

May 1, 2019

**POSITIVE DECLARATION**

**Project Identification**

266 West 96th Street

CEQR No. 18HPD103M

ULURP Nos. TBD

SEQRA Classification: Unlisted

**Lead Agency**

Department of Housing Preservation &  
Development

100 Gold Street New York, NY 10038

Contact: Callista Nazaire

(212) 863-7826

**Name, Description and Location of Proposal:**

266-270 West 96<sup>th</sup> Street

The project involves an application by the New York City Department of Housing Preservation and Development (HPD) on behalf of the Project Sponsor, Fetner Properties, for approval of one discretionary action ("Proposed Action") affecting Block 1243, Lot 57 ("Disposition Site") and Block 1243, Lots 59 and 60 ("Privately owned Sites"), in the Borough of Manhattan, Community District 7. The Proposed Action consists of the disposition of Lot 57, without the restrictions established in a prior disposition approval by the City Planning Commission (June 11, 1990). The Proposed Project is located on West 96 Street, between Broadway and West End Avenue. Collectively, the sites are approximately 10,402 square feet. The Proposed Action 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 approximately 140,036 gsf of residential use (171 dwelling units), and approximately 10,854 gsf of community facility use. The Proposed Project includes 80 micro-units and 91 traditional dwelling units; 68 (approximately 40 percent) of the 171 dwelling units would be designated as permanently affordable for households with incomes averaging at 50, 70, and 130 percent of Area Median Income (AMI). The Proposed Project would utilize HPD funding under the Mixed-Middle Income (M2) program.

According to the Environmental Assessment Statement (EAS), the proposed project would be implemented in a single phase and is expected to be completed and operational in 2022. Absent the proposed action (the no-action condition), it is anticipated that Lots 59 and 60 would be entirely residential and would contain approximately 95 dwelling units, including 19 permanently affordable units, no development would be anticipated to occur on Lot 57. The increment or difference between the With Action and No Action conditions analyzed in the EAS is (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.



## *SUMMARY OF THE PROPOSED ACTIONS*

### **Disposition of City Owned Property**

HPD, on behalf of the project sponsor, is seeking disposition authority for one City-owned property within the Project Area (Block 1243, Lot 57) without the restrictions established in a prior disposition approval (C 9900431 PPM) to facilitate the construction of the Proposed Project. The disposition of this City-owned property would be approved pursuant to the Uniform Land Use Review Procedure (“ULURP”). Lot 57 is also referred to as the “Project Area” in the ULURP application.

#### *Disposition 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 stating the following restrictions:

- i. 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;
- ii. 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
- iii. Upon DRP review of any such interest, a summary be drafted and circulated to all concerned agencies including the City Planning Commission.

The Board of Estimate adopted the City Planning Commission’s resolution on July 19, 1990.

### **Statement of Significant Effect:**

Following review of an Environmental Assessment Statement (EAS), HPD has determined, pursuant to 6 NYCRR Part 617.7, that the Proposed Actions may have a significant effect on the quality of the environment as detailed in the following technical areas, and that a targeted environmental impact statement (EIS) will be required:

1. The Proposed Actions may result in significant adverse shadow impacts in the vicinity of the affected area.
2. The Proposed Actions may result in significant adverse impacts on historic and cultural resources in the vicinity of the affected area.
3. The Proposed Actions may result in significant adverse impacts on neighborhood character in the vicinity of the affected area.



**Supporting Statement:**

The above determination is based on an EAS prepared for the Proposed Actions which finds that:

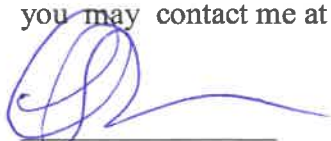
1. Shadows – The Proposed Actions would introduce new buildings greater than a 50 feet incremental height with potentially sunlight sensitive resources in the study area. As such, the Proposed Project has the potential to cast new shadows on nearby sunlight sensitive resources.
2. Historic and Cultural Resources – The Proposed Actions have the potential to result in new construction, demolition, or significant physical alteration to any landmarked or landmark eligible historic building, structure or object. The Proposed project will demolish and replace an existing structure on Lot 57 that LPC determined to “appear LPC and S/NR eligible”. Therefore the potential impacts of the Proposed Actions on historic architectural resources will be analyzed and an assessment of historic architectural resources will be provided in the EIS. In addition, LPC determined that there is an additional sunlight-sensitive architectural resource (the Church of the Holy Name of Jesus, 718 Amsterdam Avenue), which appears to be S/NR eligible, in the Shadow Study Area. Accordingly, an assessment of the indirect shadow effects of the Proposed Actions on this resource will be provided in the EIS.
3. Neighborhood Character – The Proposed Actions have the potential to alter certain constituent elements of the affected area’s neighborhood character, including land use patterns, open space, shadows, and noise levels.

**Public Scoping:**

HPD, as CEQR lead agency, hereby requests that the project sponsor prepare or have prepared, at their option, a targeted Draft Environmental Impact Statement (DEIS) in accordance with 6 NYCRR 617.9(b) and Sections 6-08 and 6-12 of Executive Order No. 91 of 1977 as amended (City Environmental Quality Review).

A public scoping meeting has been scheduled for Thursday June 6, 2019 at 6:00 PM at Anshe Chesed, 251 W 100<sup>th</sup> Street, New York, NY. Written comments on the Draft Scope of Work will be accepted by the lead agency until the close of business on June 17, 2019 (10 days following the scoping meeting).

This determination has been prepared in accordance with Article 8 of the Environmental Conservation Law. Should you have any questions pertaining to this Positive Declaration, you may contact me at (212) 863-7826.



Callista Nazaire, Director of Environmental Planning, HPD

Date: 5/1/2019



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Mark Levine (New York City Council, District 7)  
Penny Ryan (District Manager, Manhattan CB 7)  
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