

**Exhibit A**

**NEW YORK STATE URBAN DEVELOPMENT CORPORATION  
d/b/a EMPIRE STATE DEVELOPMENT CORPORATION**

**Melrose Commons Urban Renewal Plan Amendments**

**INVOLVED AGENCY FINDINGS STATEMENT  
State Environmental Quality Review Act**

**August 16, 2010**

The New York State Urban Development Corporation, doing business as the Empire State Development Corporation (“ESDC”), as an involved agency in the environmental review conducted pursuant to the State Environmental Quality Review Act (“SEQRA”), Article 8 of the Environmental Conservation Law, and its implementing regulations (6 NYCRR Part 617), makes the following Findings based on the Final Environmental Impact Statement (“FEIS”) certified as complete on April 27, 2007.

**Lead Agency:** New York City Department of Housing Preservation and Development

**Name of Action:** Melrose Commons Urban Renewal Plan Amendments

**SEQRA Classification:** Type I Action

**Project Identification:**

The New York City Department of Housing Preservation and Development (“HPD”) proposes to amend the Melrose Commons Urban Renewal Plan (“URP”) in order to facilitate future development in the Melrose Commons Urban Renewal Area (“URA”), located in the South Bronx in Community Districts 1 and 3. The Melrose Commons URP, adopted in 1994, governs development in the Melrose Commons URA. While there remain a number of unbuilt sites in the URA, approximately 1,789 housing units have been constructed or are planned on sites for which developers have been designated. The proposed amendments would allow additional developments to proceed on nine sites; the largest of these projects include Boricua Village, proposed by the Atlantic Development Group, and Courtlandt Corners, proposed by Phipps Houses.

The Atlantic Development Group’s proposal calls for the development of URA sites 48, 49, 59, and 60 as Boricua Village, a mixed residential, community facility, and retail project. Boricua Village would consist of 689 residential units, up to 50,000 square feet (“sf”) of retail space, a 120,000-square-foot building to house Boricua College’s Bronx campus, and 174 accessory parking spaces. The Boricua Village site is bounded by East 163<sup>rd</sup> Street, Third Avenue, East

161st Street, Washington Avenue, and Elton Avenue and currently consists of vacant lots and vacant buildings.

Phipps Houses proposes two mixed residential and commercial developments: Courtlandt Corner North on URA sites 56 and 57 and Courtlandt Corner South on sites 45 and 46. The Courtlandt Corner North site is bounded by East 161st Street, Courtlandt Avenue, East 162<sup>nd</sup> Street, and Melrose Avenue. The Courtlandt Corner South site is located immediately to the south across East 161st Street at Courtlandt Avenue. The two developments would contain a total of approximately 474 residential units and 28,000 sf of retail space. An accessory parking facility with a capacity of up to 100 vehicles would be located on the Courtlandt Corner North site.

The amendment to the URP would also allow the future construction of additional residential units on a number of other smaller sites within the URA. The proposed and future actions would facilitate a total development of up to approximately 1,770 residential units, 99,900 sf of retail space, and 140,000 sf of community facility space.

The proposed and future actions necessary to facilitate this development include a number of amendments to the Melrose Commons URP including: changes to the land use; setting limits to the amount of residential units and commercial floor area; elimination of lot coverage, height limits; and streetwall requirements. The environmental review also analyzes proposed and potential future rezoning of blocks within the urban renewal area that would allow for increase in floor area and housing units on certain sites including the Boricua Village site, the Courtlandt Corner North site, and URA site 64.

ESDC's action involves the provision of funding to Boricua College for portion of the cost of developing the proposed Boricua Village.

## **FACTS AND CONCLUSIONS IN THE FEIS RELIED UPON TO SUPPORT THE DECISION**

### **PROJECT BACKGROUND**

The Melrose Commons URP was adopted by New York City (the "City") in 1994. The plan governs development in the approximately 34-block Melrose Commons URA, which is generally bounded by East 163<sup>rd</sup> Street to the north; Brook, St. Ann's, and Third Avenues on the east; East 156th, East 157th, East 158th, and East 159th Streets on the south; and Melrose, Courtlandt, and Park Avenues to the west.

A Final Environmental Impact Statement for the URA issued in 1994 analyzed the development over a ten-year period of 1,714 new multi-family residential units, approximately 177,170 sf of new commercial space, and 200,845 sf of new community facility space. In addition to the designation of the URA, the actions analyzed in the FEIS include amendments to the zoning map, city map changes, park mappings, acquisition of certain properties within the URA, and special permits for the decking over of railroad right-of-ways.

The 1994 FEIS identified several significant or potentially significant adverse impacts as a result of the Melrose Commons URA project. These included a deficiency of open space, impacts on possible prehistoric and archaeological resources on development sites, increased pedestrian and vehicle traffic, impacts on bus service, high noise levels, and possible contamination of development sites from potentially hazardous materials remaining from previous uses. Measures were proposed to mitigate all of these impacts, with the exception of the deficiency in open space.

To date, approximately 582 residential units and 22,000 sf of commercial space have been constructed in the URA and approximately 726 residential units and 21,420 sf of commercial space are currently under construction. An additional 481 residential units and 45,000 sf of commercial space are planned for construction in the future absent the proposed URP amendments and the accompanying environmental review. Thus, the proposed and future developments assessed in the 1994 FEIS plus the total number of residential units planned or constructed throughout the current URA is 1,789, which represents approximately the full build-out of the URP.

## **DESCRIPTION OF THE PROPOSED AND FUTURE ACTIONS**

The proposed and future actions analyzed in the current FEIS include a number of amendments to the Melrose Commons URP, a proposed zoning map change, the disposition of up to 42 City-owned properties to the Atlantic Development Group and or its affiliates, and approval through the Uniform Land Use Review Procedure (“ULURP”) under City Charter Section 197(c).

