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October 16, 2019

NOTICE OF COMPLETION OF THE TARGETED DRAFT ENVIRONMENTAL IMPACT STATEMENT

266-270 West 96 Street

Project Identification:

CEQR No. 18HPD103M
ULURP Nos. 200140PPM

Lead Agency:

City of New York - Department of Housing
Preservation & Development (HPD)
100 Gold Street
New York, NY 10038

Contact Person:

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SEQRA Classification: Unlisted

Pursuant to City Environmental Quality Review ("CEQR"), Mayoral Executive Order No. 91 of 1977, and the regulations of Article 8 of the State Environmental Conservation Law, State Environmental Quality Review Act ("SEQRA"), as found in 6 NYCRR Part 617, a targeted Draft Environmental Impact Statement ("DEIS") has been prepared for the action described below. Copies of the DEIS are available for public inspection at the office of the undersigned, or for download at <http://www1.nyc.gov/site/hpd/developers/environmental-review.page>.

An Environmental Assessment Statement ("EAS") was completed on March 14, 2019. A Positive Declaration, issued on May 1, 2019, established that the proposal may have a significant adverse impact on the environment, thus warranting the preparation of a targeted Environmental Impact Statement. A Draft Scope of Work for a targeted DEIS was issued on May 1, 2019. A public scoping meeting was held on Thursday, June 6, 2019 at 6:00 PM at Anshe Chesed, 251 West 100th Street, New York, NY to accept oral and written comments. Written comments on the Draft Scope of Work were accepted through July 17, 2019. The Final Scope of Work, including responses to the comments received on the Draft Scope of Work, was issued on October 16, 2019.

The proposal involves actions subject to approval by the City Planning Commission ("CPC") and Council of the City of New York pursuant to Uniform Land Use Review Procedure ("ULURP"). A public hearing on the targeted Draft Environmental Impact Statement (DEIS) will be held at a later date to be announced, in conjunction with the CPC public hearing pursuant to ULURP. Subsequent notice will be given as to the time and place of the public hearing. Written comments on the DEIS are requested and would be received and considered by the Lead Agency until the 10th calendar day following the close of the public hearing.

A. PROJECT DESCRIPTION

The proposal involves an application by the City of New York - Department of Housing Preservation & Development (“HPD”) on behalf of Fetner Properties LLC (the “Project Sponsor”), requesting approval of two discretionary actions (the “Proposed Actions”) affecting Block 1243, Lot 57 (“Disposition Site”) and Lots 59 and 60 (“Privately Owned Sites,” referred to collectively with the Disposition Site as the “Directly Affected Area”) in the Borough of Manhattan, Community District 7. The Proposed Actions consist of (i) the disposition of Lot 57 to a developer to be selected by HPD pursuant to Article XI of the Private Housing Finance Law and (ii) the approval of HPD funding, currently anticipated through HPD’s Mixed-Middle Income (M2) program.

The Proposed Actions would facilitate the construction of a 23-story (235-foot), approximately 150,890 gross square foot (gsf) building containing residential and community facility uses (the “Proposed Project”) on Block 1243, Lots 57, 59, and 60. The Proposed Project would comprise approximately 140,036 gsf of mixed-income residential area including 171 dwelling units, of which approximately 40 percent (68 dwelling units) would be allocated as permanently affordable for residents with incomes ranging from 50 to 130 percent of Area Median Income (AMI)¹ and approximately 10,854 gsf of community facility space. The existing buildings on the site, one of which is city-owned, would be demolished to allow for the construction of the new development. The city-owned building is a vacant decommissioned Metropolitan Transportation Authority (MTA) electrical substation that no longer services the subway and is now abandoned and in disrepair.

The approximately 10,402 square-foot (sf) Directly Affected Area is at 266-270 West 96 Street, between Broadway and West End Avenue in the Upper West Side neighborhood of Manhattan. The Directly Affected Area comprises three tax lots (Lots 57, 59 and 60) on Block 1243, and is bounded by West 96 Street to the north, a vacant lot to the east, a six-story multi-family residential building and a 15-story multi-family residential building to the south, and a 13-story multi-family residential building and a 16-story multi-family residential building to the west. The Disposition Site (Lot 57) is occupied by a four-story, vacant decommissioned MTA electrical substation; the Privately Owned Sites (Lots 59 and 60) are both occupied by two-story buildings occupied by the Salvation Army and other non-profit organizations.

The Directly Affected Area is within an R10A zoning district, which allows for both residential and community facility uses (Use Groups 1-4). In R10A zoning districts, residential and community facility uses are permissible at a Floor Area Ratio (FAR) of 10.0; however, residential FAR may increase up to 12.0 for developments providing affordable housing pursuant to the Inclusionary Housing (IH) program. The Directly Affected Area is in the Manhattan Core; as such, accessory parking is not required.

