

## 1.0 EXECUTIVE SUMMARY

### INTRODUCTION

The Department of City Planning (DCP) has developed zoning proposals intended to provide opportunities for new residential, commercial, and community facility development along the 161<sup>st</sup> Street corridor in the civic heart of the Bronx.

The actions, as proposed by The New York City Department of City Planning (DCP), are subject to City Environmental Quality Review (CEQR) and require City Planning Commission (CPC) and New York City Council approvals through the City's Uniform Land Use Review Procedure (ULURP) for the following actions:

- A zoning map amendment to change all or portions of 9 blocks from C8-3, C4-6, R7-1, R7-1/C1-4, R7-1/C2-4, R8/C1-4 to C6-3D, C6-2 and R9D and R8A/C2-4.
- Zoning text amendments to establish C6-3D zoning district to allow high-density residential, commercial and community facility development with special bulk controls for development along elevated train lines.
- Zoning text amendment to establish the Inclusionary Housing program within the proposed C6-3D (R9D) and R8A zoning districts in Bronx Community District 4.

The Final EIS has been prepared in conformance with all applicable laws and regulations, including Executive Order No. 91, New York City Environmental Quality Review (CEQR) regulations, dated August 24, 1977, and follows the guidelines of the *CEQR Technical Manual*.

An Environmental Assessment Statement (EAS) was submitted on November 12, 2008. DCP, acting as lead agency on behalf of the City Planning Commission, has determined that the proposed action would have the potential for significant adverse impacts in seven of the 20 impact categories outlined in the *CEQR Technical Manual*. Therefore, a detailed assessment of likely effects in those areas of concern has been prepared and disclosed in this Final EIS.

This Final EIS includes review and analysis of seven impact categories including: Community Facilities; Neighborhood Character; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; and Public Health. In addition, the document includes analyses of Alternatives to the proposed action.

The remaining 13 CEQR impact categories have undergone a screening analysis as part of an Environmental Assessment Statement (EAS) for the proposed action. Under guidelines specified in the *CEQR Technical Manual*, it has been determined that for these 13 categories, no significant adverse impacts are anticipated and a detailed analysis is not required. The EAS prepared for the proposed action is Appendix A of this Final EIS report. Consequently, these environmental categories are not assessed in the Final EIS. The 13 categories include: Land Use, Zoning and Public Policy; Socioeconomic Conditions; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Natural Resources; Hazardous Materials; Waterfront Revitalization Program; Infrastructure, Solid Waste and Sanitation Services; Energy; and Construction Impacts.

## 1.1 PURPOSE AND NEED FOR PROPOSED ACTION

The proposed actions build on a number of recent public and private investments. Over the past two decades, the Bronx has experienced a substantial amount of new housing construction, rebounding from the disinvestment and population loss experienced during the 1970s and 1980s. Most vacant and city-owned sites have been developed or are programmed for development, leaving a shortage of available sites for new residential development. With the population of New York City expected to increase by a million people by the year 2030, new areas are needed to accommodate this growth.

The proposed action would effectuate the following land use goals:

- Provide new opportunities for redevelopment and economic growth along the 161st Street corridor;
- Encourage new housing production, including new affordable housing, in the Bronx;
- Encourage new office and commercial space surrounding the Bronx Civic Center;
- Direct new housing and commercial development at higher densities to an area with excellent transit and highway access; and
- Strengthen the street wall along the 161st Street corridor and enliven the street level with commercial uses along its entire length, better connecting existing land uses and transportation infrastructure.

## 1.2 DESCRIPTION OF THE ACTION

The 161st Street/ River Avenue rezoning area is generally bound by River Avenue on the west, East 162<sup>nd</sup> Street to the north, Park Avenue to the east, and East 159th and East 153rd Street to the south (see Figure 2.0-1). The 161<sup>st</sup> Street corridor is largely built-out, including several civic uses and NYCHA housing; therefore the rezoning is focused on three strategic nodes. From west to east, the three nodes are: the Transit Node, the Civic Node and the Residential Node. The rezoning would address the characteristics and needs that are specific to each node while strengthening the identity of the corridor as a whole.

Located at the intersection of 161<sup>st</sup> Street and River Avenue, the Transit Node is centered on a transit hub that includes an elevated train, a subway line and buses. This area is characterized by low-rise commercial uses, surface and enclosed parking, and Yankee Stadium. Being such a transit rich area, this node can accommodate high density development; at the same time, the elevated train line located along River Avenue poses challenges, most notably street level. Furthermore, this area experiences substantial pedestrian and vehicular congestion, particularly on game days. As a result, a new zoning district has been crafted to address both the assets and liabilities of a high density transit node along an elevated train.

At the center of the 161<sup>st</sup> Street corridor is the Civic Node, which is generally located between the Grand Concourse and Morris Avenue. This area is characterized by the corridor's civic uses,

most notably the Bronx Criminal Court Complex and the new Bronx Hall of Justice, as well as by a mix of office buildings, low-rise commercial uses and surface parking. As a result, higher density infill commercial and office development is most appropriate for this area.