### *AMENDMENT TO THE MELROSE COMMONS URA*

The proposed amendments to the URP include changes to land use designations affecting twelve sites; the removal of wall regulations and street wall regulations throughout the URA; a change to lot coverage regulations on site 48; the modification or removal of curb cut regulations on four sites; change to height limits on sites 48, 49, 59, 60, 45, 46, 56 and 57; and the deletion of portions of two urban renewal sites from the URP.

The proposed and future amendments to the URP would facilitate the full build-out of the Melrose Commons URA with approximately additional 1,770 additional housing units, 99,900 sf of retail space, and 140,000 sf of community facility space.

The proposed Boricua Village development (which consists of sites 48, 49, 59, and 60) would contain approximately 878,847 gross square feet (“gsf”) of floor area, including up to approximately 750 housing units, up to 50,000 sf of retail floor area, and a 120,000-square-foot college on a site that currently consists of vacant lots and vacant buildings. It is expected that the complex would consist of approximately eight residential buildings ranging from six to thirteen stories and a fourteen story building to house the Bronx campus of Boricua College. The Boricua Village development would include publicly accessible open space and an estimated 175 accessory parking spaces. The entrance and exit to the parking garage are expected to be located along East 163rd Street at Elton Avenue. Approximately 1.5 acres of publicly accessible open space would be provided on the site. Changes proposed to the URP’s land use designation on site

48 would allow residential development at this location. Changes to the URP's lot coverage restrictions on site 48 and the removal of the URP's height limits on sites 48, 49, 59, and 60 would also be needed. The amendment to the URP would include a provision limiting the total number of residential units to be developed on the Boricua Village site to 750 and the total amount of commercial floor area on this site to 50,000 square feet.

The proposed amendment to the URP and future potential rezoning affecting sites 45, 46, 56, 57 would result in the development of Courtlandt Corners South and North. Phipps Houses proposes to construct two mixed residential/commercial developments, Courtlandt Corner North and Courtlandt Corner South. The two portions of the Courtlandt Corners development would contain a total of approximately 474,446 sf of floor area, providing up to approximately 474 residential units and 28,000 sf of retail space. Approximately 5,000 sf of public open space in the form of a community garden would be created on site 45. Courtlandt Corner North would be located on URA sites 56 and 57 and would include an accessory parking facility that would accommodate up to 100 vehicles. The Courtlandt Corner North site would also include Block 2408, Lots 2 and 5, which were privately acquired by Phipps Houses and are not governed by the URP. In order to accommodate the Courtlandt Corners developments, the land use designation on site 46 would be changed to residential and height limits would be removed on all urban renewal sites. Additionally, the land use designation on site 45 would be changed to permit public open space. The proposed amendment to the URP would also include a provision limiting the total number of residential units on sites 56 and 57 to 400 units. The proposed amendments to the URP include a change in land use designation on site 15, located on the northeast corner of Courtlandt Avenue and East 157th Street, from commercial to residential/commercial. This would facilitate the construction of approximately twenty residential units and 4,600 sf of retail space on this site.

Additional changes to the URP's land use designations would bring into conformance a new community garden on site 2 and the northernmost lot of site 1 that was recently relocated from a nearby development site. A change to land use on site 5 to permit public open space as well as residential use would allow an existing community garden to be relocated to another portion of the site in order to accommodate the residential development planned on that site. Changes to the definition of residential use on sites 14 and 30 to include public open space would bring the existing community gardens on those sites into conformance with the URP's land use regulations. Clarification to the definition of residential use on site 5 to permit public open space as well as residential use would allow an existing community garden to be relocated to another portion of the site in order to accommodate the residential development planned on that site.

The land use designation on site 38 would be changed from residential to residential/community facility because four lots on this site are currently used by the adjacent fire station for EMS parking. No new development is currently projected on this site.

### *ZONING MAP CHANGE*

The proposed and future actions include the rezoning of Block 2366 and Block 2367, which include URA sites 48, 49, 59, and 60 on the Boricua Village site, from C4-4 and R8 with a C1-4 commercial overlay to R8 with a C2-4 commercial overlay. The C2-4 commercial overlay would

extend across both blocks, encompassing the entire Boricua Village site including site 60. The proposed rezoning would allow the Boricua Village development to include an increased amount of floor area and therefore accommodate more housing units.

### *DISPOSITION OF SITES*

To facilitate development of Boricua Village, forty-two City-owned sites are proposed to be disposed to Atlantic Development Group. The City-owned lots proposed for disposition include:

- Block 2366 Lots 1, 21 - 23, 25, 27, 32 - 34, 37 - 40
- Block 2367 Lots 1, p/o 3, p/o 6, p/o 8, p/o 10 - p/o 12, 14-16, 20-22, 24, 26, 28-38, p/o 50, 55, 60
- The demapped bed of East 162nd Street from Third Avenue to Washington Avenue
- The demapped bed of Brook Avenue from East 161st Street to Elton Avenue
- The demapped bed of East 161st Street from Third Avenue to Brook Avenue

### *FUNDING ACTIONS*

The proposed Boricua Village project involves funding actions by ESDC and could involve funding by the New York City Housing Development Corporation and the Dormitory Authority of the State of New York.

### **DESCRIPTION OF FUTURE ACTIONS**

To assess the full build-out of the Melrose Commons URA, the EIS analyzed a future potential rezoning of the northern portion of the Courtlandt Corner North site (part of site 56) from R7-2 and R7-2 with a C1-4 commercial overlay to R8 and R8 with a C1-4 commercial overlay, respectively; and a potential future amendment to URA with the removal of height limits throughout the URA. The remaining undeveloped urban renewal sites north of East 161st Street, including sites 51, 52, 53, 54, 62, and 64, are expected to be developed according to the URP's current land use regulations except for the height regulations. To account for maximum likely development, it is assumed that these sites would be developed according to the New York City Zoning Resolution's Quality Housing program, which allows an overall building height of up to seventy-five feet on a narrow street and eighty feet on a wide street in R7 districts. In R8 districts, the Quality Housing program permits a maximum building height of 105 feet on a narrow street and 120 feet on a wide street. East 161st Street, Melrose Avenue, and Elton Avenue are wide streets.

