A. INTRODUCTION

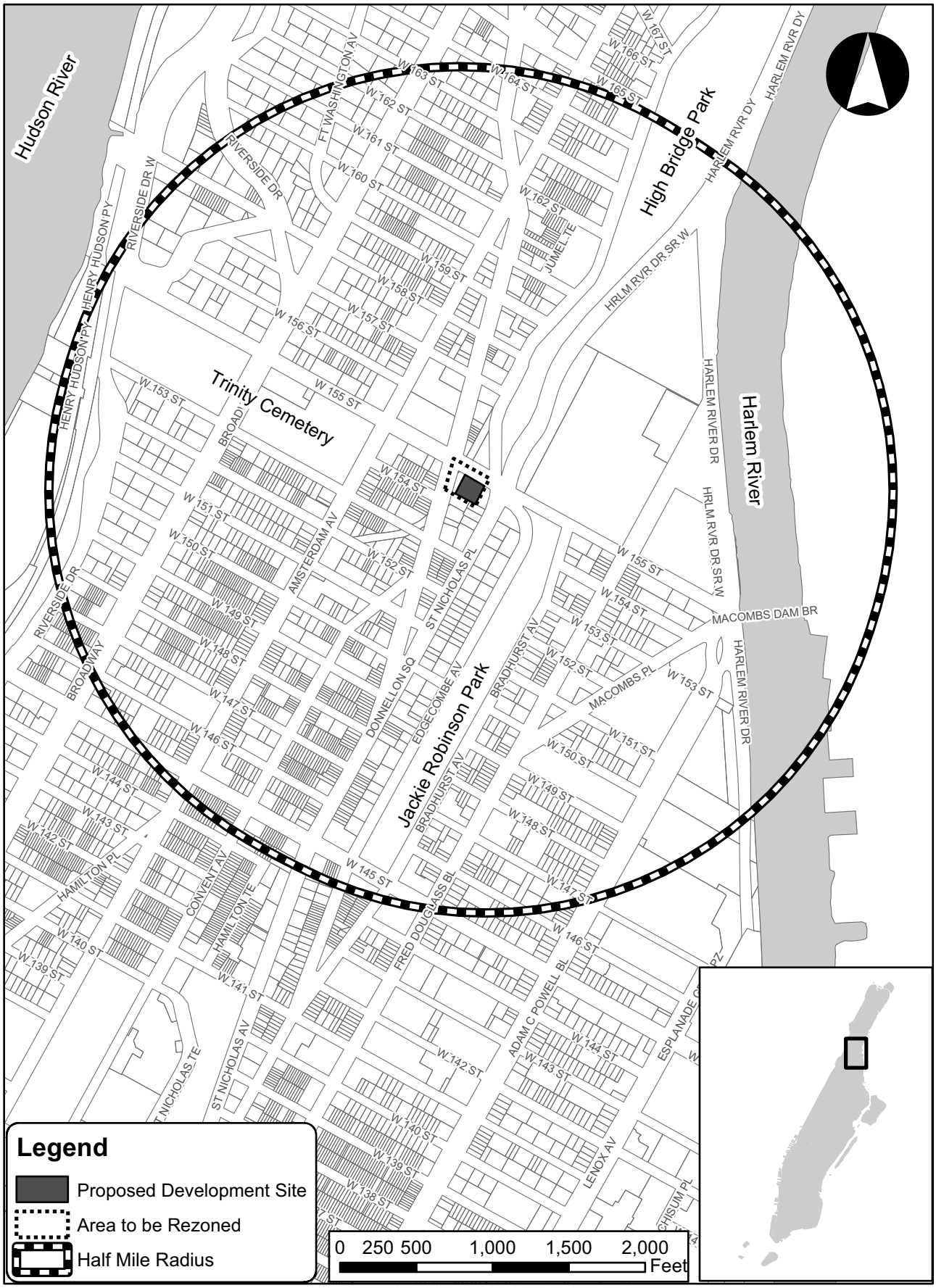
A set of actions are being proposed, which are intended to facilitate the redevelopment of a site in the Hamilton Heights North neighborhood of West Harlem, in Manhattan Community District 9 (refer to Figure ES-1 for project location). The requested actions include: (1) a zoning map change from C8-3 and R7-2 to a R8A residential zoning district; (2) acquisition/disposition of City-owned property, in the form of an exchange of easements between the applicant and the NYC Department of Citywide Administrative Services (DCAS); (3) construction financing from the NYC Department of Housing Preservation and Development (NYCHPD), an Involved Agency for CEQR purposes, which will likely be comprised of federal funding from the U.S. Department of Housing and Urban Development (HUD); and (4) other financing from the New York State Division of Housing & Community Renewal (DHCR), and the New York State Office of Temporary Disability Assistance for the residential component of the Proposed Development These actions, collectively, comprise the "Proposed Action". Broadway Housing Communities (BHC, a.k.a., "the applicant") is the applicant for the proposed rezoning and funding actions; applicants for acquisition/disposition action are BHC, DCAS (for acquisition and disposition), and NYC Department of Environmental Protection (NYCDEP) (for acquisition).

The Proposed Action would enable the applicant, BHC, to construct a mixed-use building on a parcel within the proposed rezoning area, consisting of one privately owned lot (Block 2069, Lot 21) located at 404-414 West 155th Street (the "Proposed Development Site"). The Proposed Development Site, which currently contains a two-story plus cellar public parking garage, is an approximately 21,685 sf lot on the northern portion of the block bounded by West 155th Street to the north, St. Nicholas Avenue to the west, St. Nicholas Place to the east, and West 153rd Street to the south, and is comprised of Lot 21 in its entirety.

The Proposed Development Site and rezoning area are located within the State and National Register-listed (S/NR) Sugar Hill Historic District, and the existing 2-story garage building on the Proposed Development Site has been identified as a contributing building in that district. Lot 14, which falls partially within the rezoning area, also falls within the New York City Landmarks Preservation Commission (NYCLPC) designated Hamilton Heights/Sugar Hill Historic District.

The Proposed Action would facilitate construction of an approximately 169,333 gsf 13-story mixed-use building (140,934 zsf, excluding parking and mechanical deductions) on the Proposed Development Site (the "Proposed Development"). The existing 300-space garage structure currently on the site would be demolished to allow construction of the new building. The Proposed Development would include:

- approximately 124 residential units, all of which would be affordable;
- an approximately 18,036 sf Faith Ringgold Children's Museum of Art and Storytelling;
- a 12,196 sf day care facility and early childhood center for approximately 100 children;
- 2,350 sf of non-profit program and office space; and
- an up to 114-space below-grade accessory parking garage.


Hudson River
Harlem River
High Bridge Park
Jackie Robinson Park
Trinity Cemetery
HARLEM RVR DY
HRLM RVR DR SR W
HARLEM RIVER DR
HRLM RVR DR SR W
MACOMBS DAM BR
MACOMBS PL
RIVERSIDE DR W
RIVERSIDE DR
HENRY HUDSON PY
FT WASHINGTON AV
JUMEL TE
BROADWAY
AMSTERDAM AV
ST NICHOLAS PL
DONNELLON SQ
EDGECOMBE AV
BRADHURST AV
FRED DOUGLASS BL
ADAM C POWELL BL
CONVENT AV
HAMILTON PL
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W 148 ST
W 147 ST
W 146 ST
W 145 ST
W 144 ST
W 143 ST
W 142 ST
W 141 ST
W 140 ST
W 139 ST
W 138 ST
Legend
Proposed Development Site
Area to be Rezoned
Half Mile Radius
0 250 500 1,000 1,500 2,000
Feet

It is expected that construction on the Proposed Development Site would commence in late 2010 with the demolition of the existing structure and site excavation, and the Proposed Development is expected to be completed by late 2012.

There are no current proposals for development of any of the other properties affected by the proposed zoning map change. Compared to future conditions without the Proposed Action (No-Build), the future with action (Build) condition analyzed in this document consists of 124 residential units, an approximately 18,036 sf museum, a 12,196 sf day care facility (100 children capacity), approximately 2,350 sf of office space, as well as a net reduction of 300 public parking spaces.

B. PROJECT PURPOSE AND NEED

The Proposed Development Site, located at the northern boundary of Harlem's Sugar Hill, was acquired by Broadway Housing Communities in January, 2008. Broadway Housing Communities (BHC) is a not for profit organization with a 25 year track record of developing and managing nationally recognized, innovative community-based housing and programs to redress poverty and homelessness. The current C8-3 zoning which covers most of the Development Site does not allow residential uses. The Proposed Action would enable the applicant (BHC) to develop this property with a new 13-story mixed-income mixed-use development that is intended to serve the needs of the surrounding community, by providing a range of affordable housing options, an early childhood day care center, the Faith Ringgold Children's Museum, community not-for profit office space, and accessory parking.

Harlem's booming real estate market and influx of prosperous professionals that began at the turn of this century is commonly described as Harlem's Second Renaissance. This rapid force of gentrification in West Harlem and Washington Heights makes low income families especially vulnerable. In this context, the Proposed Development seeks to demonstrate that housing opportunities for households in poverty buttressed by educational and cultural resources can affirmatively contribute to the revitalization of West Harlem. The Proposed Development is expected to provide 124 units of housing of varying sizes, which would serve 51 single adults and 73 families ranging in income from homelessness to 80% of the Area Median Income. Thus the Proposed Development seeks to advance BHC's mission to provide quality housing and services to the City's lower-income families, and expand the supply of affordable housing in the City.

The proposed 18,036 sf Faith Ringgold Children's Museum of Art & Storytelling is intended to serve as a cultural asset that would help revitalize the neighborhood by providing cultural resources and new, healthy opportunities for children and families. The museum is intended to teach children and families from the neighborhood and afar to take pride in themselves and their communities through art and storytelling. The Proposed Development is also expected to include an approximately 12,196 sf Early Childhood day care center serving 100 children, which would serve the surrounding community, and allow low- and moderate-income mothers to secure employment.

By combining a permanent affordable place to live with comprehensive educational, family and cultural resources, the Proposed Development seeks to provide much needed services for New

York's low-income children and families. In addition, the Proposed Development seeks to transform an underutilized commercial site into a green model of urban community revitalization that integrates affordable housing, education and cultural resources to enrich the neighborhood for generations to come. Best practices at the highest standard of affordable housing, museum based early childhood education, and nonprofit resources for families will also be provided.