East of Morris Avenue the character of the corridor becomes predominately residential. The Residential Node is defined as the area between Morris Avenue and the Melrose Commons Urban Renewal Area, a growing residential community located on the eastern edge of the 161<sup>st</sup> Street corridor. As a result, a higher density contextual zoning district that matches existing and proposed buildings in Melrose Commons is most appropriate for this area. In addition, local ground floor commercial uses would be expanded to all lots along 161<sup>st</sup> Street, activating the street level in an area that connects the Civic Center with the Melrose Metro-North station at Park Avenue and 162<sup>nd</sup> Street.

### **Zoning Map Amendment:**

#### Transit Node

In the Transit Node, existing commercial zoning designations would be changed to permit residential uses and additional commercial uses along River Avenue, and existing residential zoning and commercial overlay designations would be changed to permit additional residential and commercial uses along East 161<sup>st</sup> Street. A zoning text amendment would establish a new C6-3D zoning district described below.

The proposed zoning changes are listed below.

- Change from C8-3 to C6-3D, portions of three blocks generally located along River Avenue south of East 161<sup>st</sup> Street and north of East 153<sup>rd</sup> Street.
- Change from R8/C1-4 to C6-3D, portions of three blocks generally located along East 161<sup>st</sup> Street between River Avenue and Walton Avenue, south of East 162<sup>nd</sup> Street and north of East 158<sup>th</sup> Street.

#### Civic Node

In the Civic Node, an existing C8-3 zoning designation would be changed to permit more commercial/office space, allow residential uses, and eliminate the potential for heavy automotive and light industrial uses along East 161<sup>st</sup> Street. In addition, an existing C4-6 zoning designation would be changed to permit additional commercial floor area at Sheridan Avenue and East 161<sup>st</sup> Street, and an existing R8 zoning designation would be changed to permit commercial uses along Concourse Village West.

The proposed zoning changes are listed below:

- Change from C8-3 to C6-2, a portion of one block generally located along East 161<sup>st</sup> Street between Concourse Village West and Concourse Village East.
- Change from C4-6 to C6-2, a portion of one block located at the intersection of East 161<sup>st</sup> Street and Sheridan Avenue.

- Change from R8 to C6-2, a portion of one block generally located along East 161st Street between the Grand Concourse and Concourse Village West, south of East 161st Street and north of East 159th Street.

### Residential Node

In the proposed action area, existing residential zoning and commercial overlay designations would be changed to permit additional residential and commercial uses on the block between Morris Avenue and Park Avenue/Teller Avenue, south of East 162<sup>nd</sup> Street and north of East 161<sup>st</sup> Street.

The proposed zoning changes are from R7-1, with separate discontinuous C1-4 and C2-4 commercial overlays, to R8A with a continuous C2-4 commercial overlay on one block located block between Morris Avenue and Park Avenue/Teller Avenue, south of East 162<sup>nd</sup> Street and north of East 161<sup>st</sup> Street.

### Proposed C6-3D (R9) Zoning

The proposed actions include the creation of new zoning districts, the proposed C6-3D with a proposed residential R9D equivalent, which allows high-density residential and commercial development. The bulk regulations are designed to facilitate tower development adjacent to an elevated train, while minimizing the impact on nearby existing buildings. In addition, the zoning district addresses pedestrian issues, including street-level noise, and pedestrian congestion within transit hubs.

### **Zoning Text Amendment:**

#### Inclusionary Housing

The proposed zoning text amendments would apply the Inclusionary Housing program within the proposed C6-3D (R9D) and R8A zoning districts in Bronx Community District 4. New base and bonussed FARs would apply to new residential development. Base FARs apply to developments which do not use the Inclusionary Zoning bonus. The full bonussed FAR is applied to buildings which take full advantage of the program by providing one-fifth of the total new housing floor area as affordable residential floor area in accordance with the Inclusionary Housing program.

## **1.3 REASONABLE WORST CASE DEVELOPMENT SCENARIO**

To evaluate the potential effects associated with the proposed action, this assessment identifies a reasonable worse case development scenario (RWCDS) for the “Future without the Proposed Action” (“No-Action Scenario”) and for the proposed rezoning called “Future with the Proposed Action” (“With-Action Scenario”) for a ten-year period (i.e., 2008-2018). For area-wide rezoning actions not associated with a specific development, a ten-year period is typically believed to be the length of time over which developers would act on a change in zoning. The No-Action Scenario identifies the amount, type, and location of new development projected to occur by the build year of 2018 without the proposed zoning change. The With-Action Scenario

identifies development that would be expected to occur by the build year as a result of the proposed rezoning action. The Action Scenario projection is comprised of identified developable sites within the proposed rezoning area that could experience an increase in floor area ratio (FAR) or change in allowable uses and therefore could potentially be developed differently under the proposed zoning than under existing zoning. The incremental difference between the development that would occur in the No-Action Scenario and the With-Action Scenario would serve as the basis for the impact analysis of the Environmental Impact Statement.

To determine the No-Action and With-Action Scenarios, standard methodologies have been used following *CEQR Technical Manual* guidelines. The development projections are based on analysis done by the Department of City Planning (DCP). These methodologies have been used to identify the type, amount and location of future development. Generally for area-wide rezonings, new development can be expected to occur on selected sites, rather than all sites within a proposed rezoning area.