With the build-out of these sites in the future with the proposed and future actions, there would be changes to roadway configuration in the northern portion of the URA. East 163rd Street would no longer be continuous between Melrose and Third Avenues. The western section, to be renamed Melrose Crescent, would be converted from two-way operations to one-way eastbound operations east of Melrose Avenue, and would curve south to meet East 161st Street at Elton Avenue. The eastern section would end at the junction with Brook Avenue.

For full build-out of the Melrose Commons URA future actions would require review and approval through ULURP, including disposition of remaining sites and potential amendments to

the URP. Development on Courtlandt Corners North and site 64 within the URA may also require future zoning map change subject to review and approval through ULURP.

## **SEQRA PROCESS**

The New York City Department of Housing Preservation and Development, the lead agency for the proposed project, conducted a coordinated review pursuant to City Environmental Quality Review (“CEQR”), Mayoral Executive Order No.91 of 1977, and SEQRA. A Positive Declaration, including a Draft Scope of Work for the EIS, was issued on November 30, 2005. A public scoping meeting was held on January 9, 2006 and written comments were accepted through January 19, 2006. The Final Scope of Work for the project’s EIS was issued on March 28, 2006. A Draft Environmental Impact Statement (“DEIS”) was accepted by HPD and a Notice of Completion was issued. A public hearing on the DEIS for the receipt of public comments on the DEIS was held on March 28, 2007 in conjunction with the City Planning Commission’s (“CPC”) hearing pursuant to ULURP. The public comment period was held open until April 9, 2007. A Final Environment Impact Statement was accepted by HPD and a Notice of Completion was issued on April 27, 2007. The New York City Council approved the ULURP application on June 15, 2007. HPD adopted its Statement of Findings on June 29, 2007.

## **PROBABLE IMPACTS OF THE PROPOSED AND FUTURE ACTIONS**

To determine probable impacts, the FEIS analyzed proposed and future actions that would result in full build-out within the Melrose Commons URA.

## **LAND USE, ZONING AND PUBLIC POLICY**

The proposed and future actions would result in substantial improvements to the development sites and would not cause significant adverse impacts to land use in the Melrose Commons URA. The proposed and future actions would allow the replacement of vacant and underutilized land with housing, retail, and community facilities, continuing the neighborhood revitalization that the urban renewal plan was intended to bring about. The new development resulting from the proposed and future actions would complement the residential and retail development that has already taken place or is underway in the URA, furthering the transformation of an area previously marked by abandonment and blight into an active residential neighborhood. Changes to the urban renewal plan’s land use regulations would allow for an increased amount of housing, would bring several existing community gardens into conformance, and would allow two new public open spaces to be created. In addition, the proposed and future actions would result in development that is compatible with land uses in the surrounding secondary study area.

The proposed rezoning would allow the Boricua Village development to include an increased amount of floor area and therefore accommodate more housing units. The proposed and future R8 districts would be compatible with zoning on the surrounding blocks, which includes R8 districts along East 161st Street, Elton Avenue, and Third Avenue. While the proposed rezoning areas encompass sites that are not urban renewal sites, these lots are developed with residential and mixed use buildings that comply with the proposed zoning districts. The development that would occur as a result of the proposed and future actions would be compatible with the

residential, commercial, and mixed-use zoning in the surrounding study area. No changes to zoning in the study area would occur as a result of the proposed and future actions.

The proposed and future actions are consistent with public policy initiatives applicable to the Melrose Commons URA and would support public policy goals aimed at economic development and neighborhood revitalization. The proposed and future actions would further the goals of the Melrose Commons Urban Renewal Plan by allowing the remainder of the urban renewal sites within the URA to be developed with housing, retail space, a college and other institutional space, and open space. The proposed and future actions would contribute toward achieving the goals of the Mayor's housing policy by allowing an increased amount of affordable housing to be created on the Melrose Commons URA.

Therefore, there would be no significant adverse impacts on land use, zoning and public policy.

## **SOCIOECONOMIC CONDITIONS**

### *DIRECT RESIDENTIAL DISPLACEMENT*

In anticipation of development under the proposed and future actions, Phipps Houses recently vacated a residential building located on the Courtlandt Corners project site (900 Courtlandt Avenue) that contained approximately seven occupied dwelling units. The proposed and future actions would not result in any additional direct residential displacement. Given that the population and the number of units that were displaced were not substantial, the residential displacement precipitated by the proposed and future actions did not significantly change the socioeconomic profile or housing character of the area, and an assessment of direct residential displacement is not warranted.

### *DIRECT BUSINESS AND INSTITUTIONAL DISPLACEMENT*

The proposed and future actions would directly displace six businesses that collectively employ an estimated forty-three workers. The six affected businesses provide various retail or wholesale products or services. Neither the products and services offered by the businesses on the project site nor the potential effect of their displacement on local businesses and consumers would classify them as having substantial economic value. The retail, service, and wholesale trade businesses being displaced, though common types of businesses in the study area, do not individually or collectively define or contribute substantially to a defining element of neighborhood character. Therefore, no significant adverse impacts from direct business displacement are expected to occur with the proposed and future actions.

### *INDIRECT RESIDENTIAL DISPLACEMENT*

Overall, the proposed and future actions would not add a substantial amount of new population with different socioeconomic characteristics, and therefore would not significantly affect socioeconomic trends in the area. The proposed and future actions would be consistent with recent development trends of providing a mix of affordable and market rate housing in an area. Because unprotected dwelling units potentially vulnerable to secondary displacement pressure represent a small percentage of the housing stock in the area, and since the housing introduced by the proposed and future development would not be a substantial amount of a more costly type

of housing, the proposed and future actions would not result in significant adverse impacts due to indirect residential displacement.

#### *INDIRECT BUSINESS AND INSTITUTIONAL DISPLACEMENT*

The proposed and future residential, retail, and institutional development would serve to reinforce existing land uses and would not alter existing economic patterns. As discussed above, the proposed and future development would not change sector concentration significantly enough to alter existing economic patterns. Therefore, the proposed and future actions would not displace uses that significantly support area businesses, that bring people to the area, or that form a customer base for other local businesses.

