CITY PLANNING COMMISSION

September 15, 2010/Calendar No. 13 C 100277 ZMM

IN THE MATTER OF an application submitted by Broadway Housing Development Fund Company pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3b:

1. changing from an R7-2 District to an R8A District property bounded by a line 100 feet southwesterly of West 155th Street, a line perpendicular to the southwesterly street line of West 155th Street distant 205 feet southeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of St. Nicholas Avenue and the southwesterly street line of West 155th Street, a line 150 feet southwesterly of West 155th Street and St. Nicholas Avenue; and

2. changing from a C8-3 District to an R8A District property bounded by West 155th Street, a line perpendicular to the southwesterly street line of West 155th Street distant 205 feet southeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of St. Nicholas Avenue and the southwesterly street line of West 155th Street, a line 100 feet southwesterly of West 155th Street, and St. Nicholas Avenue;

Borough of Manhattan, Community District 9, as shown on a diagram (for illustrative purposes only) dated June 7, 2010, and subject to the conditions of CEQR Declaration E-256.

The application for an amendment to the Zoning Map was filed by the Broadway Housing Development Fund Company on April 2, 2010 to amend the zoning map to change C8-3 and R7-2 districts to an R8A District on part of Block 2069 in Manhattan Community District 9. The requested action, in conjunction with the related actions, would facilitate the development of a 13-story mixed-use building with affordable housing, community facility and children museum space.

RELATED ACTIONS

In addition to the requested zoning map amendment, which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

C 100274 PPM: An application by the Department of Citywide Administrative Services to dispose of a surface easement located on Block 2069, part of Lot 26 in Manhattan.

C 100275 PQM: An application by the Department of Citywide Administrative Services and Department of Environmental Protection to acquire a surface easement located on Block 2069, part of Lot 21, in Manhattan.

BACKGROUND

The Broadway Housing Development Fund Company (herein referred to as Broadway Housing Services - BHS) seeks the approval of a zoning map amendment and related easement acquisition/disposition actions to facilitate the development of a 13-story mixed-use building containing affordable housing, a children's museum (i.e., Faith Ringgold Children's Museum), a day care center and an early childhood center for approximately 100 children. The project area is located in Sugar Hill, Manhattan Community District 9.

The area to be rezoned (Block 2069, Lots 21, 28, and parts of Lots 14 and 26) is generally bounded by West 155th Street, St. Nicholas Avenue, St. Nicholas Place, and a point 150 feet south of West 155th Street. Lot 21 is owned by the applicant and is developed with a two-story public parking garage containing approximately 300 spaces. Lot 28 is a small, City-owned triangularly-shaped parcel located at the corner of St. Nicholas Avenue, approximately 12 square feet in area, and currently unimproved. Lot 14 is a 5,678 square-foot privately-owned lot that is improved with a six-story residential building containing approximately 24 units; only about 538 square feet of the northern portion of Lot 14 is located within the proposed rezoning area. Lot 26 is a 20,500- square foot City-owned lot which is currently used by the Department of Environmental Protection (DEP) as a leak detection facility.

The development site (Block 2069, Lot 21) is an approximately 21,685 square foot parcel with frontage on West 155th Street. The proposed rezoning would facilitate a proposal by the applicant to demolish the existing garage to allow for the construction of a 13-story mixed-income residential and community facility building with the following elements: 124 affordable housing units, an early childhood day care center, a children's museum named after Faith

Ringgold, a well-renowned local artist, not-for-profit office space and accessory parking providing approximately 114 parking spaces (using 37 stackers). It is anticipated that the affordable housing units would serve approximately 51 single adults and 73 families. Eighty percent of the Project's units will be made available to individuals and families with incomes of 60% of AMI or less, and the remaining units would be available to residents making up to 80% of the AMI.

To facilitate the proposed construction, the southern 4,321 square feet of Lot 21 (a rectangular area that is approximately 28 feet deep) would be conveyed by easement to the City for use by DEP and a portion of the DEP property (Block 2069, Lot 26) would be conveyed to the applicant. Lot 26 is a flag-shaped lot located to the south and west of the proposed development site. It also has a portion of the Old Croton Aqueduct, which runs below-grade from neighboring Highbridge Park, through Lot 26 and proceeds south towards Amsterdam Avenue. The aqueduct is not active.

Lot 26 is improved with a two-story building and used by DEP as a leak detection facility, with field offices and equipment storage space. The northern portion of Lot 26 is contiguous to the applicant's property, with approximately 119 feet of frontage on St. Nicholas Avenue. Since the width of Lot 26's northern portion measures 27 feet at its narrowest point and 52 feet at its widest point, it is used by DEP for vehicle storage and parking (and sometimes for staging in the event of emergencies). The parking area can only be accessed from the existing DEP building. The applicant is proposing to acquire approximately 4,597 square feet of this parking area as a surface easement which would provide approximately 119 feet of frontage on St. Nicolas Avenue.