Finally, the proposed acquisition/disposition of City-owned property, in the form of an easement exchange, which is described in detail in Section IV below, would enable the applicant to locate its main entrance to the Proposed Development on St. Nicholas Avenue through a landscaped plaza. Currently, this area accommodates NYCDEP vehicle storage, and is restricted in its development potential due to its irregular shape and the presence of the Old Croton Aqueduct running beneath it. NYCDEP would benefit by exchanging use of this parcel for use of the easement from BHC which is more conveniently located to the building on the NYCDEP site. This easement would provide an automobile egress to the NYCDEP site from St. Nicholas Avenue, and would fulfill NYCDEP's need for vehicle storage and parking as well as emergency staging.

C. DESCRIPTION OF THE PROPOSED ACTION

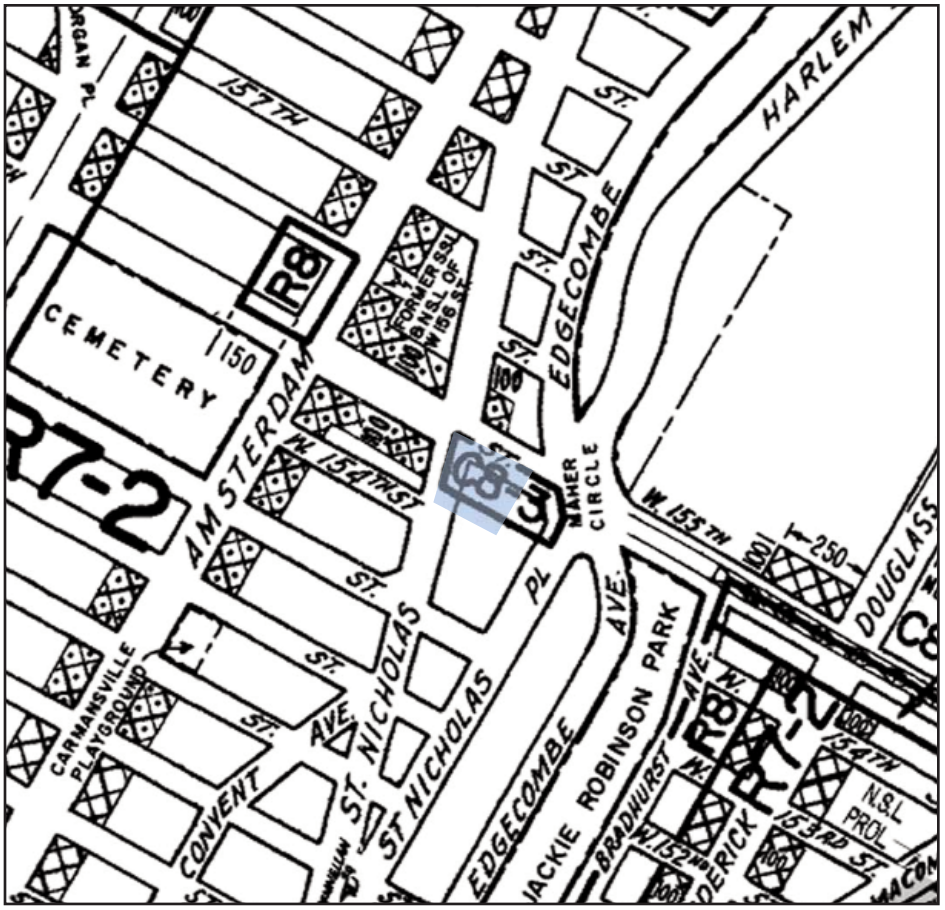
Zoning Map Change

The Proposed Action includes an amendment of the City's zoning map for a portion of the northern end of the block bounded by West 155th and West 153rd Streets, St. Nicholas Avenue, and St. Nicholas Place, changing the zoning from C8-3 and R7-2 to a R8A residential district, as illustrated in Figure ES-2. The proposed R8A zoning district would allow residential uses in the entire rezoning area, which are prohibited under the existing C8-3 zoning on the northern portion of the block. It would also allow a wider range of community facility uses, including museums, schools, and libraries. R8A zoning districts permit residential and community facility uses, and in general allow for a more diverse group of residential and community facility uses than those allowed by the existing C8-3 and R7-2 zoning districts.

The proposed R8A district would allow residential and community facility uses within Use Groups 1-4, and establish envelope controls within the new district. Residential Use Groups 1 and 2 and community facilities Use Groups 3 and 4 would be allowed as-of-right under the proposed zoning, while commercial Use Groups 5 through 14, and 16 (automotive and semi-industrial uses) would no longer be permitted. As such, all of the existing uses in the rezoning area are expected to be in conformance with the proposed R8A zoning.

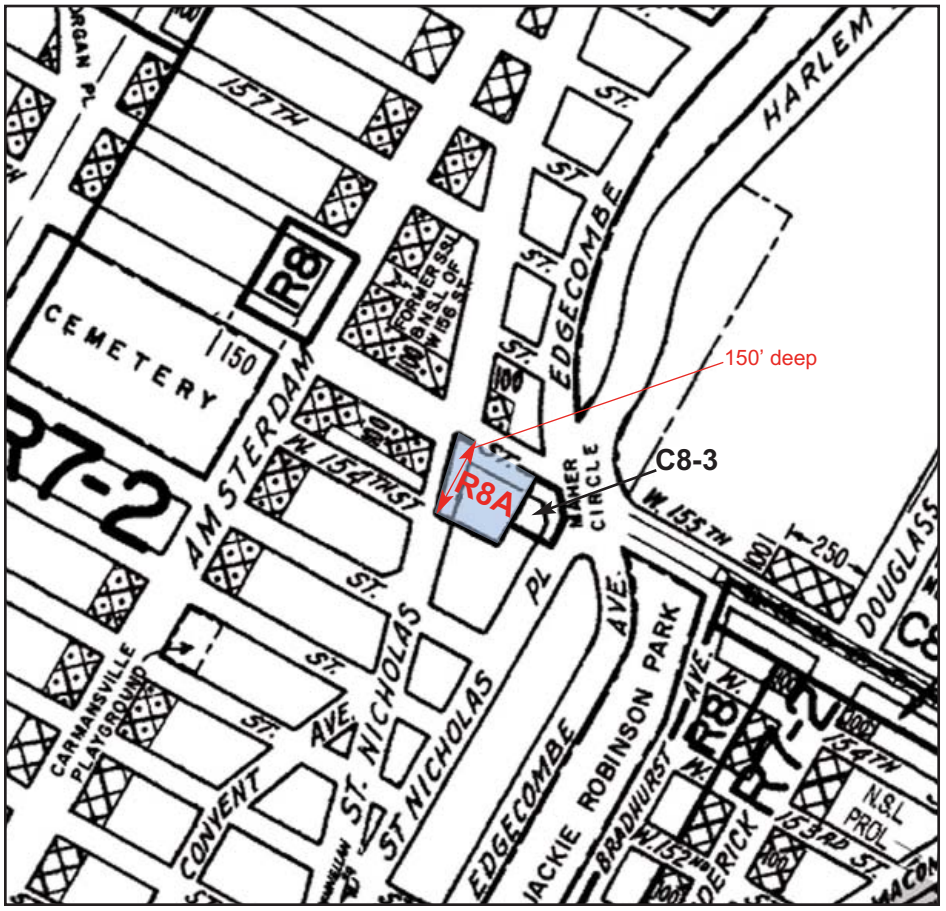
The proposed R8A zoning district is a contextual zoning district, which regulates the height, bulk, and setback of new buildings. The maximum allowable FAR for the proposed R8A district is 6.02 for residential uses, and 6.50 for community facilities. The maximum allowable lot coverage is 70 percent for an interior lot, such as the Proposed Development Site. The minimum building base height is 60 feet, the maximum building base height is 85 feet, and the maximum building height is limited to 120 feet. Compliance with the Quality Housing Program is mandatory for residential buildings in R8A districts. Quality Housing buildings must include amenities relating to the planting of trees, landscaping and recreational space.

EXISTING ZONING



Area to be Rezoned

PROPOSED ZONING



Area to be Rezoned

Acquisition and Disposition of City-Owned Property

The Proposed Action includes a pedestrian ingress and egress easement from NYCDEP and the NYC Department of Citywide Administrative Services (DCAS). As noted above, the Proposed Development Site's frontage along West 155th Street is quite steep, with a difference in elevation of approximately 17 feet between the eastern and western edges of the site. This makes access to the site very challenging, particularly for the museum and day care uses, which require drop-offs and pick-ups at the curb.