The Riverside-West End Historic District Extension II (LP-2464) is adjacent to the western and southern perimeters of the Directly Affected Area. The Directly Affected Area is served by public transportation with access to the 1, 2 and 3 lines of the MTA’s New York City Transit (NYCT) Subway at the 96 Street Station, one block east of the Directly Affected Area at Broadway. Additionally, the MTA NYCT M96 bus and the M106 bus stop in front of the Directly Affected Area. The M104 bus is accessible at the intersection of Broadway and West 96 Street.

The Proposed Actions would facilitate the construction of a 23-story (235 feet), approximately 150,890-gsf building containing residential and community facility uses. The Proposed Project includes (i) approximately 140,036 gsf of residential use (171 dwelling units) and (ii) approximately 10,854 gsf of community facility use. The Proposed Project includes 80 micro studio units (ranging from approximately 290 to 425 sf) and 91 traditional dwelling units; 68 (approximately 40 percent) of the 171 dwelling units

¹ The exact levels of affordability for the permanently affordable dwelling units are subject to change and will be determined during the Uniform Land Use Review Procedure (ULURP).



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would be designated as permanently affordable. Of the 80 micro studio units, 35 would be permanently affordable and 45 would be market-rate. The Salvation Army currently owns and occupies Block 1243, Lot 59. Pursuant to an agreement with an affiliate of the Project Sponsor, the Salvation Army would acquire a portion of the community facility floor area that would be developed as part of the Proposed Project. To present the most conservative assessment, the Proposed Project contemplated in this environmental review is larger than the development proposed in the Land Use Application.

Development of the Proposed Project would occur in a single phase. Demolition of the existing buildings within the Directly Affected Area is anticipated to begin after the Proposed Actions have been approved and construction is anticipated to begin upon the granting of building permits. The Proposed Project is anticipated to be complete and operational by 2022.

SUMMARY OF THE PROPOSED ACTIONS

The Proposed Actions consist of:

1. Disposition of Lot 57 to a developer to be selected by HPD pursuant to Article XI of the Private Housing Finance Law.²
2. The approval of HPD funding, currently anticipated through HPD's Mixed-Middle Income (M2) program.

Disposition Site History

Previously, the Division of Real Property (DRP) (a predecessor of the New York City Department of Citywide Administrative Services), sought approval for the disposition of Lot 57 (December 20, 1989 disposition application). On June 11, 1990, the City Planning Commission approved the site for disposition subject to the following restrictions:

1. DRP will inform all concerned agencies, including the Office of Management and Budget (OMB), of the proposed disposition of the site, and convene a meeting to discuss any possible use of space in any new development on the site for social service purposes;
2. If any agency expresses an interest in utilizing space in any new development on this site for a public use, and funding for such a use is available, the feasibility of such a use should be fully explored by DRP; and
3. Upon DRP review of any such interest, a summary be drafted and circulated to all concerned agencies including the City Planning Commission.

On July 19, 1990 the New York City Board of Estimate approved the application and further resolved that:

If Block 1243, Lot 57, 59, and 60 are combined with other sites on the same City block to allow for a new development that occupies all such sites, then 4,000 square feet of floor area in the new development be devoted to not-for-profit or social service uses (the "Combined Lot Restriction"). In addition, if Block 1243, Lots 57, 59, and 60 are merged into one zoning lot, then floor area devoted to community facility space equal to the amount of floor area currently occupied by the

² The disposition of Lot 57 is a City Planning Commission (CPC) approval, whereas the approval of funding is being sought through HPD.



NAACP shall be provided in the new development. This floor area shall be in addition to the Combined Lot Restriction.

This ULURP application would supersede these disposition restrictions and allow for the development of a mixed-use building with market-rate and affordable housing units, as well as community facility use.

PURPOSE AND NEED FOR THE PROPOSED ACTIONS

Lot 57 (the Disposition Site) is occupied by a decommissioned MTA electrical substation. Lots 59 and Lot 60 (the Privately Owned Sites) are substantially underbuilt. The Proposed Actions would facilitate the development of a 23-story (235 feet), approximately 150,890-gsf building containing residential and community facility uses that would comply with the existing R10A district controls.

The Proposed Actions would facilitate development consistent in both size and scale with the surrounding area.

The Proposed Project would create approximately 171 dwelling units, 68 (approximately 40 percent) of which would be affordable for households earning up to 50 percent, 70 percent, and 130 percent of the AMI. Accordingly, the Proposed Project would support the vision set forth in the *City's Housing New York: A Five-Borough, Ten-Year Plan* to create and preserve affordable housing in New York City, by providing approximately 68 permanently affordable dwelling units. In addition, the Proposed Project would replace the distressed and vacant decommissioned MTA electrical substation on the Disposition Site and include ground floor community facility uses, which would further activate West 96 Street, thereby enhancing the pedestrian experience at the street level.

