on any sunlight-sensitive resources.

Figure 5-1 Tier 1 and Tier 2 Screening



## Conclusion

As described above, a shadows assessment is warranted for proposed actions that would result in new structures greater than 50 feet in height or located adjacent to, or across the street from, a sunlight-sensitive resource.

The Proposed Actions would result in the development of two new nine-story residential buildings on Projected Development Site 1 and would also result in an eight-story, 85-foot-tall development on Projected Development Site 2. As these developments are located in close proximity to a historic resource, a preliminary shadows assessment (Tier 1 to Tier 2) was undertaken. The preliminary assessment screened the need for a Tier 3 shadows analysis for Firehouse Engine Company 41, as this resource is located in the area that cannot be shaded by the Proposed Actions. Overall, the Proposed Actions would not result in significant adverse shadow impacts on the resources in the shadows study area.



# 6

## Urban Design and Visual Resources

An urban design assessment under CEQR 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 proposed project that may have the potential to alter the arrangement, appearance, and functionality of the built environment.

### Introduction

This section considers the potential for the Proposed Project to result in significant adverse impacts to urban design and visual resources. As defined in the *2020 City Environmental Quality Review (CEQR) Technical Manual*, urban design is the totality of components that may affect a pedestrian's experience of public space. A visual resource is the connection from the public realm to significant natural or built features, including views of the waterfront, public parks, landmark structures or districts, otherwise distinct buildings or groups of buildings, or natural resources.

Based on the *CEQR Technical Manual*, a preliminary assessment of urban design and visual resources 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. As described in Section 1, Project Description, the Applicant is proposing to construct a residential building of approximately 267,324 gross square feet (gsf), totaling up to 264 units. The Proposed Action would permit a built floor area beyond what would be permitted in the future No-

Action condition. Therefore, a preliminary urban design and visual resources screening assessment was conducted.

## Methodology

In accordance with the *CEQR Technical Manual* guidelines, the following preliminary urban design and visual resources assessment considers a 400-foot radius study area where the Proposed Actions would be most likely to influence the built environment. As stipulated in the *CEQR Technical Manual*, because the purpose of the preliminary assessment is to determine whether any physical changes facilitated by the Proposed Action would significantly impact elements of urban design and visual resources, the following information, if known, is included in a preliminary assessment:

- › a concise narrative of the existing study area, and conditions under the future No-Action and With-Action conditions;
- › an aerial photograph of the study area and ground-level photographs of the project site with immediate context;
- › zoning and floor area calculations of the existing and future No-Action and With-Action conditions;
- › building massing and building heights; and
- › a three-dimensional representation of the future With-Action and No-Action condition streetscape.

If the preliminary assessment determines that a change to the pedestrian experience is minimal and unlikely to disturb the vitality, walkability or visual character of the study area, then no further assessment is necessary. However, if it shows that changes to the pedestrian environment and/or visual resources are significant enough to require greater explanation and further study, then a detailed analysis may be appropriate.

Within the 400-foot radius of the Project Area, there are no points of public waterfront access or natural resources. Governor Smith Playground is associated with the high school to the north of the site. The playground is open to the public, but the athletic fields are not. Therefore, it does not warrant a visual resources analysis. There is also a NYC historic landmark, Firehouse, Engine Company 41, located on the edge of the 400-foot study area, but it is not considered a visual resource. Therefore, a preliminary assessment of visual resources is not warranted.

The following preliminary urban design assessment follows these guidelines and provides a characterization of existing conditions, a description of urban design under the future No-Action and With-Action conditions, and an analysis determining the extent to which physical changes resulting from the Proposed Action would alter the pedestrian experience.

## Study Area

The urban design and visual resources study area is typically defined as the area within 400 feet of the Project Area which, for this project, is generally bounded by midblock lots between Courtland Avenue and Morris Avenue to the east, midblock between Park and

Morris Avenues to the west, 130 feet south of East 153rd Street to the north, and just past East 149th Street to the south (See **Figure 6-1**). This is the area in which the Proposed Actions would be most likely to have effects in terms of urban design and visual resources.

## Preliminary Assessment

### Existing Conditions

#### Project Area

The Project Area is located in the Melrose neighborhood of the Bronx and is comprised of Lots 1, 3, 4, 5, 6, 7, 8, 9, 14, 72, and 77 of Bronx tax block 2410. The Project Area is located on the western edge of a standard city block and is bounded by East 151st Street to the north, Lots 18,19 and 71 of the same block to the east, East 150th Street to the south, and Morris Avenue to the west.

Projected Development Site 1, owned and controlled by the Applicant, consists of Lots 14, 77, and 72. The northern portion of Projected Development Site 1 on Lot 14 has recently undergone demolition and site clearing activities and is vacant. The remainder of Projected Development Site 1 is vacant. Projected Development Site 1 has approximately 150 feet of frontage on East 151st street and 175 feet of frontage on East 150th Street.

In addition to Development Site 1, the Project Area also includes Projected Development Site 2, that consists of Lots 5, 6, and 7 and is not owned or controlled by the Applicant. These three lots front Morris Avenue and are each improved with a 3-story one- to two-family building with ground floor retail. A 4,358 gsf building containing one residential unit and a ground floor laundromat is located on Lot 5. A 2,349 gsf building containing two residential units and a ground floor deli is located on Lot 6. A 2,349 gsf building with two residential units and a ground floor pharmacy is located on Lot 7.

The Project Area, in addition to Development Sites 1 and 2, contains five other lots that front Morris Avenue. Lot 1 is improved with a 4-story building while other lots are improved with 3-story buildings. All lots appear to be built at FARs below the permitted floor area under the current R6/C1-4 regulations and contain mixed-use developments with residential upper floors and ground floor community facility uses or retail, including: a medical office, a dental office, a hair and nail supply, two delis, a pharmacy, three restaurants, and laundromat. The entirety of the Project Area is located within an R7 District, with the Lots that front Morris Avenue also contained within a C1-4 Commercial Overlay zone.

#### Study Area

As described above, the study area is generally bounded by midblock lots between Courtland Avenue and Morris Avenue to the east, midblock between Park and Morris Avenues to the west, 130 feet south of East 153rd Street to the north, and just past East 149th Street to the south. Study area photographs can be found in **Photo 6-1** through **Photo 6-15** below, and their locations can be found in **Figure 6-1**.



Figure 6-1 Urban Design Photo Location Map



  Projected Development Site 1     Project Area     # Photo Location    *All Photos Captured 10/14/19*  
 Projected Development Site 2     400 Foot Radius

### **Urban Design**

The study area lies on a hill that slopes up slightly from west to east and south to north. As shown in **Figure 6-1**, the study area is divided by a grid with longer blocks on the east side of the study area. The two commercial corridors in the study area are Morris Avenue and East 149th Street. Morris Avenue runs north to south and East 149th street runs east to west. The MTA Metro North tracks lie outside the study area to the west. There are no natural features in the study area, but athletic fields associated with Alfred E Smith and Bronx Haven High Schools are just north of the Project Area.

The study area is urban in character, with streets flanked by concrete sidewalks with some street tree coverage. East 149th Street is widest street in the study area and has higher volumes of vehicular traffic with four lanes of bi-directional traffic, parking on either side, and a painted median with turning lanes (**Photo 6-1**). The Bx2 and Bx19 buses both have stops on this street and the MTA Subway Station for the 2 and 5 trains and a stop for the SBS Bx41 lie just outside the study area at the intersection of East 149th Street and 3rd Avenue. Morris Avenue, another two-way street, also has bus stops for the Bx32. There are no bike lanes in the study area. The remaining streets in the area are one-way streets. Street furniture found within the study area includes signage, lampposts, and street trees. The study area's buildings are a diverse assortment of shapes and forms, ranging from one-story shops, to single family homes mixed in with walk-up multifamily buildings, to taller apartment complexes and large institutional buildings.

All buildings in the study area are under seven stories tall with the exception of 2596 Park Avenue that intersects the northwestern corner of the study area and has 15 stories. Just outside the study area Lincoln Hospital has a building with 14 stories and the Michelangelo Apartments have a tower with 25 stories.

The block to the north of the Project Area in the northern portion of the study area is mostly dedicated to facilities for PS1 The Courtland School, Alfred E Smith High School and Bronx Haven High School (**Photo 6-2** and **Photo 6-3**). The two high schools are housed in a lot on the southern side of the block with four story buildings built in 1931. The eastern side of the block is bisected by a driveway that used to be East 152nd Street. To the north of the driveway, PS1 is housed in a newer two-story building built in 1960 and renovated in 2004. The western side of the block contains a turf field and track, courts, and a playground for PS1.

The center of the study area contains mostly one and two family and walk-up residential buildings built in the early 20th Century (**Photo 6-4** and **Photo 6-5**). These buildings are faced with a mix of brick, wood paneling and stucco. The street wall is occasionally broken by a parking use, a vacant lot, or a single-family building set back from the lot line (**Photo 6-6**). There are also a couple of one-story warehouses in the area, and a large four-story Department of Transportation parking facility that appears inactive that interrupt the predominantly residential character of the area (**Photo 6-7**). Community facilities in the area include small churches that are relatively unornamented and the Landmarked Firehouse, Engine 41, containing City Beautiful movement-inspired architecture with a limestone and brick façade, round arches, prominent moldings, and an eagle statue (**Photo 6-8** and **Photo 6-9**). Along the east side of Morris Avenue, the buildings are all between 3 and four stories with ground floor local retail and residential on the upper floors (**Photo 6-10**). On the

western side of Morris Avenue are the larger residential uses in the study area—2596 Park Avenue, Maria Lopez Plaza, Christopher Court, and the Michelangelo Apartments (**Photo 6-11** and **Photo 6-12**). These elevator and mixed-use buildings have private green space/courtyards and accessory parking. The Michelangelo Apartments front both Morris and East 149th street and have ground floor retail set back under arcades along Morris.

In the southern portion of the study area, the character becomes less residential and commercial oriented in nature, with local business and office buildings along the vibrant commercial corridor on East 149th Street. There is a mix of one- and two-story brick commercial buildings to up to six-story mixed-use residential brick masonry buildings (**Photo 6-13–Photo 6-14**). Most of these buildings have awnings, display windows, and colorful signage that covers much of the first floor if not also the second floors of the buildings. These buildings form a uniform street wall with the exception of Lincoln Hospital, a large red brick health care campus built in 1972 that is surrounded by plazas and a drop off area for the emergency center (**Photo 6-15**).

**Photo 6-1** Looking west along East 149th St, near Morris Avenue



**Photo 6-2** Bronx Haven High School, view looking east on East 151st St



**Photo 6-3** Governor Smith Playground, view looking northwest on East 151st St



**Photo 6-4** View looking southwest on East 151st Street, midblock



**Photo 6-5 View looking southwest on East 151st St, near Courtlandt Ave**



**Photo 6-6 View looking west on East 150th St near Courtlandt Ave**



**Photo 6-7 Municipal Parking, view looking southwest on East 150th St**



**Photo 6-8 View looking south on East 151st Street, near Courtlandt Ave**



Photo 6-9 Engine 41, view looking south on East 150th St



Photo 6-10 View looking northeast on Morris Ave, near East 150th Street



Photo 6-11 Maria Lopez Plaza. view looking west on Morris Ave



Photo 6-12 Christopher Court, view looking northwest on Morris Ave



Photo 6-13 **View looking east on East 149th St, near Morris Ave**

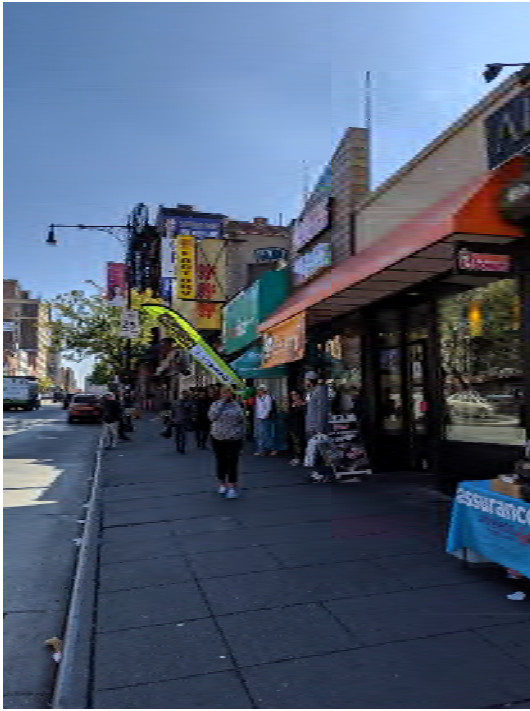


Photo 6-14 **View looking east on East 149th St, near Morris Ave**



Photo 6-15 **Lincoln Medical, view looking southwest on Morris Ave**



## No-Action Condition

As described in **Section 1, Project Description**, absent the Proposed Actions (the future No-Action condition), Projected Development Site 1 would be redeveloped with an as-of-right residential building consistent with the regulations of the existing R6 district, since the existing buildings are currently being demolished.

In the No-Action condition, it is assumed that Projected Development Site 1 would be developed with one 4-story, 45-foot-tall building (the "North Building") and one 5-story, 55-foot-tall building (the "South Building"). They would consist entirely of residential uses and total 145 market-rate units. The buildings would total approximately 108,055 gsf (94,055 zsf, 2.30 FAR). The North Building would be 46,380 gsf (39,380 zsf) and the South Building would be 61,675 gsf (54,675 zsf). The No-Action development would have 70 parking spaces located in the cellar or rear yard.

All other lots in the Project Area, including Projected Development Site 2, would remain in their existing conditions under the No-Action condition. The future No-Action condition would be developed as-of-right within the current zoning regulations to the maximum permitted FAR and height at the project site, without the adoption of an Inclusionary Housing bonus.

In keeping with the R6 district requirements, the building would have a maximum allowable height of 70 feet (or 75 feet if providing Quality Ground Floor) after a maximum base height of 65 feet (65 feet if providing Quality Ground Floor). The North Building would have 150 feet of frontage on East 151st Street and the South Building would have 141 feet of frontage on East 150th street, and a main entrance on East 178th Street.

As discussed in **Section 2, Land Use, Zoning, and Public Policy**, there are no anticipated developments within the study area expected to be completed by the 2024 analysis year.

## With-Action Condition

As described in **Section 1, Project Description**, in the future With-Action condition, the Project Area would be rezoned from R6 and R6/C1-4 to an R7A and R7A/C1-4 and a zoning text amendment to Appendix F to designate the Project Area as a MIH Area.

In the With-Action condition there would be two 9-story (approximately 95-foot tall) residential buildings (the "North Building" and the "South Building") totaling 201,334 gsf located on Projected Development Site 1. The proposed buildings would have a total FAR of 4.59 (187,334 zsf) with approximately 276 dwelling units. The North Building would be 89,575 gsf (82,575 zsf) and the South Building would be 111,759 gsf (104,759 zsf).

The Applicant intends for all of the 276 units to be affordable, but under MIH assumptions 55 units would be assumed to be at or below 80 percent AMI for analysis purposes. Under the MIH assumptions, 111 parking spaces would be required. For the scenario assuming the 276 units as all affordable, no parking would be required.

This represents the future With-Action condition. Refer to **Figure 6-2** through **Figure 6-4** for a visualization of the future No-Action and With-Action conditions on Projected Development Sites 1 and 2.



**Figure 6-2 No-Action and With-Action Views from East 150th Street, Facing East**



No-Action



With-Action

**Figure 6-3 No-Action and With Action Views from East 151st Street, Facing West**



No-Action



With-Action

**Figure 6-4 No-Action and With Action Views from Morris Avenue, Facing East**



No-Action

With-Action

The North Building would be situated along East 151st Street along the lot line and be nine stories and 95 feet tall with a setback starting at 74 feet. The South Building would be situated along East 150th Street and have the same height and setback as the North Building, but also be setback from the lot line 8 feet. Both buildings would include a qualifying ground floor. An interior yard would span approximately 103 feet between the two buildings. The Proposed Project would have a total zoning floor area of 187,334 zoning square feet (zsf), with a FAR of 4.59 and 53% lot coverage. The Proposed Project would pursue a parking waiver since all apartments are proposed for tenants below 80% AMI.

Projected Development Site 2, located on Lots 5 through 7, would be eight stories tall (85 feet) and have a total residential floor area of 22,435 sf. The residential units would be comprised of Affordable Independent Residences for Seniors (AIRS) housing. The building would have 55 feet of frontage along Morris Avenue. The Street wall for the building would be at the lot line, and there would be 58% lot coverage of the building.

### Urban Design

The Proposed Actions would allow for greater density on Projected Development Sites 1 and 2 compared to the No-Action condition. As in the No-Action condition, the Proposed Actions would not result in any changes to natural features, open spaces, or streets in the study area. In comparison to the No-Action condition, the With-Action condition would result in taller buildings. It is also compatible with the residential uses in the study area, and comparable in height to other developments within and just outside the study area that span from seven to twenty-five stories tall. Projected Development Site 2 would also introduce a taller building to the block, but it would be in character with buildings across the

street. Therefore, the Proposed Actions are not anticipated to significantly affect the pedestrian's experience of the study area.

While the Proposed Actions would result in a larger and taller building on Projected Development Sites 1 and 2, compared to the No-Action condition, the Proposed Actions would not significantly alter any urban design characteristics of the surrounding area. The height and uses of the proposed building would not be inconsistent with other new development in the surrounding area. Therefore, the Proposed Actions would not be anticipated to significantly affect any urban design features of either of the Projected Development Sites or study area, or the general urban design character of the neighborhood.