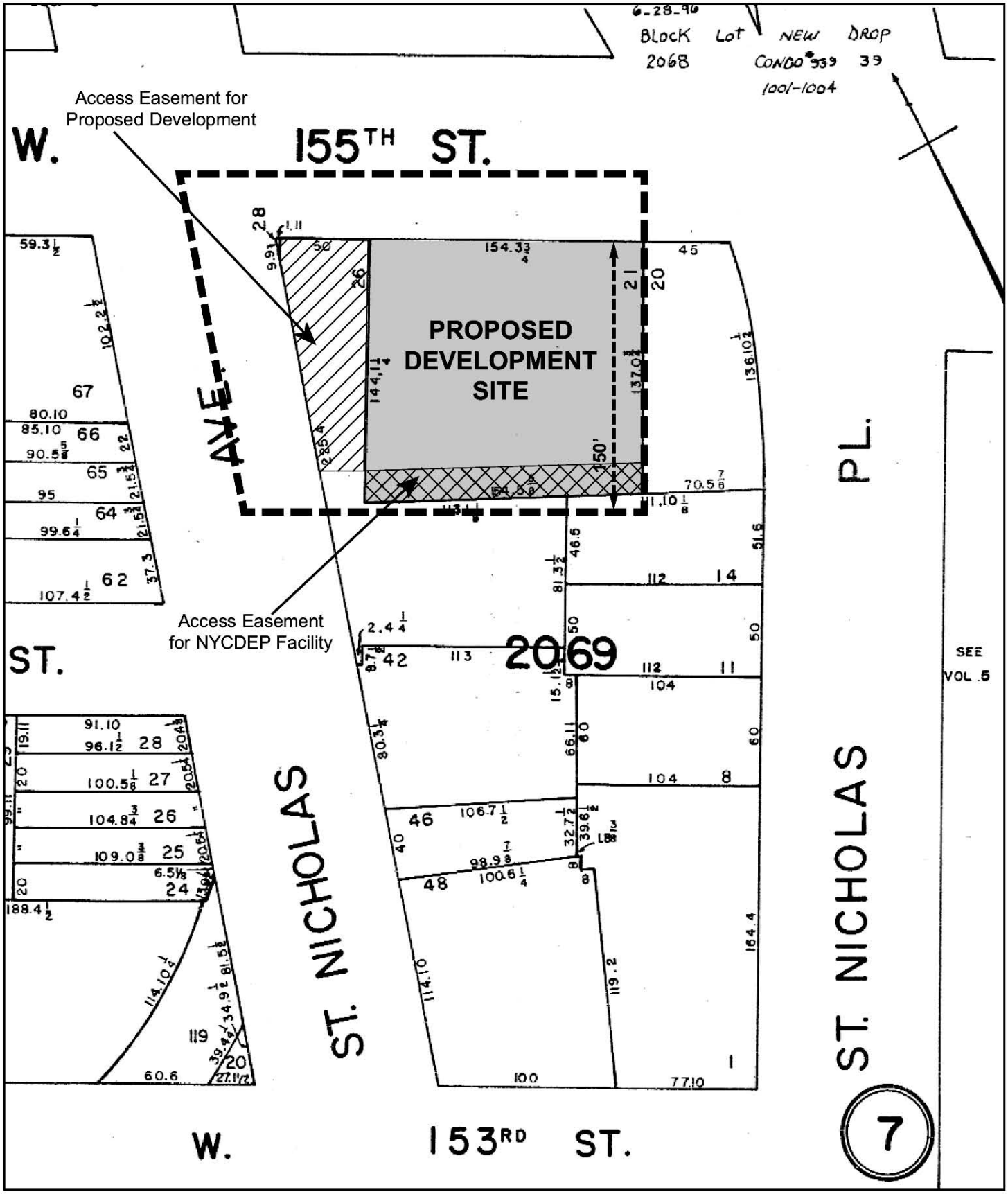
As shown in Figure ES-3, the Proposed Development Site is bounded on its western side by a roughly triangular, 4,597 square foot paved portion of the City-owned NYCDEP property on Lot 26 that has frontage along St. Nicholas Avenue. BHC would acquire an easement over this area (shown in Figure ES-3 as "Access Easement for Proposed Development") for use as a plaza, which Broadway Housing would pave and landscape, to provide access to the primary entrances for the museum, day care and residential spaces of the Proposed Development, and the existing NYCDEP uses would be relocated to the proposed NYCDEP easement area as described below. In exchange, as shown in Figure ES-3 and Figure ES-4 below as "Access Easement for NYCDEP Facility," the roughly rectangular, 4,321 square foot southern portion of the Proposed Development Site would be the subject of an easement from BHC to NYCDEP for vehicle parking and storage and for emergency staging. BHC would pave this area and construct a curb cut leading to it in connection with the construction of the Proposed Development. In both instances, the easements would be surface easements and would exclude the below grade volumes that encompass the Old Croton Aqueduct on the NYCDEP Site and the future garage on the Proposed Development Site. Other than as described above, permanent above-grade construction would not be permitted on either easement.

The proposed access easement for NYCDEP would not result in any increase in traffic, as this easement would not alter the operation of the existing NYCDEP facility. NYCDEP would benefit from the use of the proposed NYCDEP easement, which is more conveniently located to the building on the NYCDEP site, which would provide an automobile egress to the NYCDEP site from St. Nicholas Avenue, and which would fulfill NYCDEP's need for vehicle storage and parking as well as emergency staging. In connection with the City's acquisition of the proposed NYCDEP easement, NYCDEP will request a Mayoral zoning override to permit NYCDEP vehicle parking, storage and emergency staging uses on the proposed NYCDEP easement area, which will be located in the R8A zoning district.

Funding/Financing

The Proposed Action includes construction financing from the NYC Department of Housing Preservation and Development (NYCHPD), an Involved Agency for CEQR purposes, which will likely be comprised of federal funding from the U.S. Department of Housing and Urban Development (HUD), for the residential component of the Proposed Development. NYCHPD, which will be the lead financing agency, has issued a commitment for an $8.7 million loan through their Low Income Rental Program, which is funded primarily with HOME funds from the U.S. Department of Housing and Urban Development (HUD). In addition, an allocation of federal Low Income Housing Tax Credits expected to yield $24.9 million is anticipated to be made by NYCHPD in September 2010.

Tax Lots Affected by Proposed Rezoning



Area to be Rezoned

In addition, State funding is also being sought for the subsidized housing, day care center and/or children's museum. At this time, State funding is expected to include approximately $3.9 million in NYS Low Income Housing Tax Credits allocated by the NYC Division of Housing Community Renewal (DHCR), as well as approximately $3.0 million in funding from the NYS Office of Temporary Disability Assistance under their Homeless Assistance Program.

Restrictive Declaration and (E) Designation

Due to the potential presence of hazardous materials at the Proposed Development Site (which is owned by the applicant), a restrictive declaration has been executed and recorded to require the preparation by the applicant of a hazardous materials sampling protocol, including a health and safety plan, which would be submitted to the NYCDEP for approval. The restrictive declaration establishes an agreement to test and identify any potential hazardous materials pursuant to the approved sampling protocol and, if any such hazardous materials are found, submit a hazardous material remediation plan including a health and safety plan to NYCDEP for approval. If necessary, remediation measures would be undertaken pursuant to a NYCDEP-approved remediation plan prior to construction of the Proposed Development. The applicant would also commit to a site specific Health and Safety Plan on the portion of Lot 26 to be used as the entrance plaza in the Reciprocal Easement Agreement with the City.

The restrictive declaration for hazardous materials was executed on August 5, 2010 and submitted for recording on August 31, 2010. Pursuant to an email from NYCDEP dated August 31, 2010, NYCDEP is in receipt of a signed copy of a NYCDEP-approved restrictive declaration with proof of recording for the site.

The Proposed Action also includes the mapping of an (E) designation for noise attenuation on the Proposed Development Site. The (E) designation is a mechanism which ensures that no significant adverse impacts would result from a proposed action because of steps which would be undertaken prior to the development of a rezoned site. The (E) designation would ensure that the Proposed Development Site would not be developed unless necessary remedial measures are implemented. Only one site (the Proposed Development Site) would receive (E) designations under the proposed rezoning.

D. REASONABLE WORST CASE DEVELOPMENT SCENARIO

In order to assess the potential effects of the Proposed Action, a reasonable worst-case development scenario (RWCDS) for both “future No-Action” (No-Build) and “future with the Proposed Action” (Build) conditions will be analyzed for an analysis year, or Build year, of 2012. Only one site (Lot 21) would be affected in its entirety by the proposed rezoning, and that site is owned by the applicant, who intends for the site to be redeveloped and fully occupied by 2012. Therefore, 2012 is the Build year for environmental analysis purposes. As such, a RWCDS for both “future No-Action” and “future With-Action” conditions will be analyzed for an analysis year of 2012.

The future With-Action (Build) scenario identifies the amount, type and location of development that is expected to occur by the end of 2012 as a result of the Proposed Action. The future without the action (No-Build) scenario identifies similar development projections for 2012 absent the Proposed Action. The effect of the Proposed Action would be the incremental change in conditions between the No-Build and Build scenarios.

Apart from the applicant-owned Proposed Development Site, the proposed rezoning area includes portions of two other tax lots (Lots 26 and 14) and a small 12 sf lot (Lot 28). Table ES-1 lists each of the four lots on Block 2069 that would be affected by the proposed rezoning action, including the Proposed Development Site. For each lot, the table provides a brief description of the existing use and development on the lot, the approximate lot area, the existing FAR, and the percent of the lot's maximum allowable floor area under the proposed R8A zoning. As shown in Table ES-1, apart from the Proposed Development Site, none of the other parcels are likely to be redeveloped as a result of the proposed zoning change. Lot 14 was eliminated from further consideration because it would be built to 92% of its allowable floor area with the proposed rezoning, it includes more than 6 rent stabilized residential units, and falls within the NYCLPC-designated Hamilton Heights/Sugar Hill Northeast Historic District. Lot 26 is a City-owned parcel that is occupied by a public facility (a NYC Department of Environmental Protection leak detection facility) and is also located above the Old Croton Aqueduct, and is therefore unlikely to be redeveloped as a result of the Proposed Action. Finally, Lot 28 is a very small parcel consisting of 12 sf, which cannot be feasibly developed.

The Future Without the Proposed Action (No-Action Condition)

In the absence of the Proposed Action, the rezoning area would continue to be zoned C8-3 and R7-2. None of the properties within the proposed rezoning area would be expected to be redeveloped, and the existing land uses would remain. The Proposed Development Site would continue to be occupied by a public parking garage (Lot 21). Therefore, for CEQR analysis purposes, the No-Action condition would be identical to the existing conditions.

The Future With the Proposed Action (With-Action Condition)

In the future with the Proposed Action, the rezoning area would be rezoned from C8-3 and R7-2 to R8A. The new land uses that are expected to result from the Proposed Action would represent a continuation of general land use trends in a manner compatible with surrounding land uses. The Proposed Action would allow for the construction of residential development that is consistent with the built character of the area. New development that is projected to result from the Proposed Action would occur on an underutilized site, namely the Proposed Development Site. As discussed above, apart from the Proposed Development Site, no other lots are expected to be developed as a result of the Proposed Action. Therefore, the Proposed Development as described below is the only incremental development expected as a result of the Proposed Action, and represents the reasonable worst case development scenario for analysis purposes. Planned development on the Proposed Development Site is described below.

TABLE ES-1
Lots within the Proposed Rezoning Area and their Existing FAR and Percent of Proposed R8A Floor Area

Block	Lot	Lot Area (sf)	Owner	Existing Use	# of Stories	Approx. Building FA [1]	Existing Zoning	Proposed Zoning	Max. Allowable FAR [R/C/CF] [1]		Existing Built FAR	% of Maximum FA with Proposed R8A Zoning [1]
									Existing	Proposed		
2069	p/o 14	5,768	79 S N Ltd	Residential	6	23,256	R7-2	R7-2 & R8A	3.44/---/6.5	3.75/---/6.5 [2]	4.03	107.5% [R]
Projected Development Site	***21***	***21,685***	***Broadway Housing Development Fund Co.***	***Public Parking***	***2***	***65,070***	***C8-3 & R7-2***	***R8A***	***0.89/1.48/6.5*** [2]	***6.02/---/6.5***	***3***	***46% [CF]***
	p/o 26	20,500	NYC Dept. of Environmental Protection	Parking and Utility	2	16,779	C8-3 & R7-2	R7-2 & R8A	2.51/0.54/6.5 [2]	4.58/---/6.5 [2]	0.82	12.6% [CF]
	28	12	Leemilts Petroleum Inc	Vacant	N.A.	0	C8-3	R8A	---/2.0/6.5	6.02/---/6.5	0.00	N.A.