Further, the Proposed Project would accomplish local goals with respect to affordable housing. Community Board 7's Statement of Needs for Fiscal Year 2020 identifies two recommendations to increase affordability within the community district. The Statement of Needs recommends that the City explore development of micro-units and infill development on public land within Community District 7. Additionally, in response to the significant reduction in the availability of housing that is accessible to households with incomes at 100-150 percent of AMI, the Statement of Needs recommends that the City incentivize developers to include a mix of income levels in any new development in the community district. The development in the With-Action Condition would result in approximately 68 dwelling units designated for affordable housing for households earning up to 50 percent, 70 percent, and 130 percent of the AMI, of which approximately 35 would be micro-units and 33 would be traditional units. Accordingly, the Proposed Actions would facilitate a development that is distinctly aligned with planning and development objectives of Community Board 7.

B. ENVIRONMENTAL ANALYSIS FRAMEWORK

ANALYSIS YEAR

The Proposed Actions would facilitate the development of the Proposed Project, which is anticipated to be complete and operational in 2022. The Proposed Project would be constructed in a single phase and construction would commence as soon as the necessary discretionary approvals and building permits are granted. Accordingly, the analysis year (the "Build Year") for this environmental review is 2022.



EXISTING CONDITIONS

The approximately 10,402 square-foot (sf) Directly Affected Area is at 266-270 West 96 Street, between Broadway and West End Avenue in the Upper West Side neighborhood of Manhattan. The Directly Affected Area comprises three tax lots (Lots 57, 59 and 60) on Block 1243, and is bounded by West 96 Street to the north, a vacant lot to the east, a six-story multi-family residential building and a 15-story multi-family residential building to the south, and a 13-story multi-family residential building and a 16-story multi-family residential building to the west. The Disposition Site (Lot 57) is occupied by a four-story, vacant decommissioned MTA electrical substation; the Privately Owned Sites (Lots 59 and 60) are both occupied by two-story buildings occupied by the Salvation Army and other non-profit organizations.

The Directly Affected Area is within an R10A zoning district, which allows for both residential and community facility uses (Use Groups 1-4). In R10A zoning districts, residential and community facility uses are permissible at a Floor Area Ratio (FAR) of 10.0; however, residential FAR may increase up to 12.0 for developments providing affordable housing pursuant to the Inclusionary Housing (IH) program. The Directly Affected Area is in the Manhattan Core; as such, accessory parking is not required.

The Riverside-West End Historic District Extension II (LP-2464) is adjacent to the western and southern perimeters of the Directly Affected Area. The Directly Affected Area is served by public transportation with access to the 1, 2 and 3 lines of the MTA's New York City Transit (NYCT) Subway at the 96 Street Station, one block east of the Directly Affected Area at Broadway. Additionally, the MTA NYCT M96 bus and the M106 bus stop in front of the Directly Affected Area. The M104 bus is accessible at the intersection of Broadway and West 96 Street.

FUTURE CONDITION WITHOUT THE PROPOSED ACTIONS (2022 NO-ACTION CONDITION)

The future without the Proposed Actions (the "No-Action Condition"), describes a baseline condition that is evaluated and compared to the Future with the Proposed Actions. The No-Action Condition is assessed for the same 2022 build year.

In the 2022 No-Action Condition, it is expected that no disposition of the City-owned property would occur, and the vacant decommissioned MTA electrical substation would remain in its current state. Lots 59 and 60 are each occupied by a single two-story building and are substantially underbuilt. The Project Sponsor is in contract to purchase Lots 59 and 60. In the No-Action Condition, the Project Sponsor would close on these sites and demolish the existing substantially underbuilt buildings. The new development of those lots in the No-Action Condition would be pursuant to the existing R10A zoning regulations with the as-of-right residential Floor Area Ratio (FAR) bonus under the Inclusionary Housing (IH) program. In R10A zoning districts, residential and community facility uses are permissible at a FAR of 10.0; residential FAR may increase up to 12.0 for developments providing affordable housing pursuant to the IH program.

The No-Action Condition accounts for existing conditions as a baseline condition and includes developments or changes anticipated to be in place by the 2022 build year. Developments included in the No-Action Condition include development currently under construction and that can be reasonably anticipated due to the current level of planning and public approvals. A review of resources, including DCP's Zoning Application Portal (ZAP) database, the New York City Mayor's Office of Environmental Coordination's (MOEC) CEQR Access, the Department of Buildings (DOB) Buildings Information System (BIS), and the New York YIMBY website indicates that there are no "No-Build" projects proposed within 400-feet of the Directly Affected Area with a build year between 2019 and 2022. However, demolition of a former two-story commercial building immediately to the east of the Directly



Affected Area has been completed, and it is anticipated that this property (the “Broadway Site”) will be developed as-of-right with a new building (the “Broadway Building”) by 2022. Therefore, the No-Action Condition includes the Broadway Building. It is assumed that the Broadway Building would exceed 10.0 FAR by using excess development rights from adjacent properties (in accordance with the zoning lot development agreements recorded against the Broadway Site) and would be developed to the maximum permitted height.

