Appendix A

Agency Correspondence

- Environmental Review Letters Received from NYCLPC
- Review Letters Received from NYS OPRHP
- Letter Submitted by SLCE Architects to NYS OPRHP (with Seinuk structural evaluation attached)
- Review Letter Received from NYCDEP

THE CITY OF NEW YORK LANDMARKS PRESERVATION COMMISSION
1 Centre Street, 9N, New York, NY 10007 (212) 669-7700 www.nyc.gov/landmarks

ENVIRONMENTAL REVIEW

DEPARTMENT OF CITY PLANNING/LA-CEQR-M 3/20/2009

Project number **Date received**

Project: SUGAR HILL REZONING

Properties with no archaeological significance:

414 WEST 155 STREET, BBL 1020690021
89 ST NICHOLAS PLACE, BBL 1020690020
416 WEST 155 STREET, BBL 1020690026
416 WEST 155 STREET, BBL 1020690026
87 ST NICHOLAS PLACE, BBL 1020690014
89 ST NICHOLAS PLACE, BBL 1020690028

The following properties possess architectural significance:

Comments: AS AMENDED SECOND TIME. The project site is located in block 2069 of the State/National Register listed Sugar Hill Historic District. Lot 20 of the project site is a non-contributing building. Lot 21 of the project site is a contributing building. Lot 28 and the northern portion of lot 26 contain a contributing building. Lot 26, southern portion, is a non-contributing building. Lot 14 north in part, at the edge of the project site, is within LPC and S/NR listed Hamilton Heights/Sugar Hill Northeast HD.

The NR nomination and map for Sugar Hill have been sent separately to the consultant.

In the radius: Hamilton Heights/Sugar Hill Northwest HD, and the Colonial Parkway Apartments, Jackie Robinson Pool and Park, and the 155th St. Viaduct, all LPC and S/NR listed.

4/3/2009

SIGNATURE DATE

Gina Santucci

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THE CITY OF NEW YORK LANDMARKS PRESERVATION COMMISSION
1 Centre Street, 9N, New York, NY 10007 (212) 669-7700 www.nyc.gov/landmarks

ENVIRONMENTAL REVIEW

DEPARTMENT OF CITY PLANNING/10DCP031M 8/26/2010

Project number **Date received**

Project: SUGAR HILL REZONING

Comments: The LPC is in receipt of the draft FEIS chapters for Historic Resources, Mitigation, and Appendix A dated 8/26/10. The Historic Resources chapter is acceptable. The Mitigation chapter notes that HABS documentation of the project site has been completed and signed off on in the SHPO letter of 7/9/10. LPC can find no SHPO reference to the HABS documentation in Appendix A. If the HABS documentation has been completed, LPC requests a copy for its files. If the HABS work has not been completed, LPC requests a copy of the HABS scope of work for review and comment.

cc: SHPO

Gina Santucci

8/30/2010

SIGNATURE DATE

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THE CITY OF NEW YORK LANDMARKS PRESERVATION COMMISSION
1 Centre Street, 9N, New York, NY 10007 (212) 669-7700 www.nyc.gov/landmarks

ENVIRONMENTAL REVIEW

DEPARTMENT OF CITY PLANNING/10DCP031M 8/30/2010

Project number **Date received**

Project: SUGAR HILL REZONING

Comments: LPC is in receipt of Appendix A and the revised Mitigation chapters of this date. The fourth paragraph on page 12-3 of the Mitigation chapter should have the following added at the end of the paragraph: "Due to the proximity of the new project to the LPC designated Hamilton Heights/Sugar Hill Northeast Historic District, and the potential for indirect contextual effects to the LPC designated district, LPC requests a copy of the signed MOU for its files." Given this change, the text for both chapters is acceptable.

LPC also requests a copy of the HABS documentation for its files.

Cc: SHPO

Gina Santucci

8/30/2010

SIGNATURE DATE

25672A_FSO_GS_08302010.doc

David A. Paterson
Governor

Carol Ash
Commissioner

New York State Office of Parks, Recreation and Historic Preservation

Historic Preservation Field Services • Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

www.nysparks.com

February 10, 2010

Valerie Campbell
Special Counsel
Kramer Levin Naftalis & Frankel LLP
1177 Avenue of the Americas
New York, NY 10036

Re: Information Request
Sugar Hill Project
404-414 West 155th Street
New York County
09PR034131