Notes:

Highlighted bold, italicized text indicates the Proposed Development Site under the control of the applicant.

[1] FA: Floor area. R/C/CF: Residential/Commercial/Community Facility.

[2] Pursuant to ZR Section 77-22, the maximum FAR of the zoning district shall be applied to each portion of the zoning lot within the respective district, and the sum of the product shall be the adjusted maximum FAR applicable to the zoning lot. The following breakdowns were applied:

Lot 14: Existing Condition: 100% of lot in R7-2 district; With Proposed Rezoning: 88% in R7-2 and 12% in R8A

Lot 21: Existing Condition: 74% of lot in C8-3 district and 26% in R7-2; With Proposed Rezoning: 100% in R8A

Lot 26: Existing Condition: 27% of lot in C8-3 district and 73% in R7-2; With Proposed Rezoning: 56% in R7-2 and 44% in R8A

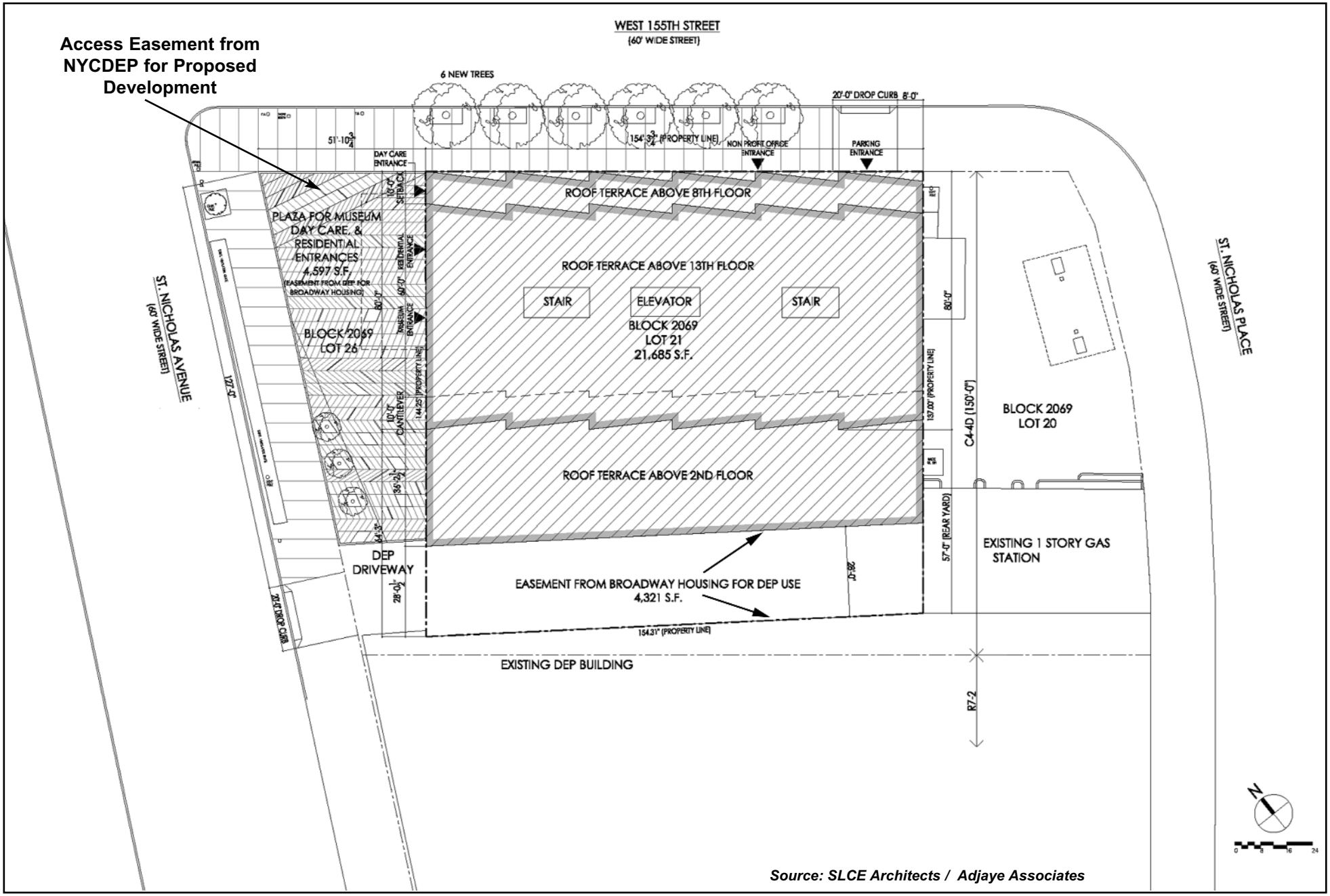
Proposed Development Site

The Proposed Action would facilitate construction of an approximately 169,333 gsf 13-story mixed-use building (140,934 zsf, excluding parking and mechanical deductions) on the Proposed Development Site. The existing garage structure currently on the site would be demolished to allow construction of the new building. The proposed new building would include approximately 121,683 gsf (114,878 zsf) of residential floor area, with approximately 124 residential rental units. All 124 units would be affordable to individuals or households earning up to 80% of the Area Median Income (AMI). Although the specific unit mix has not been determined at this time, it is expected that there would be a mix of studios, one-, two-, and three-bedroom units. The proposed development would also include an approximately 18,036 sf Faith Ringgold Children's Museum of Art and Storytelling; a 12,196 sf day care facility and early childhood center; 2,350 sf of non-profit program and office space; and a below-grade accessory parking garage with up to 114 spaces. The new development is scheduled to be completed by late 2012.

The site's gradient/slope along West 155th Street will be used to create separate access points for the Proposed Development's users, with a separate entrance for residents and children at the St. Nicholas Avenue level, a mid-block entrance for the museum, also off of St. Nicholas Avenue, and an entrance for the proposed garage at the lowest level of the Proposed Development, along West 155th Street (refer to site plan in Figure ES-4). As discussed above and illustrated in Figure ES-4, the Proposed Action includes the acquisition of an access easement on the northern triangular portion of adjacent Lot 26 (which is owned by the City). This easement area would be converted into an entry plaza for the Proposed Development, with entrances for the museum, day care and residential components. In return, the applicant would provide an access easement to NYCDEP along the southern 28 feet of the Proposed Development Site, which would be utilized for parking and vehicular access to NYCDEP's building.

As shown in the illustrative building section in Figure ES-5, the Proposed Development would consist of 13 stories plus one cellar, with a height of approximately 120 feet from the average curb level to the roof line. As shown in the figure, the preliminary design of the Proposed Development includes a setback at approximately 76 feet, with the upper portion of the building sliding back from the base with a 10-foot cantilever. The cellar level would be occupied mostly by the accessory parking garage, which would accommodate up to 114 spaces utilizing stackers. The first floor would be occupied mostly by the museum, as well as the non-profit office space and the lobbies for the residential and day care uses. As shown in Figure ES-5, residential uses would occupy the third through thirteenth floors. The Proposed Development would be developed in accordance with the Quality Housing regulations, which are mandatory in the proposed R8A zoning district. Quality Housing buildings must include amenities relating to the planting of trees, landscaping and recreational space. The Proposed Development fulfills this requirement by providing a total of approximately 8,026 sf of accessory recreation space, which consists of roof terraces above the second, eight and thirteenth floors of the building (refer to illustrative building section in Figure ES-5). An illustrative rendering of the Proposed Development is provided in Figure ES-6.

The Proposed Development would increase community use, historic connection, and public access on the site. Given the location of the Faith Ringgold Children's Museum of Art & Storytelling at the ground level of the Proposed Development, it is expected that historic photographs and art work would be visible to passers-by at the museum's first floor entrance and would provide substantive historic experiences within the museum. Moreover, the proposed landscaped entry plaza on St. Nicholas Avenue would be a publicly accessible community resource that highlights the presence