For the purposes of presenting a conservative assessment, development in the No-Action Condition would be entirely residential and would contain approximately 95 dwelling units, including 19 permanently affordable units. By assuming the development in the No-Action Condition would be entirely residential, a larger incremental increase of community facility uses would be assessed in the environmental review. This larger increment would result in an increase in project generated incremental peak hour trips and employees compared to the scenario where a community facility use was contemplated in the No-Action Condition. It should be noted, while an alternative No-Action Condition could reasonably contain approximately 6,000 gsf of community facility uses and five fewer dwelling units, it would be more conservative from a technical perspective to assess a full community facility increment of approximately 10,000 gsf than it would be to assess a community facility increment of approximately 4,000 gsf and five additional dwelling units. Furthermore, the addition of five dwelling units to the increment would not warrant further assessment for technical areas where impacts are based on the number of incremental dwelling units (i.e., schools, childcare).

Pursuant to the existing zoning regulations, Lots 59 and 60 would be developed with a 22-story (235 feet), approximately 74,951-gross-square-foot (gsf) residential building³ (64,416 zoning square feet, or 12.00 FAR).⁴ The No-Action development would be entirely residential and would contain approximately 95 dwelling units, including 19 permanently affordable units. The development in the No-Action Condition would have a maximum building height of approximately 235 feet above the curb level. No development would be anticipated to occur on the Disposition Site; therefore, Lot 57 would remain as it is under existing conditions.

FUTURE CONDITION WITH THE PROPOSED ACTIONS (2022 WITH-ACTION CONDITION)

The future with the Proposed Actions (the “With-Action Condition”), is the condition which is evaluated and compared to the No-Action Condition to identify incremental changes due to the development facilitated by the Proposed Actions.

The Proposed Actions would facilitate the construction of a 23-story (235-foot), approximately 150,890 gross square foot (gsf) building containing residential and community facility uses (the “Proposed Project”) on Block 1243, Lots 57, 59, and 60. The Proposed Project would comprise approximately 140,036 gsf of mixed-income residential area including 171 dwelling units, of which approximately 40 percent (68 dwelling units) would be allocated as permanently affordable for residents with incomes ranging from 50 to 130 percent of the AMI and approximately 10,854 gsf of community facility space.

As stated previously, to present the most conservative assessment, the Proposed Project contemplated in this environmental review is larger than the development proposed in the Land Use Application.

³ Based on neighborhood trends, the development in the No-Action Condition assumes an entirely residential building.

⁴ The maximum zoning square feet (zsf) permitted on the Privately Owned Sites is achieved by pursuing the as-of-right residential FAR bonus under the IH program. By pursuing the IH bonus, the as-of-right zsf is approximately 64,416. The total gsf, however, includes an approximately eight (8) percent increase in floor area to account for deductions for mechanical space and an approximately 5,369 sf cellar.



ANALYSIS FRAMEWORK

Pursuant to the existing zoning regulations, in the No-Action Condition, Lots 59 and 60 would be developed with a 22-story (235 feet), approximately 74,951-gross-square-foot (gsf) residential building (64,416 zoning square feet, or 12.00 FAR). As shown in Table 1, the No-Action development would be entirely residential and would contain approximately 95 dwelling units, including 19 permanently affordable units. The development in the No-Action Condition would have a maximum building height of approximately 235 feet above the curb level. Because Lots 59 and 60 are in the Manhattan Core, no accessory parking would be required. No development would be anticipated to occur on the Disposition Site; therefore, Lot 57 would remain as it is under existing conditions.

The incremental difference between the No-Action Condition and With-Action Condition provides the basis by which the potential environmental impacts of the Proposed Actions are evaluated. The development in the With-Action Condition would result in (i) a net increase of 65,085 gsf of residential space, representing an increase of 76 dwelling units, including an increase of 49 permanently affordable dwelling units, and (ii) a net increase of approximately 10,854 gsf of community facility space. The development in the With-Action Condition would result in an overall net increase of 75,939 gsf of new development.