## Conclusion

Overall, the With-Action condition would be compatible with the residential character of the surrounding area. The With-Action condition would be larger in scale than the No-Action condition on Projected Development Site 1 (both buildings at nine stories as opposed to four and five story buildings), but the scale would be similar to buildings being developed within and just outside of the study area and are not anticipated to significantly affect the pedestrian's experience of the study area. Therefore, the Proposed Actions would not result in a significant adverse impact on urban design, and no further analysis is necessary.



# 7

## Hazardous Materials

The goal of this section is to determine whether the Proposed Actions may increase the exposure of people or the environment to hazardous materials, and, if so, whether this increased exposure would result in potential significant public health or environmental impacts.

### Introduction

As described in the *2020 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 (VOCs and SVOCs), methane, polychlorinated biphenyls (PCBs), pesticides, dioxins, hazardous wastes (referring to substances that are by convention or definition chemically reactive, ignitable, corrosive or toxic), radiation sources and medical waste.

The potential for significant impacts from hazardous materials can occur when:

- › elevated levels of hazardous materials exist on a site and an action would increase pathways to their exposure;
- › an action would introduce new activities or processes using hazardous materials; or
- › the action would introduce a population to potential human or environmental exposure from off-site sources.

This section presents the methods and findings of the hazardous materials assessment and identified potential for significant adverse impacts (as defined by the *CEQR Technical Manual*) with respect to workers, the community and/or the environment that could result during construction and after implementation of the proposed development.

## Methodology

### Projected Development Site 1

The potential for hazardous materials at Projected Development Site 1 was evaluated in a Phase I Environmental Site Assessment (ESA) prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, P.C. (VHB), dated August 23, 2019. The Phase I ESA was prepared in accordance with the American Society for Testing and Materials (ASTM) Practice E1527-13, inclusive of the "All Appropriate Inquiry" requirement amended in the Federal Register on December 30, 2013. The United States Environmental Protection Agency (EPA) "All Appropriate Inquiry" requirement establishes specific regulatory requirements for conducting appropriate inquiries into the previous ownership, uses, and environmental conditions of a property for the purposes of qualifying for certain landowner liability protections under Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

The goal of a Phase I ESA process is to identify "Recognized Environmental Conditions" (RECs), which means the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property. As stated in Practice E1527-13, there may be environmental issues or conditions at the site, which may be requested by the user to be addressed as part of the Phase I ESA, which are not covered within the scope of ASTM Practice E1527-13. These additional environmental issues (or non-scope considerations) could evaluate for the potential presence of radon, lead-based paint (LBP), asbestos-containing materials (ACM), wetlands, and mold and water damage.

Per the ASTM Standard, a Phase I ESA reviews a variety of information sources, including current and historic Sanborn Fire Insurance Maps and aerial photographs; state and federal environmental regulatory databases identifying listed sites; and local environmental records. The Phase I ESA summarized herein also included reconnaissance of Projected Development Site 1 and surrounding neighborhood, and interviews with the owner representative. The 2019 VHB Phase I ESA targets Lots 14, 72 and 77 of Bronx Block 2410, or Projected Development Site 1 as indicated in Section 1, Project Description. The Phase I ESA will be submitted to the lead agency and forwarded to the associated reviewing agency (New York City Department of Environmental Protection [DEP]) along with this chapter.

### Projected Development Site 2

An assessment of potential hazardous materials impact was performed for Lots 5, 6, and 7 (not owned or controlled by the Applicant) along Morris Avenue, which comprise Projected Development Site 2, to determine if an (E) Designation would be required. As per *Chapter 24 of Title 15 of the Rules of the City of New York*, review of regulatory databases and/or

Sanborn maps were used to determine the past uses of the site to enable an assessment of whether an (E) Designation should be placed on Projected Development Site 2 to address potential impacts as they relate to hazardous materials. A review of available resources provided in the VHB Phase I ESA, as well as a cursory internet search, was conducted to determine the existing conditions at Projected Development Site 2.

Chapter 25 of Title 15 of the *Rules of the City of New York* specifies the process for determining if an (E) Designation should be placed on a specific site in connection with a zoning map amendment. *Section 24-04* describes the preliminary screening process, which includes reviewing historical documentation for past or current uses that may have affected or may be affecting a projected or potential development site or an adjacent site. *Appendix A of the Hazardous Materials Appendix 5 (Chapter 25 of Title 15 of the Rules of the City of New York)* provides a list of types of facilities, activities or conditions that would lead to a site receiving an (E) Designation.

While the Sanborn map, aerial photograph and regulatory agency database report reviews were conducted in accordance with the protocols outlined in the ASTM E1527-13 standard, it should be emphasized that Projected Development Site 2 is not controlled by the Applicant. Therefore, the scope of this assessment was limited to collecting and analyzing limited information sufficient to make a determination relevant to a hazardous materials (E) Designation. Other elements of a Phase I ESA (e.g., reviews of fire department records, site visit, or interviews with site occupants/owners) were not included as part of the assessment for Project Development Site 2.

## Preliminary Assessment

The Project Area is located in an urban area situated along the mixed-use Melrose Avenue corridor, adjacent to primarily residential structures on central portions of Block 2410 to the east. In addition to Projected Development Site 1, the Project Area also includes Lots 1, 3, 4, 5, 6, 7, 8 and 9. The Project Area is in a Transit Zone, which is generally an area of the city within one-half mile of a subway station.

### Existing Conditions (Projected Development Site 1)

Projected Development Site 1 consists of Lots 14, 72 and 77 of Bronx Block 2410 and is located on western portions of the block bound by Morris Avenue to the west, East 151st Street to the north, Cortlandt Avenue to the east and East 150th Street to the south. Along East 150<sup>th</sup> Street, the southern portions of Lots 14, 72, and 77 are not improved and currently are vacant. Along East 151<sup>st</sup> Street, the northern portion of Lot 14 is improved with two vacant buildings: a 4-story rectory and a 45-foot-tall, 1-story church building. There was a two-story building to the east of the church building. However, demolition has commenced.

Projected Development Site 1 is located in a residential R6 zoning district with a commercial C1-4 overlay encompassing the western portions of Lots 14 and 77 proximate Morris Avenue, as are the remaining adjacent lots included in the Project Area. Each lot adjacent to the west is improved with a three- to four-story building containing residential upper floors and ground floor community facility uses or retail, including: medical and dental offices, nail salons, delicatessens, pharmacies, restaurants, a variety store, a computer repair business, a laundromat and telephone retailer.

## Phase I Environmental Site Assessment

As indicated above, a Phase I ESA, dated August 23, 2019, was completed by VHB for Projected Development Site 1 and includes all analyses as specified in ASTM Practice E1527-13.

Based upon information provided in the Phase I ESA including a history of Projected Development Site 1, the site was occupied by two-story residential buildings as early as 1891. There were abandoned foundations present along with a wagon yard and stables circa 1908. The existing institutional building structures on northern portions of Projected Development Site 1 appeared by 1924 along with three mixed-use residential buildings with ground floor storefronts then present on southwestern portions. The remaining two-story dwellings as well as the mixed-use buildings were demolished between 1951 and 1977. The southern portions were subsequently utilized as a playground and parking lot. Projected Development Site 1 has been vacant since approximately 2007 and remaining building structures were partially demolished as of the 2019 VHB Phase I ESA.

The findings from the Phase I ESA as they relate to Projected Development Site 1 can be summarized as follows:

- › Development Site 1 is located at a topographic elevation of approximately 22-feet above mean sea level (amsl).
- › Depth-to-groundwater is accordingly estimated to be within 22 feet below grade surface (bgs) in the vicinity of Projected Development Site 1.
- › Localized groundwater flow beneath Projected Development Site 1 was expected to flow to the west-southwest, toward the Harlem River.
- › There are no public water supply wells within one mile of Projected Development Site 1. Potable water is provided to the surrounding properties by a municipal water source.
- › There were no adjacent or surrounding New York State or federal database listings identified likely to represent an environmental concern to Projected Development Site 1.
- › Debris associated with the demolition of the eastern wing of the former institutional building (i.e., brick and concrete fragments with some fines) was spread across the site.
- › No evidence of former or existing underground oil storage tanks (USTs) was identified during the site reconnaissance conducted during preparation of the Phase I ESA.
- › Projected Development Site 1 is registered with two (2) vaulted steel 3,000-gallon fuel oil aboveground storage tanks (ASTs), of which one was reportedly installed circa 1940.
- › There was one small volume antifreeze bottle present amongst debris at Projected Development Site 1. Same was expected to be properly handled/disposed as part of demolition.
- › No visual evidence of substantial hazardous material disposal or industrial operations were identified during the Phase I ESA site reconnaissance.
- › Sanitary wastes generated at Projected Development Site 1 historically discharge into the New York City municipal sewer system. No on-site sanitary systems were identified.
- › Stormwater generated at the site infiltrates into the unpaved ground or flows overland to discharge into exterior area drains proximate the remaining building structure.

- › VHB observed a vertical pipe capped with a well plug in a subgrade pit in the former northwestern wing of the institutional building. The use of which is unknown.
- › Given the previously documented development and demolitions associated with former residential and mixed-use buildings, urban fill may be present at the site.
- › The building debris generated during demolition of the eastern wing of the former institutional building (i.e., brick and concrete fragments) were spread across the site.
- › No illicit dumping or substantial surficial staining was identified within interior or exterior portions of Projected Development Site 1.
- › In accordance with application regulations, any ACM was abated from the entire building as part of demolition practices based on Applicant-provided documentation.

Based on the results of the site inspection, records review and interviews, it was determined that there were no RECs, historic recognized environmental conditions (HRECs) or controlled recognized environmental conditions (CRECs) identified for Projected Development Site 1. However, the Phase I ESA identified three potential environmental concerns, or Business Environmental Risks (BERs) related to Projected Development Site 1, which are summarized along with VHB's recommendations as follows:

- › Given the development history of the subject properties [Projected Development Site 1] with the existing structures as well as former mixed-use and residential properties that have since been demolished, there is a potential for remnant subsurface structures (i.e., former building foundations) and urban fill materials to be present at the subject properties. Potential presence of historical fill from previous site development is considered a BER. Historic fill materials, if present, should be removed and transported to a facility capable and permitted to handle such material during any potential redevelopment of the subject properties.
- › VHB noted the presence of a single existing 3,000-gallon AST encased in concrete at the subject properties. The subject properties are listed on the PBS-AST database with two registered ASTs. The discrepancy in registrations or the potential for a second 3,000-gallon AST represents a BER for the subject properties. If encountered, the tank should be properly removed in accordance with applicable regulations, and notification and updates to the appropriate agencies (NYSDEC and FDNY) should be conducted.
- › The status of the existing vaulted 3,000-gallon AST was unknown at the time of the site reconnaissance given the demolition activities at the subject properties. As no tank testing data was available for the AST during preparations of the Phase I ESA and it was not able to be fully inspected during the visual inspection given limited clearance, same represents a BER. The AST should be removed in accordance with applicable regulations as part of the on-going demolition activities, with appropriate notifications provided to the NYSDEC PBS registry and FDNY.

The Phase I ESA was submitted to the lead agency and the reviewing agency (DEP) for review. Although no RECs were identified for Projected Development Site 1 in VHB's Phase I ESA, in correspondence issued to the lead agency on March 18, 2020, the New York City Department of Environmental Protection (DEP) indicated that based on historical on-site and surrounding area land uses, a Phase II ESA was necessary to adequately identify/characterize the surface and subsurface soils at the Projected Development Area 1. In response to these requirements, a Phase II ESA Work Plan and site-specific Health and Safety Plan (HASP) was



prepared by VHB and submitted to the lead agency for review and approval on May 1, 2020. The Phase II ESA Work Plan outlined a subsurface testing protocol that included an analysis of soil, groundwater and soil vapor, and was prepared in accordance with the *2020 CEQR Technical Manual*. Upon receipt and review, DEP issued correspondence to the lead agency on June 30, 2020, conditionally approving VHB's Phase II ESA Work Plan and HASP.

## Phase II Environmental Site Assessment

Based upon DEP's approval and in accordance with the approved Work Plan, VHB completed a Phase II ESA at Projected Development Site 1 that included a comprehensive analysis of on-site soil, groundwater and soil vapor conditions. The results of the Phase II ESA were summarized in a Phase II ESA report dated October 2, 2020. The Phase II ESA involved the installation of six (6) soil borings, the collection, field screening, and analysis of twelve (12) multi-depth soil samples; the collection and analysis of two (2) groundwater samples; and the collection and analysis of three (3) soil vapor samples. Sample results were compared to applicable regulatory criteria as required in the *2020 CEQR Technical Manual*.

A summary of Phase II ESA results is provided, below.

### Soils

In accordance with the approved Work Plan and *2020 CEQR Technical Manual*, soils collected at the project area during the Phase II ESA field activities were analyzed for volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), heavy metals, pesticides and polychlorinated biphenyls (PCBs). The analytical results indicated that project area soils are impacted with elevated VOCs, SVOCs, pesticides, and metals in the shallow soil horizon. The detections of SVOCs, pesticides, and metals at varying concentrations in shallow soil samples is indicative of the presence of urban fill at Projected Development Site 1.

There were no concentrations of VOCs detected in soils above NYSDEC UUSCOs or RRUSCOs, with the exception of methylene chloride, which was detected in SB-6 (0-2) at a concentration in excess of its NYSDEC Part 375 UUSCO. There were several SVOCs detected throughout Projected Development Site 1 (specifically within SB-3 and SB-6) at concentrations that exceed their respective NYSDEC UUSCOs and RRUSCOs. These compounds are in the PAH group and included benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, dibenzo(a,h)anthracene, hexachlorobenzene, and indeno(1,2,3-cd)pyrene. In addition, pesticide exceedances were detected in several shallow soil samples at above UUSCOs but below RRUSCOs. Metals were detected at concentrations above UUSCOs and RRUSCOs in shallow soil samples. These metals include arsenic, copper, lead, zinc and mercury.

There were no PCBs detected above laboratory method detection limits (MDLs) in any soil samples collected during the soil boring investigation.

The detections of SVOCs, pesticides and metals at varying concentrations in shallow soil samples is indicative of the presence of urban fill at Projected Development Site 1. It should be noted that visual evidence of fill materials (i.e., brick fragments, concrete, wood, glass, etc.) was encountered at varying depths on Projected Development Site 1. The presence of elevated metals in soils may be attributed to previous disturbance/regrading activities conducted as part of previous development at Projected Development Site 1. However,

some elevated metal concentrations (i.e., zinc) could be considered representative of background concentrations, typically found throughout the New York City metro area.

#### Groundwater

Based upon the results of the groundwater sampling, there were several SVOCs, specifically polycyclic aromatic hydrocarbons (PAHs) detected above NYSDEC's Technical and Operational Guidance Series 1.1.1. Ambient Water Quality Standards and Guidance Values (TOGS AWQSGVs) in one of the two groundwater samples. In addition, there were several metals detected in the unfiltered groundwater sample, however, when compared to their respective dissolved concentrations, only magnesium, manganese, sodium and antimony were detected in excess of NYSDEC TOGS AWQSGV.

There were no PCBs detected above laboratory MDLs in either groundwater sample.

The presence of manganese in groundwater is typical in New York and can often be attributed to the dissolution of these elements from surrounding minerals and leaching.

#### Soil Vapor

Based upon the results of the soil vapor sampling, VOCs were detected at the screening depths within the project area. The VOCs detected above the New York State Department of Health (NYSDOH) 75<sup>th</sup> percentile for Indoor Air concentrations include petroleum-related compounds 1,3,5-trimethylbenzene, acetone, benzene, ethylbenzene, n-hexane, xylenes, tetrahydrofuran and toluene. Based upon the sample results, soil vapor beneath Projected Development Site 1 contains VOCs related primarily to petroleum products and gasoline breakdown compounds (BTEX).

It should be noted that cyclohexane was also detected at concentrations in soil vapor samples at the site which is commonly associated with cleaning products. Although VOCs were detected in soil vapor, only tetrachloroethylene (PCE), trichloroethylene (TCE), methylene chloride and carbon tetrachloride were detected that are subject to NYSDOH Soil Vapor/Indoor Air Matrices. According to actions recommended by the NYSDOH Soil Vapor/Indoor Air Matrices, no further action with respect to soil vapor is warranted.

### **Remedial Action Plan**

Based upon the results of the Phase II ESA, a Remedial Action Plan (RAP), dated October 2, 2020 was developed for the Projected Development Site 1. The RAP included a site-specific Construction Health and Safety Plan (CHASP) and Community Air Monitoring Plan (CAMP). The goal of the RAP is to remediate existing environmental conditions that were determined to be present during the Phase II ESA subsurface investigations in order to create environmentally safe space to the maximum extent practicable for future on-site occupants subsequent to proposed development activities.

The following remedies are outlined in the RAP:

#### Soils

- › Completion of a waste characterization study prior to excavation activities. Waste characterization soil samples will be collected at a frequency specified by the chosen soil

disposal facility and in accordance with NYSDEC Division of Environmental Remediation (DER)-10 testing and disposal (T&D) protocols;

- › Excavation and removal of impacted soils to the terminal excavation depth(s) for construction of the foundation, in accordance with prevailing regulations and proposed construction plans;
- › Endpoint sampling to determine the performance of the remedy (i.e., endpoint samples meet RRSCOs); and
- › Performance of a Community Air Monitoring Plan (CAMP) for particulates during excavation activities (if necessary).