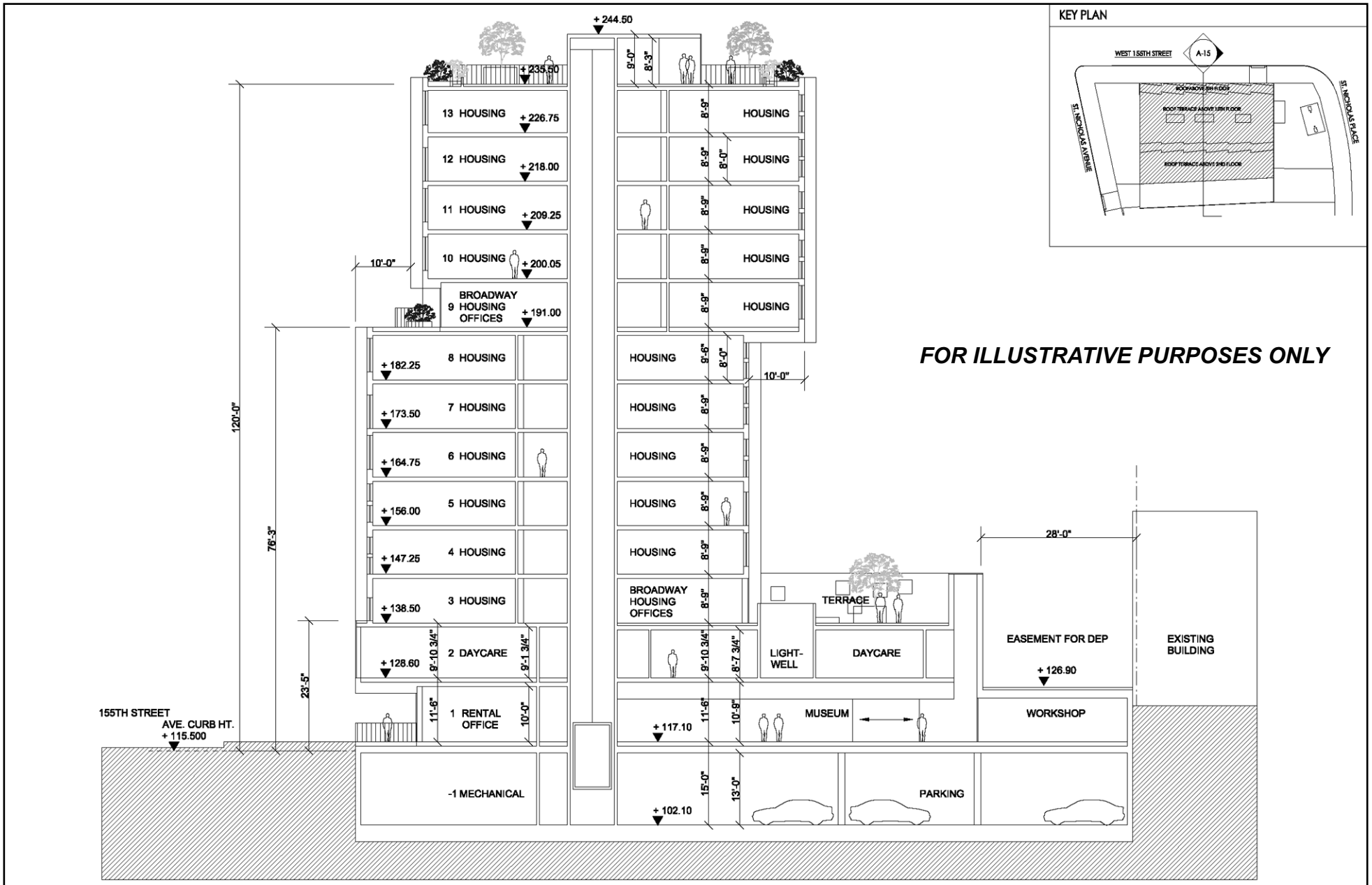


Source: SLCE Architects / Adjaye Associates

Sugar Hill Rezoning EIS

Figure ES-4

Preliminary Site Plan for Proposed Development - Illustrating Reciprocal Easements



Source: SLCE Architects / Adjaye Associates

BUILDING SECTION

Sugar Hill Rezoning EIS

Figure ES-5
Proposed Development - Illustrative Building Section



Sugar Hill Rezoning EIS

Figure ES-6

Proposed Development - Illustrative Rendering (View from St. Nicholas Avenue Looking Southeast)

of the Old Croton Aqueduct underneath that lot (Lot 26). The entry plaza is expected to draw attention to the path of the Old Croton Aqueduct, one of the great engineering feats of the 19th century. Although the plans for the plaza have not yet been finalized, it is expected that the entry plaza would be landscaped, and may include a linear configuration of concrete pavers to locate the Aqueduct, distinguishing it from the surrounding paved open space.

The proposed R8A zoning district requires accessory parking spaces for 12% of the proposed residential units, whereas no accessory parking is required for community facility or museum uses. Therefore, the Proposed Development requires approximately 15 parking spaces. The proposed up to 114-space accessory garage would serve the Proposed Development's residents, employees and visitors. In addition, as the Proposed Development would displace a 300-space public parking garage, any unutilized spaces in the proposed accessory garage may be rented to area residents on a monthly basis, as permitted by Zoning Resolution section 25-412.

As noted above, the 124 residential units within the Proposed Development are anticipated to serve 51 single adults and 73 families. 2000 Census data for Manhattan Community District 9, where the Proposed Development Site is located, indicate that the average household size for this area is approximately 2.54 persons per household. Conservatively applying this average to the 124 units, the Proposed Development would add a total of approximately 315 new residents to the area. In addition, the Proposed Development would also add a total of approximately 74 employees (33 day care employees, an estimated 24 museum employees, 9 non-profit office employees, up to 3 parking attendants, and an estimated 5 employees associated with the residential component, i.e., maintenance workers, etc..[1]

In the event that the proposed rezoning is approved but the planned funding for the Proposed Development does not materialize, the Proposed Development described above would not be constructed. In addition, as the acquisition and disposition of City-owned property described above is contingent upon the construction of the Proposed Development planned by BHC, this easement exchange would also not take effect in absence of the Proposed Development. Thus, for environmental analysis purposes, under the proposed zoning it can be assumed that instead of the Proposed Development described above, the development site may be developed with an as-of-right market-rate residential building with ground floor community facility uses, and an accessory garage. Without the easement exchange, such an as-of-right development will be accessible only from West 155th Street. Given the maximum allowable FAR and height limits for R8A districts, such an as-of-right development would be similar in height and bulk to the Proposed Development, and would also contain a similar number of units (or a smaller number of units, if unit sizes are larger), with no museum or day care uses.

With a lot area of 21,685 sf and a maximum allowable FAR of 6.02 for residential uses and 6.5 for community facility or mixed uses, up to approximately 140,953 zsf can be developed on the site on an as-of-right basis under the proposed R8A zoning. Assuming 21,685 sf (one floor) of community facility uses, the site could accommodate up 119,268 sf of residential use, or approximately 119 market rate residential units (based on 1,000 sf per unit). Such a market-rate development would require approximately 24 accessory parking spaces (at 0.2 spaces per unit), which is slightly higher than the requirement for the Proposed Development. However, as the garage capacity would be the same under either scenario, this would not affect the results of traffic or parking analysis for the

[1] Based on following assumptions: day care – 1 employee per 3 children; museum – 1 employee per 750 sf; non-profit office – 1 employee per 250 sf; residential – 1 employee per 25 units.

Proposed Development (refer to traffic and parking assessment in EAS dated April 2, 2010). It should also be noted that without the easement exchange, such an as-of-right development would not provide the public plaza along St. Nicholas Avenue planned with the Proposed Development, and as such the open space analysis to be conducted for the Proposed Action conservatively excludes that plaza from the quantitative analysis. Therefore, for environmental analysis purposes, the Proposed Development described previously represents the reasonable worst-case development scenario for the EIS, and an analysis of an alternate development scenario is not warranted.

The Proposed Development's Design Concepts and Goals

In designing the Proposed Development, the applicant's main goal was to design a modern building that would conform to the proposed R8A zoning envelope, and provide innovative interior and exterior features to house the mixed use program of affordable apartments, museum and day care center. Another design goal was to develop a fenestration pattern for all the uses in the building that provided an abundance of natural light and views. It should be noted that the design of the Proposed Development is ongoing and may be modified to the extent required to conform with State and federal funding requirements.

According to the applicant, the proposed building is being designed as an iconic modern building that references but does not imitate certain characteristics of the buildings in the historic district, such as the masonry patterning and articulation of the bays found in many of the historic rowhouses. Similar to the various expressions of nature found throughout the historic district, the Proposed Development's current design is proposed to have a rose patterning relief on the tinted concrete facades. The varied window patterning, visible in the illustrative rendering in Figure ES-6, are intended to accentuate the vine like qualities of the rose pattern while also providing an abundance of natural light and views into the residences.

The applicant's inspiration for the design of the Proposed Development was derived from the Sugar Hill neighborhood with its rich and varied architectural heritage. The building's mass was developed to reference some of the typical built forms in the historic district. Within the district, larger apartment buildings and institutions such as the Masonic Temple on West 155th Street are characterized by a tripartite organization with a base, middle and top. The Proposed Development's massing references this historic massing with its tri-partite elevation incorporating a glass and terrazzo base with a middle and a top section above. Many of the gothic revival rowhouses in the historic district also have sculpted facades with projecting bays and windows. The north and south façades of the Proposed Development above the base have a saw-tooth pattern which is intended to recall this rhythm. This saw-tooth pattern also helps break up the scale of the building's West 155th Street façade and create a massing that is more typical of the residential streets in the historic district. Similarly, the Proposed Development's patterned façade and darker coloration recalls the textured masonry details and facades found in many of the gothic revival and neoclassical buildings in the district. The goal of the Proposed Development was not to recreate the appearance of the historic buildings but to incorporate references to the historic district in a modern building that also reflected a contemporary approach to both materials and form.

E. PROPOSED ACTIONS AND REQUIRED APPROVALS

The Proposed Development described above would require the following actions:

- Approval of the New York City Planning Commission (CPC) for an amendment to the zoning map to change the rezoning area from C8-3 and R7-2 to R8A.
- Property disposition and acquisition in the form of a reciprocal easement for ingress and egress with NYCDEP and/or the NYC Department of Citywide Administrative Services (DCAS).
- Construction financing from the NYC Department of Housing Preservation and Development (NYCHPD), an Involved Agency for CEQR purposes, which will likely be comprised of federal funding from the U.S. Department of Housing and Urban Development (HUD), as well as other financing from the New York State Division of Housing & Community Renewal (DHCR), and the New York State Office of Temporary Disability Assistance.

The Proposed Action includes some discretionary public actions (such as the proposed rezoning) that are subject to both the Uniform Land Use Review Procedure (ULURP), as well as the City Environmental Quality Review (CEQR). ULURP is a process that allows public review of proposed actions at four levels: the community board, the Borough President, the City Planning Commission, and if applicable, the City Council. The procedure has mandated time limits for review at each stage to ensure a maximum review period of seven months. CEQR is a process by which agencies review discretionary actions for the purpose of identifying the effects those actions may have on the environment.

In addition, in order to effectuate the proposed easement exchange, NYCDEP would first need to secure the consent of the New York City Water Board following the appropriate procedures of the Board. The Mayor of the City of New York acting through DCAS would have the authority to effectuate the exchange pursuant to Section 384(a) of the New York City Charter. The City's simultaneous disposition and acquisition of the easements would be subject to ULURP pursuant to Section 384(b)(5) of the Charter, as described above, and a DCAS public hearing process.

F. THE FUTURE WITH THE PROPOSED ACTION

Land Use, Zoning and Public Policy

The Proposed Action would not result in any significant adverse land use, zoning, or public policy impacts. The Proposed Action would introduce new land uses and increase the density of uses on the Proposed Development Site, but these new uses and increased density would be consistent with the largely residential and mixed uses in the study area. The proposed zoning changes would also represent an opportunity to strengthen the existing residential uses of the Hamilton Heights/Sugar Hill area of Manhattan by allowing a new affordable residential development at a scale and density appropriate for the area. No substantially different or incompatible land uses would be introduced

to the study area as a result of the Proposed Action. In addition, the Proposed Development facilitated by the proposed rezoning would not result in any non-conforming uses.