Based on standard employee space utilization rates in the *CEQR Technical Manual*, the With-Action Condition would result in approximately 43 workers, which would represent a net increase of 39 workers compared to the No-Action Condition. Based on the maximum height permitted in the R10A zoning district, the height of the development on the Privately Owned Sites (Lots 59 and 60) in the No-Action Condition and With-Action Condition would remain the same at 235 feet. However, because no new development would occur on Lot 57 in the No-Action Condition, there would be an incremental building height increase of approximately 185 feet on Lot 57 in the With-Action Condition

**Table 1
Comparison of No-Action and With-Action Conditions**

Land Use	No-Action Condition (gsf/units)	With-Action Condition ⁵ (gsf/units)	Increment (gsf/units)
Residential	74,951 ¹	140,036	65,085
Total Dwelling Units	95 ²	171 ³	76
Affordable Dwelling Units	19	68	49
Community Facility	0	10,854	10,854
Building Height (feet)	235 feet	235 feet	0 feet
Lots 59 and 60 (Privately Owned Sites)	235 feet	235 feet	0 feet
Lot 57 (Disposition Site)	50 feet	235 feet	185 feet
Total (gsf)	74,951	150,890⁴	75,939

Notes:

¹ Zoning Floor Area: 64,416.

² Dwelling Unit factor of 680 was used pursuant to the New York City Zoning Resolution.

³ Approximately 80 of the 171 dwelling units are anticipated to be micro units.

⁴ Including approximately 5,709 gsf of mechanical space.

⁵ To present the most conservative assessment, the development in the With-Action Condition is larger than the development proposed in the Land Use Application.



C. PROBABLE IMPACTS OF THE PROPOSED ACTIONS

The Proposed Actions have the potential to result in significant adverse impacts historic and cultural resources. These impacts and measures proposed to mitigate them are discussed below.

Based on the information and conclusions presented in the EAS, HPD determined that the Proposed Project would not have the potential to result in a significant adverse impact to land use, zoning, and public policy; socioeconomic conditions; community facilities and services; open space; urban design and visual resources; natural resources; hazardous materials; water and sewer infrastructure; solid waste and sanitation services; energy; transportation; air quality; greenhouse gas emissions and climate change; noise; public health; and construction. The EAS dated March 14, 2019 is incorporated herein by reference. All other CEQR technical areas have been analyzed through the EIS and are summarized below.

LAND USE, ZONING, AND PUBLIC POLICY

No significant adverse impacts on land use, zoning, or public policy are anticipated in the study area as a result of the development in the With-Action Condition. The Proposed Project would be built pursuant to the existing R10A district regulations and no changes to or waivers from the existing R10A zoning are proposed as part of the Proposed Actions.

The Proposed Actions would facilitate the construction of a primarily residential building, including approximately 40 percent affordable housing, in the Directly Affected Area with ground-floor community facility uses fronting West 96 Street. As described below, land uses within the Study Area are characterized primarily by multi-family elevator residences, commercial uses, and mixed residential/commercial uses. Accordingly, the development facilitated by the Proposed Actions would be consistent with these uses. Additionally, the Proposed Actions would neither (i) directly displace any current land uses that would result in an adverse impact on the surrounding uses nor (ii) generate new land uses that would be incompatible with current land uses in the Study Area.

As stated below, public policies applicable in the Directly Affected Area include *One New York: The Plan for a Strong and Just City (OneNYC)* and *Housing New York: A Five-Borough, Five-Year Plan (Housing New York)*. The Proposed Project would provide Manhattan Community District 7 with new mixed-income, including permanently affordable housing, pursuant to the underlying zoning and on an underutilized property. The development in the With-Action Condition would support initiatives identified in both *OneNYC* and *Housing New York* and strengthen the residential and mixed-use character of the surrounding neighborhood.

HISTORIC AND CULTURAL RESOURCES

As described above, demolition of the vacant decommissioned MTA electrical substation would result in a significant adverse impact on an architectural resource, and the project sponsor has determined that there are no reasonable or practicable options that would avoid the adverse impact while achieving the goals and objectives of the Proposed Project. Therefore, measures to partially mitigate the significant adverse impact have been identified and are discussed below in, "Mitigation."

As there are four historic buildings located within the Riverside-West End Historic District Extension II located adjacent to (and within 90 feet of) the Directly Affected Area, a CPP would be prepared in consultation with LPC and implemented prior to demolition and construction activities in the Directly



Affected Area. The Proposed Project would not result in any indirect impacts on architectural resources in the study area. As described above, the Proposed Project would not obstruct or screen views to architectural resources in the Study Area, adversely impact their setting or relationship with the streetscape, or introduce incompatible visual elements to a resource's setting. With the preparation and implementation of the CPP, the Proposed Actions would not result in any significant adverse impacts on architectural resources in the Study Area.