In exchange, the applicant would allow the City to acquire a surface easement of approximately 4,321 square feet on the southern portion of the proposed development site which is contiguous to the rear of the DEP facility. The area of the easement would be used for vehicular parking and storage and for emergency staging, and would allow DEP to access the parking area directly from the street.

The surrounding area is predominantly residential in character, typified by 3-4 story brownstones and 5-6 story multi-family buildings. Additionally, 20-22 story height factor residential buildings, managed by NYCHA are found along portions of Amsterdam Avenue, one block west of the proposed rezoning area. The area has many architecturally significant properties; several such properties are located within the State and National Register-listed Sugar Hill Historic District. Block 2069, Lot 14, which partially falls within the proposed rezoning area, also falls within the LPC-designated Hamilton Heights/Sugar Hill Historic District.

The area also has several community facility uses. Highbridge Park is located on the north side of West 155th Street directly opposite the proposed rezoning area and development site. Commercial/local retail activity is located on portions of West 155th Street, Broadway and Amsterdam Avenue. West 155th Street serves as a major east-west vehicle corridor that provides direct access to the Bronx via the West 155th Street viaduct and bridge. The project area is well served by mass transit; subway service is provided by the IND A line at West 155th Street and St. Nicholas Avenue and by several bus lines that run on all major avenues.

The proposed rezoning area is mostly within a C8-3 zoning district and partially within an R7-2 zoning district. The C8-3 zoning district covers the northern portion of the block to a depth of 100 feet. C8-3 districts allow auto-related uses such as gas stations, parking garages and auto service uses. They are mapped mainly along major traffic arteries and also allow commercial and retail uses. Commercial uses are allowed up to 2.0 FAR and community facility uses are permitted up to 6.5 FAR. Residential uses are not allowed.

The remainder of the block and all of the immediately surrounding blocks are located within an R7-2 zoning district. R7-2 districts are medium-density residential districts that allow residential development up to 3.44 FAR. On wide streets outside the Manhattan Core, R7-2 districts allow residential development up to 4.0 FAR under the Quality Housing option. Community facility uses are allowed up to 6.5 FAR. R7-2 districts typically produce buildings ranging from 12-14 stories that are set back from street.

With respect to the individual lots (or portions thereof) that comprise the proposed rezoning area, the development site (Lot 21) and City-owned Lot 26 are located partially within the C8-3 zoning district and partially within the R7-2 zoning district, Lot 28 is located entirely within the C8-3 zoning district and Lot 14 is located entirely within the R7-2 zoning district.

In 2008, the Department initiated a rezoning study of West Harlem. The study area comprises 90 blocks generally bounded by West 126th Street, West 155th Street, Riverside Drive and Bradhurst, Edgecombe and St. Nicholas avenues, and includes the proposed rezoning area and project site. The Department's rezoning study complements the Borough President's recent West Harlem planning efforts and Community Board 9's 197-a Plan. The proposed zoning framework would seek to protect areas with a strong, low-density brownstone character, while identifying opportunities for new commercial and residential development. At present, the Department is working with Community Board 9 and the Borough President to create and formalize mutually accepted zoning plan. The applicant's requested rezoning action is consistent with the study's key goal of expanding affordable housing opportunity, with contextual zoning controls, in West Harlem.

Proposed Zoning Map Amendment – C 100277 ZMM

The proposed rezoning, from C8-3 to R8A would allow mixed-use development including residential use on the proposed project site. R8A districts allow residential development up to 6.02 FAR and community facility uses up to 6.5 FAR, as currently allowed in the existing C8-3 district. The street wall could rise 60-85 feet before setback, with a maximum building height of 120 feet. Along St. Nicholas Place, the existing C8-3 district would remain. The proposed rezoning would enable the proposed project to achieve its overall development objective by allowing mixed-use development, including medium-density residential use and facilitate the development of a children's museum on-site.

Under R8A zoning regulations, the project would have to meet the requirements of the city's Quality Housing Program. The program regulations, which govern bulk and density, allowable lot coverage and required street wall height, promote development that would be consistent with the existing neighborhood context.

Easement Disposition/Acquisition – C 100274 PPM, C 100275 PQM

In order to facilitate access to the proposed development site and support DEP's operations, the City seeks disposition and acquisition approvals for two proposed easements. The Department of Citywide Administrative Services (DCAS) and the Department of Environmental Protection (DEP) are co-applicants for the proposed easement acquisition action. DCAS is the applicant for the proposed easement disposition action.

The proposed easements would be surface easements and would exclude the below-grade volumes that encompass the Old Croton Aqueduct, which runs beneath Lot 26. Other than as described below, permanent above-grade construction would not be permitted on either easement area.

The proposed development site's West 155th Street frontage is quite steep, with a difference in elevation of approximately 17 feet between the eastern and western edges of the site, thus making access to the site difficult. Access from West 155th Street would be challenging for the museum and day care uses, which require drop-offs and pick-ups at the curb. Accordingly, to facilitate access to the proposed building, the City seeks disposition approval for an easement over the northern portion of Block 2069, p/o Lot 26 (C 100274 PPM). The New York City Water Board has approved the grant of the aforementioned easement by a resolution dated December 18, 2009, as required by the Agreement of Lease, dated as of July 1, 1985, as amended, between the City and the Water Board for the City's water and wastewater systems.