DCP has identified a total of 22 sites which meet these criteria. Of these 22 sites, 11 are projected development sites and 11 are potential development sites.

#### **Future No-Action Conditions (No-Build Scenario)**

In the future without the proposed action, the existing zoning controls would remain in place; it is expected that the current land use trends and general development patterns in and adjacent to the 161<sup>st</sup> Street/River Avenue area will continue.

It is anticipated that the rezoning area would experience some growth in commercial and residential uses. DCP has developed a scenario of as-of-right development that would reasonably be expected to occur within the rezoning area in the future without the proposed action (no-action). Several developments and conversions are expected within the land use study areas, including new development on some of the projected and potential development sites.

In the future without the proposed action, it is expected that the projected development sites would have a total of 299 DUs (all of which would be market-rate housing units); 71,549 sf of commercial retail space; 246,500 sf of commercial office space; and 11,720 sf of community facility space. This would represent a net increase over existing conditions of 295 DUs and 11,720 sf of community facility space and a net decrease of 4,289 sf of commercial retail space. Commercial office space would remain unchanged from existing conditions.

#### **Future With-Action Conditions (Build Scenario)**

In the Future Action Scenario, with the proposed zoning text and map amendments in place, the 11 identified projected development sites would have a total of 894 DUs (745 of which would be market-rate housing units); 113,553 sf of commercial retail space; 553,484 sf of commercial office space; and 11,730 sf of community facility space. This would represent a net increase over no-action conditions of 594 DUs, including 148 units of affordable housing; 42,004 sf of retail commercial space; 306,001 sf of office commercial space, and 10 sf of community facility space.

## 1.4 REQUIRED APPROVALS

The following approvals are required for the proposed action:

Approval of the NYC City Planning Commission (CPC) and New York City Council for

- an amendment to the zoning map and
- an amendment of the zoning text for the proposed C6-3D (R9 equivalent) zoning district
- an amendment of the zoning text to establish Inclusionary Zoning Housing within the proposed C6-3D (R9) and R8A zoning districts in Bronx Community District 4.

The proposed rezoning is a discretionary public action which is subject to both the Uniform Land Use Review Procedure (ULURP), as well as City Environmental Quality Review (CEQR). ULURP is a process that allows public review of proposed action at four levels: the Community Board; the Borough President; the City Planning Commission and, if applicable, the City Council. ULURP mandates time limits for each stage to ensure a maximum review period of seven months. Through CEQR, designated agencies review discretionary actions for the purpose of identifying the effects those actions may have on the environment

## 1.5 FUTURE WITH THE PROPOSED ACTION

### Community Facilities and Services

The proposed action would not result in significant adverse impacts on community facilities.

#### *Public Schools*

The proposed action would not result in a significant adverse impact on elementary schools. The approximately 232 elementary school students that would be introduced into the half-mile study area as a result of the proposed action would cause total enrollment in elementary schools within the half-mile study area to increase to 10,802, exceeding seat capacity by 1,658 (utilization rate of 118 percent), a two percent increase in utilization over the no-action condition, and less than the five percent CEQR threshold for a significant adverse impact. Furthermore, in the future with the proposed action, elementary schools, collectively, in both CSD 7 and CSD 9, are expected to operate below capacity, with utilization rates of 91 and 93 percent, respectively.

New elementary seats are expected to be added in CSD 9 under future conditions, although the seats have not been sited yet. The new seats planned for CSD 9 (if sited within the study area), would increase the capacity in the study area, and address the projected shortfall of seats.

In the future with the proposed action, intermediate school enrollment in CSD 7 would increase to 6,680, which is below capacity and translates to a projected future utilization rate of 60 percent, and intermediate enrollment in CSD 9 would increase to 11,093, which is below capacity and translates to a projected future utilization rate of 54 percent. Therefore, there would be no significant adverse impact on intermediate schools as a result of the proposed action.

### *Publicly Funded Day Care*

In the future with the action, it is estimated that the 148 affordable housing units projected would add 64 new publicly-funded eligible children under the age of 6, and 31 children between the ages of 6 to 12 to the study area, increasing the deficit of available slots, and bringing the collective utilization to 135 percent. The older children are expected to be attending school during most of the day, their need would be for after-school care. The 31 school-aged eligible children generated by the proposed action who qualify for ACS vouchers or other programming for after school care could be served by Family Child Care Networks or school-age slots in ACS contracted day care facilities, DYCD's Out of School Time programs, and/or DOE approved after school programs.

According to *CEQR Technical Manual* guidelines, a significant adverse impact on publicly funded day care services may result if a proposed action would result in: 1) a demand for day care slots greater than remaining capacity of day care centers; and 2) demand that constitutes an increase of 5 percent or more of the collective capacity of the day care centers serving the study area.

The introduction of eligible children associated with the RWCDS would cause a 2 percent increase in demand over the existing capacity of day care facilities in the study area. The projected deficit of available slots over the Future No-Action is well below the *CEQR* threshold of five percent. Therefore the proposed action is not expected to have a significant adverse impact on publicly funded day care and Head Start facilities in the study area.