#### Groundwater

Groundwater was encountered at approximately 15-feet bgs at Projected Development Site 1 during the Phase II ESA field investigation. Redevelopment of Projected Development Site 1 will require an excavation depth of approximately 13-feet bgs. As such, it is unlikely that groundwater will be encountered as part of the redevelopment activities. However, if, during the course of construction, *minimally impacted* groundwater is encountered, same will likely require disposal and/or appropriate discharge permitting during dewatering activities.

#### Soil Vapor

There were no actionable concentrations of VOCs detected in soil vapor that were subject to the NYSDOH guidance and matrices. However, the majority of Projected Development Site 1 will be covered with an engineered composite cover consisting of reinforced concrete footings and concrete slab that will vary in thickness, but will also serve as protection for future site occupants from minimally impacted soil vapors present in the surrounding areas. Furthermore, a soil vapor barrier will be incorporated into the design of the future building.

### **Construction Health and Safety Plan**

A site-specific CHASP was prepared for the project area that outlines specific remedial activity protocols. The CHASP was developed to minimize the potential for work-related injury through awareness, qualified supervision, health and safety training, medical monitoring, use of personal protective equipment (PPE) and activity-specific safety protocols. The CHASP was issued as an append to the RAP.

In correspondence issued to the lead agency dated October 23, 2020, DEP conditionally approved the RAP and CHASP prepared by VHB. Requirements provided in the DEP conditional approval will be met by the Applicant. The aforementioned correspondence with DEP is provided in **Appendix A**.

### **Existing Conditions (Projected Development Site 2)**

Lots 5, 6, and 7 comprise Projected Development Site 2 and have a total area of 4,490 sf. Each has frontage on Morris Avenue and is improved with a three-story one- to three-family building with ground floor retail. As previously discussed, a ground floor laundromat is located on Lot 5. In addition, based on a review of Google Street View, space is shared with a cellular telephone retail kiosk and an alleyway provides access to a variety store location in the rear. A deli is located on Lot 6 and a pharmacy is located on Lot 7.

Projected Development Site 2 is located in residential R6 zoning district with a commercial C1-4 overlay encompassing the entire site along with all lots along Morris Avenue included in the Project Area. The adjacent buildings to the north and south each contain delicatessens. Signage indicated that a second-floor computer repair business is also present adjacent to the north. Vacant institutional building structures associated with Projected Development Site 1 are present to the east.

### Sanborn Fire Insurance Maps

Historical Sanborn Fire Insurance Maps were available and reviewed for the years specified below, in order to help determine if historical usage represented an environmental risk.

Date	Comments
1891	Lot 5 is improved with a two-story structure slightly off-set from the roadway and depicted with a one-story attachment as well as a one-story accessory structure in the rear of the property. Lots 6 and 7 are improved with three-story structures with rear yards. Three- and two-story structures improve the properties to the north and south. Morris Avenue to the west.
1908	Improved with the existing three (3) three-story mixed-use buildings with ground floor retail and apartments on other floors. The structure on Lot 5 is indicated to contain a pharmacy and depicted with a one-story attachment. Lots 6 and 7 are improved, unlabeled and depicted as having rear yards. Portions of a wagon yard associated with Projected Development Site 1 encroach onto the eastern portions of Lot 5. Residential uses are located to the north, bakery adjacent to the south, along with other commercial and residential uses.
1935-1946	The structure on Lot 5 now is depicted with a three-story attachment distinguished from the pharmacy and two one-story accessory structures in the rear. The institutional structures associated with Projected Development Site 1 are constructed to the northwest.
1947-2007	Improved with the existing three-story structures. Although the three-story attachment is still present on Lot 5, the two (2) one-story accessory structures no longer appear. Parking lot present to the southwest.

### Aerial Photographs

Historical Aerial Photographs were available and reviewed for the years 1924, 1951, 1954, 1961, 1966, 1984, 1991, 1995, 2006, 2009, 2013, and 2017. The aerial photograph analysis is provided, below:

Date	Comments
1924-2017	Consistent with the Sanborn map depictions, Projected Development Site 2 is developed with buildings having frontage along Morris Avenue that occupy the majority of the lots. Rear yards are present. It should be noted that resolution of the photographs is generally insufficient to determine precise site usage in detail.

### Regulatory Agency Databases

A review of a regulatory agency database report provided in the Phase I ESA was conducted to determine if any pertinent listings or surrounding properties are present with the potential to impact subsurface conditions as they relate to hazardous materials. The following regulatory databases were reviewed:

- › Federal National Priorities List (NPL)
- › Federal Delisted NPL Site List
- › NPL LIENS Federal Superfund Liens
- › Federal Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) List
- › Federal CERCLIS No Further Remedial Action Planned (NFRAP) List
- › Federal Resource Conservation and Recovery Act (RCRA) Corrective Action Report (CORRACTS) List
- › Federal RCRA non-CORRACTS Treatment, Storage or Disposal (TSD) Facilities List
- › Federal RCRA Generators Lists (Large, Small, NonGen and Conditionally Exempt)
- › Federal Institutional Control/Engineering Control Registries
- › Federal Emergency Response Notification System (ERNS)
- › VAPOR REOPENED Vapor Intrusion Legacy Site List
- › New York State Spills (NY Spills)
- › Inactive Hazardous Waste Disposal Sites in New York State (SHWS)
- › Hazardous Substance Waste Disposal Site Inventory (HSWDS)
- › Solid Waste Facility/Landfill (SWF/LF)
- › Leaking Storage Tanks Incidents Report (LTANKS)
- › Registered Aboveground/Underground Storage Tanks (ASTs/USTs)
- › CBS UST Chemical Bulk Storage Database
- › MOSF UST Major Oil Storage Facilities Database
- › CBS AST Chemical Bulk Storage Database
- › Institutional and Engineering Controls (INST CNTRL/ENG CNTRL)
- › Manufactured Gas Plant Sites (Coal Gas)
- › Drycleaners Database
- › Voluntary Cleanup Program (VCP)
- › Brownfields Cleanup Program

Projected Development Site 2 was not identified on any of the aforementioned databases. Also, neither adjoining sites to the north or south are listed. As previously discussed, Projected Development Site 1 to the east is registered on the NYSDEC list of ASTs.

### Building Department Records

A review of building department records publicly available electronically was conducted to determine if any pertinent listings or surrounding properties are present with the potential to impact subsurface conditions as they relate to hazardous materials. The New York City Department of Buildings (NYCDOB) computerized Property Profile Overview (PPO) for each individual parcel that comprises the Projected Development Site 2 was reviewed on January 17, 2020. The following information was obtained for the subject properties:

Lot	Comments
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5	The PPO indicates that there are no Certificates of Occupancy (C/Os) available for Lot 5. There is one job filing for the installation of commercial washing machines and dryers in 1996. The PPO notes records of alterations dated 1903, 1904, 1905 and 1912 as well as fire protection plans and an oil burner application dated 1988. In addition, letters of no objection were associated with the laundromat in 2000 and 2013. It should be noted that there are several violations listed on the PPO for lack of a boiler inspection between 1993 and 2019. There is no record of Environmental Community Board violations or elevators.
6	The PPO indicates that there are no C/Os available for Lot 6. However, there are records of a new building in 1889 and alteration in 1936. There is an active order to vacate dated 1996, as well as dismissed partial orders dated 2017 and 2022. However, there are job filings for repairing foundation cracks, rotted studs, etc. in 1996 and fire escape maintenance in 2017. It should be noted that the building records note potential presence of ACM and that a building inspector was unable to access the rear yard. There are no boiler or elevator records associated with Lot 6. Furthermore, there are no open violations.
7	The PPO indicates that there are no C/Os available for Lot 7. There are, identical to Lot 6, orders to vacate dated 1996, 2017 and 2022 as well as job filings for repairing foundation cracks, rotted studs etc. in 1996 and fire escape maintenance in 2017. It should be noted that the building records note potential presence of ACM and that a building inspector was unable to access the rear yard. There are no boiler or elevator records associated with Lot 7. Furthermore, there are no open violations.

Based on a review of historic aerial photographs, Sanborn Fire Insurance maps, the regulatory agency database report, and building department records, potential oil storage, along with the general development history have the potential to have compromised on-site environmental conditions at Projected Development Site 2.

## Future No-Action Condition

### Projected Development Site 1

Absent the Proposed Actions (the future No-Action condition), Projected Development Site 1 would remain within R6 and partial R6/C1-4 zoning districts and would be redeveloped as two multi-family residential buildings with an inner courtyard. This would be done as-of-right within the current zoning regulations. The Project Area is in a Transit Zone; however, under the No-Action condition, Projected Development Site 1 would have 70 parking spaces located in the cellar or rear yard.

Under the No-Action condition, minimally contaminated fill materials and additional minor contaminants would not be remediated under the approved RAP and CHASP. Therefore, contaminants identified at the project area would remain in-place and unmitigated.

Under the future No-Action condition, it is expected that any remnant tanks, if encountered during demolition activities, will be removed in accordance with applicable regulations by the designated demolition contractor as part of site redevelopment and with proper notifications sent. If associated petroleum impacts to soil are identified, NYSDEC would be notified. As part of the construction process, excess soil or fill generated would be properly removed in accordance with applicable regulations and disposal facility requirements. However, regulatory oversight by the reviewing agency would not be provided.

## Projected Development Site 2

All other lots in the Project Area, including Projected Development Site 2, would remain in their existing condition under the No-Action condition.

## Future With-Action Condition

Under the future With-Action condition, a zoning map amendment to rezone the Project Area from an R6 and R6/C1-4 zoning districts to R7A and R7A/C1-4 zoning districts.

## Projected Development Site 1

The Proposed Actions would facilitate the development of two new nine-story residential buildings, totaling approximately 201,334-gsf on Projected Development Site 1 containing 276 dwelling units. The proposed development would contain a landscaped inner courtyard and no cellar-level or grade-level parking at Projected Development Site 1.

Under the Proposed Actions, confirmed contaminants would be addressed through the implementation of the DEP-approved RAP, CHASP and CAMP. Specifically, all minimally-contaminated soils would be disposed at an approved facility following a waste characterization study. Furthermore, the proposed development would be protected from a potential soil vapor encroachment condition through the incorporation of a vapor barrier such as, GCP Preprufe 300R and 160R Plus Membrane, or functionally equivalent product which would be installed beneath the proposed new building slabs and up the sidewalls of the excavation.

Under the Proposed Actions, any further regulatory requirements mandated by the lead agency and associated reviewing agency based on historical on-site and surrounding area land uses would be followed. With the implementation of the above measures, no significant adverse impacts related to hazardous materials would be expected.

## Projected Development Site 2

The With-Action condition would also result in development on Projected Development Site 2 with an eight-story, 85-foot-tall, 25,635 gsf mixed-use containing approximately 30 residential dwelling units.

To preclude the potential for significant adverse impacts related to hazardous materials, (E) designations (E-#) would be incorporated into the rezoning of Projected Development Site 2 (Lots 5, 6 and 7). With the placement of the (E) designations, further hazardous materials assessments would be directed through the New York City Mayor's Office of Environmental Remediation (OER).

The (E) designation text related to hazardous materials is as follows:

### Task 1

The Applicant submits to OER, for review and approval, a Phase I ESA of the site along with a soil and groundwater testing protocol (a.k.a. Remedial Investigation Work Plan [RIWP]) along with a site-specific Health and Safety Plan (HASP), including a description of methods and a project site map with all sampling locations clearly and precisely represented.

If site sampling is required, no sampling should begin until written approval of a protocol is received from OER. The number and location of sample sites should be selected to adequately characterize the site, the specific source 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

A written report with findings and a summary of the data must be 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 the test results, a proposed Remedial Action Plan (RAP) must be submitted to OER for review and approval. The Applicant must complete such remediation as determined necessary by OER in accordance with the approved RAWP. The Applicant should then provide proper documentation that the remedial action has been satisfactorily completed.

An OER-approved (Construction HASP) CHASP would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This plan would be submitted to OER for review and approval prior to implementation.

All demolition or rehabilitation would be conducted in accordance with applicable requirements for disturbance, handling and disposal of suspect lead-paint and asbestos containing materials.

Given these measures, the future With-Action condition would not result in any significant adverse impacts relating to hazardous materials.

## Conclusion

Under the Proposed Actions, to reduce the potential for exposure to future site occupants, confirmed contaminants would be addressed through the implementation of a DEP-approved RAP, CHASP and CAMP. The Applicant is committing to implement the required measures outlined in the DEP-approved RAP and CHASP as per DEP's letter dated October 23, 2020, and that a Remedial Closure Report would be submitted to DEP for review and approval after completion of the project, and that all remediation measures would be implemented prior to obtaining a Certificate of Occupancy from the New York City Department of Buildings (NYCDOB). With the implementation of the above measures, no significant adverse impacts related to hazardous materials would be expected during construction and operation of the Proposed Actions on Projected Development Site 1.

With respect to the non-Applicant controlled Projected Development Site 2, any potential impacts relating to hazardous materials would be identified and investigated prior to



subsurface disturbance as required by an (E) designation for hazardous materials on the development and potential development sites (E-#). Any potential remedial action that may be required would also be administered as part of the (E) designation protocol under the regulatory oversight of OER.

With the implementation of the above measures, there would be no significant adverse impacts related to hazardous materials.



# 8

## Air Quality

Ambient air quality, or the quality of the surrounding air, may be affected by air pollutants produced by motor vehicles, referred to as "mobile sources"; by fixed facilities, usually referenced as "stationary sources"; or by a combination of both. Under CEQR, an air quality assessment determines both a proposed project's effects on ambient air quality as well as the effects of ambient air quality on the project.

### Introduction

The Proposed Actions would result in the development of two nine-story residential buildings, fronting East 150th and East 151st Streets, on Projected Development Site 1, and one eight-story mixed-used (i.e., residential and commercial) building, fronting Morris Ave, on Projected Development Site 2.

Consistent with the *2020 CEQR Technical Manual* potential air quality impacts of the Proposed Project could result in the following air quality analyses:

- › The potential for trips generated by the project to result in significant localized air quality impacts at the affected intersections (mobile source analysis);
- › The potential for vehicular emissions associated with parking facilities and/or atypical transportation source;
- › The potential for stationary air emissions from the natural gas-fueled heating, ventilation and air conditioning (HVAC) systems of the proposed residential, commercial and

community buildings to significantly impact existing or future sensitive land uses (stationary source analysis); and

- › Potential impacts on the Proposed Project from either manufacturing/processing facilities or large/major sources that are located near the project site (industrial and large/major source analysis).

There are no parking facilities associated with the Proposed Project. Metro-North rail line is located more than 500 feet away from the project site and operates electric trains. No further mobile source parking or rail analysis is required per the *CEQR Technical Manual* guidelines.

## Air Quality Standards

In accordance with the requirements of the Clean Air Act (CAA), as amended in 1990, the U.S. Environmental Protection Agency (EPA) has promulgated National Ambient Air Quality Standards (NAAQS) (40 CFR part 50) for pollutants considered harmful to public health and the environment. The Clean Air Act established two types of national air quality standards. Primary standards set limits to protect public health, including the health of sensitive populations such as sick, children, and the elderly. Secondary standards set limits to protect public welfare, including protection against decreased visibility, damage to animals, crops, vegetation, and buildings.

The EPA Office of Air Quality Planning and Standards (OAQPS) has set NAAQS for six principal pollutants, which are called "criteria" pollutants. These six pollutants are ozone, carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>), particulate matter less than 10 microns in diameter (PM<sub>10</sub>) and less than 2.5 microns in diameter (PM<sub>2.5</sub>), and lead (Pb). These standards are reviewed from time to time and may be revised.

The State of New York has adopted similar standards as those set by the EPA, with the exception of lead, total suspended particulates (TSP), particulate matter (PM<sub>10</sub>, PM<sub>2.5</sub>), and hydrocarbons. The NAAQS are presented in **8Table 8-1**.

In addition to criteria pollutants, there are other pollutants not included by the EPA in the list of principal pollutants. Non-criteria pollutants are emitted by a wide range of man-made and naturally occurring sources. These pollutants are sometimes referred to as hazardous air pollutants (HAP) and, when emitted from mobile sources, as Mobile Source Air Toxics (MSATs). No federal ambient air quality standards have been promulgated for these pollutants. However, EPA and the New York State Department of Environmental Conservation (NYSDEC) have issued guidelines that establish acceptable ambient levels based on human exposure.