### **COMMUNITY FACILITIES**

#### *SCHOOLS*

Although the proposed and future actions would introduce an estimated 551 elementary and 89 intermediate school students, there would continue to be adequate capacity in the ½-mile study area and in CSDs 7, 8, and 9 as a whole. Therefore, increased enrollment attributable to the proposed and future actions is not expected to result in significant adverse impacts on public elementary and intermediate schools.

#### *LIBRARIES*

The proposed and future actions would increase the study area population by approximately 2.7 percent and no changes to study area libraries would occur as a result of the proposed and future actions. The population is well served by existing library volumes and would continue to be well served in the future with the proposed and future actions; there would be no significant adverse impact on library services.

#### *DAY CARE FACILITIES*

It is estimated that the proposed and future actions would introduce an additional 343 children between the ages of two months and twelve years who could be eligible for publicly funded day care, adding to the shortage of slots identified in the future without the proposed and future actions. It is not likely that all of these children would seek slots at publicly funded day care centers within a one mile radius of the project site. Most of the children would be old enough to spend their days at public school, and others could make use of alternatives such a family day care, private day care centers financed via ACD vouchers, and public and private day care facilities outside of the one mile study area. Therefore, the proposed and future actions are not expected to result in a significant adverse impact to publicly funded day care facilities.

#### *HEALTH CARE FACILITIES*

The proposed and future actions would result in an increase of approximately 0.5 percent over the current number of emergency room visits and those expected in the future without the proposed and future actions, which is below the *CEQR Technical Manual* threshold of a five percent increase in demand for health care services. Therefore, the proposed and future actions would not result in a significant adverse impact to health care services.

## **OPEN SPACE**

The proposed and future actions would result in a decline of 4.7 percent in the active open space ratio and an increase of one percent in the passive open space ratio. Thus, the demand for open space generated by the proposed and future actions would result in a decrease of less than five percent in open space ratios. There are a number of active open space resources not included in the quantitative analysis that would help to meet open space demands. These include school playgrounds and athletic facilities in the study area that are open to the public at limited times. Additionally, even though most of St. Mary's Park lies outside the study area and was therefore not included in the quantitative analysis, many study area residents would likely make use of this entire park. Overall, there would continue to be a shortage of public open space, but the increased demand resulting from the proposed and future actions would not result in a significant adverse impact.

## **SHADOWS**

It is not anticipated the proposed and future actions would result in any significant adverse shadow impacts to the open spaces in the surrounding area. For the most part, the incremental shadows are limited to the morning and early afternoon hours. While the incremental shadows would reach some of the open spaces for the entire analysis day, the size of the incremental shadow would be small and would allow for the majority of the open space to be in sun in the afternoon hours. Overall, the shadows created by the proposed and future projects' new buildings would not rest on any area for a significant amount of time, nor would they remove all of the sunlight from an open space. One new open space, a planned park west of Elton Avenue between East 161st and East 163rd Streets would receive incremental shadows for the entire analysis period on the spring, fall, and winter analysis days; however, the park is expected to include predominantly active recreational amenities, and shade-tolerant plantings could be selected for landscaping. Therefore, significant adverse shadow impacts are not anticipated.

## **HISTORIC RESOURCES**

The impact of proposed and future actions on historic resources was analyzed. The proposed and future actions would result in the demolition of all of the structures on the project sites, including the Bronx Municipal Court – Second District building on the Boricua Village site. The proposed Boricua Village development would result in the construction of new residential, commercial, and educational facilities, and new public open space. The Courtlandt Corners development would result in the construction of new residential buildings with accompanying open spaces.

### *Archaeological Resources*

Because Lots 10, 11, 37, and 50 of Block 2367 possess archaeological sensitivity, the New York State Office of Parks, Recreation and Historic Preservation ("OPRHP") determined that a Phase 1B archaeological testing is warranted. A Phase 1B Archaeological Survey was completed on June 12, 2007. OPRHP reviewed the Phase 1B Archaeological Report in accordance with Section 14.09 of the New York State Historic Preservation Act of 1980 and found in a letter dated August 10, 2007, that the project will not impact archaeological resources. Therefore, the project will have no adverse impact on archaeological resources.

### *Architectural Resources*

The proposed developments would require the demolition of the Bronx Municipal Court – Second District building, which the New York City Landmarks Preservation Commission (“LPC”), as part of the FEIS prepared for the Melrose Commons URA in 1994, determined meets eligibility criteria for listing on the State and National Registers of Historic Places (“S/NR”) and New York City Landmarks (“NYCL”) landmark designation; however, on account of its deteriorated state and loss of integrity, the OPRHP subsequently determined that the former courthouse is not eligible for listing on the S/NR. This building is in a state of advanced disrepair. In addition, with 57,600 gross square feet, it does not contain enough space to accommodate the Boricua College campus proposed on that site. In consultation with LPC, HPD determined that the demolition of this structure would constitute a significant adverse impact on historic resources. Therefore, the feasibility of reusing and incorporating this historic building into the proposed project rather than demolishing it was evaluated. It was concluded that the adaptive reuse of the Bronx Municipal Court – Second District building as part of Boricua College is not feasible and could not be accomplished without significant adverse impacts on this historic resource. LPC concurred with this conclusion and requested that Historic American Buildings Survey (“HABS”) level archival documentation be prepared as partial mitigation. This documentation has been prepared and was accepted by LPC on March 30, 2007.