The proposed zoning change would permit new residential development as-of-right on the Proposed Development Site, whereas no residential uses are permitted under the existing C8-3 zoning, which is currently mapped on most of the Proposed Development Site. The proposed R8A district would not differ significantly from other zoning districts nearby, and would be compatible with existing land uses in the area. The proposed rezoning would not interfere with existing activities nor would the Proposed Development be affected by incompatible uses in the surrounding area. In connection with the City's acquisition of the proposed NYCDEP easement, NYCDEP will request a Mayoral zoning override to permit NYCDEP vehicle parking, storage and emergency staging uses on the proposed NYCDEP easement area, which will be located in the R8A zoning district.

The rezoning area is located within the S/NR-listed Hamilton Heights/Sugar Hill Historic District and, as discussed in Chapter 5, "Historic Resources," demolition of the existing garage structure on the Proposed Development Site, as well as the new building's potential to alter the general context of West 155th Street, which marks the northern boundary of the S/NR-listed historic district, have been identified as a significant adverse impact on architectural resources. However, the Proposed Action is not expected to result in a significant adverse impact with respect to public policy, as demolition of the existing garage would not create a significant change in the overall context or cohesion of the historic district as compared to existing or No-Action conditions, and therefore would not diminish the special architectural and historic character of the rest of the S/NR historic district. As also described in Chapter 5, "Historic and Cultural Resources," the Proposed Development would result in a significant adverse indirect contextual impact to historic resources, as its modern massing, façade materials, and fenestration would differ from the historic rowhouses and apartment buildings prevalent in the historic district. However, as the Proposed Development would not obstruct important views to the Sugar Hill historic district, which would continue to be visible from all streets throughout the study area, nor would the Proposed Action alter the street grid so that the approach to the historic district changes, it would not result in a significant adverse impact to visual resources. The Proposed Action addresses some objectives of the 197-a Plan for Manhattan Community District 9, by establishing a contextual zoning district, and providing affordable housing in the district. Thus the Proposed Action would promote several of the objectives of the 197-a plan. Moreover, The Proposed Action and resulting Proposed Development would also support City goals relating to the creation of affordable housing, as outlined in Mayor's housing plan and PlaNYC.

Open Space

The Proposed Action would not result in a significant adverse open space impact. As noted above, the Proposed Action would not result in any direct displacement or alteration of existing open space resources in the study area. It would also not result in a decrease in the total open space ratio compared to No-Action conditions. As shown in Chapter 4, "Open Space," the study area's total open space ratio is projected to remain unchanged compared to No-Action conditions, at 0.91 acres per 1,000 residents. Likewise, the active open space ratio would remain unchanged at 0.30 acres per 1,000 residents. The combined passive open space ratio for residents and nonresidents in the study area would decrease slightly, to 0.55 acres per 1,000 users (compared to 0.56 acres per 1,000 users in the No-Action), but would continue to be above the recommended weighted average of 0.47 acres per 1,000 users. As such, the Proposed Action is not expected to noticeably diminish the

ability of the study area's open spaces to serve its residential population in the future with the Proposed Action.

While the ratios of open space to residents would continue to be lower than the measure of open space adequacy and the optimal planning goals furnished by NYCDCP in the future with the Proposed Action, there are a number of qualitative factors that are taken into consideration that would ameliorate the overall deficiency. In addition, as described above, the Proposed Development would include a rooftop accessory recreation space that would add approximately 6,545 sf (0.15 acres) of open space for the exclusive use of the residents, as well as an approximately 0.1-acre publicly accessible landscaped entry plaza. While not included in the quantitative analysis, these facilities would offset some of the additional demand resulting from the new residents. Also, larger open space areas that are located just beyond the open space study area would add considerable accessible active and passive open space for the residential population, whereas community gardens and greenstreets provide additional passive recreational opportunities.

Shadows

According to CEQR guidelines, an adverse shadow impact is considered to occur when a shadow of a structure built as a result of the proposed action falls on publicly accessible open spaces, important natural features, or historic landscapes or other historic resources if the features that make the resource significant depend on sunlight. In general, shadows on City streets and sidewalks or other buildings are not considered significant under CEQR. Therefore, the assessment of potential shadow impacts is limited to new shadows long enough to reach publicly accessible open spaces or sunlight sensitive historic resources. Sensitive features on a historic structure include details or characteristics that make the resource significant. Examples of sensitive features include stained glass windows that are best viewed in the sunlight; buildings containing design elements that are part of a recognized architectural style that depends on the contrast between light and dark design elements; buildings distinguished by elaborate, highly carved ornamentation; exterior materials and color that depend on direct sunlight for visual character; historic landscapes; and features in structures where the effect of direct sunlight is described as playing a significant role in the structure's significance as an historic landmark.

Although portions of two blocks within the NYCLPC-designated Hamilton Heights/Sugar Hill Northwest Historic District fall within the Proposed Development's maximum shadow radius, only those structures facing St. Nicholas Avenue (i.e., facing east) could potentially be cast in shadows by the Proposed Development, whereas for all remaining buildings on those blocks, any shadows would fall on their roofs or secondary facades (mostly blank walls). None of those structures with east-facing facades contain sunlight-dependent features such as those described above, and therefore, shadows resulting from the Proposed Action would not adversely affect any of the identified historic resources in the area.

Shadow analyses were performed for four days of the year: June 21, May 6, March 21, and December 21. The *CEQR Technical Manual* defines the temporal limits of a shadow analysis period to fall between an hour and a half after sunrise to an hour and a half before sunset. As detailed in Chapter 5, "Shadows," the Proposed Development resulting from the Proposed Action would cast incremental shadows on portions of Highbridge Park and Jackie Robinson Park in one or more of the analysis periods. However, in many instances, the incremental shadows cast by the Proposed Development resulting from the Proposed Action would not create a significant adverse

shadow impact on the sunlight-sensitive resources in the study area. All of the affected open space resources assessed are expected to receive more than the minimum of four to six hours of sunlight required during the growing season. The incremental shadows cast would not result in a substantial reduction in sunlight at any of the identified open space resources, would not result in a reduction in sunlight such that it would adversely impact the usability of any of these open spaces over the course of a day, nor would it adversely impact vegetation.

Historic Resources

The Proposed Action would not result in any significant adverse impacts to archaeological resources. Although the Proposed Development Site would experience new development that would require ground disturbance, the NYC Landmarks Preservation Commission (NYCLPC) has indicated that all of the lots comprising the rezoning area have no archaeological significance. As such, the Proposed Action and the resulting development on the Proposed Development Site is not expected to result in any significant adverse impacts to archaeological resources.

The Proposed Development Site and rezoning area are located within the State and National Register-listed (S/NR) Sugar Hill Historic District, and Lot 14, which falls partially within the rezoning area, also falls within the New York City Landmarks Preservation Commission (NYCLPC) designated Hamilton Heights/Sugar Hill Historic District. As the Proposed Action would result in the demolition of an existing 2-story garage which is identified as a contributing structure to the S/NR-listed Sugar Hill historic district, this would constitute a significant adverse direct impact to historic architectural resources. Identified mitigation measures that would minimize or reduce this significant adverse impact are discussed in Chapter 12, "Mitigation" of this EIS.

The Proposed Development would relate in height and bulk to several of the taller apartment buildings in the area, although it would alter the general context of West 155th Street, which forms the northern boundary of the S/NR historic district and would therefore result in a significant adverse indirect contextual impact to historic resources, as its modern massing, façade materials, and fenestration would differ from the historic rowhouses and apartment buildings prevalent in the historic district. Mitigation measures that would minimize or reduce this potential significant adverse impact are discussed in Chapter 12, "Mitigation" of this document. No incompatible audible or atmospheric elements would be introduced by the Proposed Development to any historic resource's setting, nor would the Proposed Action result in any significant adverse shadows impacts relating to historic resources. Finally, during construction, designated NYC Landmarks and S/NR-listed historic buildings located within 90 linear feet of the Proposed Development Site would be subject to the protections of NYCDOB's TPPN #10/88, which would ensure that such development resulting from the Proposed Action would not cause any significant adverse construction-related impacts to historic resources. With these protection measures, the Proposed Action and subsequent construction of the Proposed Development would not result in any significant adverse construction-related impacts to historic resources in the area.

Visual Resources

The Proposed Development would not result in any significant adverse impacts on visual resources in the study area. The Proposed Development would not block views of any significant visual resources in the surrounding area. Although the Proposed Action would result in the demolition of

the existing garage structure on the site (which has been identified as a contributing building to the S/NR Sugar Hill historic district), it is not expected to result in a significant adverse impact with respect to visual resources as many of the building's most notable historic features have been altered or removed. With the loss of many of the historic features that make this building a contributing resource, its demolition would not diminish the special architectural and historic character of the rest of the S/NR historic district because it would not create a significant change in the overall context or visual cohesion of the historic district as compared to existing or No-Action conditions.

The proposed new structure would be much more visible than the existing on-site building; however, as the Proposed Development is expected to be consistent with the massing, height, and design of other existing mid- to high-rise multifamily mixed-use residential buildings in the area, particularly along West 155th Street, this added height and greater visibility would not constitute a significant adverse visual impact. Moreover, the Proposed Action would improve and enhance the area's visual character by facilitating the provision of a landscaped entry plaza on St. Nicholas Avenue. As described above, the Proposed Development would result in a significant adverse indirect contextual impact to historic resources, as its modern massing, façade materials, and fenestration would differ from the historic rowhouses and apartment buildings prevalent in the historic district. However, as the Proposed Development would not obstruct important views to the Sugar Hill historic district, which would continue to be visible from all streets throughout the study area, nor would the Proposed Action alter the street grid so that the approach to the historic district changes, it would not result in a significant adverse impact to visual resources. Therefore, it is not expected that the Proposed Development would adversely impact views of visual resources in the area, and no significant adverse visual resources impacts are expected as a result of the Proposed Action.

Neighborhood Character

The Proposed Development would change the character of the surrounding neighborhood, but not in a significant adverse manner. The development would enliven and improve the streetscape by creating more active uses on the Proposed Development Site, and increasing 24-hour pedestrian activity. The Proposed Development would provide land uses that would be compatible to existing and anticipated uses in the surrounding area, and would further promote and enhance the ongoing revitalization of this area of northern Manhattan.

While demolition of the existing garage structure on the site has been identified as a significant adverse impact on architectural resources, it is not expected to result in a significant adverse impact with respect to neighborhood character. The building is not visually distinguished, as many of its most notable historic features have been altered or removed, and the brick façade shows wear, nor is it typical or characteristic of the surrounding historic district, as it exhibits a different scale, use and style. With the loss of many of the historic features that make this building a contributing resource, its demolition would not diminish the special architectural and historic character of the rest of the S/NR historic district.