SHADOWS

Based on a preliminary assessment, the shadow study area includes 26 potentially sunlight-sensitive resources that may be affected by incremental shadows from the development in the With-Action Condition. These potentially sunlight-sensitive resources include Joan of Arc Park, Riverside Park, Happy Warrior Playground, the Broadway Malls, four buildings within the Riverside-West End Historic District, 14 buildings within the Riverside-West End Historic District Extension II, two LPC individual landmarks (the Former East River Savings Bank, 743 Amsterdam Avenue and the Midtown Theater, 2626 Broadway), and one State/ National Register (S/NR) and Landmarks Preservation Commission (LPC) individual landmark (St. Michael's Episcopal Church, Parish House and Rectory, 227 West 99 Street). In addition to the above resources, in their review of the shadows assessment included in the Environmental Assessment (EAS), the LPC identified the Church of the Holy Name of Jesus (718 Amsterdam Avenue) as a sunlight-sensitive S/NR-eligible resource. Accordingly, a detailed shadow analysis was conducted.

Based on the detailed shadow analysis, the Proposed Actions would result in incremental shadow coverage on seven potentially sunlight-sensitive resources: 330 West 95 Street, 720 West End Avenue, 711 West End Avenue, 306 West 94 Street, 706 West End Avenue, 743 Amsterdam Avenue, and 718 Amsterdam Avenue.

Due to the intervening existing buildings, no buildings in the Riverside-West End Historic District and only five of the 14 buildings in Riverside-West End Historic District Extension II would receive incremental shadows from the Proposed Project on any of the four analysis days. Additionally, no incremental shadows would be cast on the Broadway Malls or Riverside Park due to intervening existing buildings.

The incremental project-generated shadows would not substantially reduce or eliminate direct sunlight on any of the seven sunlight-sensitive resources, and thus would not result in significant adverse impacts. Therefore, the Proposed Actions would not result in any significant adverse shadow impacts on sunlight-sensitive resources within the shadow study area.

HAZARDOUS MATERIALS

The Phase I ESA and Subsurface Investigation indicated the presence of hazardous materials on all three lots (Lots 57, 59, and 60) comprising the Directly Affected Area. Accordingly, as part of the Proposed Actions, all three lots comprising the Directly Affected Area would include (E) Designations requiring further assessment and/or remedial action. Additionally, the Applicant was accepted into the Brownfield Cleanup Program (BCP). As part of the BCP, the Applicant is required to investigate and remediate the Directly Affected Area to the satisfaction of the New York State Department of Environmental Conservation. As part of this process, the Applicant will produce a Citizen Participation Plan, Remedial Investigation Work Plan (RIWP), Remedial Investigation Report (RIR), Remedial Action Work Plan (RAWP), and a Final Engineering Report. The investigation and remedial processes required by the BCP will satisfy the requirements of the (E) Designations applied to the Directly Affected Area. With the



completion of these processes, the Proposed Actions would not result in significant adverse impacts related to hazardous materials.

NEIGHBORHOOD CHARACTER

Based on a preliminary assessment, the Proposed Actions would not result in significant adverse impacts to neighborhood character. As described elsewhere in this Draft Environmental Impact Statement (DEIS), of the relevant technical areas defined in the *CEQR Technical Manual*, the Proposed Actions would not result in any significant adverse impacts to land use, zoning, and public policy, socioeconomic conditions, shadows, urban design and visual resources, noise, or transportation. The potential significant adverse impacts on historic and cultural resources would not affect any defining feature of neighborhood character because the Proposed Project would not obstruct or screen views to architectural resources in the Study Area that contribute substantially to neighborhood character, adversely impact their setting or relationship with the streetscape, or introduce incompatible visual elements to a resource's setting. Ultimately, the Proposed Actions would facilitate a development that is consistent with the Upper West Side neighborhood both in terms of use and scale. Based on the results of the preliminary assessment, there is no potential for the Proposed Actions to result in any significant adverse impacts to neighborhood character and, therefore, detailed analysis is not warranted.

D. MITIGATION

The technical analyses determined that there would be a significant adverse environmental impact related to historic and cultural resources. No other significant adverse environmental impacts were identified.

HISTORIC AND CULTURAL RESOURCES

The Disposition Site contains former Substation No. 14, a decommissioned electrical substation. The building was constructed as part of Contract 1 of the IRT subway system, the City's first subway that opened in 1904, and identified by LPC as appearing eligible for NYCL exterior designation and S/NR listing.

Demolition of the former substation would constitute a significant adverse impact. To mitigate partially the significant adverse impact that would result from the demolition of the vacant decommissioned MTA electrical substation, the project sponsor would prepare Historic American Buildings Survey (HABS) Level II documentation in accordance with the standards set forth by the National Park Service (NPS). This recordation package would include a historical narrative and architectural description of the former substation, black and white archival photography of the exterior and interior of the substation, and any available historic photographs and drawings of the substation. A scope of work for the HABS recordation would be prepared and submitted to LPC for review and approval, with archival-quality copies of the completed HABS report provided to LPC and to an appropriate local repository.