**Table 8-1 National Ambient Air Quality Standards**

Pollutant		Primary/ Secondary	Averaging Time	Level	Form
Carbon Monoxide (CO)		Primary	8 hours	9 ppm	Not to be exceeded more than once per year
			1 hour	35 ppm	
Lead (Pb)		Primary and secondary	Rolling 3-month average	0.15 µg/m <sup>3</sup> <sup>(1)</sup>	Not to be exceeded
Nitrogen Dioxide (NO <sub>2</sub> )		Primary	1 hour	100 ppb	98 <sup>th</sup> percentile of 1-hour daily maximum concentrations, averaged over 3 years
		Primary and secondary	1 year	53 ppb <sup>(2)</sup>	Annual mean
Ozone		Primary and secondary	8 hours	0.070 ppm <sup>(3)</sup>	Annual fourth-highest daily maximum concentration, averaged over 3 years
Particulate Matter	Particulate Matter (PM <sub>2.5</sub> )	Primary	1 year	12.0 µg/m <sup>3</sup>	Annual mean, averaged over 3 years
		Secondary	1 year	15.0 µg/m <sup>3</sup>	Annual mean, averaged over 3 years
		Primary and secondary	24 hours	35 µg/m <sup>3</sup>	98 <sup>th</sup> percentile, averaged over 3 years
	Particulate Matter (PM <sub>10</sub> )	Primary and secondary	24 hours	150 µg/m <sup>3</sup>	Not to be exceeded more than once per year on average over 3 years
Sulfur Oxides		Primary	1 hour	75 ppb <sup>(4)</sup>	99 <sup>th</sup> percentile of 1-hour daily maximum concentrations, averaged over 3 years
		Secondary	3 hours	0.5 ppm	Not to be exceeded more than once per year

Source: EPA AirData, <https://www.epa.gov/outdoor-air-quality-data/monitor-values-report>, accessed February 2020

## Notes:

<sup>1</sup> In areas designated nonattainment for the Pb standards prior to the promulgation of the current (2008) standards, and for which implementation plans to attain or maintain the current (2008) standards have not been submitted and approved, the previous standards (1.5 µg/m<sup>3</sup> as a calendar quarter average) also remain in effect.

<sup>2</sup> The level of the annual NO<sub>2</sub> standard is 0.053 ppm. It is shown here in terms of ppb for comparison with the 1-hour standard.

<sup>3</sup> Final rule signed October 1, 2015, and effective December 28, 2015. The previous (2008) O<sub>3</sub> standards additionally remain in effect in some areas. Revocation of the previous (2008) O<sub>3</sub> standards and transitioning to the current (2015) standards will be addressed in the implementation rule for the current standards.

<sup>4</sup> The previous SO<sub>2</sub> standards (0.14 ppm 24-hour and 0.03 ppm annual) will additionally remain in effect in certain areas: (1) any area for which it is not yet 1 year since the effective date of designation under the current (2010) standards, and (2) any area for which an implementation plan providing for attainment of the current (2010) standard has not been submitted and approved and which is designated nonattainment under the previous SO<sub>2</sub> standards or is not meeting the requirements of a SIP call under the previous SO<sub>2</sub> standards (40 CFR 50.4(3)). A SIP call is a USEPA action requiring a state to resubmit all or part of its State Implementation Plan to demonstrate attainment of the required NAAQS.

## Regulatory Context

The 1990 CAA with Amendments resulted in states being divided into attainment and non-attainment areas, with classifications based upon the severity of their air quality problems. Air quality control regions are classified and divided into one of three categories: attainment, unclassified, or non-attainment depending upon air quality data and ambient concentrations of pollutants. Attainment areas are regions where ambient concentrations of a pollutant are below the respective NAAQS; non-attainment areas are those where concentrations exceed the NAAQS. Maintenance areas are former non-attainment areas that achieved attainment. An unclassified area is a region where data are insufficient to make a determination and is generally considered as an attainment area for administrative purposes. A single area can be in attainment of the standards for some pollutants while being in non-attainment for others.

Bronx County is designated as a serious non-attainment area for 2008 8-hour ozone standard and moderate non-attainment area for the 2015 8-hour ozone standard, both as part of a larger New York-Northern New Jersey-Long Island, NY-NJ-CT non-attainment area. The area has been designated a maintenance area for the CO standard as of May 20, 2002 and for the 2006 PM<sub>2.5</sub> standard as of April 18, 2014. Bronx County is in attainment for all other criteria pollutants (PM<sub>10</sub>, Pb, NO<sub>2</sub>, and SO<sub>2</sub>).

## Pollutants of Concern

**Carbon monoxide (CO)** is a colorless and odorless gas that is a product of incomplete combustion. Carbon monoxide is absorbed by the lungs and reacts with hemoglobin to reduce the oxygen carrying capacity of the blood. At low concentrations, CO has been shown to aggravate the symptoms of cardiovascular disease. It can cause headaches, nausea, and at sustained high concentration levels, can lead to coma and death.

**Particulate matter** is made up of small solid particles and liquid droplets. PM<sub>10</sub> refers to particulate matter with a nominal aerodynamic diameter of 10 micrometers or less, and PM<sub>2.5</sub> refers to particulate matter with an aerodynamic diameter of 2.5 micrometers or less. Particulates can enter the body through the respiratory system. Particulates over 10 micrometers in size are generally captured in the nose and throat and are readily expelled from the body. Particulates smaller than 10 micrometers, and especially particles smaller than 2.5 micrometers, can reach the air ducts (bronchi) and the air sacs (alveoli) in the lungs. Particulates are associated with increased incidence of respiratory diseases, cardiopulmonary disease, and cancer.

**Nitrogen oxides (NO<sub>x</sub>)**, the most significant of which are nitric oxide (NO) and nitrogen dioxide (NO<sub>2</sub>), can occur when combustion temperatures are extremely high (such as in engines) and atmosphere nitrogen gas combines with oxygen gas. NO is relatively harmless to humans but quickly converts to NO<sub>2</sub>. Nitrogen dioxide is a lung irritant and can lead to respiratory illnesses. Nitrogen oxides, along with VOCs, are also precursors to ozone formation.

**Sulfur Dioxide (SO<sub>2</sub>)** emissions are the main components of the "oxides of sulfur," a group of highly reactive gases from fossil fuel combustion at power plants, other industrial facilities, industrial processes, and burning of high sulfur containing fuels by locomotives, large ships, and non-road equipment. High concentrations of SO<sub>2</sub> will lead to formation of other sulfur oxides. By reducing the SO<sub>2</sub> emissions, other forms of sulfur oxides are also expected to

decrease. When oxides of sulfur react with other compounds in the atmosphere, small particles that can affect the lungs can be formed. This can lead to respiratory disease and aggravate existing heart disease.

**Non-criteria pollutants** may be of concern in addition to the criteria pollutants discussed above. Non-criteria pollutants are emitted by a wide range of man-made and naturally occurring sources. These pollutants are sometimes referred to as hazardous air pollutants (HAP) and when emitted from mobile sources, as Mobile Source Air Toxics (MSATs). Emissions of non-criteria pollutants from industrial sources are regulated by the United States Environmental Protection Agency (EPA).

Federal ambient air quality standards do not exist for non-criteria pollutants; however, the New York State Department of Environmental Conservation (NYSDEC) has issued standards for certain non-criteria compounds, including beryllium, gaseous fluorides, and hydrogen sulfide. NYSDEC has also developed guidance document DAR-1 (February 2021), which contains a compilation of annual and short term (1-hour) guideline concentration thresholds for these compounds. The NYSDEC's DAR-1 guidance thresholds represent ambient levels that are considered safe for public exposure. EPA has also developed guidelines for assessing exposure to non-criteria pollutants. These exposure guidelines are used in health risk assessments to determine the potential effects to the public.

## Impact Criteria

The predicted concentrations of pollutants of concern associated with a proposed project are compared with either the NAAQS for criteria air pollutants or ambient guideline concentrations for non-criteria pollutants. In general, if a project would cause the standards for any pollutant to be exceeded, it would likely result in a significant adverse air quality impact. In addition, the City's *de minimis* criteria are also used to determine significance of impacts for PM<sub>2.5</sub>.

The NYSDEC DAR-1 guidance document presents guideline concentrations in micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ) for the one-hour (SGC) and annual average time (AGC) periods for various air toxic compounds<sup>1</sup>. To evaluate residual risk of non-carcinogenic toxic air emissions, hazard index is calculated based on annual exposure limits. If the combined ratio of pollutant concentration divided by its annual exposure threshold for each of the toxic pollutants is found to be less than 2.0, according to DAR-1, the residual risk is deemed acceptable. In addition, the potential cancer risk associated with each carcinogenic pollutant, as well as the total cancer risk of the releases of all the carcinogenic toxic pollutants combined, can be estimated. If the total incremental cancer risk of all the carcinogenic pollutants combined is less than ten-in-one million, the residual risk is deemed acceptable.

### PM<sub>2.5</sub> De Minimis Criteria

New York City uses de minimis criteria to determine a project's potential to result in a significant adverse PM<sub>2.5</sub> impact under CEQR. The *de minimis* criteria are as follows:

- › Predicted increase of more than half the difference between the background concentration and the 24-hour standard;

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<sup>1</sup> NYSDEC DAR-1 - [http://www.dec.ny.gov/docs/air\\_pdf/dar1.pdf](http://www.dec.ny.gov/docs/air_pdf/dar1.pdf).

- › Annual average PM<sub>2.5</sub> concentration increments which are predicted to be greater than 0.1 µg/m<sup>3</sup> at ground level on a neighborhood scale (i.e., the annual increase in concentration representing the average over an area of approximately 1 square kilometer, centered on the location where the maximum ground-level impact is predicted for stationary sources; or at a distance from a roadway corridor similar to the minimum distance defined for locating neighborhood scale monitoring stations); or
- › Annual average PM<sub>2.5</sub> concentration increments which are predicted to be greater than 0.3 µg/m<sup>3</sup> at a discrete receptor location (elevated or ground level).

## Background Concentrations

Background concentrations are ambient pollution levels associated with existing stationary, mobile, and other emission sources from the area and not associated with the Proposed Project. The latest three years of monitoring data, 2018 to 2020, from the IS 52 monitoring station at 681 Kelly Street were used to develop background concentrations presented in **Table 8-2**. These concentrations were estimated using the form of the air quality standard for respective pollutant (see **Table 8-1**, column “Form” for information).

**Table 8-2 Background Concentrations**

Pollutant	Averaging Time	Monitoring Location	Background Concentration
Nitrogen Dioxide	1-Hour <sup>1</sup>	IS 52, Bronx	106.5 µg/m <sup>3</sup>
	Annual <sup>2</sup>	IS 52, Bronx	31.1 µg/m <sup>3</sup>
Particulate Matter (PM <sub>2.5</sub> )	24-Hour <sup>3</sup>	IS 52, Bronx	20.7 µg/m <sup>3</sup>
	Annual	IS 52, Bronx	8.3 µg/m <sup>3</sup>
Particulate Matter (PM <sub>10</sub> )	24-Hour <sup>4</sup>	IS 52, Bronx	35 µg/m <sup>3</sup>
Sulfur Dioxide	1-Hour <sup>5</sup>	IS 52, Bronx	14.8 µg/m <sup>3</sup>

Source: US EPA Monitor Values Report at <https://www.epa.gov/outdoor-air-quality-data/monitor-values-report>  
Notes:

<sup>1</sup> 1-hour NO<sub>2</sub> background concentration is based on three-year average (2018-2020) of the 98<sup>th</sup> percentile of daily maximum 1-hour concentrations from available monitoring data from the EPA.

<sup>2</sup> Annual NO<sub>2</sub> background concentration is based on the maximum annual average from the latest three years of available monitoring data from the EPA (2018-2020).

<sup>3</sup> The 24-hour PM<sub>2.5</sub> background concentration is based on 98<sup>th</sup> percentile concentration averaged over three years of data from the EPA (2018-2020).

<sup>4</sup> 24-hour PM<sub>10</sub> is based on the average value from the latest three years of available monitoring data from the EPA (2018-2020).

<sup>5</sup> 1-hour SO<sub>2</sub> background concentration is based on maximum 99<sup>th</sup> percentile concentration averaged over the latest three years of available monitoring data from the EPA (2018-2020).

The 24-hour PM<sub>2.5</sub> CEQR threshold was calculated using the 24-hour PM<sub>2.5</sub> background concentration from the above table, in accordance with *CEQR Technical Manual 24-hour de minimis* criterion. The calculated 24-hour PM<sub>2.5</sub> threshold based on 2018-2020 ambient data from IS 52 is 7.2 µg/m<sup>3</sup>.

## Methodology

### Mobile Source Intersection Analysis

A screening analysis of mobile source emissions of CO and PM on ambient pollutant levels in the study area was conducted per *CEQR Technical Manual* guidance using the preliminary trip generation analysis output from DCP's CEQR App. For the project's study area, as described in Chapter 17, Sections 210 and 311 of the *CEQR Technical Manual*, the threshold for conducting an analysis of CO emissions corresponds to 170 project-generated vehicles at a given intersection in the peak hour. The need for conducting an analysis of PM emissions is based on road type and the number of project-generated peak hour heavy-duty diesel vehicles (or its equivalency in vehicular PM<sub>2.5</sub> emissions) as determined using the worksheet provided on page 17-12 of the *CEQR Technical Manual*.

### HVAC Analysis

As described in **Section 1, Project Description**, the Proposed Actions would result in three new buildings: The North Building and South Building on Projected Development Site 1 and a mixed-use building on Projected Development Site 2. Each of the buildings would be served by its own HVAC system. Thus, an air quality analysis is required to assess the effect of emissions from each of the HVAC systems on other proposed buildings (project-on-project impact), and on existing buildings (project-on-existing impacts). Based on the number of proposed buildings, the *2020 CEQR Technical Manual* requires the detailed dispersion analysis using the USEPA's AERMOD model.

The Applicant anticipates that Projected Development Site 1 (North Building and South Building) would use electricity for heating and cooling. However, the use of natural gas was conservatively assumed to evaluate the reasonable worst-case effect on air quality. It was assumed that Projected Development Site 2 would use natural gas. NO<sub>2</sub> and PM<sub>2.5</sub> are the critical pollutants of concern from natural gas combustion and were analyzed in the refined HVAC analysis.

#### *Refined Dispersion Modeling*

The refined analysis of the effect of the HVAC systems was performed using the latest version of the EPA's AERMOD model (version 21112). The AERMOD model calculates pollutant concentrations from one or more points (e.g., exhaust stacks). AERMOD is a state-of-the-art dispersion model, applicable to rural and urban areas, flat and complex terrain, surface and elevated releases, and multiple sources (including point, area, and volume sources). AERMOD is a steady-state plume model that incorporates current concepts about flow and dispersion in complex terrain, including updated treatments of the boundary layer theory, understanding of turbulence and dispersion, and includes handling of terrain interactions. The model uses hourly meteorological data and has the capability to calculate pollutant concentrations at locations where the plume from the exhaust stack is affected by the aerodynamic wakes and eddies (downwash) produced by nearby structures.

The analysis assumed stack tip downwash, urban dispersion and surface roughness length, and elimination of calms. Both with and without building downwash options were used to assess the maximum impact from these sources. The following sections further summarize the methodology used for this analysis.



### ***Emission Rates and Stack Parameters***

For the buildings on Projected Development Site 1, the mechanical engineer (MEP) for the proposed development provided information on HVAC systems, assuming natural gas use (although the use of electricity is anticipated). Should the buildings use natural gas to fuel HVAC systems, the North Building would have three boilers (with capacity of 1.7 million BTU per hour each). Two of the boilers would be operational, with one serving as backup. The South Building would have three boilers (with capacity of 2.1 million BTU per hour each). Two of the boilers would be operational, with one serving as backup. The boilers that would serve Projected Development Site 1 would be ultra-low NO<sub>x</sub> boilers (up to 9 ppm). Ultralow NO<sub>x</sub> emissions were conservatively not accounted for in the analysis. For Projected Development Site 1 boiler stack parameters were provided by the mechanical engineer or were based on the New York City Department of Environmental Protection (DEP) boiler database.

For the building on Projected Development Site 2, emission rates were calculated using the maximum development size, energy consumption data from the Energy Information Administration (EIA)<sup>2</sup>, and emission factors from EPA's AP-42. Short-term emission rates were estimated assuming that all fuel would be consumed in 100 days of winter heating season, with no emissions for the rest of the year. Annual emission rates were calculated by averaging annual fuel use over 24 hours per day and 365 days per year. The HVAC exhaust height was assumed to be 88 feet (3 feet above the rooftop). Stack parameters, such as stack diameter, stack exhaust temperature, and exhaust velocity, were modeled based on information from the DEP's boiler database. Emission rates and stack parameters modeled for each building are provided in **Table 8-3**.

All HVAC system exhaust stacks for the buildings on Projected Development Sites were initially modeled to be located 10 feet away from the edge of roof closest to receptors per New York City Fuel Gas Code § 503.5.4. However, for Projected Development Site 2, the initially predicted concentrations of NO<sub>2</sub> and PM<sub>2.5</sub> indicated the potential to exceed NAAQS and *de minimis* thresholds. The modeled HVAC stack for Projected Development Site 2 was then set back in 5-foot increments until the source met the criteria. The setback requirement is discussed in the proposed (E) Designation. Additionally, low-NO<sub>x</sub> burners (up to 20 ppm) would be specified for Projected Development Site 2, if using natural gas for HVAC systems.

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<sup>2</sup> Energy Information Administration (EIA) 2015 Residential Energy Consumption Survey (RECS), Table CE1.2.