Dear Ms. Campbell,

Thank you for continuing to consult with the New York State Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP). In cases where a state agency is involved in an undertaking, it is appropriate for that agency to determine whether consultation should take place under Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law. In addition, if there is any federal agency involvement, then review would take place in accordance with Section 106 of the National Historic Preservation Act of 1966 and the relevant implementing regulations. In this case we understand that State funding is likely thus, at this time, our review will proceed in accordance with the Section 14.09. These comments are those of the Field Services Bureau and relate only to Historic/Cultural resources. They do not include other environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

We have reviewed the alternatives analysis dated December 17, 2009 from SLCE Architect, LLP and concur that there are no prudent and feasible alternatives to demolition of the 404-414 West 155th Street that will meet the project requirements. In particular, we understand that the existing building cannot carry the loads of a large addition that would be needed to meet the required number of housing units. At this point it is reasonable to begin discussion of a formal Letter of Resolution (LOR) that would identify proper mitigation measure to be incorporated into the work.

On February 2, 2010, we received a draft LOR from you and have reviewed this draft. I've e-mailed you a few changes to the draft but otherwise our office would be willing to sign this agreement as long as it is acceptable to the involved State Agency identified for the project. Until such an Agency is identified, we will not be able to sign this document.

If anyone has any questions, or if I can be of any assistance, please call me at (518) 237-8643, ext. 3282.

Sincerely,

Beth A. Cumming
Historic Site Restoration Coordinator
e-mail: beth.cumming@oprhp.state.ny.us

An Equal Opportunity Employer/Affirmative Action Agency

**New York State Office of Parks,
Recreation and Historic Preservation**

Historic Preservation Field Services • Peebles Island, PO Box 189, Waterford, New York 12188-0189

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David A. Paterson
Governor

Carol Ash
Commissioner

July 8, 2010

Catherine Gavin
Higgins Quasebarth & Partners, LLC
11 Hanover Square
New York, NY 10005

Re: Information Request
Sugar Hill Project
404-414 West 155th Street
New York County
09PR034131

Dear Ms. Gavin,

Thank you for requesting the comments of the New York State Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPHRP) for the Historic American Building Survey (HABS) recording of 414 West 155th Street.

Based upon our review of the submitted HABS documentation we find that it meets our standards for documentation. One copy has been retained in our office and the other has been sent to the New York State Archives. As you know, we have a draft Letter of Resolution (LOR) for this project. At this point, we cannot comment further on the proposed mitigation measures until an involved State agency is identified for the project.

If anyone has any questions, or if I can be of any assistance, please call me at (518) 237-8643, ext. 3282.

Sincerely,

Beth A. Cumming
Historic Site Restoration Coordinator
e-mail: beth.cumming@oprhp.state.ny.us

enc: V. Campbell - Kramer Levin Naftalis & Frankel LLP (via e-mail)

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David A. Paterson
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New York State Office of Parks, Recreation and Historic Preservation

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July 9, 2010

Valerie Campbell
Special Counsel
Kramer Levin Naftalis & Frankel LLP
1177 Avenue of the Americas
New York, NY 10036

Re: Information Request
Sugar Hill Project
404-414 West 155th Street
New York County
09PR03413

Dear Ms. Campbell,

Thank you for continuing to consult with the New York State Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP). In cases where a state agency is involved in an undertaking, it is appropriate for that agency to determine whether consultation should take place under Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law. In addition, if there is any federal agency involvement, then review would take place in accordance with Section 106 of the National Historic Preservation Act of 1966 and the relevant implementing regulations. In this case we understand that State funding is likely thus, at this time, our review will proceed in accordance with the Section 14.09. These comments are those of the Field Services Bureau and relate only to Historic/Cultural resources. They do not include other environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

At this time, we have reviewed your memorandum dated July 1, 2010 with additional information regarding the proposed design of the new building. Kathy Howe, our National Register representative for New York City, and I reviewed the additional photos and descriptions with respect to the appropriateness of the proposed new construction. We understand that the proposed project is a 13-story building located where the existing historic garage now sits. Based on our review, we concluded that the scale of the building is not out of context with existing conditions found at the northern end of the Sugar Hill Historic District. As noted, the contributing apartment building at 409 Edgecombe Avenue is of similar height. In accordance with our Guide to Compatible New Construction, we do not agree that the massing or design details of the proposed building are compatible with the historic district. Hopefully, we can have further conversations regarding these details.

If anyone has any questions, or if I can be of any assistance, please call me at (518) 237-8643, ext. 3282.