The southern end of the Boricua Village project site is located across East 161st Street from the former Bronx Borough Courthouse, which is S/NR listed and designated NYCL, at a distance of approximately ninety feet. The former YMCA building, which is eligible for S/NR listing and NYCL designation, is also located approximately ninety feet from the project site. Without proper measures, the proposed Boricua Village development could have the potential to cause inadvertent construction-related damage to these resources from ground-borne construction period vibrations, falling debris, or collapse. To avoid adverse construction-related physical impacts, the developer of the Boricua Village site would, in consultation with LPC and OPRHP, develop and implement a *Construction Protection Plan* for the Bronx Borough Courthouse and the former YMCA building. The plan would comply with the Department of Building’s *Technical Policy and Procedure Notice #10/88*, regarding procedures for the avoidance of damage to historic structures resulting from nearby construction. It would also follow the guidelines set forth in section 523 of the *CEQR Technical Manual*.

The future proposed Courtlandt Corners development would include new residential buildings and open spaces. There are no architectural resources located on this project site or on the remaining undeveloped URA parcels. The future Courtlandt Corners project site is located within ninety feet of the comfort station located in Railroad Park, which is eligible S/NR listing and NYCL designation, and could have the potential to cause inadvertent construction-related damage to this architectural resource. Therefore, Phipps Houses would, in consultation with LPC and OPRHP, develop and implement a *Construction Protection Plan*, as described above, to avoid any physical impacts to the comfort station.

New construction on URA site 53, located adjacent to the Melrose Theater, which is eligible S/NR listing and NYCL designation, could also cause inadvertent construction-related damage to

this architectural resource. Therefore, HPD would, as above, also develop and implement a *Construction Protection Plan* to avoid any physical impacts to the theater.

It is not expected that the proposed and future developments would have adverse visual or contextual impacts on any of the known architectural resources located in the study area. The proposed Boricua Village development would enhance the area and improve the visual context of the Bronx Borough Courthouse by providing streetscape elements and a pedestrian walkway just north of the Courthouse. The future Courtlandt Corners project site is separated from the architectural resources by a fully developed block. Therefore, there would be no additional adverse visual or contextual impacts to the known historic resources in the study area due to the future proposed Courtlandt Corners development.

## **URBAN DESIGN AND VISUAL RESOURCES**

The proposed and future actions would not have a significant adverse effect on the area's urban design and visual resources. The proposed and future actions are expected to facilitate new development in the URA, including new residential, commercial and institutional facilities, as well as new community gardens, and, therefore, improve the urban design of the undeveloped sites in the URA and surrounding area by replacing primarily vacant land and deteriorated buildings with new buildings that will enliven the neighborhood. The proposed and future actions would create new open spaces with walkways, introduce street trees and landscaping, and improve the visual appearance of the undeveloped sites in the URA and the surrounding area. In addition, under the proposed and future actions, new community gardens and open spaces would be created. While the proposed and future actions would remove the building height limits established in the Melrose Commons URP, new development arising from the proposed and future actions would not block significant views of any visual resources or obstruct important views and views corridors. Therefore, the proposed and future actions would be expected to have a beneficial impact on the urban design and visual resources of the development sites and the study area.

## **NEIGHBORHOOD CHARACTER**

The proposed and future actions would allow for the full build-out of the Melrose Commons URA, replacing vacant land and vacant buildings as well as some industrial and commercial businesses, and several community gardens with new residential, retail, and institutional buildings and publicly accessible open space. The new development would alter the project sites' land use and urban design characteristics and result in some increases in traffic, pedestrian activity, and noise levels; however, these changes could be mitigated as necessary and overall would not constitute a significant adverse impact on neighborhood character. The proposed and future actions would support the continued revitalization of the Melrose Commons area. The surrounding residential neighborhoods and commercial and civic centers would benefit from the increased activity and aesthetic enhancement in the Melrose Commons URA. Overall, the proposed and future actions would not result in a significant adverse impact on neighborhood character.

## **HAZARDOUS MATERIALS**

The potential for environmental contamination was identified on the Boricua Village site, the Courtlandt Corners North and South sites, and URA sites 51, 52, 62, and 64 due to the presence of subsurface contamination, as well as asbestos-containing materials (“ACMs”) and lead-based paint in the project site’s buildings. Demolition, excavation and construction activities could disturb hazardous materials and increase pathways for human exposure. (E) designations or other similar mechanisms such as a restrictive declaration will be placed on all of these sites (except where (E) designations were previously assigned to ensure that testing and remediation, if necessary is performed. With the implementation of these measures, no significant adverse impacts related to hazardous materials would result from demolition and/or construction activities related to the proposed and future actions. Following construction, there would be no further potential for significant adverse impacts.

## **INFRASTRUCTURE**

### *WATER SUPPLY*

The additional demand of about 800,000 gallons per day (“gpd”) represents 0.07 percent of the City’s total consumption, which is not a significant increase. The water supply system has adequate capacity and would not experience a significant adverse impact.

### *SANITARY SEWAGE*

The projected sanitary sewage flow from the proposed and future projects would be approximately 581,725 gpd. This generation rate represents approximately 0.21 percent of the SPDES permitted flow of 275 million gallons per day (“mgd”) to the Wards Island Water Pollution Control Plant (“WPCP”) and is considered to be insignificant. The proposed and future actions would not have a significant adverse impact on the Wards Island WPCP’s ability to properly treat and discharge sanitary sewage.

### *STORMWATER RUNOFF*

Most of the area that would be occupied by the proposed and future projects is currently impermeable and in most areas it would remain impermeable in the future with the proposed and future actions. Therefore, the rate and quantity of runoff that is discharged into the Bronx Kill would not change, and no significant adverse impacts to the stormwater system are expected.

## **SOLID WASTE AND SANITATION SERVICES**

The proposed and future actions would generate about 113,411 pounds per week or just over fifty-six tons per week of solid waste. Of this amount, about 44.4 tons per week would be handled by the Department of Sanitation (“DSNY”), and private carters would handle about twelve tons per week. This represents a relatively small increase in New York City’s waste stream. The proposed and future actions would require less than five full truckloads per week. The retail establishments would likely use different private carters.

The proposed and future projects would comply with the City's recycling program. As a result, the proposed and future actions are not expected to have an adverse impact on solid waste handling and disposal methods or recycling in the city.