Although the Proposed Development would be much more visible than the existing structure on the site, given its location along West 155th Street, a major 2-way roadway lined with many of the taller buildings in the area, this greater visibility would not be an adverse effect on neighborhood character. In addition, the Proposed Action is not anticipated to result in any significant adverse

socioeconomic, urban design, traffic, or noise impacts. Overall, the Proposed Action would alter neighborhood character in beneficial ways, by creating opportunities for new affordable housing and community facility development on an underutilized site.

Therefore, although the Proposed Development would alter the character of the neighborhood by revitalizing the site and its immediate surroundings and adding a taller higher density structure, these changes – individually or cumulatively – would not constitute a significant adverse impact to neighborhood character.

Hazardous Materials

The Phase I ESA conducted for the Proposed Development Site identified some recognized environmental conditions that could affect the property. The Phase I ESA was reviewed by NYCDEP's Office of Environmental Planning and Assessment, and a restrictive declaration was recommended by NYCDEP, due to the potential presence of hazardous materials on the site as a result of past and present on-site land uses. The declaration requires the preparation of a Phase II Workplan and a Health and Safety Plan for NYCDEP's review and approval. The restrictive declaration is binding upon the property's successors and assigns. The declaration serves as a mechanism to assure the potential for hazardous material contamination that may exist in the sub-surface soils and groundwater on the project site would be characterized prior to any site disturbance (i.e., site grading, excavation, demolition, or building construction). The restrictive declaration for hazardous materials was executed and recorded by the applicant as a condition of approval of the Proposed Action. As discussed in Chapter 12, "Mitigation," with the implementation of preventative and remedial measures for the Proposed Development Site (through the use of a restrictive declaration), no significant adverse impacts related to hazardous materials would result from the Proposed Action and resultant construction activities on the Proposed Development Site. Following construction, there would be no potential for the Proposed Development to have significant adverse impacts.

Air Quality

The Proposed Action is not anticipated to result in any significant adverse air quality impacts. The number of vehicle trips generated by the Proposed Development would be below CEQR screening threshold values during both the AM and PM peak periods, and therefore no detailed air quality analysis is required and no significant mobile source air quality impacts are expected as a result of the Proposed Action. In addition, the maximum total estimated 8-hour CO concentrations from the proposed up to 114-space accessory garage were found to be below (within) the CO NAAQS of 9.0 ppm, and the proposed facility would therefore not cause significant air quality impacts.

Two existing residential buildings were identified within 400 feet of the rezoning area that are taller than the Proposed Development; however, the distance between the Proposed Development and the existing buildings exceeds the estimated screening threshold distances for these buildings, and therefore the potential HVAC emission impacts of the Proposed Development's HVAC emissions on existing land uses are not considered to be significant. One emission source – a 30-story (2,531,677 square foot) building, located on Block 2106, Lot 3 – was identified as a major source within 400 feet of the Proposed Development, however, the impacts on the Proposed Development would be insignificant because it is located further than the threshold distance indicated on the

nomograph. Therefore, no significant air quality impacts associated with "major' emission sources are predicted.

No facilities with active NYCDEP permits were identified within a 400-foot radius of the rezoning area, and therefore, no air toxics analysis is required for the Proposed Action.

Noise

There would be no perceptible increases in traffic noise levels at the Proposed Development Site as a result of increases in traffic associated with the Proposed Action. Also, the addition of a below grade accessory parking garage with up to 114 spaces would not result in any increase in noise levels. Any change in the noise levels from the No-Action conditions would be insignificant and imperceptible.

Based on the measured existing noise levels and judged by the CEQR internal noise level requirements, the Proposed Development planned within the proposed rezoning area would require 28 to 31 dBA attenuation of external noise exposure on all facades facing the adjacent roadways to maintain interior noise levels of 45 dBA (refer to Table 10-4 in Chapter 10, "Noise"). Based on the estimated existing noise levels and judged by the HUD external and internal noise level requirements, the Proposed Development planned within the proposed rezoning area would require 25 to 30 dBA attenuation of external noise exposure on all facades facing the adjacent roadways to maintain interior noise levels of L_{dn} 45 (refer to Table 10-5 in Chapter 10). As such, the window attenuation required to satisfy CEQR will be more than sufficient to satisfy HUD requirements.

Therefore, the proposed zoning map change would be accompanied by the mapping of an (E) designation on the Proposed Development Site, which would mandate that required noise attenuation of up to 31 dBA be incorporated into the Proposed Development. The noise attenuation required under the Proposed Action would provide the needed attenuation under both CEQR and HUD guidelines, and preclude the potential for significant adverse noise impacts.

Construction Impacts

The Proposed Action would facilitate the construction of a new mixed-use building, which is expected to occur over an 18-24 month period. As discussed above, given the relatively small size of the project and the short construction period, the Proposed Action would not result in a significant amount of construction related impacts.

As discussed in more detail in Chapter 5, "Historic Resources," the Proposed Action has the potential to cause damage to historic architectural resources from ground-borne construction vibrations. The City has two procedures for avoidance of damage to historic structures from adjacent construction. All buildings are provided some protection from accidental damage through New York City Department of Buildings (NYCDOB) controls that govern the protection of any adjacent properties from construction activities, under Building Code Section 27-166 (C26-112.4. For all construction work, Building Code section 27-166 (C26-112.4) serves to protect buildings by requiring that all lots, buildings, and service facilities adjacent to foundation and earthwork areas be protected and supported in accordance with the requirements of Building Construction Subchapter 7 and Building Code Subchapters 11 and 19.

The second protective measure applies only to designated NYC Landmarks and S/NR-listed historic buildings located within 90 linear feet of the proposed construction site. For these structures, the DOB's Technical Policy and Procedure Notice (TPPN) #10/88 applies. TPPN 10/88 supplements the standard building protections afforded by the Building Code C26-112.4 by requiring, among other things, a monitoring program to reduce the likelihood of construction damage to adjacent NYCLPC-designated or S/NR-listed resources (within 90 feet) and to detect at an early stage the beginnings of damage so that construction procedures can be changed. By following these measures, which are required for any designated historic resources within 90 feet of the Proposed Development Site, the proposed demolition/construction work would not cause any significant adverse construction-related impacts.

Therefore, historic structures within 90 feet of the Proposed Development Site would be protected, by ensuring that adjacent construction of the Proposed Development adheres to all applicable NYCDOB construction guidelines and regulations.

As discussed in Chapter 11, "Construction Impacts," construction-related activities resulting from the Proposed Action are also not expected to have any significant adverse impacts on hazardous materials, traffic, air quality, or noise conditions. Moreover, the construction process in New York City is highly regulated to ensure that construction period impacts are eliminated or minimized. The construction process requires consultation and coordination with a number of City and/or State agencies, including NYCDOT, NYC Department of Buildings (DOB), NYCDEP, and NYSDEC (where applicable), among others.

G. MITIGATION

Historic Architectural Resources

The Proposed Action would cause significant adverse direct impacts to historic architectural resources. The existing 2-story garage building on the Proposed Development Site, which is identified as a contributing structure in the S/NR-listed Sugar Hill Historic District, would be demolished to facilitate construction of the Proposed Development. This would constitute a significant adverse impact. In addition, the proposed new building would alter the context of West 155th Street, which forms the northern boundary of the S/NR-listed historic district, and would therefore result in a significant adverse indirect impact to historic resources.

Mitigation for Direct Impact

As part of the design process for the Proposed Development, measures to preserve or document the contributing building on the site prior to demolition have been considered, in consultation with the State Historic Preservation Office (SHPO) of the New York State Office of Parks, Recreation and Historic Preservation (OPRHP), in order to avoid any potential adverse impacts. In evaluating the possibility of reusing the existing structure, a visual inspection of the existing parking structure was undertaken, which found that portions of the structural slabs of the building are in a state of disrepair, and concluded that reuse of the existing structure is not economically viable. The inspection indicated that exposed reinforcement showed different states of deterioration due to rusting, an occurrence that is not uncommon in structures where water and deicing salts, brought in

by the cars, penetrate the slabs' concrete. Some exposed portions of the structural steel beams also exhibited rusting.

In short, accommodating the existing garage into the Proposed Development was deemed to be infeasible, as it would require demolition of the rear portion of the existing building, removal of the roof and floor plates, and removal of a large portion of the modified exterior. Therefore, it was concluded that there is no logical economical alternative to removing the existing structure in order to provide for the requirements of the proposed 12-story building.

The OPRHP concurred that there are no prudent and feasible alternatives to demolition of the existing garage structure that will meet the project's requirements, and recommended that the following mitigation measures be incorporated as part of the project:

- Photographically documenting the historic building in accordance with the standards of the Historic American Buildings Survey (HABS). The documentation would be submitted to OPRHP for approval prior to any demolition. Two copies would be submitted to OPRHP, one of which would be for archival storage in the New York State Archives and the other for retention in OPRHP files, and a third copy of the documentation would also be provided to the Museum of the City of New York.
- A survey of the decorative exterior terra cotta elements on the existing building will be conducted and OPRHP would be consulted to determine if any of these elements can be removed and incorporated into the design of the Proposed Development or utilized in the interior public spaces of the new building.
- The applicant would consult with OPRHP regarding the design of the new building, as well as regarding the incorporation of references to the Old Croton Aqueduct in the design of the entrance plaza to the new building.
- A Construction Protection Plan (CPP) would be prepared in coordination with a licensed professional engineer for historic buildings within 90 feet of the Proposed Development Site. The CPP would meet the requirements specified in the New York City Department of Buildings (NYCDOB) Technical Policy Procedure Notice #10/88 concerning procedures for avoidance of damage to historic structures resulting from adjacent construction. This plan would be submitted to OPRHP for review and approval prior to implementation. It should also be noted that the Proposed Development would occur adjacent to a building that is located within a NYCLPC historic district, and its construction would therefore be subject to implementing the same standard construction protection measures required for buildings designated as landmarks, as described further under the "Construction Impacts" section above.