The easement would be developed into a landscaped, public-accessible entry plaza for the proposed building, with entrances for the museum, day care and residential components.

Additionally, the City would acquire an easement comprising Block 2069, p/o Lot 21 (C 100275 PQM) for use by DEP for vehicular parking and storage and for emergency staging. In order to facilitate DEP's use of the proposed easement, BHS would pave the proposed easement and construct a curb cut leading from it to the street.

In order to facilitate the City's use of the easement to be acquired on Block 2069, p/o Lot 21, as accessory DEP vehicle parking area within the proposed R8A district, in this instance the City is exercising its option not to be subject to its own zoning requirements when performing a government function.

ENVIRONMENTAL REVIEW

This application (C 100277 ZMM), in conjunction with the applications for the related actions (C 100274 PPM and C 100275 PQM), were reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 10DCP031M. The lead is the City Planning Commission (CPC).

It was determined that the proposed actions may have a significant effect on the environment. A Positive Declaration was issued on April 6, 2010, and distributed, published and filed. Together with the Positive Declaration, a Draft Scope of Work for the Draft Environmental Impact Statement (DEIS) was issued on April 6, 2010. A public scoping meeting was held on the DEIS on May 11, 2010. A Final Scope of Work, reflecting the comments made during the scoping, was issued on June 4, 2010.

The applicant prepared a DEIS and a Notice of Completion for the DEIS was issued on June 4, 2010. On July 28, 2010, a public hearing was held on the DEIS pursuant to SEQRA and other relevant statutes. A Final Environmental Impact Statement (FEIS) was completed and a Notice of Completion for the FEIS was issued on September 3, 2010. The FEIS identified significant adverse impacts and proposed mitigation measures that are summarized in the Executive Summary of the FEIS attached as Exhibit A hereto.

UNIFORM LAND USE REVIEW

This application (C 100277 ZMM), in conjunction with the applications for the related actions

(C 100274 PPM and C 100275 PQM) was certified as complete by the Department of City Planning on June 7, 2010, and was duly referred to Community Board 9 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 20-02(b).

Community Board Public Hearing

Community Board 9 held a public hearing on this application on June 22, 2010, and on that date, by a vote of 43 in favor, 0 against, and 0 abstentions, adopted a recommendation approving the application.

Borough President Recommendation

This application was considered by the Manhattan Borough President, who issued a recommendation approving the application on June 30, 2010.

City Planning Commission Public Hearing

On July 14, 2010 (Calendar No. 24), the City Planning Commission scheduled July 28, 2010 for a public hearing on this application (C 100277 ZMM). The hearing was duly held on July 28, 2010 (Calendar No. 42), in conjunction with the hearings for the related applications (C 100274 PPM and C 100275 PQM). Four speakers spoke in favor of the application and none in spoke opposition.

Those speaking in favor included the Executive Director for Broadway Housing Services, the applicant's attorney for the zoning map amendment, the project architect and the Director of Land Use from the Manhattan Borough President's Office.

The Executive Director for Broadway Housing Services provided an overview of her organization's history, purpose, programmatic framework and target population. Broadway Housing Services has developed, sponsored and managed community-based housing and life skills programs in West Harlem and Washington Heights to redress poverty and homelessness for more than 25 years. The proposed project would provide 124 units housing approximately 215 residents and targeted to families earning 30% - 80% AMI. Moreover, 25 units would be set

aside for homeless families. In terms of jobs, she stated that the proposed project would provide 300 construction jobs and 74 permanent jobs comprising early childhood care employees, museum employees, Broadway Housing Services and building support staff. She also gave a brief chronology of the proposed project's design process.

The project architect gave an overview of the proposed build program and described the project's key design concepts. The applicant's attorney for the zoning map amendment gave an overview of the requested ULURP actions and the Director for Land Use from the Manhattan Borough President's Office reiterated the Borough President's support for this project.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the proposed zoning map amendment, in conjunction with the related easement disposition/acquisition actions is appropriate.

The requested actions would facilitate the development of a 13-story mixed-income residential and community facility building with 124 affordable housing units, an early childhood day care center, a children's museum named after Faith Ringgold, a well-renowned local artist, not-for-profit office space and accessory parking providing approximately 114 parking spaces (using 37 stackers).

The proposed rezoning, from C8-3 to R8A would facilitate residential development which is currently not allowed in the C8-3 district and would allow the project to achieve its overall development objective by allowing mixed-use development, including medium-density residential use and a children's museum on-site. The Commission further notes that the area surrounding the proposed zoning change is characterized by 3-4 story brownstones and 5-6 story multi-family buildings. Additionally, 20-22 story height factor residential buildings, managed by

NYCHA are found along portions of Amsterdam Avenue, one block west of the proposed rezoning area.