## **ENERGY**

It is expected that the proposed and future actions would cause an additional consumption of about 273,336 million BTUs per year. This additional demand is not expected to overburden the energy generation, transmission and distribution system and would not cause a significant adverse energy impact.

## **TRAFFIC AND PARKING**

To assess the traffic impacts associated with the proposed and future actions, an overall study area was defined that considered the location of the proposed and future actions, primary access routes to and from the site, and key intersections likely to be affected by project-generated trips. The traffic study area, located in the Melrose section of the Bronx, is bounded by East 165<sup>th</sup> Street to the north, East 149th Street to the south, Prospect Avenue to the east, and the Grand Concourse to the west and includes a network of twenty intersections. The traffic analysis results showed that during the AM peak hour, the proposed and future actions would result in nine significantly impacted lane groups at seven intersections. In the midday, eight lane groups at five intersections would experience significant adverse impacts. During the PM peak hour, there would be seventeen significantly impacted lane groups at ten intersections. Detailed information regarding specific intersection impacts are provided in the FEIS.

As discussed below under "Mitigation", all of these significant adverse impacts could be mitigated.

In order to provide access to the Boricua Village parking garage, a 100-foot long southbound left turn lane would be configured on Washington Avenue between East 163<sup>rd</sup> Street and Elton Avenue. The existing traffic island would be enlarged and Elton Avenue northbound would shift approximately thirty feet southeast. The roadway would be striped with two northbound lanes and stop-controlled at East 163<sup>rd</sup> Street, as in the existing condition. In addition, the southernmost westbound lane of East 163<sup>rd</sup> Street would be striped as an exclusive left turn lane approaching Washington Avenue.

The proposed driveway would be twenty-five feet wide and provide access and egress to the proposed garage. The garage exit would be stop-controlled and signed to permit right turns only. An additional traffic island would be constructed south of the proposed driveway along Elton Avenue at Washington Avenue to discourage exiting garage traffic from making a left turn onto Elton Avenue.

Although the study area intersections were not classified as high pedestrian accident locations, high-visibility crosswalks would be provided as an added safety measure across the northbound Elton Avenue approach to East 163<sup>rd</sup> Street and at the East 163<sup>rd</sup> Street/Washington Avenue/Elton Avenue intersection.

The parking supply and utilization analysis showed that the projected parking demand from the project could be accommodated by anticipated future on- and off-street parking supply. Therefore, the proposed and future actions are not expected to result in significant adverse parking impacts.

## **TRANSIT AND PEDESTRIANS**

The transit and pedestrians analysis includes a description of the existing and future operating conditions of these facilities in the vicinity of the project area and identification of the potential for significant adverse impacts that would require mitigation. The analysis results show that new trips associated with the proposed and future actions would not result in significant adverse subway or pedestrian impacts, but there would be the potential for significant adverse impacts on the Bx6 route, which runs along East 161st Street, the Bx2 and Bx41 routes, which run along Melrose Avenue, and the Bx15, Bx21, and Bx55 routes, which run along Third Avenue. Measures that would mitigate the transit and pedestrian impacts are discussed below in “Mitigation”.

## **AIR QUALITY**

### *MOBILE SOURCES*

With respect to mobile sources, it was determined that the highest predicted carbon monoxide (“CO”) concentrations for any of eight hour time period would not result in any violations of the CO standard or any significant impacts at the receptor locations.

### *PARKING FACILITIES*

Because the proposed and future actions would include parking facilities, which could potentially result in increases in CO concentrations in the immediate vicinity of the facilities, a parking analysis was conducted to evaluate potential future worst-case CO concentrations. The CO concentrations from the parking garage would be substantially below the applicable standard of nine ppm, and therefore it was concluded that these facilities would not result in any significant air quality impacts.

### *STATIONARY SOURCES*

Potential adverse impacts from HVAC systems were identified at the Boricua Village and Courtlandt Corners sites and at URA sites 52 and 62. At URA site 52, potential significant air quality impacts on a neighboring development site (URA site 53) could occur using either No. 4 oil or natural gas. For URA Site 62, potential significant impacts could occur using No. 4 oil; however, no significant adverse air quality impacts are predicted when using natural gas as the fuel type at this site.

For Boricua College, as well as Buildings A1, A2, B, C, D and F, it determined that the proposed development would not result in any significant stationary source air quality impacts; however, Boricua Village Buildings E North and E South are both closer to Buildings D and F than the minimum distance determined from the screening analysis and thus there is a the potential for significant adverse impacts. For Courtlandt Corners, if individual HVAC systems are utilized for

each building, potential significant air quality impacts could occur since the six-story portion of the proposed development at Courtlandt Corners North (Building C) is directly adjacent to the taller portion of the development (Building A). Mitigation measures for potential impacts are presented below in “Mitigation”.

Because proposed and future project sites are in the vicinity of an area zoned for mixed residential/industrial use, nearby existing industrial facilities were examined for potential adverse impacts on future residents of the proposed and future actions. Based on the data available on the surrounding industrial uses, the proposed and future actions would not experience significant air quality impacts from these facilities.

## **NOISE**

The proposed and future actions for the Melrose Commons URA are expected to change traffic volumes in the general vicinity. Since traffic is the main source of ambient noise, this could lead to changes in the ambient noise level. The noise analysis concludes that the traffic generated by the proposed and future actions would not be expected to produce significant increases in noise levels. In addition, with the proposed building design measures and minimum level of building attenuation, noise levels within the proposed and future buildings would comply with all applicable requirements. Therefore, the proposed and future actions would not result in any significant adverse noise impacts.

## **CONSTRUCTION**

Construction of the proposed Boricua Village and future Courtlandt Corners projects, as well as other future development expected to occur in the Melrose Commons URA, would cause some disruptions to activities in the surrounding area; however, these disruptions would be temporary in nature, with overall construction anticipated to last approximately thirty months. The construction impacts analysis concluded that there would be no significant adverse impacts as a result of the proposed and future actions except on historic resources.