Sincerely,

Beth A. Cumming
Historic Site Restoration Coordinator
e-mail: beth.cumming@oprhp.state.ny.us

cc: R. Dobruskin – NYC (via e-mail)

An Equal Opportunity Employer/Affirmative Action Agency

David A. Paterson
Governor

Carol Ash
Commissioner

New York State Office of Parks, Recreation and Historic Preservation

Historic Preservation Field Services • Peebles Island, PO Box 189, Waterford, New York 12188-0189

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www.nysparks.com

August 25, 2010

Robert Dobruskin
Environmental Assessment and Review Division
New York City Department of City Planning
22 Reade Street
New York, NY 10007

Re: HUD
Sugar Hill Project
404-414 West 155th Street
New York County
09PR03413

Dear Mr. Dobruskin,

Thank you for continuing to consult with the New York State Historic Preservation Office (SHPO) for the proposed new construction at 404-414 West 155th Street. We are currently reviewing the project in accordance with Section 106 of the National Historic Preservation Act because we under stand that funds for the project will come from the U.S. Department of Housing and Urban Development (HUD). These comments are those of the SHPO and relate only to the Historic/Cultural resources. They do not include other environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

We have reviewed the revised draft version of the Sugar Hill Rezoning FEIS, Project Description, Historic Cultural Resources, Visual Resources and Mitigation chapters provided in your e-mail dated August 20, 2010. Based upon our review of these revised chapters, we have no further comments regarding the FEIS.

We look forward to continued consultation under Section 106 of the National Historic Preservation Act of 1966. If anyone has any questions, or if I can be of any assistance, please call me at (518) 237-8643, ext. 3282.

Sincerely,

Beth A. Cumming
Historic Site Restoration Coordinator
e-mail: beth.cumming@oprhp.state.ny.us

An Equal Opportunity Employer/Affirmative Action Agency

SLCE*Architects*, LLP

December 17, 2009

Ms. Beth Cummings
State Historic Preservation Office
Peebles Island, Field Service Bureau
Delaware Avenue
Cohoes, New York 12047

RE: Sugar Hill Development
414 West 155th Street
New York, New York

Dear Ms. Cummings:

841 Broadway
New York, NY 10003
212 979 8400 telephone
212 979 8387 telefax
info@slcearch.com

Peter Claman, AIA
Enzo Depol, AIA
Saky Yakas, AIA
James Davidson, AIA
Luigi Russo, AIA
Robert Laudenschlager, AIA
Gloria B. Glas, AIA

The proposed development site, located on the South side of West 155th Street between St Nicholas Avenue and St. Nicholas Place, is currently occupied by an existing two story parking garage with cellar. This garage facility was built in 1929 and has been used exclusively as a garage up to today. The structure is a steel frame structure with brick and terra cotta exterior. The exterior has had several modifications to the entries and window bays over the years.

The proposed development program includes the requirement of 124 units of low income housing, a children's museum, day care center and an accessory parking facility.

To meet the program needs the development program requires a total floor area of 169,333 sq. ft. This program cannot be accommodated within the existing garage which contains only 65,055 sq. ft. of floor area. To meet the need for additional floor area, we have investigated the feasibility of enlarging the existing two story parking garage to accommodate the proposed development program. This scheme would accommodate the required floor area in a new structure above the garage. Our conclusion based on the attached Engineering Report is that the existing structure will not support the new loads that will be imposed by an addition.

The existing garage structure cannot be reused based on the attached structural report by Ysrael A. Seinuk, P.C. Consulting Engineers due to the following:

- Neither the existing garage columns, nor their respective footings can be used to carry a structure above them. If the existing columns are utilized, the safe load carrying capacities of the columns and corresponding footings will be exceeded. They were not designed for the excessive loads coming from a large addition above.
- The new structure would require a distribution of columns that deny the utilization of the parking structure. Preliminary studies indicate that at least 35 columns and 3 shear walls would be needed to support the large addition above.
- Additionally, at the southern portion of the site, the DEP requires a 28ft. easement. The current structure extends to the rear lot line. The required 28 ft. easement dedicated to DEP must carry not only DEP trucks and other vehicular traffic, but also fire engines. The existing structure cannot meet the vehicular loading requirements. This part of the existing structure would have to be removed up to the first column line, which is approximately 45 ft. north of the south property line, and substituted with a bona fide elevated road design.

SLCE*Architects*, LLP

In conclusion, to accommodate the proposed development, we would need to demolish the rear portion of the existing building, remove the roof and floor plates, remove a large portion of the modified exterior, and remove and replace the existing structure. It is not feasible to incorporate the existing parking garage into the proposed new development. We conclude that the parking garage structure needs to be demolished to allow for the program needs to be met.