The Commission notes that eighty percent of the Project's units will be made available to individuals and families with incomes of 60% of AMI or less, and the remaining units would be available to residents making up to 80% of the AMI thus expanding affordable housing opportunities for upper Manhattan residents and the city as a whole.

The Commission believes that the proposed disposition and acquisition of easements is appropriate. The Department of Citywide Administrative Services (DCAS) is the applicant for the proposed easement disposition action. DCAS and the Department of Environmental Protection (DEP) are co-applicants for the proposed easement acquisition action.

The Commission notes that the proposed easement acquisition/disposition actions - an exchange of Block 2069, part of Lot 21 (owned by BHS) for Block 2069, part of Lot 26 (owned by the City, managed by DEP) are approximately equivalent in area. The Commission believes that the disposition of Block 2069, part of Lot 26 to the applicant would improve the proposed mixed-use building by creating a landscaped, public-accessible entry plaza, located on St. Nicolas Avenue.

The Commission notes that the proposed easements would be surface easements and would exclude the below-grade volumes that encompass the Old Croton Aqueduct, which runs beneath Lot 26. Other than previously described, permanent above-grade construction would not be permitted on either easement area.

The Commission notes that the surface easement to be acquired by the City (Block 2069, part of Lot 21) is a comparable size to that being disposed to the applicant. The Commission notes that DEP vehicles currently must pass though the existing DEP building to access its accessory parking area. The Commission believes that acquisition of the proposed easement would improve the operation of the existing DEP facility by allowing vehicles to access its accessory parking area directly from a new curb cut on St. Nicholas Avenue without having to pass through the existing building.

The Commission believes that the proposed project expands affordable housing opportunity for West Harlem and Washington Heights residents in particular and for city residents in general. The proposal also provides an exciting new venue for arts and culture activities geared towards children. The Commission therefore believes that the proposed zoning map amendment in conjunction with the related easement disposition/acquisition actions is appropriate.

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on September 3, 2010, with respect to this application, the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that:

1. Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and

2. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those mitigative measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS constitute the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961 and as subsequently amended, is hereby amended by changing the Zoning Map, Section No 3b;

1. changing from an R7-2 District to an R8A District property bounded by a line 100 feet southwesterly of West 155th Street, a line perpendicular to the southwesterly street line of West 155th Street distant 205 feet southeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of St. Nicholas Avenue and the

southwesterly street line of West 155th Street, a line 150 feet southwesterly of West 155th Street and St. Nicholas Avenue; and

2. changing from a C8-3 District to an R8A District property bounded by West 155th Street, a line perpendicular to the southwesterly street line of West 155th Street distant 205 feet southeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of St. Nicholas Avenue and the southwesterly street line of West 155th Street, a line 100 feet southwesterly of West 155th Street, and St. Nicholas Avenue;

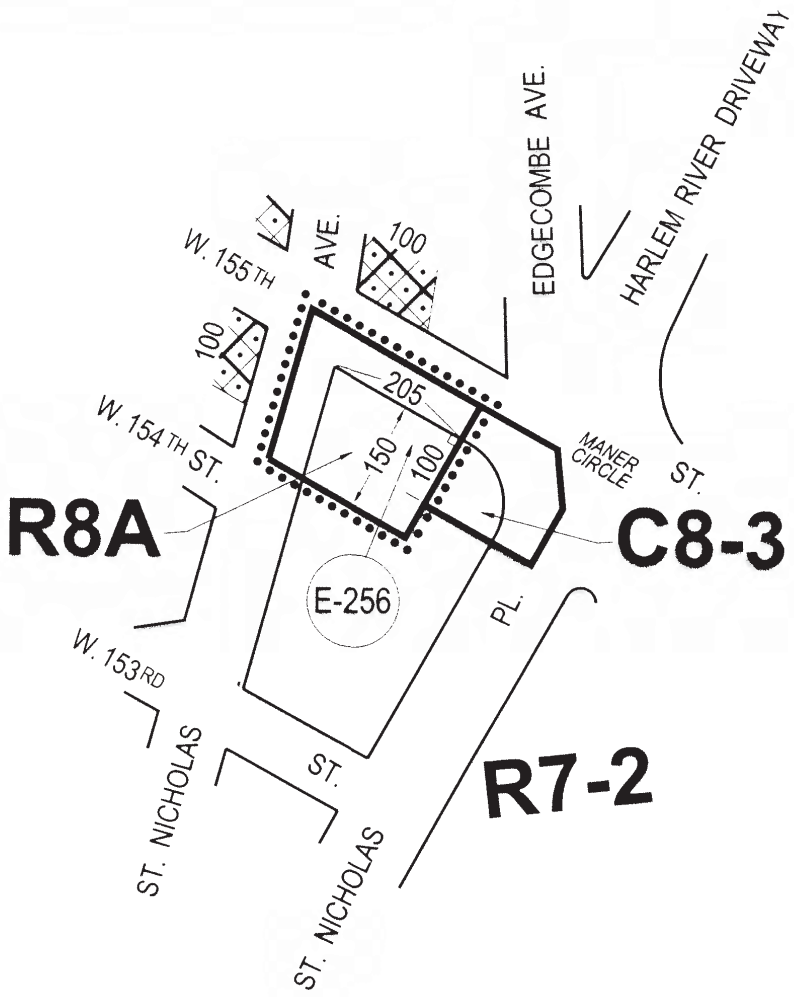
Borough of Manhattan, Community District 9, as shown on a diagram (for illustrative purposes only) dated June 7, 2010, and subject to the conditions of CEQR Declaration E-256.