**Table 8-3 HVAC Stack Parameters and Emission Rates**

Project Site	Building Size (gsf) <sup>1</sup>	Stack Height (m) <sup>2,3</sup>	Exhaust Temperature (K) <sup>4</sup>	Exhaust Velocity (m/s) <sup>4</sup>	Stack Diameter (m) <sup>4</sup>	1-hr NO <sub>x</sub> (g/s) <sup>5,6</sup>	Annual NO <sub>x</sub> (g/s) <sup>7</sup>	24-hr PM <sub>2.5</sub> (g/s) <sup>5,6</sup>	Annual PM <sub>2.5</sub> (g/s) <sup>7</sup>
Site 1 North	89,575	33	333	7.8	0.2	1.85x10 <sup>-2</sup>	2.87x10 <sup>-3</sup>	1.41x10 <sup>-3</sup>	2.18x10 <sup>-4</sup>
Site 1 South	111,759	33	333	7.8	0.2	2.47x10 <sup>-2</sup>	3.59x10 <sup>-3</sup>	1.88x10 <sup>-3</sup>	2.72x10 <sup>-4</sup>
Site 2	25,635	26	426	7.8	0.3	1.31x10 <sup>-3</sup>	3.58x10 <sup>-4</sup>	4.56x10 <sup>-4</sup>	1.25x10 <sup>-4</sup>

Notes:

- <sup>1</sup> Residential building energy consumption factor was applied to calculate annual emissions, including for Site 2 (primarily residential).  
<sup>2</sup> Based on information provided by the MEP, a separate stack will serve each boiler on Site 1 buildings; 1 boiler is assumed on Site 2.  
<sup>3</sup> For buildings on Site 1, the stack height was provided by the MEP. For Site 2, the stack height was assumed to be 3 feet above the roof.  
<sup>4</sup> Stack diameter and temperature for buildings on Site 1 were provided by the MEP; Stack diameter and temperature for Site 2, and velocity for both Site 1 and Site 2 boiler exhaust are based on NYCDEP Boiler Database.  
<sup>5</sup> NO<sub>2</sub> hourly and 24-hour PM<sub>2.5</sub> emissions for Site 1 were calculated assuming operation of two boilers at full load.  
<sup>6</sup> NO<sub>2</sub> hourly and 24-hr PM<sub>2.5</sub> emission rates for Site 2 are based on the EIA factor and assuming that all fuel would be consumed in 100 days of winter heating season.  
<sup>7</sup> Annual emission rates are based on the EIA factor; Emissions for Site 1 buildings are apportioned equally to the boilers on each building.

### *Methodology for Modeling NO<sub>2</sub> Concentrations*

The 1-hour NO<sub>2</sub> concentrations associated with the Projected Development HVAC systems were modeled using the AERMOD Plume Volume Molar Ratio Method (PVMRM) module. The PVMRM module limits the NO<sub>x</sub> to NO<sub>2</sub> conversion by considering NO<sub>2</sub> formation based on the amount of ozone within the plume volume. Hourly background ozone concentrations for this analysis were obtained from the Queens College ambient monitoring station, which is the nearest monitoring station that has the latest five years of hourly data available. An in-stack NO<sub>2</sub> to NO<sub>x</sub> ratio was assumed based on EPA's "alpha" version of the in-stack ratio database, which indicates that the in-stack ratio for boilers is approximately 0.1<sup>3</sup>, and the NO<sub>2</sub>/NO<sub>x</sub> equilibrium ratio set to 0.9 (the recommended default value). Five years of hourly background NO<sub>2</sub> concentrations from the Queens College monitoring station were used to develop seasonal hourly background concentrations that were added within AERMOD to the hourly NO<sub>2</sub> concentrations resulting from the boiler emissions. The design NO<sub>2</sub> value was estimated within the AERMOD model using five years of ozone and seasonal hourly NO<sub>2</sub> background.<sup>4</sup> Annual concentrations were conservatively estimated assuming complete conversion of NO to NO<sub>2</sub> (EPA's Tier 1 approach, as described in EPA's Guideline on Air Quality Models at 40 CFR part 51 Appendix W, Section 5.2.4.10).<sup>5</sup>

### *Meteorological Data*

All analyses were conducted using five consecutive years of meteorological data (2016-2020). Surface data were obtained from La Guardia Airport and upper air data were obtained from Brookhaven station, New York. Data were processed by NYSDEC, using the EPA AERMET and the EPA procedure. These meteorological data provide hour-by-hour wind

<sup>3</sup> [http://www.epa.gov/ttn/scram/no2\\_isr\\_database.htm](http://www.epa.gov/ttn/scram/no2_isr_database.htm)

<sup>4</sup> [https://www.epa.gov/sites/production/files/2015-07/documents/appwno2\\_2.pdf](https://www.epa.gov/sites/production/files/2015-07/documents/appwno2_2.pdf)

<sup>5</sup> [http://www.epa.gov/scram001/guidance/guide/appw\\_05.pdf](http://www.epa.gov/scram001/guidance/guide/appw_05.pdf)

speeds and directions, stability states, and temperature inversion elevations over the 5-year period.

### **Receptor Locations**

In addition to the Projected Development Sites, sensitive receptors were modeled on buildings with heights similar or greater to the buildings proposed on the Projected Development Sites. Discrete receptors (i.e., locations at which concentrations are calculated) were modeled at heights representing each floor of the receptor buildings, along each building façade where operable windows and air intakes could be exposed to the plume from the HVAC systems serving the Projected Development Sites.

## **Large or Major Source Analysis**

As described in Section 220 and Section 321 in Chapter 17 of the *CEQR Technical Manual*, an air quality assessment is required to evaluate the potential impacts of emissions from a large or major emission source within a 1,000-foot radius of a project site. Large sources are identified as facilities with a State Facility Permit. Major sources are identified as Title V facilities that require Prevention of Significant Deterioration permits.

To assess the potential impacts of these large or major sources on the Project Area, a review of existing permitted facilities was conducted. Sources of information reviewed include the NYSDEC Title V and State Facility Permit website along with aerial images provided by Google and Bing.<sup>6,7</sup>

Review of available information identified one large source (Air State Facility Permit) – the Lincoln Medical and Mental Health Center (Lincoln Hospital) within 1,000 feet of the Project Area. Based on the State Facility Permit, Lincoln Hospital has three 31.4 million BTU per hour Cleaver Brooks boilers, one of which is used as a backup, and three ethylene oxide sterilizers. The boilers are primarily fueled by natural gas, with No. 2 fuel oil as backup. The exhaust height is 37 feet above grade for the sterilizers and 162 feet above grade for the boilers. Pollutant levels with this source were predicted using the AERMOD dispersion model, with the same meteorological dataset and standard modeling settings used in the refined HVAC analysis, however, the use of the PVMRM module was not needed, as the more conservative (Tier 1) analysis demonstrated compliance with the 1-hr NO<sub>2</sub> NAAQS. Receptors were modeled to be representative of operable window and air intake locations on all floors of the Projected Development buildings.

To be conservative, the analysis of boiler effects on air quality was performed assuming No. 2 oil since this fuel has higher pollutant emissions. The pollutants of concern with the use of fuel oil are NO<sub>2</sub>, PM<sub>2.5</sub>, PM<sub>10</sub>, and SO<sub>2</sub>. The facility emission rates were based on the information provided in the air permit and EPA's Compilations of Air Pollutant Emission Factors (AP-42) emission factors, except for annual average NO<sub>x</sub> emissions, which were based on the annual maximum emissions allowed by the permit (NO<sub>x</sub> emissions cap). **Table 8-4** presents the emission rates and stack parameters used in the AERMOD analysis for Lincoln Hospital.

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<sup>6</sup> NYSDEC Title V- [http://www.dec.ny.gov/dardata/boss/afs/issued\\_atv.html](http://www.dec.ny.gov/dardata/boss/afs/issued_atv.html)

<sup>7</sup> State Permit- [http://www.dec.ny.gov/dardata/boss/afs/issued\\_asf.html](http://www.dec.ny.gov/dardata/boss/afs/issued_asf.html)

**Table 8-4 Stack Parameters and Emission Rates for Lincoln Medical and Mental Health Center**

Source	Pollutant	Averaging Time	Emission Rate (g/s)	Exhaust Height (m) <sup>4,6</sup>	Exhaust Temperature (K) <sup>5,6</sup>	Exhaust Velocity (m/s) <sup>5,7</sup>	Exhaust Diameter (m) <sup>6</sup>
2 Boilers on Oil	NO <sub>x</sub>	1-hour <sup>1</sup>	1.1304				
		Annual <sup>2</sup>	0.7163				
	PM <sub>2.5</sub> <sup>1</sup>	24-hr / Annual	0.0876	49.4	426	6.4	2.7
	PM <sub>10</sub> <sup>1</sup>	24-hr	0.1300				
Sterilizers	Ethylene Oxide	1-hr <sup>6</sup>	0.0144	11.3	303	0.027	0.8
		Annual <sup>3</sup>	0.0001				

Notes:

- <sup>1</sup> Boiler emission rates for PM<sub>2.5</sub>, PM<sub>10</sub>, SO<sub>2</sub>, and 1-hr NO<sub>2</sub> were calculated assuming maximum operation of two boilers every hour of the year.
- <sup>2</sup> Annual NO<sub>x</sub> emission rate was based on the annual permit limit for NO<sub>x</sub>.
- <sup>3</sup> Annual ethylene oxide emissions were calculated by adjusting the peak hour emissions to account for 260 annual sterilizer cycles at 20 minutes of exhaust per cycle (assumptions per <https://www.regulations.gov/document/EPA-HQ-OAR-2005-0171-0028> and the Title V permit for sterilizers with comparable emissions at New York Presbyterian Hospital).
- <sup>4</sup> Sources were conservatively located closest to the proposed development, on the hospital building tier that best matched the release height in the permit.
- <sup>5</sup> Boiler stack temperature of 307.8 F (426 K) and velocity 6.4 m/s assumptions are based on the DEP Boiler Database.
- <sup>6</sup> Based on the State Facility Permit.
- <sup>7</sup> Sterilizer exhaust temperature and exhaust velocity are based on the EPA document on sterilizers.

## Industrial Source Analysis

As described in Section 220 and Section 321 in Chapter 17 of the *CEQR Technical Manual*, an air quality assessment is required to evaluate the potential impacts of air toxics emissions from ventilation exhaust systems of manufacturing or processing facilities within a 400-foot radius of a project site when a project would result in new sensitive uses (particularly residences, schools, hospitals, or parks). If any sources are identified, a screening analysis is performed based on Table 17-3 in Chapter 17 of the *CEQR Technical Manual*. The screening table provides the maximum 1-hour, 8-hour, 24-hour and annual average modeled values based on a generic emission rate of 1 gram per second of a pollutant from a 20-foot-tall point source for distances between 30 feet and 400 feet from the receptor of same height. Potential impacts predicted from the industrial source of concern are then compared with the short-term and annual guideline concentrations recommended in NYSDEC’s DAR-1 AGC/SGC Tables. If a proposed project fails this screening analysis, or the screening analysis methodology is not applicable to the project, further analysis using AERMOD is warranted to determine any potential for significant adverse impacts.

## Assessment

### Mobile Source Intersection Analysis

A screening analysis was conducted for the intersections near the Project Area. The DCP CEQR App preliminary trip generation analysis was refined for the directional splits based on information from the *Lower Concourse North FEIS* (2017), and the maximum With-Action

Condition generated trip increment would be 21 vehicle trips “in” and nine vehicle trips “out” (total of 30 vehicle trips) during the PM peak hour. All 30 vehicle trips would be auto or taxi trips (no truck trips).

Of the roadways fronting the Project Area, 150th Street, which is classified as a paved roadway per NYS DOT Highway Functional Classification, could potentially fail the screening if the majority of the 30 vehicle trips were assigned along this roadway. Based on the anticipated unit distribution over the three buildings that make up the With-Action Condition, the Projected Development Site 1 South Building, which fronts 150th Street (153 residential unit increment) would account for approximately 47 percent of the vehicle trip increment. Therefore, approximately 47 percent of the total 30 vehicle trips (14 vehicle trips) would be expected to use 150th Street during the PM peak hour. These 14 vehicles were classified as vehicle type LGDT1 (to be conservative) which is equivalent to 7 HDDV and is below the 12 HDDV screening threshold.

The surrounding roadway is made up of a mix of one-way and two-way roadways, and it is possible that With-Action Condition generated trips destined to other Projected Development Site buildings would need to travel through 150th Street and add more trips along this roadway. To confirm that no additional vehicles pass through 150th Street on the way to other Projected Development Site buildings, a trip assignment was prepared for the PM peak hour and confirmed that no additional vehicle trips would travel through 150th Street. The two other roadways fronting the site, Morris Avenue and 151st Street, were also checked to confirm that the vehicles traveling on those roadways did not exceed the threshold for equivalent truck calculations. Therefore, the Proposed Action would not exceed the equivalent truck calculation screening thresholds.

## HVAC Refined Analysis

As discussed, a refined HVAC analysis following the *CEQR Technical Manual* procedures was conducted to evaluate the effects on air quality from the Projected Development Sites’ HVAC systems emissions.

The results of the refined modeling analysis are presented in **Table 8-5**. The refined HVAC analysis was performed in AERMOD using with and without building downwash options and the higher concentration is presented in this table.

When the exhaust stack on Projected Development Site 2 was modeled at the top of the Projected Development Site 2 building, 10 feet from the westernmost façade it resulted in predicted concentrations above applicable 24-hour PM<sub>2.5</sub> and 1-hr NO<sub>2</sub> thresholds. The concentrations shown in **Table 8-5** represent results modeled with stack placement and NO<sub>x</sub> control requirements that would be set forth in the (E) Designation for Projected Development Site 2. For 1-hour NO<sub>2</sub>, the highest predicted daily 1-hour NO<sub>2</sub> concentration was determined at each receptor location and the 98<sup>th</sup> percentile daily 1-hour maximum concentration for each modeled year was calculated within the AERMOD model. The 98<sup>th</sup> percentile concentrations were averaged over the latest five years and added to the hourly background.

**Table 8-5 Maximum Modeled Pollutant Concentrations from Proposed Project HVAC Systems**

Pollutant	Averaging Time	Modeled <sup>1</sup> Concentration (µg/m <sup>3</sup> )	Background (µg/m <sup>3</sup> )	Total (µg/m <sup>3</sup> )	Impact Criterion (µg/m <sup>3</sup> )	Criterion Type
NO <sub>2</sub>	1-Hour <sup>2</sup>	176.8	-	176.8	188	NAAQS
	Annual <sup>3</sup>	0.9	31.1	32.0	100	
PM <sub>2.5</sub>	24-Hour	4.0	20.7	N/A <sup>4</sup>	7.2	CEQR <i>de minimis</i>
	Annual	0.16	8.3		0.3	

Notes:

<sup>1</sup> The refined HVAC analysis was performed in AERMOD using with and without building downwash options, and the higher concentration is presented in this table.

<sup>2</sup> The 1-hour NO<sub>2</sub> modeled concentration includes the seasonal-hourly background and represents the maximum of the total 98<sup>th</sup> percentile 1-hour NO<sub>2</sub> concentration predicted at any receptor.

<sup>3</sup> Annual NO<sub>2</sub> concentrations were calculated conservatively assuming complete conversion of NO<sub>x</sub> to NO<sub>2</sub>.

<sup>4</sup> The predicted 24-hour and annual PM<sub>2.5</sub> concentrations are directly compared to the *de minimis* thresholds of 7.2 µg/m<sup>3</sup> and 0.3 µg/m<sup>3</sup>, respectively, without considering background concentrations.

As shown in **Table 8-5**, with the implementation of (E) Designation requirements, the maximum 1-hour and annual NO<sub>2</sub> concentrations are below their respective NAAQS. The maximum 24-hour PM<sub>2.5</sub> concentrations shown are below the *de minimis* threshold of 7.2 µg/m<sup>3</sup>, and the annual PM<sub>2.5</sub> concentrations are below the *de minimis* threshold of 0.3 µg/m<sup>3</sup>. Therefore, there would be no potential for significant adverse impacts from the HVAC systems.

The text for the (E) Designation for Projected Development Site 1 and Site 2 would be as follows:

***Block 2410, Lots 14, 72, and 77 – Projected Development Site 1 (North Building and South Buildings)***

*Any new residential or commercial development on the above-referenced property, if using fossil-fuel fired heating, ventilation, and air conditioning (HVAC) systems, must exclusively use natural gas and ensure that the HVAC stacks are located at the highest building tier and at least 108.66 feet above grade to avoid any significant adverse air quality impacts.*

***Block 2410, Lots 5, 6, and 7 – Projected Development Site 2***

*Any new residential or commercial development on the above-referenced property, if using fossil-fuel fired heating, ventilation, and air conditioning (HVAC) systems, must exclusively use natural gas and be fitted with low-NOx (20 ppm) burners. Additionally, HVAC stacks must be located at the highest building tier and at least 88 feet above grade, and a minimum of 25 feet away from the lot line facing the rear yard (i.e., at least 25 feet away from the eastern lot line closest to Courtlandt Avenue) to avoid any significant adverse air quality impacts.*

**Large or Major Source Analysis**

The maximum concentrations of NO<sub>2</sub>, SO<sub>2</sub>, PM<sub>2.5</sub>, and PM<sub>10</sub> that could result from Lincoln Hospital at the Projected Development locations based on the modeling results were added to the background concentrations, where applicable, to estimate total air quality concentrations at the Projected Development Sites. The maximum ethylene oxide

concentrations were compared to the guidance criteria (SGC and AGC). The results of the analysis are presented in **Table 8-6**.