E. ALTERNATIVES

A total of two alternatives were assessed to determine provide the decision-maker with information on whether alternatives exist that would reduce or avoid adverse environmental effects. The two alternatives considered are:

1. The *No-Action Alternative* – this is required by SEQRA and CEQR and provides the lead agency and any involved agencies with an assessment of anticipated environmental effects if they took no action;



2. The *Adaptive Reuse Alternative* – this considers the development retaining the existing former MTA electrical substation and adapting it for residential use.

NO ACTION ALTERNATIVE

The No-Action Alternative assumes that no disposition of City-owned property or Department of Housing Preservation and Development (HPD) funding would occur. Development on lots 59 and 60 would proceed as-of-right pursuant to the underlying R10A zoning regulations and a residential Floor Area Ratio (FAR) bonus under the Inclusionary Housing (IH) program. This would result in a 22-story (235 feet), approximately 74,951-gross-square-foot (gsf) residential building containing approximately 95 dwelling units, including 19 permanently affordable units for households with incomes averaging at or below 80 percent AMI.

Comparison to Proposed Actions

In the No-Action Alternative, the decommissioned MTA electrical substation would not be disposed to the Project Sponsor by the City and would not be demolished as part of the Proposed Project. Therefore, the No-Action Alternative, unlike the Proposed Project, would not result in any significant adverse impacts to architectural resources.

The No-Action Alternative would result in the development of approximately 76 fewer dwelling units (including 49 fewer permanently affordable dwelling units) and a decrease of approximately 10,854 gsf of community facility space compared to the Proposed Project. Accordingly, due to the decrease of residents generated as a result of the development of fewer dwelling units, the No-Action Alternative would not result in any significant adverse impacts to socioeconomic, community facilities, open space, water and sewer infrastructure, solid waste and sanitation, energy, transportation, air quality, greenhouse gas emissions and climate change, noise, or public health. The No-Action Alternative would consist of a 22-story (235 foot) building on the Privately Owned Sites, the same height as the Proposed Project, but would have a smaller building footprint. Accordingly, the No-Action Alternative would not result in a significant adverse impact to hazardous materials, shadows, or urban design and visual resources. Additionally, because the No-Action Alternative would result in a residential development that complies with existing zoning, it would not result in any significant adverse impacts to land use, zoning, and public policy.

The No-Action Alternative would result in an as-of-right development pursuant to the existing underlying zoning. This would generate approximately 95 dwelling units, including 19 permanently affordable units for households at or below 80% Area Median Income (AMI). Compared to the Proposed Project, the No-Action Alternative would result in 76 fewer dwelling units (including 49 fewer permanently affordable dwelling units). Under the No-Action Alternative, the decommissioned MTA electrical substation would remain vacant and continue to deteriorate, creating a negative effect on the streetscape. Accordingly, the No-Action Alternative would not achieve the project goals.

ADAPTIVE RESUE ALTERATIVE

This alternative assumes that the Proposed Actions are approved, but that the vacant decommissioned MTA electrical substation would not be demolished. Rather, the former electrical substation would be adaptively reused as a residential building. This would entail substantial structural modifications and alterations to the building, including removing any skylight structure and its support columns (see Chapter 3, Historic and Cultural Resources for a detailed description) that are centrally located in the



structure. The rear 30 feet of the building above the ground floor would have to be removed to comply with air and light requirements pursuant to zoning and the NYC Building Code, thereby further reducing the floor area. Additionally, new floors and two means of egress would be required, operable windows and new mechanical systems would be needed, and the existing circulation core would need to be replaced. Because of the change in grade from east to west, floor heights would not match those of new construction to the west necessitating the reused substation to have its own circulation core, lobby, and mechanical systems. Assuming the modifications to the building are completed as described in Chapter 3, only approximately 15,640 gsf would be generated in the building. This would allow, pursuant to existing zoning, only 12 traditional dwelling units; no micro units would be constructed because required modifications to the building would occupy a significant portion of each floor limiting the number of apartment entrances. Retention of the building's fenestration would limit the number of apartments that could achieve legal light and air.

Comparison to Proposed Actions

In the Adaptive Reuse Alternative, the decommissioned MTA electrical substation would not be demolished and would be reused as a residential building. Therefore, the Adaptive Reuse Alternative, unlike the Proposed Project, would not result in any significant adverse impacts to architectural resources.