The applicant has agreed to undertake all of the above measures. The HABS documentation was prepared and submitted to OPRHP, which accepted and signed off on it in a letter dated July 8, 2010 (refer to Appendix A). It is also expected that the sponsor would enter into a Memorandum of Understanding ("MOU") with the OPRHP acting as the State Historic Preservation Officer, the New York City Department of Housing Preservation and Development (NYCHPD) and potentially the Advisory Council on Historic Preservation and other parties. NYCHPD anticipates providing a construction loan to facilitate the proposed project. The construction loan would likely be comprised of federal funding from HUD. Under 24 CFR Part 58, NYCHPD assumes the responsibilities for environmental review, decision-making and action that would otherwise apply to HUD. Accordingly, NYCHPD is required to conduct environmental reviews under the laws and rules which apply to HUD programs and policies, including the National Environmental Policy Act (NEPA) and related Federal Laws, Executive Orders and Rules, including the National Historic

Preservation Act (36 CFR Part 800). The MOU will be executed as the result of the consultation process required pursuant to Section 106 of the National Historic Preservation Act.

NYCLPC, upon review of the OPRHP evaluation, has also concurred that the above measures should be incorporated. With implementation of the above measures, the identified significant adverse direct impact to historic architectural resources would be partially mitigated. However, despite these measures, this impact would not be completely eliminated. Therefore, it would constitute an unavoidable significant adverse impact on this historic resource as a result of the Proposed Action.

Mitigation for Indirect Impact

The Proposed Development would result in a significant adverse indirect contextual impact to historic resources, as its modern massing, façade materials, and fenestration would differ from the historic rowhouses and apartment buildings prevalent in the historic district. However, as the Proposed Development would not obstruct important views to the Sugar Hill historic district, which would continue to be visible from all streets throughout the study area, nor would the Proposed Action alter the street grid so that the approach to the historic district changes, it would not result in a significant adverse impact to visual resources. As such, the Proposed Development results in a significant adverse indirect contextual impact to historic resources. Because the design of the proposed building is still evolving, as noted above, one of the measures identified to partially mitigate the significant adverse direct impact on historic architectural resources is for the applicant to consult with the OPRHP regarding the final design of the new building. As part of that process, further measures may be identified to partially mitigate this significant adverse indirect impact, and as a result, some of the building's treatment or design elements, such as its cantilever, fenestration, and façade materials and color, may be modified. However, if design changes that are feasible or practicable given the applicant's goals and objectives are not identified to fully mitigate this impact, it would constitute an unmitigable significant adverse impact on this historic resource as a result of the Proposed Action.

Hazardous Materials

The Proposed Development Site has been identified as having recognized environmental conditions that could affect the property. These include the current and historical use of the Proposed Development Site for auto related operations, use of the eastern adjacent property as a gasoline filling station and auto repair shop and the southwestern adjacent property as a garage; suspect petroleum staining on the floor; and the potential presence of underground storage tanks at the site.

In order to avoid significant adverse impacts with respect to hazardous materials, the applicant has executed and recorded a restrictive declaration that conforms with the requirements of the New York City Department of Environmental Protection (NYCDEP). The restrictive declaration requires that the applicant (and any future owner) undertake a testing and sampling protocol to remediate any hazardous materials to the satisfaction of the NYCDEP prior to the issuance of any building permit. Should the testing identify any significant hazardous materials issues requiring remediation, the restrictive declaration would obligate the applicant to perform the remediation work recommended by NYCDEP. The scope of the investigation will be subject to NYCDEP approval, as will the need for any subsequent measures to address potential contamination. The applicant

would also commit to a site specific Health and Safety Plan on the portion of Lot 26 to be used as the entrance plaza in the Reciprocal Easement Agreement with the City.

The restrictive declaration for hazardous materials was executed on August 5, 2010 and submitted for recording on August 31, 2010. Pursuant to an email from NYCDEP dated August 31, 2010, NYCDEP is in receipt of a signed copy of a NYCDEP-approved restrictive declaration with proof of recording for the site.

Accordingly, with the implementation of these preventative and remedial measures for the Proposed Development Site (through the use of a restrictive declaration), no significant adverse impacts related to hazardous materials would result from the Proposed Action and resultant construction activities on the Proposed Development Site. Following construction, there would be no potential for the Proposed Development to have significant adverse impacts.

H. UNAVOIDABLE ADVERSE IMPACTS

Most of the potential significant adverse impacts of the Proposed Action could be avoided or mitigated by implementing a broad range of measures. However, the potential direct impact to historic architectural resources would not be fully mitigated.

Unavoidable Direct Impact

The building on the Proposed Development Site is identified as a contributing structure to the Sugar Hill Historic District listed on State and National Registers of Historic Places (S/NRs). Construction of the Proposed Development would necessitate demolition of this structure, which would constitute a significant adverse impact on architectural resources. As described in Chapter 12, "Mitigation," measures to partially mitigate the impact of the demolition of this historic resource – which include archival photographic documentation and the possible removal of decorative exterior terra cotta elements on the existing building to be incorporated into the design of the Proposed Development or utilized in the interior public spaces of the new building (if feasible) – have been developed in consultation with the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP. The archival photographic (HABS) documentation was prepared and submitted to OPRHP, which accepted and signed off on it in a letter dated July 8, 2010, and the applicant has also agreed to undertake applicable construction-related mitigation measures, consult with OPRHP regarding the design of the new building, and conduct a survey of the decorative exterior terra cotta elements on the existing building. However, despite the measures described here and further outlined in Chapter 12, this impact would not be completely eliminated. Therefore, it would constitute an unavoidable significant adverse direct impact on this historic resource as a result of the Proposed Action.

Unavoidable Indirect Impact

The Proposed Development also has the potential to result in an unavoidable contextual impact to historic resources. The Proposed Development would result in a significant adverse indirect

contextual impact to historic resources, as its modern massing, façade materials, and fenestration would differ from the historic rowhouses and apartment buildings prevalent in the historic district. However, as the Proposed Development would not obstruct important views to the Sugar Hill historic district, which would continue to be visible from all streets throughout the study area, nor would the Proposed Action alter the street grid so that the approach to the historic district changes, it would not result in a significant adverse impact to visual resources. As such, the Proposed Development results in a significant adverse indirect contextual impact to historic resources. Because the design of the proposed building is still evolving, as noted above, one of the measures identified to partially mitigate the significant adverse direct impact on historic architectural resources is for the applicant to consult with the OPRHP regarding the final design of the new building. As part of that process, further measures may be identified to partially mitigate this significant adverse indirect impact, and as a result, some of the building's treatment or design elements, such as its cantilever, fenestration, and façade materials and color, may be modified. However, if design changes that are feasible or practicable given the applicant's goals and objectives are not identified to fully mitigate this impact, it would constitute an unmitigable significant adverse impact on this historic resource as a result of the Proposed Action.

I. ALTERNATIVES

No Action Alternative

The No Action Alternative assumes that the proposed zoning change and other land use actions would not be implemented. The No Action Alternative assumes no amendments to the zoning map; no property disposition and acquisition; and no public financing. The No Action Alternative would not require any discretionary actions.

The No Action Alternative assumes no discretionary actions would occur and that the Proposed Development would not be constructed. This alternative would avoid the Proposed Action's significant adverse impacts relating to historic architectural resources. In all other analysis areas, as with the Proposed Action, the No Action Alternative would not result in significant adverse impacts. However, the benefits expected from the Proposed Action on land use, visual resources, and neighborhood character would not be realized under this alternative. In addition, the No Action Alternative would fall far short of the objectives of the Proposed Action in facilitating opportunities for new affordable housing; and enhancing the public environment, ground-floor uses, and streetscapes to make the surrounding area a more appealing place to live, work, and visit.

No Impact/Reduced Impact Alternative

The Proposed Action is anticipated to result in significant adverse impacts in the area of architectural resources, as the Proposed Development facilitated by the Proposed Action would demolish a building identified as a contributing structure to the S/NR historic district (direct impact), and the new building could alter the visual context of the northern boundary of the S/NR-listed historic district (indirect impact).

Direct Significant Adverse Impact

There is partial mitigation to the direct impact to historic resources resulting from the Proposed Action, as discussed in Chapter 12, "Mitigation," but to completely avoid the impact resulting from demolition, this alternative would require that the existing garage structure on the site be maintained and reused in connection with the Proposed Development.

However, as discussed in Chapter 12, "Mitigation," a structural assessment of the existing garage building concluded that reuse of the existing garage structure for a high-rise modern building is not economically viable. The assessment indicated that accommodating the existing garage into the Proposed Development was deemed to be infeasible, as it would require demolition of the rear portion of the existing building (to accommodate a 28 foot easement dedicated to NYCDEP at the southern portion of the site), removal of the roof and floor plates, and removal of a large portion of the modified exterior. Therefore, the assessment concluded that there is no logical economical alternative to removing the existing structure in order to provide for the requirements of the proposed 13-story mixed-use building proposed by the applicant.

Indirect Significant Adverse Impact

In designing the Proposed Development, the applicant's main goal was to design a modern building that would conform to the proposed R8A zoning envelope, and provide innovative interior and exterior features to house the mixed use program of affordable apartments, museum and day care center. Another design goal was to develop a fenestration pattern for all the uses in the building that provided an abundance of natural light and views.

Because the design of the proposed building is still evolving, as noted in Chapter 12, "Mitigation," one of the measures identified to partially mitigate the significant adverse direct impact on historic architectural resources is for the applicant to consult with the OPRHP regarding the final design of the new building. As part of that process, further measures may be identified to partially mitigate this significant adverse indirect impact, and as a result, some of the building's treatment or design elements, such as its cantilever, fenestration, and façade materials and color, may be modified. As such, an alternative that would reduce or eliminate this indirect impact cannot be identified at this time. It should be noted that the design of the Proposed Development is ongoing and may be modified to the extent required to conform with State and federal funding requirements. However, given the applicant's design goals and objectives for the Proposed Development, there is only the potential or likelihood for partial mitigation.

Conclusion

Given the above, there is no feasible alternative that would eliminate or reduce the Proposed Action's impact on architectural resources, except for one that maintains the status quo. This would be identical to the No Action Alternative described above.

This No Impacts Alternative, which in this case would be the same as the No Action Alternative described above, would avoid the Proposed Action's identified significant adverse impact on historic architectural resources. However, this No Impacts Alternative is not an acceptable alternative to the Proposed Action. By preventing redevelopment of the Proposed Development Site, this alternative would fail to meet the objectives of the Proposed Action, which include: providing quality housing and services to the City's lower-income families; expanding the supply

of affordable housing in the City; and transforming an underutilized garage site into a green model of urban community revitalization that integrates affordable housing, education and cultural resources.

As such, this alternative would not meet the goals and objectives of the Proposed Action. Accordingly, it is not considered for purposes of further analysis.