The above resolution (C 100277 ZMM), duly adopted by the City Planning Commission on September 15, 2010 (Calendar No. 13), is filed with the Office of the Speaker, City Council and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, FAICP, Chair
ANGELA M. BATTAGLIA, RAYANN BESSER,
IRWIN G. CANTOR, P.E., BETTY Y. CHEN,
MARIA M. DEL TORO, RICHARD W. EADDY,
NATHAN LEVENTHAL, ANNA HAYES LEVIN,
SHIRLEY A. McRAE, KAREN B. PHILLIPS, Commissioners

C.D.9

C 100277 ZMM



CITY PLANNING COMMISSION

CITY OF NEW YORK

DIAGRAM SHOWING PROPOSED

ZONING CHANGE

ON SECTIONAL MAP

3b

BOROUGH OF

MANHATTAN

New York, Certification Date
JUNE 7, 2010

For S. Voyages, R.A. Director
Technical Review Division

SCALE IN FEET

200 0 200

NOTE:

Indicates Zoning District Boundary.

The area enclosed by the dotted line is proposed to be rezoned by changing from R7-2 and C8-3 Districts to an R8A District.

Indicates a C2-4 District.

(E) Indicates a City Environmental Quality Review Declaration, refer to C.E.Q.R. sheet.

THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY

Exhibit A

Proposed Sugar Hill Rezoning

Final Environmental Impact Statement (FEIS)
Executive Summary

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).

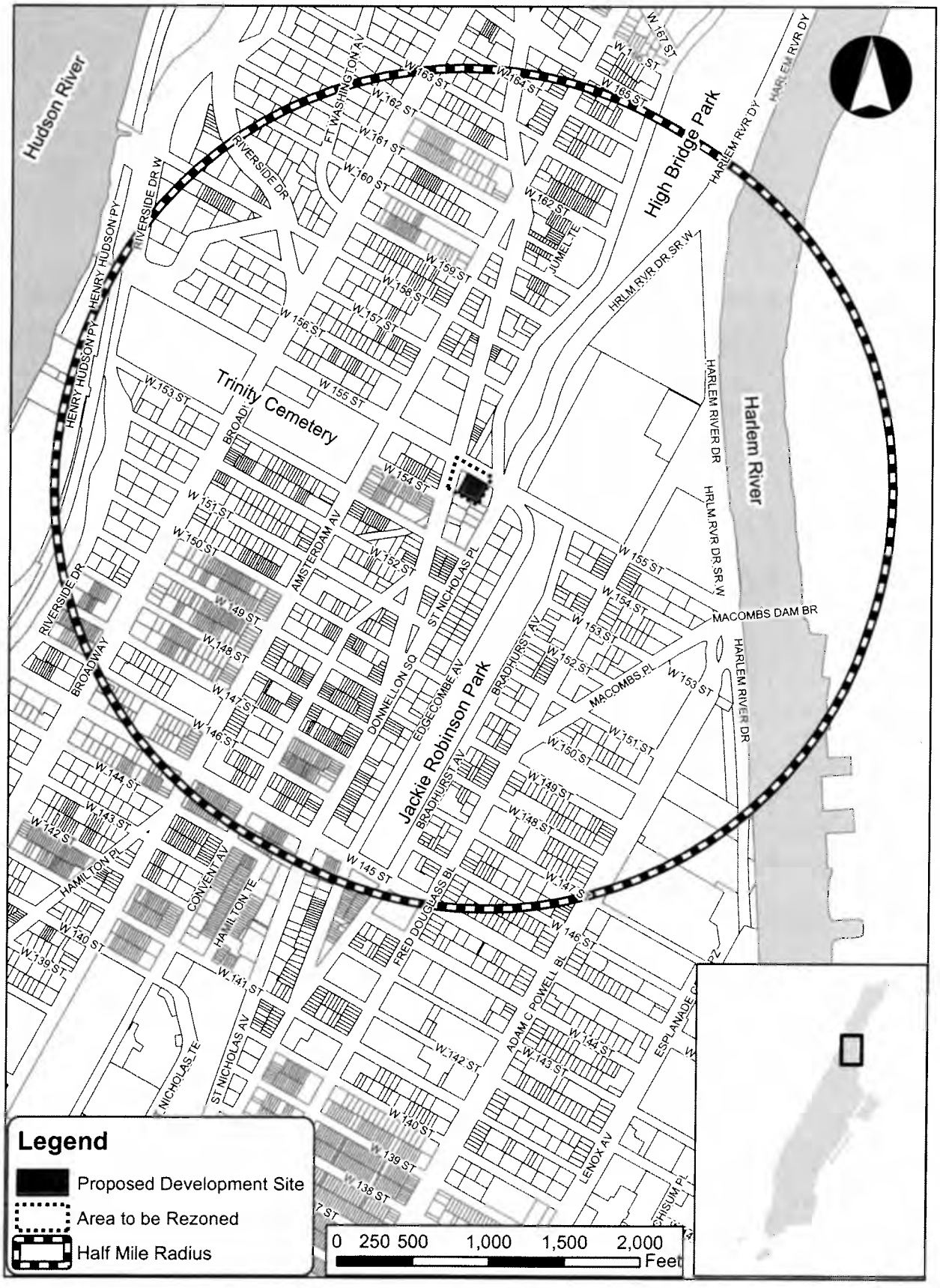
The Proposed Action would enable the applicant, BHC, to construct a mixed-use building on a parcel within the proposed rezoning area, consisting of one privately owned lot (Block 2069, Lot 21) located at 404-414 West 155th Street (the "Proposed Development Site"). The Proposed Development Site, which 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.