The Adaptive Reuse Alternative would result in the development of 64 fewer dwelling units (including 37 fewer permanently affordable dwelling units) and a decrease of approximately 10,854 gsf of community facility space compared to the Proposed Project. Accordingly, due to the decrease of residents generated as a result of the development of fewer dwelling units, the No-Action Alternative would not result in any significant adverse impacts to socioeconomics, community facilities, open space, water and sewer infrastructure, solid waste and sanitation, energy, transportation, air quality, greenhouse gas emissions and climate change, noise, or public health. The Adaptive Reuse Alternative would consist of a 22-story (235 foot) building on the Privately Owned Sites and the roof height of the repurposed MTA electrical substation on Lot 57 would not change. Accordingly, the No-Action Alternative would not result in a significant adverse impact to shadows, or urban design and visual resources. The Adaptive Reuse Alternative would result in a residential development that complies with existing zoning; therefore, it would not result in any significant adverse impacts to land use, zoning, and public policy. Additionally, because the Applicant was accepted into the Brownfield Cleanup Program, the Adaptive Reuse Alternative would comply with the applicable remediation requirements and there would be no significant adverse impacts to hazardous materials.

Considering the Proposed Project's purpose and need to provide permanently affordable housing for households earning up to 50, 70, and 130 percent of AMI, the reduction in number of dwelling units in this alternative is substantial and compromises the goal of increasing the supply of permanently affordable housing. Further, the physical constraints and significant costs associated with reuse of the decommissioned MTA electrical substation precludes this as a reasonable and feasible alternative to the Proposed Project.

F. UNAVOIDABLE ADVERSE IMPACTS

The demolition of the vacant decommissioned MTA electrical substation would constitute a significant adverse impact on this architectural resource.

The mitigation section describes measures that would partially mitigate the significant adverse impact to the substation. To mitigate partially the significant adverse impact that would result from the demolition of the vacant decommissioned MTA electrical substation, the project sponsor would prepare Historic American Buildings Survey (HABS) Level II documentation in accordance with the standards set forth by



the National Park Service (NPS). This recordation package would include a historical narrative and architectural description of the former substation, black and white archival photography of the exterior and interior of the substation, and any available historic photographs and drawings of the substation. A scope of work for the HABS recordation would be prepared and submitted to LPC for review and approval, with archival-quality copies of the completed HABS report provided to LPC and to an appropriate local repository.

G. GROWTH-INDUCING ASPECTS OF THE PROPOSED ACTIONS

Generally, “growth-inducing aspects” of a project refers to the potential for a proposed project to induce further development. The State Environmental Quality Review Act (SEQRA) specifies that impact assessment take into consideration such growth-inducing aspects. The 2014 New York City Environmental Quality Review (CEQR) Technical Manual (*CEQR Technical Manual*) indicates that such an assessment consider:

- new land uses, new residents, or new employees that may induce additional similar development or support uses such as retail and convenience stores to support a new population of residents and/or workers; and/or substantial
- of projects that introduce significant new or expanded infrastructure such as sewers or water supply. the effects

The Proposed Project would develop a new residential building containing community facility uses on a previously improved, but underutilized site. The existing buildings on the site would be demolished to allow for the construction of a 23-story building containing approximately 171 dwelling units. The project site is on West 96 Street (between Broadway and West End Avenue) on the Upper West Side of Manhattan. The residential uses would be compatible with those in the surrounding area, which has a predominance of residential uses. The Proposed Project would not be anticipated to induce additional growth beyond the project site because the surrounding area is already substantially built out and the level of development is controlled by the existing zoning in the area. Additional development of supporting services such as retail and convenience store uses is unlikely because the neighborhood is generally established with sufficient commercial and other services to serve the residents of the area.

Additionally, the Proposed Project would not introduce or expand infrastructure capacity that would result in new development. Therefore, the Proposed Actions would not induce growth beyond that identified and analyzed in the DEIS.

H. IRREVERSIBLE AND IRRETRIEVEABLE COMMITMENTS OF RESOURCES

The construction and operation of the proposed project would require the expenditure of a number of resources of various types. These would include the human effort needed to develop, construct, and operate the components of the proposed project; the materials used in the construction; and the energy (gas, electric, etc.) consumed during construction and operation. These resources are considered to be irretrievably committed because their use for some other purpose is unlikely. The use of the Directly Affected Area would also be considered an irreversible and irretrievable commitment of that land resource because it would render that area, at least in the foreseeable future, unavailable for other uses.

These commitments of natural, human, and land resources are balanced against the public purpose and benefits of the project: to provide additional housing, including affordable units, in support of the City’s



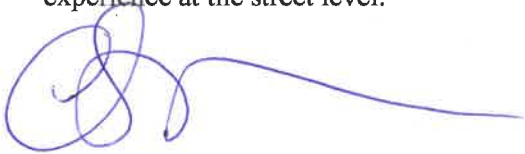
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policy espoused in *Housing New York: A Five-Borough, Ten-Year Plan* to create and preserve affordable housing in New York City. Additionally, the Proposed Project would replace the distressed, vacant, and decommissioned IRT substation, which would further activate West 96 Street and enhance the pedestrian experience at the street level.



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