**Table 8-6 Pollutant Concentrations from Lincoln Hospital at the Projected Development Sites**

Pollutant	Averaging Time	Modeled Concentration ( $\mu\text{g}/\text{m}^3$ )	Background ( $\mu\text{g}/\text{m}^3$ )	Total ( $\mu\text{g}/\text{m}^3$ )	Impact Criterion ( $\mu\text{g}/\text{m}^3$ )	Criterion Type
NO <sub>2</sub>	1-Hour	12.2	106.5	118.7	188	NAAQS
	Annual	0.5	31.1	31.6	100	
PM <sub>2.5</sub>	24-Hour	0.6	20.7	21.3	35	NAAQS
	Annual	0.06	8.3	8.4	12	
PM <sub>10</sub>	24-Hour	0.9	35.3	36.2	150	NAAQS
SO <sub>2</sub>	1-Hour	17.7	14.8	32.5	196	NAAQS
Ethylene Oxide	1-Hour	3.0	N/A	3.0	18	DAR-1 SGC
	Annual	0.0014	N/A	0.0014	0.0020	10 x DAR-1 AGC

Notes:

- <sup>1</sup> The analysis was performed in AERMOD with and without building downwash options, and the higher concentration is presented in this table.
- <sup>2</sup> Annual NO<sub>2</sub> concentrations were calculated conservatively assuming complete conversion of NO<sub>x</sub> to NO<sub>2</sub>.
- <sup>3</sup> The predicted 24-hour and annual PM<sub>2.5</sub> concentrations are directly compared to the *de minimis* thresholds of 7.2  $\mu\text{g}/\text{m}^3$  and 0.3  $\mu\text{g}/\text{m}^3$ , respectively, without considering background concentrations.
- <sup>4</sup> The predicted annual average ethylene oxide concentration is compared to the concentration 10 times greater than DAR-1 AGC, consistent with the ten-in-one million risk considered acceptable for carcinogenic pollutants.

The pollutant concentrations resulting from boiler emissions (NO<sub>2</sub>, PM<sub>2.5</sub>, PM<sub>10</sub>, and SO<sub>2</sub>) are well below the applicable NAAQS. NYSDEC guidance interprets impacts of less than 10 times higher than the AGC for carcinogenic compounds that have a risk-based threshold (which includes ethylene oxide) as allowable. Therefore, the effect of the hospital sterilizers on the Proposed Project is not considered significant. However, as the predicted annual concentrations would exceed the AGC, further context is provided. NYSDEC very recently (February 2021) revised the AGC for ethylene oxide, making the guidance value approximately 95 times more protective. The new AGC for ethylene oxide is based on EPA's Integrated Risk Information System (IRIS) cancer risk assessment, which calculated several inhalation unit-risks for ethylene oxide based on cancer incidence in a large occupational study. Prolonged occupational exposures are generally greater than community ambient exposures and the updated ethylene oxide AGC was selected to be protective in the occupational setting.

Ethylene oxide concentrations were predicted to be above the AGC throughout the project area, from the ground-level to of approximately 75 feet. While the potential exposure and risk associated with ethylene oxide would be allowable, the effect of the emissions from hospital sterilizers is widespread. Therefore, any optional/voluntary mitigation, if it were warranted, would be more effective at the source (Lincoln Hospital) than at the receptor locations (Projected Development Sites). Finally, EPA is actively pursuing efforts to regulate and reduce ethylene oxide emissions. The agency anticipates issuing a proposed rule for commercial sterilizers in 2021, with rules affecting hospital sterilizers anticipated in 2023.<sup>8</sup> It is likely that not long after the project is constructed the hospital may be required to further

<sup>8</sup> EPA, Agency Actions on Ethylene Oxide, <https://www.epa.gov/hazardous-air-pollutants-ethylene-oxide/agency-actions-ethylene-oxide>, accessed September 9, 2021.

reduce ethylene oxide emissions. The agency anticipates issuing a proposed rule for commercial sterilizers in 2021, with rules affecting hospital sterilizers anticipated in 2023. Overall, there would be no significant adverse impact from the existing large source (Lincoln Hospital) on the Proposed Project.

## Industrial Source Analysis

To assess potential air quality impacts on the proposed development from existing industrial sources that emit toxic air contaminants, an investigation of existing land uses within a 400-foot radius of the project block was conducted to identify potential sources and determine if there are active permits associated with those sources.

As a first step, land use maps were reviewed to identify surrounding land uses that could have NYCDEP-issued industrial permits (i.e., sites classified as Industrial/Manufacturing, Transportation/Utility, or Public Facilities/Institutions).

Once the potential facilities were identified, an additional review was undertaken to assess whether the potential facilities have associated permits. The following sources of information were reviewed: NYCDEP's Clean Air Tracking System (NYCDEP CATS), New York City's Open Accessible Space Information System Cooperative (OASIS) database, and available aerial photos provided by Google.

The permits identified from the NYCDEP CATS online database for the fire department at 330 East 150<sup>th</sup> Street and the hospital at 234 East 149<sup>th</sup> Street are associated with emergency generators. Following NYCDEP guidance, the identified emergency generators do not require an air quality assessment. Industrial permit PA040594, which was also identified from the NYCDEP CATS online database, is associated with a spray booth at the Alfred E. Smith High School. The school is approximately 162 feet away from the Project Area. CEQR Technical Manual industrial screening analysis was performed for the spray booth to estimate impacts from its emissions on the project. Since no emission operation data was available in permit PA040594, a generic analysis was conducted using reasonably conservative assumptions from the Generic Air Quality Report regarding paint usage, types of pollutants, and emission rate breakdown for each type of pollutant from a typical auto body spray booth, and from the AP-42 Appendix B1 for particle size distribution. The results of this analysis are presented in **Table 8-7**. The results show that individual contaminant concentrations are below their respective short and long-term guideline levels.



**Table 8-7 Results of Industrial Source Analysis**

Chemical Name	CAS	Total Short-term Concentration (µg/m <sup>3</sup> )	SGC (µg/m <sup>3</sup> )	Total Annual Concentration (µg/m <sup>3</sup> )	AGC (µg/m <sup>3</sup> )
Solids (PM <sub>2.5</sub> ) <sup>1,2</sup>	NY075-02-5	24.95	35	7.92	12
Solids (PM <sub>10</sub> ) <sup>1,2</sup>	NY079-00-0	43.58	150	-	-
Acetone	00067-64-1	179.45	180,000	1.05	30,000
Aliphatic Hydrocarbon	64742-89-8	-	-	0.25	3,200
Aromatic Petroleum distillates	64742-94-5	-	-	0.12	100
Ethanol	00064-17-5	-	-	0.05	45,000
Ethyl 3-Ethoxypropionate	00763-69-9	37.56	140	0.22	64
Ethylbenzene	00100-41-4	-	-	0.12	1,000
Methyl Ethyl Ketone	00078-93-3	33.39	13,000	0.20	5,000
N-Butyl Acetate	00123-86-4	20.87	71,300	0.12	565
Stoddard Solvent	08052-41-3	-	-	0.25	900
Toluene	00108-88-3	41.73	37,000	0.25	5,000
Xylene	01330-20-7	41.73	22,000	0.25	100

Notes:

<sup>1</sup> Based on AP-42 Appendix B.1, Table 4.2.28, 28.6% of emissions of solids from paint are assumed to be PM<sub>2.5</sub>, 46.7% - PM<sub>10</sub><sup>2</sup> Total PM<sub>2.5</sub> and PM<sub>10</sub> concentrations includes background concentration from **Table 8-2**.

Health risk is characterized using excess cancer risks per one million people for carcinogenic compounds and as hazard index for non-carcinogens. Both cancer risk and non-cancer health risk were estimated using procedures from the NYSDEC DAR-1 based on the annual concentrations and AGC levels. Cancer risk assessment results are presented in **Table 8-8**, non-cancer hazard index in **Table 8-9**. To assess the cumulative cancer risk from the spray booth emissions and the hospital sterilizer emissions (evaluated as part of the Large Source Analysis), ethylene oxide risk was included in the assessment.

**Table 8-8 Cancer Risk Assessment**

Chemical Name	CAS	Cancer Risk
Ethylene Oxide	4-01-001-07	6.9
Cancer Risk		<b>6.9</b>

**Table 8-9 Hazard Index Assessment**

<b>Chemical Name</b>	<b>CAS</b>	<b>DAR-1 classification</b>	<b>Hazard Quotient</b>
Solids (PM <sub>2.5</sub> ) <sup>1,2</sup>	NY075-02-5		0.660
Solids (PM <sub>10</sub> ) <sup>1,2</sup>	NY079-00-0		-
Acetone	00067-64-1	Low toxicity	0.00004
Aliphatic Hydrocarbon	64742-89-8	Medium toxicity	0.0001
Aromatic Petroleum distillates	64742-94-5	Medium toxicity	0.001
Ethanol	00064-17-5	Low toxicity	0.000001
Ethyl 3-Ethoxypropanoate	00763-69-9	Medium toxicity	0.003
Methyl Ethyl Ketone	00078-93-3	Medium toxicity	0.00004
N-Butyl Acetate	00123-86-4	Low toxicity	0.00022
Stoddard Solvent	08052-41-3	Medium toxicity	0.0003
Ethylbenzene	00100-41-4	Medium toxicity	0.00012
Toluene	00108-88-3	Low toxicity	0.00005
Xylene	01330-20-7	Medium toxicity	0.002
<b>Hazard Index</b>			<b>0.668</b>

The cancer risk was compared to the DAR-1 threshold of 10 in a million<sup>9</sup> and non-cancer hazard index to 2. The greatest contributor to the cancer risk presented in **Table 8-8** is ethylene oxide emitted from Lincoln Hospital sterilizers, which were discussed as part of the Large Source Analysis results. The hazard index at the Proposed Project is below the threshold. Therefore, no significant adverse air quality impacts from the spray booth and the hospital sterilizers are anticipated at the Proposed Project.

## Conclusion

The HVAC refined analysis indicates that with the requirements set forth in the (E) Designation for the Projected Development Sites, there would be no potential for significant adverse air quality impacts from the HVAC systems. Estimated cancer risk and hazard index from emissions from the existing spray booth at the Alfred E. Smith High School and from the hospital (large source) sterilizers were below the respective hazard index and cancer risk threshold. Hence, no significant adverse impacts are anticipated due to air toxics emissions from the spray booth or hospital sterilizers.

The refined analysis of emissions from the existing large source (Lincoln Hospital) within 1,000 feet of the Projected Development shows predicted concentrations that would be below the applicable thresholds and would therefore not result in a significant adverse impact on air quality.

<sup>9</sup> <https://www.dec.ny.gov/chemical/106667.html>



# 9

## Noise

The goal of this section is to determine whether the proposed development may increase noise exposure at existing sensitive receptors and whether new receptors would be introduced into an acceptable ambient noise environment.

### Introduction

As described in **Section 1, Project Description**, the Proposed Actions would facilitate the development of two residential buildings (the “Proposed Project”) on Projected Development Site 1. The Proposed Actions would also facilitate the development of an eight-story mixed-use building in the remainder of the rezoning area, which is not owned or controlled by the Applicant (Projected Development Site 2). The mixed-use building would have commercial space on the ground floor and residential space on the upper floors.

Therefore, the Proposed Actions would introduce new noise-sensitive receptors to the project site. The purpose of the noise assessment under *City Environmental Quality Review (CEQR)* is to determine if:

- › The proposed development would significantly increase sound levels from mobile and stationary sources at existing noise receptors adjacent to the development site, including residential, schools, and office spaces; and
- › New noise receptors introduced at the development sites would be in an acceptable ambient sound level environment.

Per the *2020 CEQR Technical Manual*, a noise analysis is appropriate if an action would generate mobile or stationary sources of noise or would be located in an area with high ambient noise levels. Mobile sources include vehicular traffic; stationary sources include rooftop equipment such as emergency generators, cooling towers, and other mechanical equipment.

Noise assessment includes the following:

- › Background on metrics used to describe noise;
  - › The methodology and criteria used to assess potential impacts;
  - › An assessment of the potential for the proposed development to significantly affect existing receptors due to the introduction of new mobile or stationary sources;
  - › Results from ambient sound level monitoring; and
- An evaluation of the ambient sound levels at new receptor locations.

## Noise Background

Noise is defined as unwanted or excessive sound. Sound becomes unwanted when it interferes with normal activities such as sleep, work, or recreation. How people perceive sound depends on several measurable physical characteristics. These factors include:

- › Level - Sound level is based on the amplitude of sound pressure fluctuations and is often equated to perceived loudness.
- › Frequency - Sounds are comprised of acoustic energy distributed over a variety of frequencies. Acoustic frequencies, commonly referred to as tone or pitch, are typically measured in Hertz (Hz). Pure tones have energy concentrated in a narrow frequency range and can be more audible to humans than broadband sounds. Sound levels are most often measured on a logarithmic scale of decibels (dB). The decibel scale compresses the audible acoustic pressure levels which can vary from the threshold of hearing (0 dB) to the threshold of pain (120 dB). Because sound levels are measured in dB, the addition of two sound levels is not linear. Adding two equal sound levels results in a 3 dB increase in the overall level. Research indicates the following general relationships between sound level and human perception:
  - A 3-dB increase is a doubling of acoustic energy and is the threshold of perceptibility to the average person.
  - A 10-dB increase is a tenfold increase in acoustic energy and is perceived as a doubling in loudness to the average person.

Audible sound is comprised of acoustic energy over a range of frequencies typically from 20 to 20,000 Hz. The human ear does not perceive sound levels at each frequency as equally loud. To compensate for this phenomenon in perception, a frequency filter known as A-weighting (dBA) is used to evaluate environmental noise levels. **Table 9-1** presents a list of common outdoor and indoor sound levels.

**Table 9-1 Common Indoor and Outdoor Sound Levels**

Outdoor Sound Levels	Sound Pressure μPa	Sound Level dBA	Indoor Sound Levels
Jet Over-Flight at 300 m	6,324,555	110	Rock Band at 5 m
	-	105	
Gas Lawn Mower at 1 m	2,000,000	100	Inside New York Subway Train
	-	95	
Diesel Truck at 15 m	632,456	90	Food Blender at 1 m
	-	85	
Noisy Urban Area—Daytime	200,000	80	Garbage Disposal at 1 m
	-	75	Shouting at 1 m
Gas Lawn Mower at 30 m	63,246	70	Vacuum Cleaner at 3 m
Suburban Commercial Area	-	65	Normal Speech at 1 m
	20,000	60	
Quiet Urban Area—Daytime	-	55	Quiet Conversation at 1 m
	6,325	50	Dishwasher Next Room
Quiet Urban Area—Nighttime	-	45	
	2,000	40	Empty Theater or Library
Quiet Suburb—Nighttime	-	35	
	632	30	Quiet Bedroom at Night
Quiet Rural Area—Nighttime	-	25	Empty Concert Hall
Rustling Leaves	200	20	
	-	15	Broadcast and Recording Studios
	63	10	
	-	5	
Reference Pressure Level	20	0	Threshold of Hearing

μPA MicroPascals describe pressure. The pressure level is what sound level monitors measure.

dBA A-weighted decibels describe pressure logarithmically with respect to 20 μPa (the reference pressure level).

**Source:** Highway Noise Fundamentals, Federal Highway Administration, September 1980.

Because sound levels change over time, a variety of sound level metrics can be used to describe environmental noise. The following is a list of sound level descriptors that are used in the noise analysis:

- › L<sub>10</sub> is the sound level which is exceeded for 10 percent of the time during a given time period. Therefore, it represents the higher end of the range of sound levels. The unit is commonly used in the *2020 CEQR Technical Manual* to evaluate acceptable thresholds for noise exposure for new receptors that would be introduced by a proposed development.
- › L<sub>eq</sub> is the energy-average A-weighted sound level. The L<sub>eq</sub> is a single value that is equivalent in sound energy to the fluctuating levels over a period of time. Therefore, the L<sub>eq</sub> considers how loud noise events are during the period, how long they last, and how many times they occur. L<sub>eq</sub> is commonly used to describe environmental noise and relates well to human annoyance. In accordance with the *2020 CEQR Technical Manual*, the L<sub>eq</sub> sound level is used to assess the potential for significant increases in noise due to a proposed development at existing receptors in the study area and to assess noise exposure for new receptors.

## Assessment Methodology

This noise analysis considers two receptor types when evaluating noise for the proposed development; existing and new receptor(s). Since the proposed development would introduce new residences and commercial uses, these are considered "new receptors."

The analysis also considers "existing receptors" which are the current noise-sensitive uses, including the surrounding residences, office space and schools. The following describes the results of the noise assessment for these two types of receptors.

## Noise Assessment for Existing Receptors

Noise impact at existing nearby sensitive receptors is assessed according to the relative increase between No-Action and With-Action sound levels. Noise impact is assessed according to the increase in the  $L_{eq}$  sound level in accordance with the *2020 CEQR Technical Manual*. If mobile or stationary sources associated with the proposed development would increase  $L_{eq}$  sound levels by 3 dB or more and absolute levels would exceed 65 dBA  $L_{eq}$ , the proposed development would cause a significant adverse impact prior to mitigation. Additionally, if No-Action condition noise levels are 60 dBA  $L_{eq}$  or less, a 5-dB increase would be considered a significant adverse noise impact.

## Mobile Sources

Since the With-Action scenario would not generate sufficient vehicular traffic to exceed the threshold for a detailed transportation analysis, with the relatively moderate to high numbers of vehicles in the immediate area of noise sensitive receptors, the proposed development would not result in a doubling of noise passenger car equivalents (PCEs), which would be necessary to cause a 3-dBA increase in noise levels. Therefore, the Proposed Actions would not cause a significant adverse vehicular noise impact.

## Stationary Sources

The proposed development is not anticipated to include any substantial stationary source noise generators, such as unenclosed cooling or ventilation equipment, loudspeaker systems, stationary diesel engines, car washes, or other similar types of uses. The design and specifications for the mechanical equipment, such as heating, ventilation, and air conditioning, are not known at this time. As the project design advances, mechanical equipment would be selected that incorporates sufficient noise reduction to comply with applicable noise regulations and standards, including the standards contained in the revised New York City Noise Control Code. This would ensure that mechanical equipment does not result in any significant increases in noise levels by itself or cumulatively with other project noise sources.