### **Neighborhood Character**

The proposed action would result in an overall change in the character of the proposed rezoning area with respect to land use, socioeconomic conditions, historic resources, urban design and visual resources, traffic, shadows and street-level pedestrian activity. The proposed action would not result in significant adverse neighborhood character impacts in the rezoning or secondary study areas. The proposed rezoning would foster mixed-use, residential, and commercial development compatible with development trends and ongoing commercial and residential investments in the area, and would add to the vitality of the street life in the rezoning area by increasing the residential population and encouraging ground floor retail uses. The proposed rezoning would encourage the growth and expansion of existing land uses in an area of the Bronx that is appropriate for such growth, as it is very well-served by mass transit and functions as the civic heart of the borough.

As a result of the proposed action, the respective commercial, civic and residential characters of the 161<sup>st</sup> Street corridor are expected to be improved. In addition, the proposed action would complement the neighborhood character of the secondary study area and would not result in significant adverse impacts. The new development within the rezoning area would be complementary to the development expected independent of the proposed action to the east and west of the rezoning area. The significant adverse traffic and pedestrian impacts expected to occur with the proposed action are not anticipated to result in a significant adverse impact to neighborhood character.

## Traffic and Parking

### *Traffic*

The result of the traffic analysis shows that during non-game day conditions, the proposed action is expected to result in significant adverse traffic impacts at four intersections during the weekday AM peak hour, five intersections during the weekday PM peak hour, and two intersections during the Saturday midday peak hour. During game day conditions, the proposed action is expected to result in significant adverse traffic impacts at five intersections during the weekday PM peak hour and one intersection during the Saturday midday peak hour. The following intersections have significant adverse impacts:

- E. 161<sup>st</sup> Street S. Service Road at Gerard Avenue – During the weekday PM peak hour, delays for vehicles on the northbound through-right-turn approach are projected to increase from 111.6 seconds/vehicle (LOS “F”) under the No-Action condition to 114.6 seconds/vehicle (LOS “F”) under the game-day Action condition.
- E. 161<sup>st</sup> Street S. Service Road at Grand Concourse – During the weekday PM peak hour, delays for vehicles on the southbound left-turn approach are projected to increase from 65.5 seconds/vehicle (LOS “E”) under the No-Action condition to 83.2 seconds/vehicle (LOS “F”) under the game-day Action condition.
- E. 161<sup>st</sup> Street at Concourse Village East/Morris Avenue – During the weekday PM peak hour, delays for vehicles on the eastbound through-right-turn movements are projected to increase from 50.8 seconds/vehicle (LOS “D”) under the No-Action condition to 64.4 seconds/vehicle (LOS “E”) under the game-day Action condition; and during the weekday PM peak hour, delays for vehicles on the westbound approach are projected to increase from 91.1 seconds/vehicle (LOS “F”) under the No-Action condition to 104.0 seconds/vehicle (LOS “F”) under the game-day Action condition.
- E. 161<sup>st</sup> Street at Melrose Avenue – During the weekday PM peak hour, delays for vehicles on the eastbound approach are projected to increase from 49.8 seconds/vehicle (LOS “D”) under the No-Action condition to 75.3 seconds/vehicle (LOS “E”) under the game-day Action condition; and during the weekday PM peak hour delays for vehicles on the northbound though-left-turn movements are projected to increase from 123.9 seconds/vehicle (LOS “F”) under the No-Action condition to 136.1 seconds/vehicle (LOS “F”) under the Action condition.

Impacts at the above intersections can be fully remediated utilizing standard traffic mitigations, such as changes in signal timing, new street striping, and daylighting, as described in the “Mitigation” section below.

However, traffic analyses indicate that there is no spare capacity at the following intersection and traffic impacts identified at this intersection would remain unmitigatable:



- E. 149<sup>th</sup> Street at River Avenue/Exterior Street/ MDE (I-87) Northbound Off-Ramp. Despite the improved geometry and widening proposed by the Gateway Center at Bronx Terminal Market EIS, which are discussed in Chapter 3.3 (Traffic and Parking), significant traffic impacts remain which are identified below:
  - E. 149<sup>th</sup> Street westbound left-turn movement during the weekday PM peak hour
  - Exterior Street northbound left-turn movement during the weekday PM peak hour
  - MDE northbound off-ramp during the Saturday midday peak hour

### *Parking*

The proposed action would not substantially affect the number of on-street parking spaces within the study area, and there would be sufficient off-street public parking capacity to accommodate all project-generated parking demand not otherwise accommodated in accessory parking facilities. The proposed action would therefore not result in a significant adverse impact to on-street parking conditions. It should be noted, however, that utilization of on-street parking spaces (both metered and unmetered) would likely remain at or near capacity within the study area during the peak weekday midday period, as was the case for the No Action condition.

