A. INTRODUCTION

The preceding chapters of this environmental impact statement (EIS) examine the potential for significant adverse impacts as a result of the Proposed Action. Where such impacts have been identified in accordance with the *CEQR Technical Manual* guidelines – in the areas of historic architectural resources and hazardous materials – measures are examined to minimize or eliminate the anticipated impacts. These mitigation measures are discussed below. Significant adverse impacts that cannot be fully mitigated through reasonably practicable measures are also identified and discussed in Chapter 14, "Unavoidable Adverse Impacts."

B. HISTORIC ARCHITECTURAL RESOURCES

As discussed in Chapter 5, "Historic and Cultural 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. As also discussed in Chapter 5, 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

The Proposed Action was assessed for possible mitigation measures in accordance with CEQR guidelines. The *CEQR Technical Manual* identifies several ways in which impacts on potential archaeological resources can be mitigated, including:

- Redesigning the action so that it does not disturb the resource;
- Relocating the action to avoid the resource altogether;
- Contextual redesign of a project that does not actually physically affect an architectural resource but would alter its setting;
- Adaptive reuse to incorporate the resource into the project rather than demolishing it;
- A construction protection plan to protect historic resources that may be affected by construction activities related to a proposed action;
- Data recovery or recordation of historic structures that would be significantly altered or demolished; and
- Relocating architectural resources.

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 adverse impacts. In evaluating the possibility of reusing the existing structure, the project architects, SLCE Architects, retained a structural engineering firm Ysrael A. Seinuk, P.C., to undertake a visual inspection of the existing parking structure. The visual inspection, performed in March of 2009 by Ysrael A. Seinuk, P.C. (Seinuk report is included in Appendix A to this EIS), 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. The Seinuk report therefore indicated that keeping the present use of the building is possible, although achieving a proper long lasting repair would be costly, and concluded that the intended use of the site conflicts with the wisdom of such repair due to the following:

- A 28 foot easement dedicated to NYCDEP at the southern portion of the site will require carrying vehicular traffic, not only NYCDEP trucks, but also fire engines. The loading requirement cannot be accommodated by the present structure. This part of the existing structure would have to be removed up to the first column line, which is approximately 45 feet north of the south property line, and substituted with a bona fide elevated road design.
- The new residential structure requires a distribution of columns that deny the utilization of the rest of the parking structure. Preliminary studies indicate that at least 35 columns and 3 shear walls would be needed to support the new addition above.
- Neither the existing garage columns, nor their respective footings can be used to carry a structure above them. They were not designed for the heavy loads coming from a 12-story structure above.

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, the Seinuk report 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.

In a letter dated February 10, 2010 (provided in Appendix A to this EIS), 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" section of Chapter 5, "Historic Resources".

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 (refer to Chapter 14, "Unavoidable Adverse Impacts").

Mitigation for Indirect Impact

As 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. 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 (refer to Chapter 14, "Unavoidable Adverse Impacts").

In a letter dated August 25, 2010 (refer to Appendix A of this document), SHPO indicated that they have no further comments on the above mitigation measures.

C. HAZARDOUS MATERIALS

As discussed in Chapter 8, "Hazardous Materials," a Phase I Environmental Site Assessment (ESA) was prepared in March 2008 for the Proposed Development Site, which identified the site 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.

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).

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 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 the 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.