Figure ES-1
Project Location



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

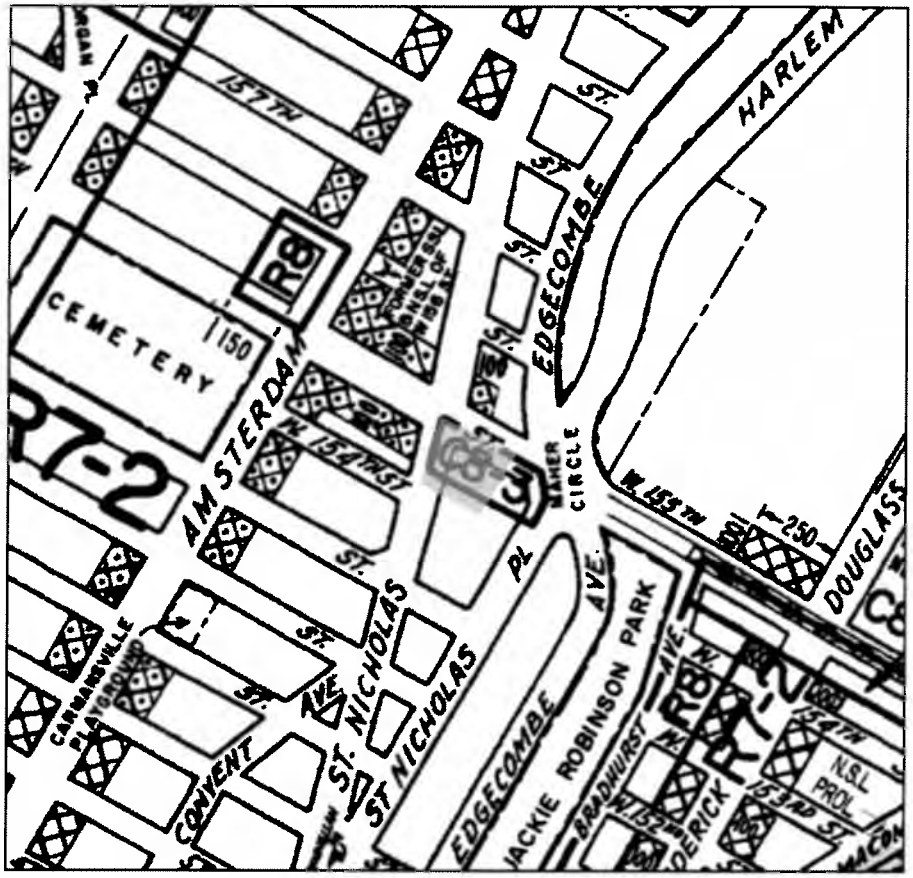
Zoning Map Change

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.