## Noise Assessment for New Receptors

With-Action noise conditions at new sensitive receptors that would be introduced by the proposed development are evaluated according to absolute exterior sound level. The noise exposure guidelines for acceptable ambient conditions depend on the type of land use; for

residential buildings, the goal is to maintain interior noise levels of 45 dBA or lower. With-Action exterior sound levels are evaluated to determine if receptors would be in an acceptable ambient sound level environment. It is generally assumed that without specific information on a building’s window and wall construction, the outdoor-to-indoor noise reduction of the building is 25 decibels. Therefore, exterior ambient sound levels exceeding 70 dBA (L<sub>10</sub>) at residential receptors during the daytime (7 AM to 10 PM) are considered to be Marginally Unacceptable. Exterior sound levels exceeding 80 dBA (L<sub>10</sub>) are considered Clearly Unacceptable. If there would be Marginally Unacceptable or Clearly Unacceptable ambient noise conditions, there is a need to provide window/wall sound attenuation that is sufficient to reduce interior sound levels to acceptable levels.

Since the proposed development would introduce residential space to the project site, the highest L<sub>10</sub> or L<sub>eq</sub> sound level is used to evaluate whether the proposed development would introduce new receptors into an acceptable noise environment. The analysis presents the results of ambient noise monitoring that was conducted at the project site and the assessment of whether new receptors would be in a high ambient noise environment.

### Noise Exposure Guidelines

The 2020 CEQR Technical Manual provides noise exposure guidelines for assessing ambient noise conditions at new residential receptors, as shown in **Table 9-2**.

**Table 9-2 Noise Exposure Guidelines for Use in City Environmental Impact Review**

Receptor Type	Time Period	Acceptable External Exposure	Marginally Acceptable External Exposure	Marginally Unacceptable External Exposure	Clearly Unacceptable External Exposure
Commercial, or Office	All Times	L <sub>10</sub> ≤ 65 dBA	65 < L <sub>10</sub> ≤ 70 dBA	70 < L <sub>10</sub> ≤ 80 dBA	L <sub>10</sub> > 80 dBA
Residence	7 AM to 10 PM				
Residence	10 PM to 7 AM	L <sub>10</sub> ≤ 55 dBA	55 < L <sub>10</sub> ≤ 70 dBA	70 < L <sub>10</sub> ≤ 80 dBA	L <sub>10</sub> > 80 dBA

Source: Table 19-2, 2020 CEQR Technical Manual.

### Existing Sound Levels

Noise monitoring was conducted at three sites on Wednesday, May 1, 2019 in accordance with the CEQR Technical Manual as shown in **Figure 9-1**. Noise monitors were placed with a minimum of four feet between the microphone and nearby reflecting surfaces. With roadway activity dominating the overall noise environment, 20-minute noise measurements were conducted during morning peak periods (8 – 9:00 AM), midday period (12 – 1:00 PM) and evening peak period (5 – 6:00 PM). Measurements were conducted using a Type I sound level meter at ground level.

**Table 9-3** summarizes the measurement results. The measured L<sub>eq</sub> levels ranged from 62.4 dBA to 86.8 dBA and the L<sub>10</sub> levels ranged from 66.0 to 76.4 dBA. Ambient sound measurements included contributions from sirens on emergency response vehicles including ambulances and fire trucks. Ambient conditions at Site 3, on Morris Avenue, included

contributions from sirens from emergency response vehicles that routinely access the Lincoln Medical Center on Morris Avenue. As such, the measurements conducted at Site 3 on Morris Avenue have been used to provide a conservative assessment of the ambient sound conditions at the Project Site. Measurements at Sites 1 and 2, on East 150th Street and East 151st Street, respectively, included a disproportionate number of sound events from emergency response vehicles and therefore have not been used to evaluate the need for window/wall sound attenuation at the Project Site.

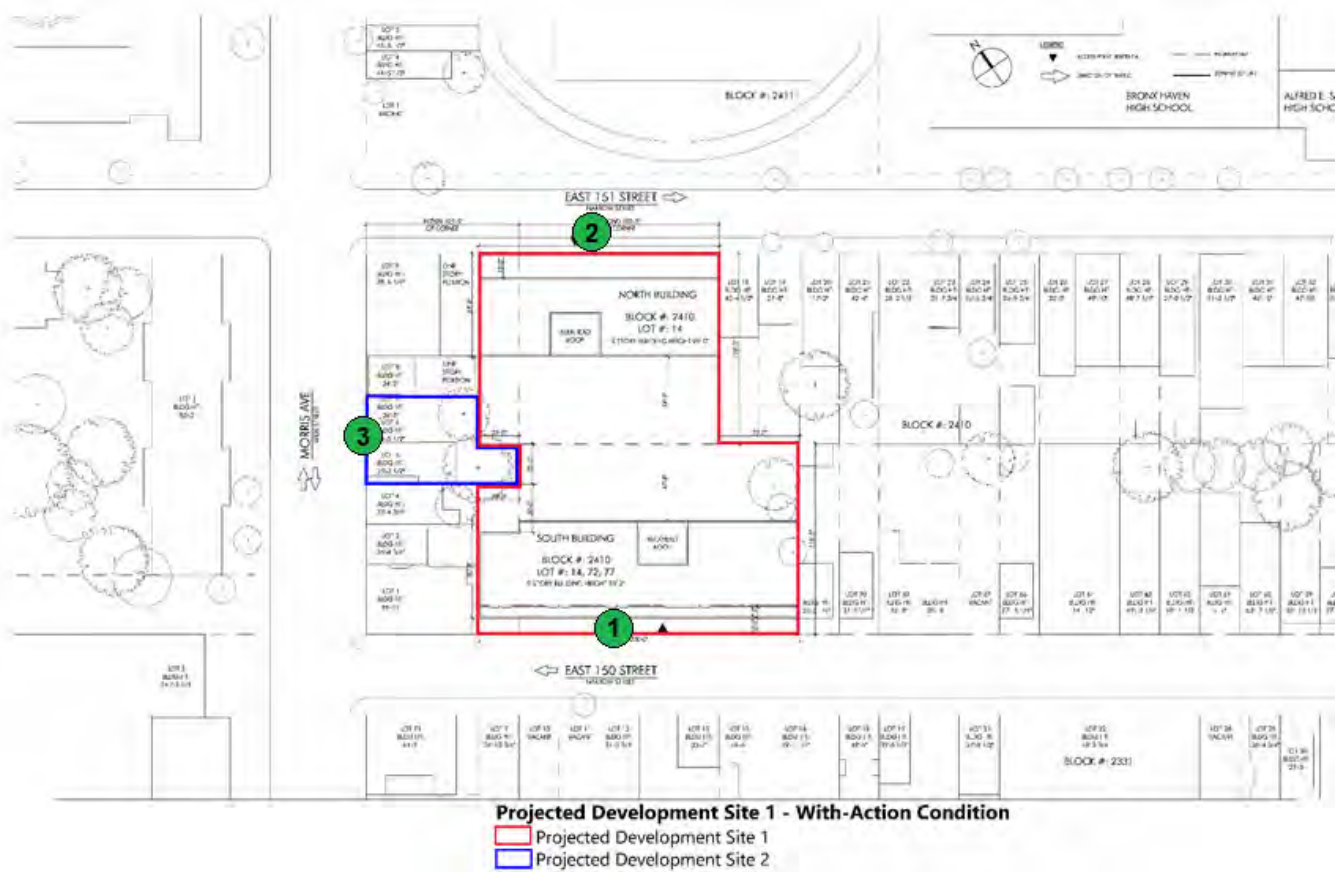
**Table 9-3 Ambient Sound Level Measurements**

Site	Monitoring Location	Period	Duration	L <sub>eq</sub>	L <sub>min</sub>	L <sub>max</sub>	L <sub>1</sub>	L <sub>10</sub>	L <sub>50</sub>	L <sub>90</sub>
1	East 150th Street	Morning	20 Min	83.9	50.9	109.3	94.7	<b>67.6</b>	59.4	54.3
		Midday	20 Min	77.1	50.8	99.6	89.8	<b>74.7</b>	58.4	53.3
		Evening	20 Min	86.8	50.9	107.6	103.6	<b>76.4</b>	60.2	55.9
2	East 151st Street	Morning	20 Min	71.5	49.8	97.9	83.3	<b>68.4</b>	59.3	53.9
		Midday	20 Min	62.4	49.5	81.0	73.0	<b>66.0</b>	57.1	52.8
		Evening	20 Min	65.3	49.2	84.2	76.0	<b>68.1</b>	58.3	52.9
3	Morris Avenue	Morning	20 Min	75.2	59.1	100.9	85.9	<b>71.0</b>	65.0	61.4
		Midday	20 Min	66.5	60.5	79.9	73.3	<b>68.4</b>	65.3	63.4
		Evening	20 Min	66.3	59.2	82.7	74.8	<b>68.3</b>	64.3	62.1

Source: Measurements conducted by VHB on May 1, 2019.



**Figure 9-1 Noise Monitoring Locations**



### Acceptability Assessment

The 2020 CEQR Technical Manual provides noise exposure guidelines for assessing ambient sound levels, as shown in Table 9-2. Based on these noise exposure guidelines, noise impact has been assessed to determine the level of acceptability for new sensitive receptors at all development sites. Table 9-4 summarizes the max of the L<sub>10</sub> and L<sub>eq</sub> sound levels at Monitoring Location 3. The table indicates whether the existing sound levels are considered to be acceptable according to the 2020 CEQR Technical Manual.

**Table 9-4 Existing Sound Level Acceptability**

Site	Monitoring Location	Period	Max of L <sub>10</sub> or L <sub>eq</sub>	Acceptability
3	Morris Avenue	Morning	75.2 (L <sub>eq</sub> )	Marginally Unacceptable
		Midday	68.4 (L <sub>10</sub> )	Marginally Acceptable
		Evening	68.3 (L <sub>10</sub> )	Marginally Acceptable

Source: VHB, 2019.

According to the noise exposure guidelines in the CEQR Technical Manual, existing sound levels (maximum of L<sub>eq</sub> and L<sub>10</sub>) are Marginally Unacceptable during the morning peak period and marginally acceptable during the midday and evening peak periods. The highest measured sound level was 75.2 dBA L<sub>eq</sub> during the morning peak period. Based on the

finding of Marginally Unacceptable sound levels, sufficient outdoor-to-indoor sound attenuation of the window/wall must be specified to provide acceptable sound attenuation from the window/wall materials of the proposed development.

### Noise Attenuation Measures

The most common measure for reducing interior noise from ambient sources is to specify sufficient outdoor-to-indoor sound attenuation for a proposed building. As shown in **Table 9-5**, the required level of attenuation varies based on the exterior sound levels and type of receptor. Based on a maximum  $L_{eq}$  sound level of 75.2 dBA, a composite outdoor-to-indoor window/wall sound attenuation of 31 dBA or more is required to obtain acceptable interior noise conditions in residential spaces, as well as alternate means of ventilation such as well-sealed air conditioners, package-terminal air conditioners, or central air conditioning. A composite window/wall sound attenuation of 26 dBA or more is required for commercial office spaces.

**Table 9-5 Required Attenuation Values to Achieve Acceptable Interior Noise Levels**

With-Action Sound Level	Marginally Unacceptable				Clearly Unacceptable
	$70 < L_{10} \leq 73$	$73 < L_{10} \leq 76$	$76 < L_{10} \leq 78$	$78 < L_{10} \leq 80$	$80 < L_{10}$
Attenuation <sup>A</sup>	(I) 28 dBA	(II) 31 dBA	(III) 33 dBA	(IV) 35 dBA	$36 + (L_{10} - 80)^B$ dBA

Note: <sup>A</sup> The above composite window-wall attenuation values are for residential dwellings and community facility development. Commercial office spaces and meeting rooms would be 5 dBA less in each category. All of the above categories require a closed window situation and hence an alternate means of ventilation.

<sup>B</sup> Required attenuation values increase by 1 dBA increments for  $L_{10}$  values greater than 80 dBA.

Source: New York City Department of Environmental Protection (*CEQR Technical Manual*, Table 19-3)

The composite outdoor-to-indoor transmission classification (OITC) value of the window-wall structure is used to determine the necessary sound attenuation. Sound attenuation measures would be achieved through new construction materials and techniques with sufficient OITC-rated windows and walls. To maintain a closed-window condition, central air-conditioning, or air-conditioning sleeves containing air conditioners, will be provided to allow for an alternate means of ventilation.

The following E-designation commitment is proposed to be assigned to the Projected Development Site 1 and Site 2:

***Development Site 1: Bronx Block 2410, Lots 14, 72, and 77***

*In order to ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation on all building facades to maintain an interior noise level not greater than 45 dBA for residential uses. 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, air conditioning."*

***Development Site 2: Bronx Block 2410, Lots 5, 6 and 7***

*In order to ensure an acceptable interior noise environment, future residential/commercial office uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation on all building facades to maintain an interior noise level not greater than 45 dBA for residential uses or not greater than 50 dBA for commercial office uses. 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, air conditioning.*

With these commitments, no significant adverse impacts related to noise are expected and no further analysis is warranted.

## Conclusion

A noise assessment was conducted to determine whether the proposed development would significantly increase sound levels from mobile and stationary sources at existing noise receptors adjacent to the project site, and if new noise receptors that would be introduced by the proposed development would be in an acceptable ambient sound level environment.

As the proposed development does not exceed the detailed transportation analysis thresholds and with the relatively moderate to high numbers of vehicles in the immediate area, it would not result in a doubling of noise passenger car equivalents (PCEs), which would be necessary to cause a 3-dBA increase in noise levels. Therefore, the proposed development would not result in a significant adverse vehicular noise impact and the existing noise measurements results are representative of the With-Action vehicular noise conditions.

The proposed development is not anticipated to include any substantial stationary source noise generators. The design and specifications for the building's mechanical equipment would incorporate sufficient noise reduction devices that would comply with applicable noise regulations and standards, including the standards contained in the revised New York City Noise Control Code.

Based on a maximum  $L_{eq}$  sound level of 75.2 dBA, it is necessary to specify a minimum outdoor-to-indoor sound attenuation of the window/wall of 31 dBA for residences and 26 dBA for commercial office spaces and the use of alternate means of ventilation to provide an acceptable indoor noise conditions. An e-designation would be used at the Project Site to commit to these noise requirements. With these commitments, no significant adverse impacts related to noise are expected and no further analysis is warranted.

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## Appendix A: Agency Correspondence

## ENVIRONMENTAL REVIEW

Project number: DEPARTMENT OF CITY PLANNING / LA-CEQR-X

Project: OUR LADY OF PITY

Date Received: 11/16/2020

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Properties with no Architectural or Archaeological significance:

- 1) 271 EAST 150 STREET, BBL: 2024100001
- 2) 588 MORRIS AVENUE, BBL: 2024100004
- 3) 590 MORRIS AVENUE, BBL: 2024100005
- 4) 594 MORRIS AVENUE, BBL: 2024100006
- 5) 596 MORRIS AVENUE, BBL: 2024100007
- 6) 598 MORRIS AVENUE, BBL: 2024100008
- 7) 270 EAST 151 STREET, BBL: 2024100009
- 8) 272 EAST 151 STREET, BBL: 2024100014
- 9) 295 EAST 150 STREET, BBL: 2024100072
- 10) 289 EAST 150 STREET, BBL: 2024100077

*Gina Santucci*

11/19/2020

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SIGNATURE

Gina Santucci, Environmental Review Coordinator

DATE

File Name: 35275\_FSO\_DNP\_11192020.docx



February 20, 2020

Alexander McClean  
Senior Project Manager  
Environmental Assessment and Review Division  
New York City Department of City Planning  
120 Broadway, 31st Floor  
New York, NY 10271

**Vincent Sapienza, P.E.**  
*Commissioner*

**Re: Our Lady of Pity – Catholic Homes  
251 East 151st Street  
Block 2410, Lots 1, 3, 4, 5, 6, 7, 8, 9, 14, 72, and 77  
CEQR # 77DCP610X**

**Angela Licata**  
*Deputy Commissioner of  
Sustainability*

59-17 Junction Blvd.  
Flushing, NY 11373

Tel. (718) 595-4398  
Fax (718) 595-4422  
alicata@dep.nyc.gov

Dear Mr. McClean:

The New York City Department of Environmental Protection, Bureau of Sustainability (DEP) has reviewed the January 2020 Environmental Assessment Statement (EAS) and the August 2019 Phase I Environmental Site Assessment (Phase I) prepared by VHB on behalf of Association of New York Catholic Homes (applicant) for the above referenced project. It is our understanding that the applicant is seeking the following actions from the New York City Department of City Planning (DCP): a zoning map amendment to rezone the Project Area (Block 2410, Lots 1, 3-9, 14, 72, and 77) from an R6 district with Lots 1, 3-9 and portions of Lots 14 and 77 within a C1-4 overlay district to an R7A district and a zoning text amendment of Appendix F of the Zoning Resolution to classify the Project Area as a Mandatory Inclusionary Housing (MIH) Designated Area. The Project Area consists of Projected Development Site 1 (Lots 14, 72 and 77), Projected Development Site 2 (Lots 5-7), and Lots 1, 3, 4, 8 and 9, which are not projected development sites. The proposed rezoning would facilitate the construction of two 9-story residential buildings on Projected Development Site 1 for affordable housing totaling 201,334 gross square feet (gsf). The Proposed Project would provide open space at grade between the two buildings in the middle of Projected Development Site 1, serving as a rear yard equivalent for the through lot. There would be approximately 276 dwelling units on Projected Development Site 1, of which 55 dwelling units would comply with MIH affordability Options 1 or 2 and would be affordable in perpetuity; although, as proposed by the applicant, all 276 units at Projected Development Site 1 would be affordable. The proposed buildings are within the transit zone; therefore, no parking is required, and none would be provided. However, it is assumed under the With-Action Scenario that 111 parking spaces would be provided at Projected Development Site 1 if developed with the number of affordable units under MIH. Although not part of the Proposed Project, the proposed actions would also facilitate, on Projected Development Site 2, construction of an 8-story, 25,635-gsf mixed-use building containing 1,850 gsf of commercial space on the ground floor and 23,785 gsf of

residential space on the upper floors. Under the With-Action Scenario, the building on Projected Development Site 2 would contain 30 dwelling units, 6 of which would be affordable under. Projected Development Site 2 would not contain any parking spaces under the With-Action Scenario.