Please call me if you need any additional information or you have any questions.
Yours sincerely,

Saky Yakas, AIA
Partner

Encl. Structural Report
Photographs of existing structure

cc: Mary Ann Villari — Broadway Housing
Ellen Baxter — Broadway Housing
Valarie Campbell — Kramer Levin Naftalis & Frankel
Elizabeth F. Larsen — Kramer Levin Naftalis & Frankel

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Luigi Russo, AIA
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Gloria B. Glas, AIA

YSRAEL A. SEINUK, P.C.
Consulting Engineers

New York Office:
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F: 646/487-5555

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Miami, FL 33137
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October 20, 2009

Mr. Saky Yakas
SLCE Architects
841 Broadway Ave
New York, NY 10003

Re: **Sugarhill Residential Project**
414 West 155th Street, New York, N.Y.

Dear Saky,

A visual inspection was performed by our personnel on the existing parking structure. As can be seen in the attached photographs, portions of the structural slabs of the building are in a state of disrepair. Exposed reinforcement shows different states of deterioration due to rusting. This is not uncommon in structures where water and deicing salts, brought in by the cars penetrate the slabs' concrete. It was also observed that some exposed portions of the structural steel beams exhibit rusting.

The existing building could not accommodate the above proposed residential and community facility building for the following reasons:

- Neither the existing garage columns, nor their respective footings can be used to carry a structure above them. If existing columns are to be utilized, the safe load carrying capacities of the columns and corresponding footings will be exceeded. They were not designed for the excessive loads coming from a 12-story structure above.

- The new residential structure requires a distribution of columns that deny the utilization of the rest of the parking structure. Preliminary studies indicated at least 35 columns coming from the upper typical floors, with 3 shear walls that are developed around the stairs and elevator shafts.

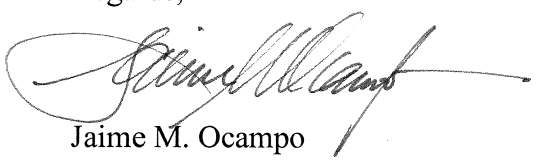
- At the southern portion of the site, the current structure extends to the rear. The required 28 ft. easement dedicated to DEP must carry not only DEP trucks and other vehicular traffic, but also fire engines. The loading requirement cannot be accommodated by the present structure. This part of the existing structure has to

PROF. YSRAEL A. SEINUK, P.E., CEng, FACI, FICE, FASCE, *Chief Executive Officer* • ESTANISLAO T. SALCEDO, P.E., *President*
SUSAN C. BACAS, P.E., *Senior Vice President* • JAIME OCAMPO, *Senior Vice President* • GEORGE OZGA, P.E., *Senior Vice President*
SHENG SHI, P.E., LEED AP, *Senior Vice President* • WAI-LAM LI, P.E., *Senior Vice President* • HÜSEYIN KOPKALLI, P.E., *Senior Vice President*
ROBERTO SALGADO, P.E., *Vice President* • BEATRIZ SEINUK-ACKERMAN, *Vice President - Marketing & Business Development*

be removed up to the first column line, which is approximately 45 ft. north of the south property line, and substituted with a bona fide elevated road design.

In summary, we find no logical economical alternative to removing the existing structure in order to provide for the requirements of the proposed 12-story building.

Regards,



Jaime M. Ocampo
Senior Vice President

Environmental Protection

Caswell F. Holloway
Commissioner

Angela Licata
Deputy Commissioner
Bureau of Environmental
Planning and Analysis
alicata@dep.nyc.gov

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Flushing, NY 11373
T: (718) 595-4398
F: (718) 595-4479

July 9, 2010

Robert Dobruskin
Director, Environmental Assessment and Review
New York City Department of City Planning
22 Reade Street, Room 4E
New York, New York 10017

Re: Sugar Hill Rezoning
Block 2069, Lots 14, 21, 26 and 28
10DCP031M/ 10DEPTECH074M

Dear Mr. Dobruskin:

The New York City Department of Environmental Protection, Bureau of Environmental Planning and Analysis (DEP) has reviewed the March 2008 Phase I Environmental Site Assessment (Phase I) and the January 2009 Phase II Environmental Site Investigation Work Plan (Workplan) prepared by ATC Associates Inc. on behalf of Broadway Housing Communities (applicant) for the above-referenced project. It is our understanding that the applicant is seeking zoning map amendments from the New York City Department of City Planning (DCP) to change the zoning for Block 2069, Lots 21, 28, and part of lots 14 from a C8-3 and R7-2 zoning to a R8A zoning district in addition to acquisition/disposition of City-owned property. The site is bounded by West 155th Street on the north, St. Nicholas Avenue on the west, St. Nicholas Place on the east, and West 153rd Street on the south in the Hamilton Heights North neighborhood of West Harlem, in Manhattan Community District 9. The proposed actions would facilitate the development of an approximately 169,333 gsf (gross square feet) 13-story mixed-use building with 124 dwelling units on Lot 21. As currently proposed, the building will consist of an approximately 18,036 sf (square feet) Faith Ringgold Children's Museum of Art and Storytelling, a 12,196 sf day care facility and early childhood center, a 2,350 sf of non-profit program and office space, and a 114-space below-grade accessory parking garage. The project site currently consists of a two-story building with a 300-space cellar public parking garage on an approximately 21,685 sf lot. The existing on-site facility would be demolished to allow construction of the proposed new building. It is our understanding that the proposed action would not result in development on Lots 14 and 28, and improvements to Lot 26 (City-owned) would be limited to landscaping and paving to provide access to the uses on Lot 21.