The proposed Boricua Village development would require the demolition of the Bronx Municipal Court - Second District building, a building that is eligible for designation as a New York City Landmark but is in a state of advanced disrepair. The demolition of this structure would constitute a significant adverse impact on historic resources. Therefore, Historic American Buildings Survey (“HABS”) level archival documentation was prepared as partial mitigation. This documentation was accepted by LPC on March 30, 2007.

## **PUBLIC HEALTH**

No activities are proposed that would exceed accepted city, state, or federal standards with respect to public health and a full assessment of potential impacts on public health is not necessary. No significant adverse impacts on public health are expected as a result of the proposed and future actions.

## MITIGATION

Mitigation measures are proposed to minimize or avoid the potential significant adverse impacts that have been identified in the areas of historic resources, traffic and parking, transit and pedestrians, and air quality. Significant adverse impacts that cannot be fully mitigated through reasonably practicable measures are identified and discussed below in “Unavoidable Adverse Impacts”.

### *HISTORIC RESOURCES*

The proposed Boricua Village project would require the demolition of the Bronx Municipal Court – Second District building to allow for the development of a new campus for Boricua College. LPC has determined that the building meets eligibility criteria for NYCL designation. This building is in a state of advanced disrepair. In addition, with 57,600 gross square feet, it does not contain enough space to accommodate the Boricua College campus proposed on that site. In consultation with LPC, HPD determined that the demolition of this structure would constitute a significant adverse impact on historic resources. Therefore, HABS level archival documentation has been prepared as partial mitigation and was accepted by LPC on March 30, 2007.

To avoid any inadvertent construction-related damage to historic resources, historic structures located within ninety feet of project construction would be included in a *Construction Protection Plan* to be developed in consultation with OPRHP and LPC.

### *TRAFFIC AND PARKING*

A total of twenty signalized intersections were analyzed. Significant adverse impacts were identified at seven intersections during the AM peak hour, five intersections during the midday peak hour and eleven intersections during the PM peak hour. Traffic impacts on the local street network could be mitigated by standard traffic engineering improvements such as signal phasing and timing modifications, parking prohibitions, lane re-striping, and changes in pavement markings. These mitigation measures would reduce the parking supply in the study area by approximately eight spaces; this reduction would not cause a significant adverse impact on the area’s parking supply.

### *TRANSIT AND PEDESTRIANS*

As discussed in the FEIS, the proposed and future actions would result in significant adverse impacts to the operations of the Bx6, Bx15, and Bx21 bus routes, which would operate above the guideline capacity of sixty-five passengers for a standard bus, and the Bx2, Bx41, and Bx55 bus routes, which would operate above the guideline capacity of ninety-three passengers for an articulated bus. To mitigate these impacts, it is recommended that NYCT schedule additional buses for the impacted routes, as follows:

- Two additional buses on the southbound Bx2 route in the AM peak period and one additional bus on the northbound Bx2 route in the PM peak period;
- One additional bus on the southbound Bx15 route in the AM peak period;
- One additional bus on the northbound Bx21 route in the PM peak period;
- Two additional buses on the southbound Bx41 route in the AM peak period;

- Three additional buses on the southbound Bx55 route in the AM peak period, two additional buses on the southbound Bx55 route in the PM peak period, and six additional buses on the northbound Bx55 route in the PM peak period; and,
- One additional bus on the eastbound Bx6 route in both the AM and PM peak periods.

With these improvements, the study area bus routes would have adequate capacity to accommodate the projected increase in bus ridership.

### *AIR QUALITY*

Development on URA Sites 52 and 62 could result in potential significant stationary source adverse air quality impacts due to emissions from HVAC systems. The results of the analysis determined that to ensure no significant impacts would occur, HVAC exhaust stack(s) on Site 52 must be a minimum of forty feet from the lot line facing URA Site 53 if burning fuel oil, or a minimum of ten feet from the lot line facing URA Site 53 if burning natural gas. In addition, to avoid potentially exceeding the New York City Department of Environmental Protection PM<sub>2.5</sub> interim guidance criteria, HVAC systems on Site 52 must utilize either No. 2 and/or natural gas (instead of No. 4 oil). For URA Site 62, the results of the analysis determined that to ensure that no significant impacts would occur from HVAC systems if burning fuel oil, HVAC exhaust stack(s) must be a minimum of fifteen feet from the lot line facing URA Site 64.

Since Buildings E North and E South of Boricua Village are directly adjacent to the taller proposed buildings, D and F, potential air quality impacts could occur. Potential stationary source impacts for pollutant of concern (NO<sub>x</sub> for natural gas) from HVAC systems of the proposed development site were analyzed using the ISCST3 refined dispersion model. The results of the analysis determined that to ensure no significant adverse impacts would occur, HVAC exhaust stack(s) must utilize natural gas and be a minimum of twenty-five feet from Building F, and a minimum of ten feet from Building D.

To avoid potential significant impacts from the proposed HVAC systems at Courtlandt Corners, any HVAC stack(s) located on Building C must not be located on the portion of the building fronting Courtlandt Avenue.

With these mitigation measures in place, no significant adverse air quality impacts are predicted.

### **ALTERNATIVES**

Two alternatives to the proposed and future actions are considered: a No Action Alternative, which assumes that the amendments to the Melrose Commons Urban Renewal Plan and associated zoning changes would not occur, and a Reuse of the Bronx Municipal Court – Second District Building alternative, in which the Bronx Municipal Court – Second District building is preserved and expanded to house the proposed Boricua College campus.

#### *NO ACTION ALTERNATIVE*

The No Action Alternative represents the future conditions in 2009 if the proposed URP amendments and rezonings do not occur. Rather than being developed with housing, retail space, community facilities, and public open space, these urban renewal sites would remain primarily a

mix of vacant land and vacant buildings, as well as some industrial and commercial businesses and several community gardens. Under the future without the proposed and future actions, the existing URP would result in approximately 1,331 of housing units and 81,420 sf of commercial space.