**Projected Development Site 1: Block 2410, Lots 14, 72 and 77 (Site under the control or ownership of the applicant)**

The August 2019 Phase I report revealed that historical on-site and surrounding area land uses consisted of a variety of residential and commercial uses including a church, a wagon yard, stables, a bakery, a pharmacy, a contractor's yard, an ice company, etc. Regulatory Databases identified 22 spills, 3 historical auto stations and 2 historical dry cleaners within 1/8-mile; 15 underground storage tank sites and 66 aboveground storage tank sites within 1/4 mile; and 51 leaking storage tank sites within a 1/2-mile of the subject property.

Based upon our review of the submitted documentation, we have the following comments and recommendations to DCP:

**Projected Development Site 1: Block 2410, Lots 14, 72 and 77 (Site under the control or ownership of the applicant)**

- DCP should inform the applicant that based on the historical on-site and/or surrounding area land uses, a Phase II Environmental Site Assessment (Phase II) is necessary to adequately identify/characterize the surface and subsurface soils of the subject property. A Phase II Investigation Protocol/Work Plan summarizing the proposed drilling, soil, groundwater, and soil vapor sampling activities should be developed in accordance with the *City Environmental Quality Review Technical Manual* and submitted for DEP review and approval. The Work Plan should include blueprints and/or site plans displaying the current surface grade and sub-grade elevations and a site map depicting the proposed soil, groundwater, and soil vapor sampling locations. Soil and groundwater samples should be collected and analyzed by a New York State Department of Health (NYSDOH) Environmental Laboratory Approval Program (ELAP) certified laboratory for the presence of volatile organic compounds (VOCs) by United States Environmental Protection Agency (EPA) Method 8260, semi-volatile organic compounds by EPA Method 8270, pesticides by EPA Method 8081, polychlorinated biphenyls by EPA Method 8082, and Target Analyte List metals (filtered and unfiltered for groundwater samples). The soil vapor sampling should be conducted in accordance with NYSDOH's October 2006 Guidance for Evaluating Soil Vapor Intrusion in the State of New York. The soil vapor samples should be collected and analyzed by a NYSDOH ELAP certified laboratory for the presence of VOCs by EPA Method TO-15. An Investigation Health and Safety Plan (HASP) should also be submitted for DEP review and approval.
- DCP should also instruct the applicant that the Phase II Work Plan and HASP should be submitted for DEP review and approval prior to the start of any fieldwork.

**Projected Development Site 2: Block 2410, Lots 5, 6 and 7 (Site not under the control or ownership of the applicant)**

- Based on prior on-site and/or surrounding area land uses which could result in environmental contamination, DEP concurs with the EAS recommendation that an “E” designation for hazardous materials should be placed on the zoning map pursuant to Section 11-15 of the New York City Zoning Resolution for subject properties. The “E” designation will ensure that testing and mitigation will be provided as necessary before any future development and/or soil disturbance. Further hazardous materials assessments should be coordinated through the Mayor’s Office of Environmental Remediation.

Future correspondence and submittals related to this project should include the following CEQR # **77DCP610X**. If you have any questions, you may contact Scott Davidow, P.G. at (718) 595-7716.

Sincerely,



Wei Yu

Deputy Director, Hazardous Materials

c: R. Weissbard  
S. Davidow  
T. Estes  
M. Wimbish  
R. Lucas  
O. Abinader (DCP)  
M. Bertini (OER)





June 30, 2020

Rachel Antelmi  
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**Vincent Sapienza, P.E.**  
*Commissioner*

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**Re: Our Lady of Pity – Catholic Homes  
251 East 151st Street  
Block 2410, Lots 14, 72, and 77 (Projected Development Site 1)  
CEQR # 77DCP610X**

Dear Ms. Antelmi:

The New York City Department of Environmental Protection, Bureau of Sustainability (DEP) has reviewed the May 2020 Phase II Environmental Site Assessment Work Plan (Work Plan) and Health and Safety Plan (HASP) prepared by VHB on behalf of Association of New York Catholic Homes (applicant) for the above referenced project. It is our understanding that the applicant is seeking the following actions from the New York City Department of City Planning (DCP): a zoning map amendment to rezone the Project Area (Block 2410, Lots 1, 3-9, 14, 72, and 77) from an R6 district with Lots 1, 3-9 and portions of Lots 14 and 77 within a C1-4 overlay district to an R7A district and a zoning text amendment of Appendix F of the Zoning Resolution to classify the Project Area as a Mandatory Inclusionary Housing (MIH) Designated Area. The Project Area consists of Projected Development Site 1 (Lots 14, 72 and 77), Projected Development Site 2 (Lots 5-7), and Lots 1, 3, 4, 8 and 9, which are not projected development sites. The proposed rezoning would facilitate the construction of two 9-story residential buildings on Projected Development Site 1 for affordable housing totaling 201,334 gross square feet (gsf). The Proposed Project would provide open space at grade between the two buildings in the middle of Projected Development Site 1, serving as a rear yard equivalent for the through lot. There would be approximately 276 dwelling units on Projected Development Site 1, of which 55 dwelling units would comply with MIH affordability Options 1 or 2 and would be affordable in perpetuity; although, as proposed by the applicant, all 276 units at Projected Development Site 1 would be affordable. The proposed buildings are within the transit zone; therefore, no parking is required, and none would be provided. However, it is assumed under the With-Action Scenario that 111 parking spaces would be provided at Projected Development Site 1 if developed with the number of affordable units under MIH. Although not part of the Proposed Project, the proposed actions would also facilitate, on Projected Development Site 2, construction of an 8-story, 25,635-gsf mixed-use building containing 1,850 gsf of commercial space on the ground floor and 23,785 gsf of

residential space on the upper floors. Under the With-Action Scenario, the building on Projected Development Site 2 would contain 30 dwelling units, 6 of which would be affordable under MIH. Projected Development Site 2 would not contain any parking spaces under the With-Action Scenario.

The May 2020 Work Plan proposes to complete six soil borings at the site. One soil sample will be collected from each boring from 0-2 feet below grade surface (bgs), or just below the existing pavement or building slab (if present) and one deeper soil sample at the base of the proposed excavation depth (approximately 10 to 14 feet below existing grade) within each respective location, or just above either refusal or the saturation zone (whichever is encountered first). Should any soils be observed that exhibit suspect characteristics, additional soil borings in the vicinity may be contemplated, and an additional (third) soil sample may be collected, from a select boring location to be submitted for analysis. If a underground storage tank (UST) location is identified during the geophysical survey, at least two soil borings will be advanced adjacent to the existing UST (or through a former tank location, if removed). One shallow and one deeper sample (below the base of the inferred tank invert depth) will be collected from each boring location adjacent to the UST (if present). Should soils be observed that exhibit suspect characteristics, additional soil borings adjacent to the UST location may be contemplated, and an additional (third) soil sample may be collected, where appropriate, from a select boring location and will be submitted for analysis. In the unlikely event that any storm drain, floor drain, or submersible pump receptacle is determined to leach in-situ, one bottom sediment sample may be collected, if required. Two groundwater samples will be collected from two temporary monitoring wells installed at the site. Soil and groundwater samples will be analyzed for Target Compound List (TCL) volatile organic compounds (VOCs) using United States Environmental Protection Agency (EPA) Method 8260, TCL semi-volatile organic compounds (SVOCs) using EPA Method 8270, Target Analyte List metals using EPA Methods 6010 and 7471 (total and dissolved metals for groundwater samples), pesticides using EPA Method 8081 and polychlorinated biphenyls (PCBs) using EPA Method 8082. A total of 3 soil vapor samples will be collected from a maximum depth of approximately 14 feet bgs. If groundwater is encountered, the sample depth will be adjusted to approximately two feet above the water level observed at that boring location. Soil vapor samples will be analyzed for VOCs by EPA Method TO-15.

Based upon our review of the submitted documentation, we have the following comments and recommendations to DCP:

### **HASP**

- DCP should instruct the applicant that information fact sheets and/or safety data sheets for potential chemicals of concern (VOCs, SVOCs, pesticides, PCBs, and heavy metals) should be included.

DEP finds the May 2020 Work Plan and HASP for the proposed project acceptable, as long as the aforementioned information is incorporated into the HASP. DCP should inform the applicant that upon completion of the investigation activities, the applicant should submit a detailed Phase II report for DEP review and approval. The report should include, at a minimum, an executive summary, narrative of the field activities, laboratory data and conclusions, comparison of soil,

groundwater and soil vapor analytical results (i.e., New York State Department of Environmental Conservation (NYSDEC) 6 NYCRR Part 375, NYSDEC Water Quality Regulations, and the New York State Department of Health's October 2006 Guidance for Evaluating Soil Vapor Intrusion in the State of New York), updated site plans depicting sample locations, boring logs, and remedial recommendations, if warranted.

Future correspondence and submittals related to this project should include the following CEQR # **77DCP610X**. If you have any questions, you may contact Scott Davidow, P.G. at (718) 595-7716.

Sincerely,



Wei Yu  
Deputy Director, Hazardous Materials

- c: R. Weissbard  
S. Davidow  
T. Estes  
M. Wimbish  
R. Lucas  
O. Abinader (DCP)



October 23, 2020

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**Vincent Sapienza, P.E.**  
*Commissioner*

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**Re: Our Lady of Pity – Catholic Homes  
251 East 151st Street  
Block 2410, Lots 14, 72, and 77 (Projected Development Site 1)  
CEQR # 77DCP610X**

Dear Ms. Antelmi:

The New York City Department of Environmental Protection, Bureau of Sustainability (DEP) has reviewed the October 2020 Phase II Environmental Site Assessment (Phase II) and October 2020 Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP) prepared by VHB on behalf of Association of New York Catholic Homes (applicant) for the above referenced project. It is our understanding that the applicant is seeking the following actions from the New York City Department of City Planning (DCP): a zoning map amendment to rezone the Project Area (Block 2410, Lots 1, 3-9, 14, 72, and 77) from an R6 district with Lots 1, 3-9 and portions of Lots 14 and 77 within a C1-4 overlay district to an R7A district and a zoning text amendment of Appendix F of the Zoning Resolution to classify the Project Area as a Mandatory Inclusionary Housing (MIH) Designated Area. The Project Area consists of Projected Development Site 1 (Lots 14, 72 and 77), Projected Development Site 2 (Lots 5-7), and Lots 1, 3, 4, 8 and 9, which are not projected development sites. The proposed rezoning would facilitate the construction of two 9-story residential buildings on Projected Development Site 1 for affordable housing totaling 201,334 gross square feet (gsf). The Proposed Project would provide open space at grade between the two buildings in the middle of Projected Development Site 1, serving as a rear yard equivalent for the through lot. There would be approximately 276 dwelling units on Projected Development Site 1, of which 55 dwelling units would comply with MIH affordability Options 1 or 2 and would be affordable in perpetuity; although, as proposed by the applicant, all 276 units at Projected Development Site 1 would be affordable. The proposed buildings are within the transit zone; therefore, no parking is required, and none would be provided. However, it is assumed under the With-Action Scenario that 111 parking spaces would be provided at Projected Development Site 1 if developed with the number of affordable units under MIH. Although not part of the Proposed Project, the proposed actions would also facilitate, on Projected Development Site 2, construction of an 8-story, 25,635-gsf mixed-use building containing 1,850 gsf of commercial space

on the ground floor and 23,785 gsf of residential space on the upper floors. Under the With-Action Scenario, the building on Projected Development Site 2 would contain 30 dwelling units, 6 of which would be affordable under. Projected Development Site 2 would not contain any parking spaces under the With-Action Scenario.

**Projected Development Site 1: Block 2410, Lots 14, 72 and 77 (Site under the control or ownership of the applicant)**

During the July 2020 fieldwork, 6 soil borings were advanced to depths from 10 to 15 feet below grade surface (bgs). 12 soil samples, two groundwater samples and three soil vapor samples were collected. One surficial ranging from 0-2 feet bgs and one deeper sample from approximately 13-15 feet bgs were collected at each soil boring location. Soil and groundwater samples were analyzed for Target Compound List (TCL) of volatile organic compounds (VOCs) using United States Environmental Protection Agency (EPA) Method 8260, TCL semi-volatile organic compounds (SVOCs) using EPA Method 8270, pesticides using EPA Method 8081, polychlorinated biphenyls (PCBs) using EPA Method 8082, and Target Analyte List metals (filtered and unfiltered for groundwater samples) using EPA Methods 6010 and 7471. Soil vapor samples were analyzed for VOCs using EPA Method TO-15.

The soil analytical results revealed that PCBs were either non-detect (ND) or below their respective New York State Department of Environmental Conservation (NYSDEC) Part 375 Unrestricted Use Soil Cleanup Objectives (SCOs). One VOC (methylene chloride), several SVOCs (benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, dibenzo(a,h)anthracene, and indeno(1,2,3-cd)pyrene), several pesticides (4,4'-DDD, 4,4'-DDE, and 4,4'-DDT) and several metals (arsenic, copper, lead, mercury, and zinc) were detected above their NYSDEC Unrestricted and/or Restricted Residential Use SCOs.

The groundwater analytical results revealed that VOCs, pesticides, and PCBs were either ND or below their respective NYSDEC Technical and Operational Guidance Series (TOGS) 1.1.1 Class GA Ambient Water Quality Standards and Guidance Values. Several SVOCs (benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, and indeno(1,2,3-cd)pyrene) and several metals (antimony, arsenic, barium, cadmium, chromium, copper, lead, magnesium, manganese, nickel, selenium, sodium, and zinc) were detected above their NYSDEC TOGS Standards and Guidance Values.

The soil vapor analytical results revealed that several VOCs (1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, 2-butanone, 4-methyl-2-pentanone, acetone, benzene, carbon tetrachloride, chloroform, chloromethane, carbon tetrachloride, chloroform, chloromethane, cyclohexane, dichlorodifluoromethane, ethylbenzene, methylene chloride, n-heptane, n-hexane, o-xylene, p/m-xylenes, styrene, tetrachloroethylene, tetrahydrofuran, toluene, trichloroethylene, and trichlorofluoromethane) were detected.

The October 2020 RAP proposes the excavation, transportation and off-site disposal of soil in accordance with federal, state and local regulations; excavation, removal, and disposal of underground storage tanks in accordance with NYSDEC regulations; stockpiled soil will be covered with anchored plastic tarps; dust control; air monitoring; installation of a vapor barrier

below the proposed building slab and elevator pit(s) and up the side walls of the excavation in order to encapsulate the proposed building basement consisting of 20-mil Stego Wrap, 60-mil GCP Applied Technologies Bituthene 4000 system, or similar; and placement of two feet of clean fill/top soil that will be imported from an approved facility for all areas proposed for landscape or covered with grass. The October 2020 CHASP addresses worker and community health and safety during construction.

Based upon our review of the submitted documentation, we have the following comments and recommendations to DCP:

### RAP

- DCP should instruct the applicant that the proposed minimum 20-mil vapor barrier system should be used unless an amendment is approved by DEP.

### CHASP

- DCP should instruct the applicant to include a hospital route map (Attachment A, Figure 2 was not included).
- DCP should instruct the applicant that at minimum, all associated information fact sheets or safety data sheets for potential chemicals of concern that are identified should be included (e.g., arsenic, etc.).

DEP finds the October 2020 RAP and CHASP for the proposed project acceptable, as long as the aforementioned information is incorporated into the RAP and CHASP. DCP should instruct the applicant that at the completion of the project, a Professional Engineer (P.E.) certified Remedial Closure Report should be submitted for DEP review and approval for the proposed project. The P.E. certified Remedial Closure Report should indicate that all remedial requirements have been properly implemented (i.e., transportation/disposal manifests for removal and disposal of soil in accordance with NYSDEC regulations; installation of vapor barrier; and two feet of DEP approved certified clean fill/top soil capping requirement in any landscaped/grass covered areas not capped with concrete/asphalt, etc.).

Future correspondence and submittals related to this project should include the following CEQR # **77DCP610X**. If you have any questions, you may contact Scott Davidow, P.G. at (718) 595-7716.

Sincerely,



Wei Yu  
Deputy Director, Hazardous Materials

c: R. Weissbard; S. Davidow; T. Estes; M. Wimbish; R. Lucas; O. Abinader (DCP)