### **Transit and Pedestrians**

#### *Train Service*

The transit analysis looked at ~~subway service~~ pedestrian access to the 161<sup>st</sup> Street Yankee Stadium subway station complex and the Melrose station of the Metro North New Haven and Harlem lines. The 161<sup>st</sup> Street Yankee Stadium station serves the New York City Transit (NYCT) IND B and D and IRT No. 4 lines, which are commonly known as the Concourse and Jerome Avenue lines, respectively. The 161<sup>st</sup> Street Yankee Stadium station complex is configured with separate access locations and fare control areas, contains both above and below-grade elements, and operates more as two subway stations rather than one. Free connections between the two subway lines are available.

The transit analysis includes an analysis of pedestrian volumes on critical stairway access points to the 161<sup>st</sup> Street Yankee Stadium subway station complex and the Metro North Melrose station. The stairway at the northeast corner of the intersection of E. 161st Street and River Avenue that provides access to the 161<sup>st</sup> Street Yankee Stadium station and the stairway located on the south side of 162<sup>nd</sup> Street between Park Avenue and Courtlandt Avenue that provides access to the Metro North were selected as analysis locations. In addition, the Final EIS includes an analysis of fare control access points to the 161<sup>st</sup> Street Yankee Stadium subway station.

The analysis indicated that the analyzed stairway at the 161<sup>st</sup> Street Yankee Stadium station would operate at LOS € A or better in all peak periods, and the analyzed Melrose Station stairway would continue to operate at LOS A in all four peak periods. In addition, the analyzed fare control access points to the 161<sup>st</sup> Street Yankee Stadium station would continue to operate at LOS “A,” in the future action condition. Therefore, no significant adverse train service impacts are expected as a result of the proposed action.

### *Bus Service*

The proposed rezoning is projected to generate 172, 252, 231, and 172 peak hour trips during the weekday, AM, Midday, PM and Saturday respectively (see Table 3.3-5B for the basis of these projections.) The bus service analysis was performed at maximum loading points for peak periods of travel. Subsequent to the release of the Draft Environmental Impact Statement (DEIS), the bus service was reanalyzed with revised capacity guidelines for standard and articulated buses. The results of the revised bus service analysis, presented in Chapter 3.4 (“Transit and Pedestrian”) of the FEIS, project no capacity deficits would occur on the analyzed bus routes as a result of the proposed action. Therefore, no significant adverse bus service impacts are expected as a result of the proposed action.

~~The analysis of 2018 No Action conditions projected capacity deficits for the Bx13 and Bx41 bus routes due to the projected 14 percent growth over the 2008-2018 period. Schedule adjustments by the MTA would therefore be necessary even without the proposed corridor rezoning.~~

~~Significant adverse impacts under CEQR procedures are projected for the Bx13 and Bx41 bus routes, as projected new ridership related to the proposed action would compound other growth projected on these and other routes by 2018. These significant adverse impacts could be mitigated by the introduction of additional buses and related schedule adjustments, which the MTA makes on a regular and as-needed basis. There would be no impacts on the local bus system during the Saturday peak hour.~~

### *Pedestrians*

The projected increase in development along the E. 161st Street corridor due to the proposed rezoning would increase pedestrian trips within the study area’s pedestrian facilities, including the analyzed crosswalks and street corners noted above, during the analyzed peak hours. The assignment of pedestrian trips was based on “desire” travel lines -- the likely paths that people would take to walk among the projected development sites and key points in the study area, and various pedestrian facilities (sidewalks, street corners, etc.) located along those paths. Pedestrians were distributed separately by four modes of travel — walk-only, subway, railroad, and bus — and then assigned to the pedestrian facilities by summing the totals of each mode, where applicable.

To identify potential significant adverse pedestrian impacts due to the proposed action, changes in pedestrian Non-Game Day and Game Day scenarios under 2018 No-Action and 2018 Action scenarios were compared, respectively. The impact criteria in the 2001 CEQR Technical Manual

were then used to determine potential significant adverse impacts. For crosswalks and street corners, a significant adverse impact is defined as a decrease of 1 square foot per person due to the proposed action when the Future No-Action condition has average occupancies under 15 square feet per pedestrian (the threshold between LOS levels D and E).

For the Non-Game Day scenario, results indicate that no significant adverse impacts for the analyzed crosswalks and street corners for the Non-Game Day scenario. For the Game Day scenario, during the weekday PM peak hour, the north crosswalk experience LOS “F” and the west and south crosswalks (the most critical) experience LOS “D.” During the Saturday peak hour, all crosswalks operate at LOS “F” except the west crosswalk, which operates at LOS “E.”

The results indicate marginal impact for the analyzed crosswalks. The results of the analysis account for a peak surge of pedestrians during worst-case (i.e. a sold out stadium) conditions. During pre-game periods, normal traffic operations are expected to be adjusted and NYPD traffic enforcement officers are expected to manage the flow of pedestrians and traffic to help mitigate any pedestrian impacts and enhance safety. Therefore, the impact would not be significant and no mitigation is proposed for these crosswalks.

Similar to the No-Action conditions, the analyzed corners operate at LOS “D” or better during the weekday PM peak hour and at LOS “D” or better during the Saturday peak hour, except the northwest crosswalk, which operates at LOS “E.” Therefore, there are no significant adverse impacts related to pedestrian activity.