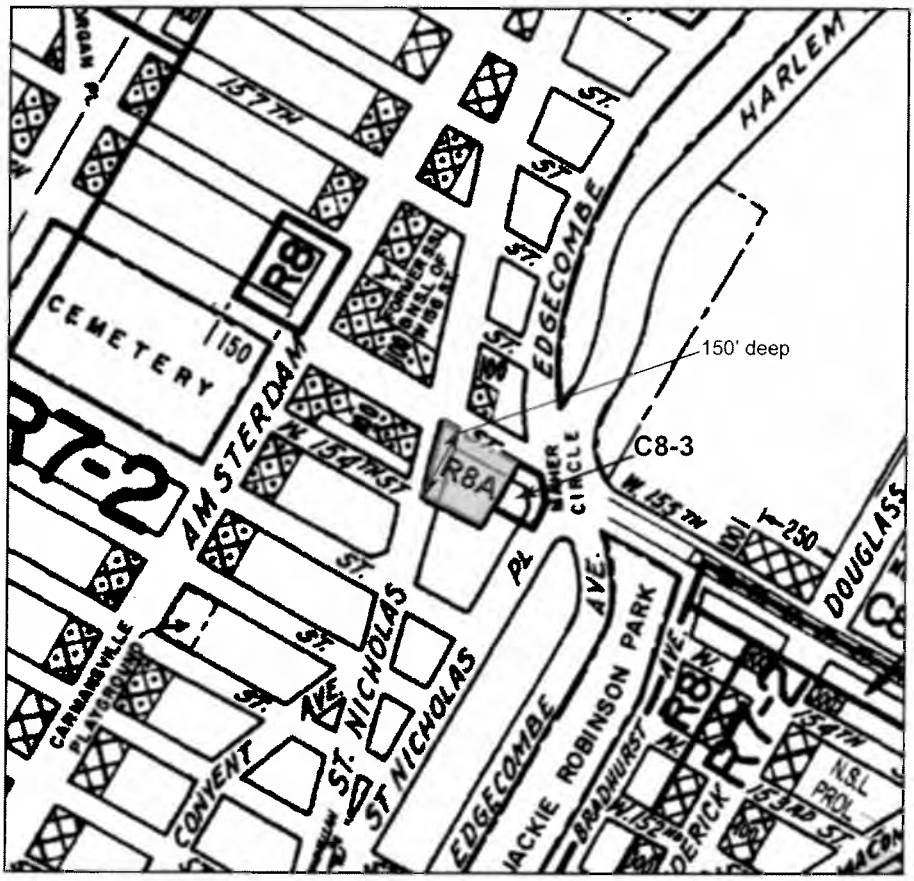
The proposed R8A zoning district is a contextual zoning district, which regulates the height, bulk, and setback of new buildings. The maximum allowable FAR for the proposed R8A district is 6.02 for residential uses, and 6.50 for community facilities. The maximum allowable lot coverage is 70 percent for 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.

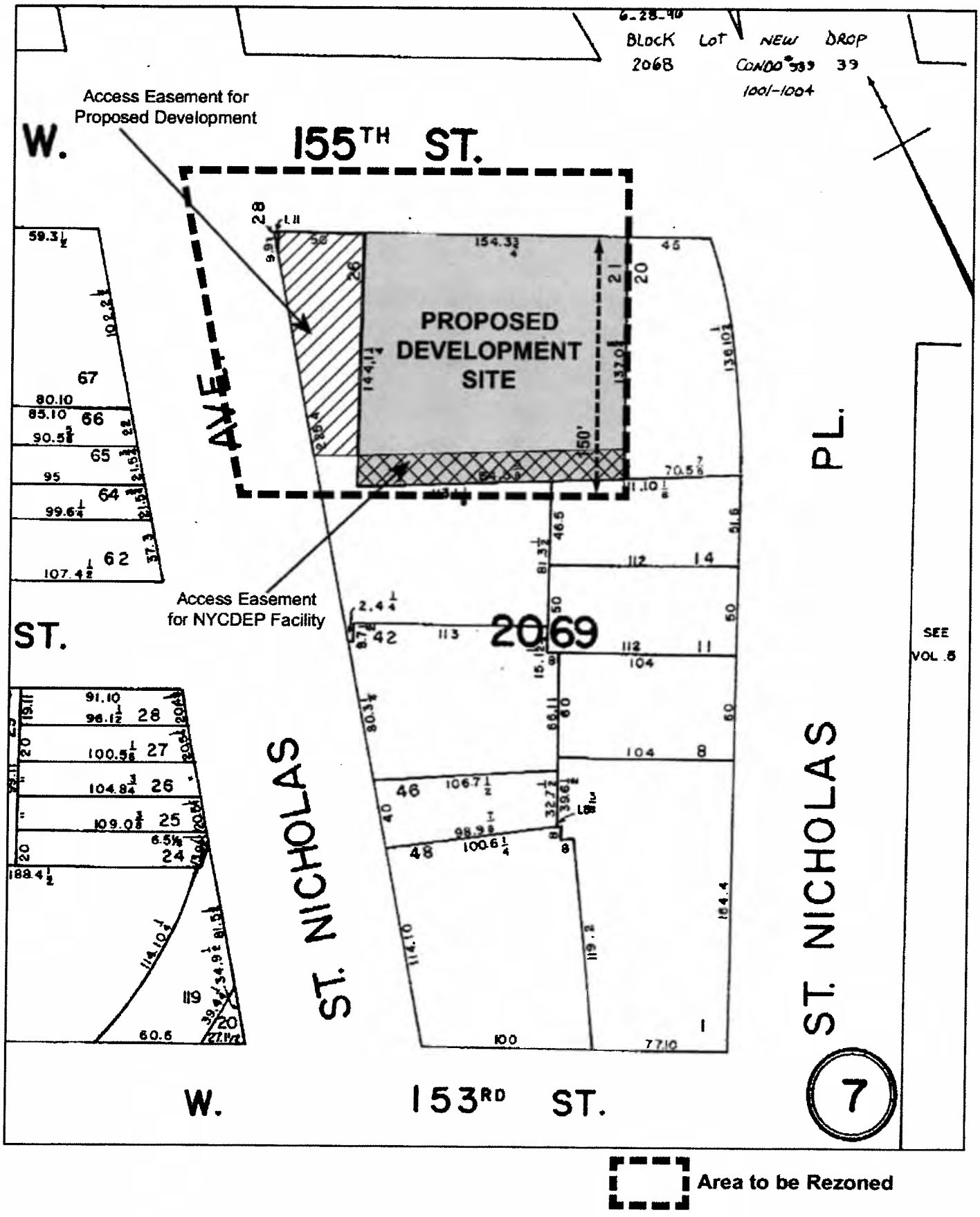
The proposed access easement for NYCDEP would not result in any increase in traffic, as this easement would not alter the operation of the existing NYCDEP facility. NYCDEP would benefit from the use of the proposed NYCDEP easement, which is more conveniently located to the building on the NYCDEP site, 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.