This alternative would not fulfill the URP's goals of replacing vacant land and substandard structures with new uses and enhancing the area's residential character by providing new low-income housing. Unlike the proposed and future projects, there would not be an increase in the residential or commercial populations and the direct displacement of six businesses would not occur. As in the future with the proposed and future actions, there would not be significant adverse impacts on land use, public schools, libraries, day care, or outpatient health care facilities.

Under the No Action Alternative, the four existing community gardens would remain on urban renewal sites 56 and 62 and these sites would not be developed with new housing. In this alternative, public open space would not be created on the Boricua Village site and new community gardens would not be created on site 45 of the Courtlandt Corners site or on sites 1 and 2. Under both the No Action Alternative and the proposed and future actions, the Melrose Commons URA and the surrounding study area would continue to experience a shortage of publicly accessible open space. Under the No Action Alternative, no new buildings would be constructed on the proposed development sites and therefore no new shadows would be cast on public open spaces.

Since this alternative would not include any excavation, it would not affect any potential archaeological resources. Under the No Action Alternative, the Bronx Municipal Court – Second District building located on the Boricua Village site would remain in its deteriorated state rather than being demolished. Therefore, unlike the proposed project, the No Action Alternative would not result in significant adverse impacts on historic resources.

With the No Action Alternative, the improvements in visual character associated with the proposed new developments and open space in the URA would not take place. The positive effect on neighborhood character through improvements to an area now characterized primarily by vacant lots, vacant buildings, and scattered industrial and automotive uses would not occur. Unlike under the proposed and future actions, there would be no corresponding increase in traffic and noise that could affect neighborhood character.

With the No Action Alternative, no hazardous materials would be disturbed. However, there would also be no removal of contaminated soils, as there would be with the proposed and future actions. Clean soil fill would not be placed in areas not covered by paving or other impervious materials, and underground storage tanks may not be removed.

This alternative would not create new demands on infrastructure. Like the proposed and future actions, the No Action Alternative would not have significant adverse impacts on solid waste and sanitation services, or on energy systems.

Since the No Action Alternative would not generate new traffic or visitors, the significant adverse traffic, bus and pedestrian impacts associated with the proposed and future actions would not occur. As with the proposed and future actions, there would be no significant parking or subway impacts. Because this alternative would not result in additional vehicular traffic, noise levels would remain in the “marginally acceptable” to “marginally unacceptable” categories. As no new development would occur, there would be no increases in mobile source emissions from vehicular traffic or emissions from HVAC systems.

Under the No Action Alternative there would be no construction on the proposed and future development sites. Therefore, there would be no temporary effects associated with increased traffic, noise, and air emissions and, the city and state would not obtain the economic benefits associated with the construction of the new buildings from taxes and wages. Neither the No Action Alternative nor the proposed and future actions would result in significant adverse impacts on public health.

#### *REUSE OF BRONX MUNICIPAL COURT – SECOND DISTRICT BUILDING*

The proposed actions would result in a significant adverse impact on historic architectural resources with the demolition of the Bronx Municipal Court – Second District building, which LPC has determined meets eligibility criteria for NYCL designation. The Reuse of the Bronx Municipal Court – Second District Building alternative considers a development program in which this building at 900 Washington Avenue on urban renewal site 49, which would be demolished under the proposed and future actions, is retained and incorporated into a larger structure that would house the new Bronx campus of Boricua College. As under the proposed and future actions, the college building would include classrooms and other academic space, as well as community facility space on the ground floor with a total of 120,000 gross square feet, which is the amount of floor area required to fulfill Boricua College’s programmatic needs. This amount of floor area would be achieved by adding ten stories to the existing structure to create a fourteen story college building. The remainder of the development program would be unchanged.

This analysis concludes that the adaptive reuse of the Bronx Municipal Court – Second District building as part of Boricua College is not feasible and could not be accomplished without significant adverse impacts on this historic resource. While the college’s program and mission call for an open, visually permeable floor plan and façade that can house ground-level community amenities such as a gallery and/or theater, the existing building has a brick façade with small windows. Furthermore, as described above, ten floors would need to be added to the building in order to accommodate the amount of classroom space needed by Boricua College. To retrofit the existing building for these purposes would be prohibitively expensive, and this alternative would require such extensive changes to the courthouse building that a significant adverse impact on historic architectural resources would result.

#### **UNAVOIDABLE ADVERSE IMPACTS**

The proposed Boricua Village project would require the demolition of the Bronx Municipal Court – Second District building to allow for the development of a new campus for Boricua College. Because LPC has determined that this building meets eligibility criteria for NYCL

designation, its demolition would be a significant adverse impact on historic architectural resources. Therefore, HABS level archival documentation has been prepared as partial mitigation and was accepted by LPC on March 30, 2007; however, a significant adverse impact caused by the demolition of an historic architectural resource cannot be fully mitigated. The HABS documentation would constitute partial mitigation of this impact.

## CERTIFICATION OF FINDINGS

Having considered the Draft and Final Environmental Impact Statements, including the comments received on the DEIS and the FEIS, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.9, ESDC finds and certifies that:

1. The requirements of Article 8 of the New York State Conservation Law and the implementing regulations of the New York State Department of Environmental Conservation, 6 NYCRR Part 617, have been met;
2. Consistent with the social, economic and other essential considerations from among the reasonable alternatives thereto, the proposed action will minimize or avoid, to the maximum extent practicable, the adverse environmental effects including the effects disclosed in the FEIS and set forth in this Findings Statement;
3. Consistent with the social, economic and other essential considerations described above, the incorporation in the development of this facility of the mitigation measures described in the DEIS, FEIS and in this Findings Statement, will minimize or avoid the adverse environmental impacts associated with the development of the project which were identified in the DEIS, FEIS and in this Findings Statement; and
4. The project is in compliance with Section 14.09 of the State Historic Preservation Act.

Agency: NYS Urban Development Corporation d/b/a  
Empire State Development Corporation

Signature of Responsible Officer: \_\_\_\_\_

Name of Responsible Officer: Rachel Shatz

Title of Responsible Officer: Vice President, Planning & Environmental Review

Date: August 16, 2010