## **Air Quality**

Air quality analyses were conducted, following the procedures outlined in the New York City Environmental Quality Review (*CEQR*) *Technical Manual*, to determine whether the proposed action would result in violations of ambient air quality standards or health-related guideline values. The proposed action would not cause or exacerbate an exceedance of an air quality standard nor cause the exceedance of a significant adverse impact criterion. As such, the proposed action would not cause significant adverse air quality impacts.

### *Mobile Sources:*

Mobile source air quality modeling analysis was performed for the 2008 Existing Conditions and 2018 Future with and without the Proposed Action for Non-Game Day conditions, and 2008 Existing Conditions and 2018 Future with and without the Proposed Action for Game Day conditions. The result of this analysis is that the mobile source impacts of the Proposed Action would not significantly impact local air quality levels

### *Garage Analysis:*

For conservative purposes, this analysis assumes there will be a garage near Site 4 with 30,000 square feet floor area and 100 spaces, and that all 100 cars will be going in and out every hour over the peak 8-hour time period. Because the garage would be used almost exclusively by gasoline-powered automobiles and not diesel-fueled trucks, CO will be the only pollutant

considered for this analysis. The result of this analysis is that emissions from the proposed garage would not cause significant air quality impacts.

*Stationary Sources:*

Emissions from the HVAC systems of the projected and potential developments may affect air quality levels at nearby existing land uses as well as at the other projected and potential developments. The impact of these HVAC emissions would be a function of fuel type, stack height, building size (gross floor area), and location of each emission source relative to a sensitive land use.

To preclude the potential for significant adverse air quality impacts, E-designations, shown on the table below, would required on the Projected and Potential development sites. These “E” designations would specify the required stack set-back distance for fuel oil or the exclusive use of natural gas.

<b>Block Number</b>	<b>Lot Number(s)</b>	<b>Set-Back Requirement</b>
2421	1	14 feet from Development Site 6
2421	16, 17, 75	12 feet from Development Site J; 15 feet from Development Site 8; 12 feet from Development Site 6
2421	18	15 feet from Development Site 9; 12 feet from Development Site J
2421	20	12 feet from Development Site K; 11 feet from Development Site 8
2421	26	15 feet from Development Site 11
2421	27	13 feet from Development Site 10
2421	52-56	24 feet from Development Site K; 20 feet from Development Site 6
2421	50, 51	12 feet from Development Site J
2460	25	50 feet from Existing Building on Block 2443, Lot 170
2483	32, 68	35 feet from Development Site 2
2483	45	16 feet from Development Site 2
2484	33	26 feet from Development Site 1
2484	35	20 feet from Development Site A; 16 feet from Development Site 1

With the E-designations in place, the potential impacts from projected and potential development sites heating systems would not exceed the applicable NAAQS and would have no potential significant adverse environmental impacts on air quality.

*Industrial Sources:*

The proposed action would allow development of residential uses within existing manufacturing and industrial zones. As such, emissions of toxic pollutants from the operation of existing industrial emission sources might affect proposed residential uses. An analysis was therefore conducted to determine whether the impacts of these emissions would be significant. Data necessary to perform this analysis, which include facility type, source identification and location, pollutant emission rates, and exhaust stack parameters, were obtained from regulatory agencies

(e.g., from existing air permits). All existing industrial facilities located within 400 feet of the rezoning area that are permitted to exhaust toxic pollutants were considered in this analysis. The result of this analysis is that no exceedance of either the NYSDEC SGC or AGC acceptable limits or EPA’s incremental risk threshold limit is predicted. Therefore, no significant adverse impact related to industrial sources is expected.

Therefore, the proposed action is not expected to have a significant adverse impact related to air quality.

**Noise**

The proposed action would introduce new residential and community facility uses in area occupied by residential and commercial land uses. As discussed above, as part of the proposed action, (E) designations would be placed on the zoning map for all projected and potential development sites where there is the potential for significant adverse noise impacts. Residential development on lots mapped with an (E) designation would be required to provide sufficient noise attenuation to maintain interior noise levels of 45 dBA or lower. The table below lists the “E” designations for each projected and potential development site.

<b>Required Window Attenuation for Each Projected and Potential Developmental Site</b>													
<b>30 dBA</b>				<b>35dBA</b>				<b>40 dBA</b>				<b>45 dBA</b>	
<b>Projected Sites</b>		<b>Potential Sites</b>		<b>Projected Sites</b>		<b>Potential Sites</b>		<b>Projected Sites</b>		<b>Potential Sites</b>		<b>Projected Sites</b>	
<b>Block</b>	<b>Lot</b>	<b>Block</b>	<b>Lot</b>	<b>Block</b>	<b>Lot</b>	<b>Block</b>	<b>Lot</b>	<b>Block</b>	<b>Lot</b>	<b>Block</b>	<b>Lot</b>	<b>Block</b>	<b>Lot</b>
2443	90	2459	46	2421	1	2421	50	2483	34	2483	32	2483	5
2443	94	2459	49	2421	16	2421	51	2483	40	2483	68		
		2459	50	2421	17	2421	52	2484	5				
		2459	53	2421	18	2421	53	2484	9				
		2459	54	2421	20	2421	54						
		2460	25	2421	26	2421	55						
		2474	40	2421	27	2421	56						
		2483	44	2421	57	2484	33						
		2483	45	2421	75								
		2484	35										

To achieve 40 dBA or 45 dBA of building attenuation, special design features that go beyond the normal double-glazed windows are necessary and may include using specially designed windows (i.e., windows with small sizes, windows with air gaps, windows with thicker glazing, etc.), and additional building attenuation. The required degree of window/wall attenuation would require added project costs and could limit the range of design options. The City has not made any determination that cost-effective attenuation measures are available for these sites.