The March 2008 Phase I revealed that historical on-site land and surrounding area land uses consisted of commercial and industrial uses including auto repair shop and a garage. Petroleum staining was observed on the floor and

the presences of two (2) 275-gallon lube oil tanks were located in the cellar of the on-site structure.

It should be noted that adjacent to the east of the site is a historical gasoline filling and service station with documented soil and groundwater contamination that is reportedly being remediated. The January 2009 Workplan proposes to collect six composite soil samples (from 14 to 16 feet below ground surface) and analyze for volatile organic compounds (VOCs) and methyl tertiary butyl ether (MTBE) using EPA method 8260 (full list), target compounds list (TCL) semi volatile organic compounds, target analyte list (TAL) metals, polychlorinated biphenyls (PCBs) and pesticides. The six soil borings will be converted to monitoring wells, if groundwater is encountered.

Based upon our review of the submitted documentations, we have the following comments/ recommendations:

Proposed Development Site (Block 2069, Lot 21)

Workplan

DEP finds the January 2009 Phase II Workplan for the proposed project acceptable as long as the following information is incorporated into the Workplan

- Soil and groundwater samples should be collected and analyzed by a New York State Department of Health Environmental Laboratory Approval Program certified (NYSDOH ELAP-certified) laboratory for the presence of Volatile Organic Compounds (VOCs) by U.S. EPA Method 8260, Semi-Volatile Organic Compounds (SVOCs) by Method 8270, Pesticides/Polychlorinated Biphenyl (Pesticides/PCBs) by Method 8081/8082 and Target Analyte List (TAL) metals.

- Upon completion of the investigation activities, the consultant should submit a detailed Phase II report to DEP for review and approval. The report should include, at a minimum, an executive summary, narrative of the field activities, laboratory data and conclusions, comparison of soil and groundwater analytical result (i.e., New York State Depart of Environmental Conservation 6NYCRR Part 375 and NYSDEC Water Quality Regulations), updated site plans depicting sample locations, boring logs, and remedial recommendations.

Health and Safety Plan

DCP should instruct the applicant that an Investigation Health and Safety Plan must be submitted to DEP for review and approval prior to any field work.

In order to ensure that the aforementioned comments/recommendations are implemented for Lot 21, a Restrictive Declaration should be recorded to ensure that the potential hazardous materials issues are adequately addressed prior to and during construction activities. This institutional control would bind the property owners and their successors or assigns to address these

recommendations prior to construction activities. The Restrictive Declaration should be drafted and submitted to the DEP for review and approval. Once approved, the Restrictive Declaration should be fully executed to ensure remedial measures are implemented and future construction proceeds in a manner protective of public health.

Proposed Access Easement Site (Block 2069, Lot 26)

The Proposed Development Site is bounded on its western side by a roughly triangular, 4,597 square foot paved portion of City-owned property on Lot 26 that has frontage along St. Nicholas Avenue. The applicant would acquire an easement over this area for use as a plaza, which would be paved and landscaped to provide access to the primary entrances for the museum, day care and residential spaces of the Proposed Development; the existing uses (DEP vehicle parking and storage) would be relocated under a Reciprocal Easement Agreement to the southern portion of the Proposed Development Site.

It is our understanding that the applicant commits through the Reciprocal Easement Agreement to prepare and submit to DEP a site specific Health and Safety Plan to protect workers during paving and landscaping activities; this measure will prevent significant adverse hazardous materials impacts for activities on Lot 26.

This letter supersedes our June 14, 2010 correspondence. Future correspondence related to this project should include the following tracking number 10DEPTECH074M. If you have any questions or comments, you may contact me at (718) 595-4473 or Ms. Mahalia Myrie at (718) 595-3212.

Sincerely,

Terrell Estesen
Director, Wastewater Review and Special Projects

c: G. Heath
J. Wuthenow
M. Winter
M. Myrie
T. Estesen
O. Abinader – DCP
D. Cole – OER