With the E-designations in place, the proposed actions are not expected to result in significant adverse impacts related to noise.

## **Public Health**

Based on a preliminary screening analysis in accordance with the *CEQR Technical Manual* guidelines, it was determined that a full assessment of the proposed action's potential impacts on public health is not necessary and that no significant adverse impacts are expected as a result of the proposed action.

## **Alternatives**

This EIS considers three alternatives to the proposed action, to examine reasonable and practicable options that avoid or reduce action-related significant adverse impacts and may still allow for the achievement of the stated goals and objectives of the proposed action.

### *No-Action Alternative*

The No-Action Alternative (i.e., As-of-Right Alternative) examines future conditions within the proposed rezoning area assuming the absence of the proposed action. This alternative provides a baseline for the evaluation of impacts associated with the proposed action. While background and other planned growth in the E. 161<sup>st</sup> Street area would occur under the No-Action Condition Alternative and result in some new impacts over existing conditions, the same action-generated impacts that occur under the Proposed Action would generally not occur under the No-Action Alternative. However, the benefits expected from the proposed action on the area would not be realized under this alternative. The No-Action Alternative would fall significantly short of the objectives of the proposed action in sustaining the ongoing revitalization of 161<sup>st</sup> Street, and encouraging and guiding new mixed-use development while preserving areas of the corridor. The Proposed Action builds on a number of recent public and private investments, which the No-Action Condition Alternative would not generate such advantages. The Proposed Action would foster mixed-use, residential, and commercial development compatible with development trends and ongoing commercial and residential investments in the area, and would add to the vitality of the street life in the area by increasing the residential population and encouraging ground floor retail uses. Such benefits would generally not occur under the No-Action Condition Alternative.

### *No-Impact Alternative*

To avoid the significant adverse impacts to traffic and pedestrian conditions, this alternative would require a substantial reduction in the total number of dwelling units within the proposed rezoning area. Incremental development would be scaled back approximately 90 percent, which would result in a total of 89 total DUs on the projected development sites, as compared to the projected 894 total DUs with the proposed action. This alternative would limit development to a net increase of approximately 59 units over No-Action Conditions, which would be 535 less

units than the proposed action's 594 DU net increase increment in development. With the limited amount of residential development, far fewer sites would be developed.

### *Lesser Density Alternative*

The lower density alternative will examine a planning scenario where each of the three proposed rezoning areas has a reduced density and in one case a more limited set of allowed uses. The development scenario for the Lesser Density Alternative contains the same projected and potential development sites as for the proposed action. Due to the lower densities, this alternative would generate fewer dwelling units and less commercial floor area than the proposed action. Compared to the proposed action, the Lesser Density Alternative would result in the creation of 266 fewer residential dwelling units, including 23 fewer affordable residential units. When compared to the proposed action, the Lesser Density Alternative would result in 225,414 sf less commercial office floor area and 232 sf less commercial retail floor area. Despite the reduction in residential units, including affordable units, and reduction in commercial space, the analysis shows the same number and types of significant adverse impacts as the proposed action.

The Lesser Density Alternative would have effects similar to those of the Proposed Action. Potential significant adverse impacts to Traffic expected under the Lesser Density Alternative would be mitigated through the mitigation measures implemented similarly to the proposed action. In addition, unmitigated traffic impacts identified as a result of the proposed action scenario would continue to be unmitigable under the Lesser Density Alternative. ~~Transit impacts identified under the Lesser Density alternative would be would be addressed by NYCT (as with the proposed action), and no action-initiated mitigation for impacts to local bus service would be required for this alternative.~~ However, the Lesser Density Alternative would produce less housing, including affordable housing, and less commercial space than the proposed action, without eliminating any of the significant adverse impacts.

## **Mitigation**

### *Traffic and Parking*

During non-game day conditions, the proposed action is expected to result in significant adverse traffic impacts at four intersections during the weekday AM peak hour, five intersections during the weekday PM peak hour, and two intersections during the Saturday midday peak hour. During game day conditions, the proposed action is expected to result in significant adverse traffic impacts at five intersections during the weekday PM peak hour and one intersection during the Saturday midday peak hour. A traffic mitigation plan was therefore developed to address these impacts. However, traffic analyses indicate that there is no spare capacity at the East 149th Street at River Avenue/Exterior Street/ MDE (I-87) Northbound Off-Ramp.

The following proposed mitigation measures would off-set those impacts identified in chapter 3.3, “Traffic and Parking”:

- E. 161<sup>st</sup> Street S. Service Road at Gerard Avenue – Re-allocate one (1) second of green time from the eastbound phase to the northbound phase during the weekday PM peak period.
- E. 161<sup>st</sup> Street S. Service Road at Grand Concourse – Re-allocate two (2) seconds of green time from the eastbound phase to the northbound-southbound phase during the weekday PM peak period.
- E. 161<sup>st</sup> Street at Concourse Village East/Morris Avenue
  - Prohibit on-street parking along Concourse Village East northbound approach to accommodate one additional northbound lane. This prohibition should extend for a distance of approximately 150 feet south of E. 161<sup>st</sup> Street. This change would result in the loss of approximately six (6) existing parking spaces along Concourse Village East northbound approach.
  - Restripe Concourse Village East northbound approach to two (2) 10.5-foot wide lanes.
  - Re-allocate six (6) seconds of green time from the northbound phase to the eastbound-westbound phase during the weekday AM, midday, and PM peak periods.
- E. 161<sup>st</sup> Street at Park Avenue East and West – Re-allocate two (2) seconds of green time from the eastbound-westbound phase to the northbound-southbound phase during the weekday AM and midday peak periods.
- E. 161<sup>st</sup> Street at Melrose Avenue
  - Prohibit on-street parking along Melrose Avenue northbound approach to accommodate the northbound left-turns in a separate lane. This prohibition should extend for a distance of approximately 150 feet south of E. 161<sup>st</sup> Street. This change would result in the loss of approximately six (6) existing parking spaces along Melrose Avenue northbound approach.
  - Restripe Melrose Avenue northbound approach to a 11-foot wide, 100-foot long left-turn bay and a 13-foot wide through-right-turn lane;
  - Re-allocate four (4) seconds of green time from the northbound-southbound phase to the eastbound-westbound phase during the weekday AM and PM peak periods.
- Macombs Dam Bridge at Major Deegan Expressway (I-87) Southbound Ramps – Re-allocate one (1) second of green time from the southbound phase to the westbound left-turn movement lead phase during the weekday AM and PM and Saturday midday peak periods.



### *Bus Service*

~~Significant adverse impacts under CEQR procedures are projected for the Bx13 and Bx41 bus routes, as projected new ridership related to the proposed action would compound other growth projected on these and other routes by 2018. As standard practice, NYCT routinely conducts ridership counts and adjusts bus service frequency to meet its service criteria, within fiscal and operating constraints. Therefore, no mitigation is proposed for the potential impacts to Bx13 and Bx41 bus service.~~

### **Unavoidable Adverse Impacts**

Unavoidable adverse impacts occur when a proposed action would result in significant adverse impacts for which there are no reasonably practicable mitigation measures, and for which there are no reasonable alternatives.

During non-game day conditions, the proposed action is expected to result in significant adverse traffic impacts at four intersections during the weekday AM peak hour, five intersections during the weekday PM peak hour, and two intersections during the Saturday midday peak hour. During game day conditions, the proposed action is expected to result in significant adverse traffic impacts at five intersections during the weekday PM peak hour and one intersection during the Saturday midday peak hour.

The proposed mitigation measures described in Chapter 3.8, (“Mitigation”) would mitigate all of the operational impacts associated with the proposed action, with the exception of the following intersections where unmitigated impacts would remain under the Action condition:

- E. 149<sup>th</sup> Street at River Avenue/Exterior Street/ MDE (I-87) Northbound Off-Ramp. Despite the improved geometry and widening proposed by the Gateway Center at Bronx Terminal Market EIS, which are discussed in Chapter 3.3 (Traffic and Parking), significant traffic impacts remain which are identified below:
  - E. 149<sup>th</sup> Street westbound left-turn movement during the weekday PM peak hour
  - Exterior Street northbound left-turn movement during the weekday PM peak hour
  - MDE northbound off-ramp during the Saturday midday peak hour

Traffic analyses indicate that any mitigation favoring any one of the above impacted movements would inevitably cause new impacts on one of the other movements. In other words, there is no spare capacity at the above intersection in the Future Action condition.

### **Growth-Inducing Aspects of The Proposed Action**

The proposed action would result in more intensive land uses (generating new residents, daily workers, and visitors). However, it is not anticipated that it would have significant spillover or secondary effects resulting in substantial new development in nearby areas, as the proposed

rezoning has been developed to be responsive to observed and projected land use trends and would result in sufficient available density to meet all projected demands for projected residential and commercial development in the Bronx.

### **Irreversible and Irretrievable Commitment of Resources**

The proposed rezoning and related land use actions would require the irreversible and irretrievable commitment of energy, construction materials, human effort, and funds. It is estimated that the projected development sites would generate a net increase in energy consumption of approximately 112.79 billion BTUs in annual energy use compared to Future No-Action conditions.

The land use changes associated with the rezoning action may also be considered a resource loss. Projected and potential development under the proposed action constitutes a long-term commitment of sites as land resources, thereby rendering land use for other purposes infeasible. Further, funds committed to the design, construction/renovation, and operation of projected or potential developments under the proposed action are not available for other projects.

The public services provided in connection with the projected and potential developments under the proposed action (e.g., police and fire protection and public school seats) also constitute resource commitments that might otherwise be used for other programs or projects, although the proposed action would also generate tax revenues to provide additional public funds for such activities.