Figure ES-3

Tax Lots Affected by Proposed Rezoning



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]
	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

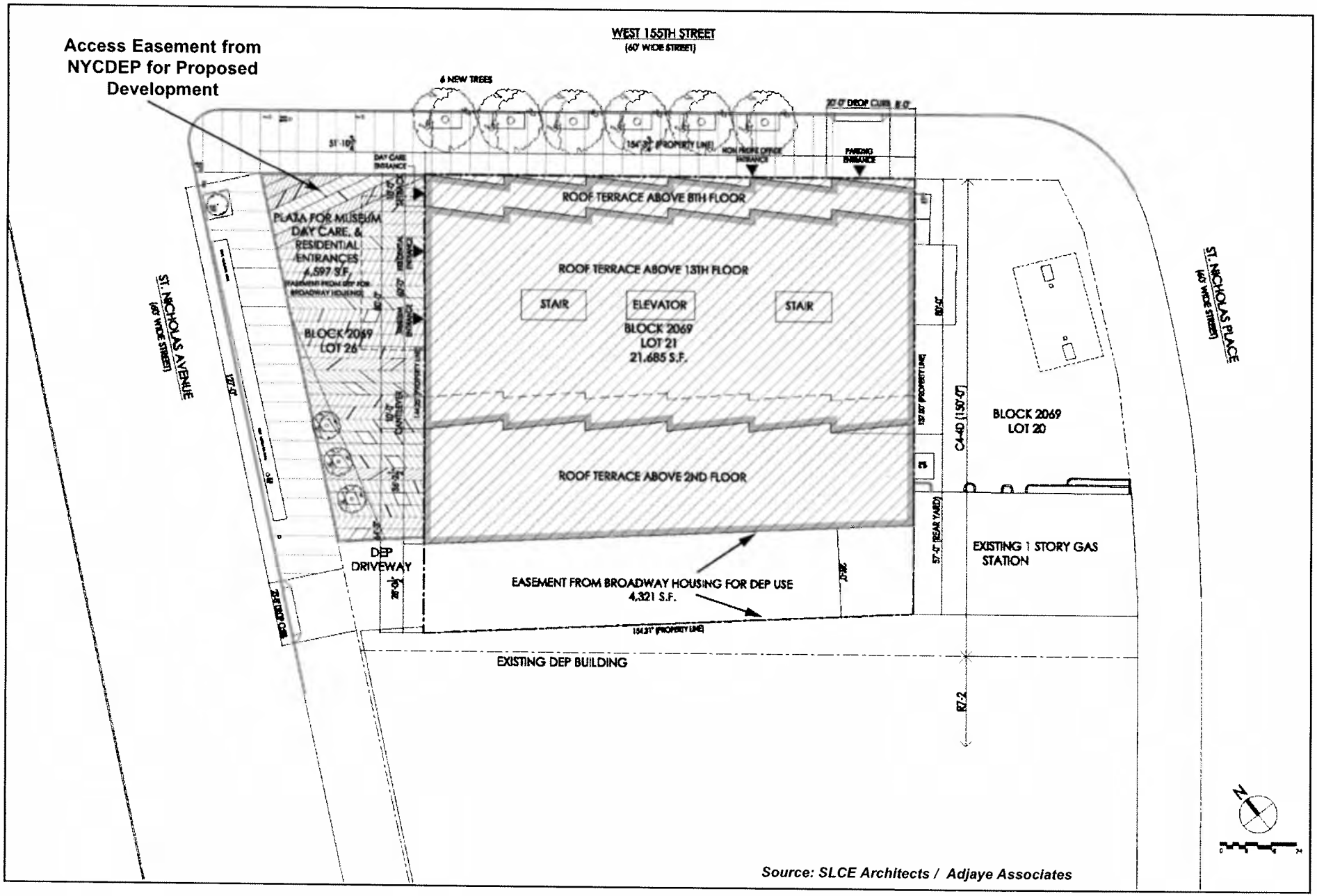
Proposed Development Site

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.

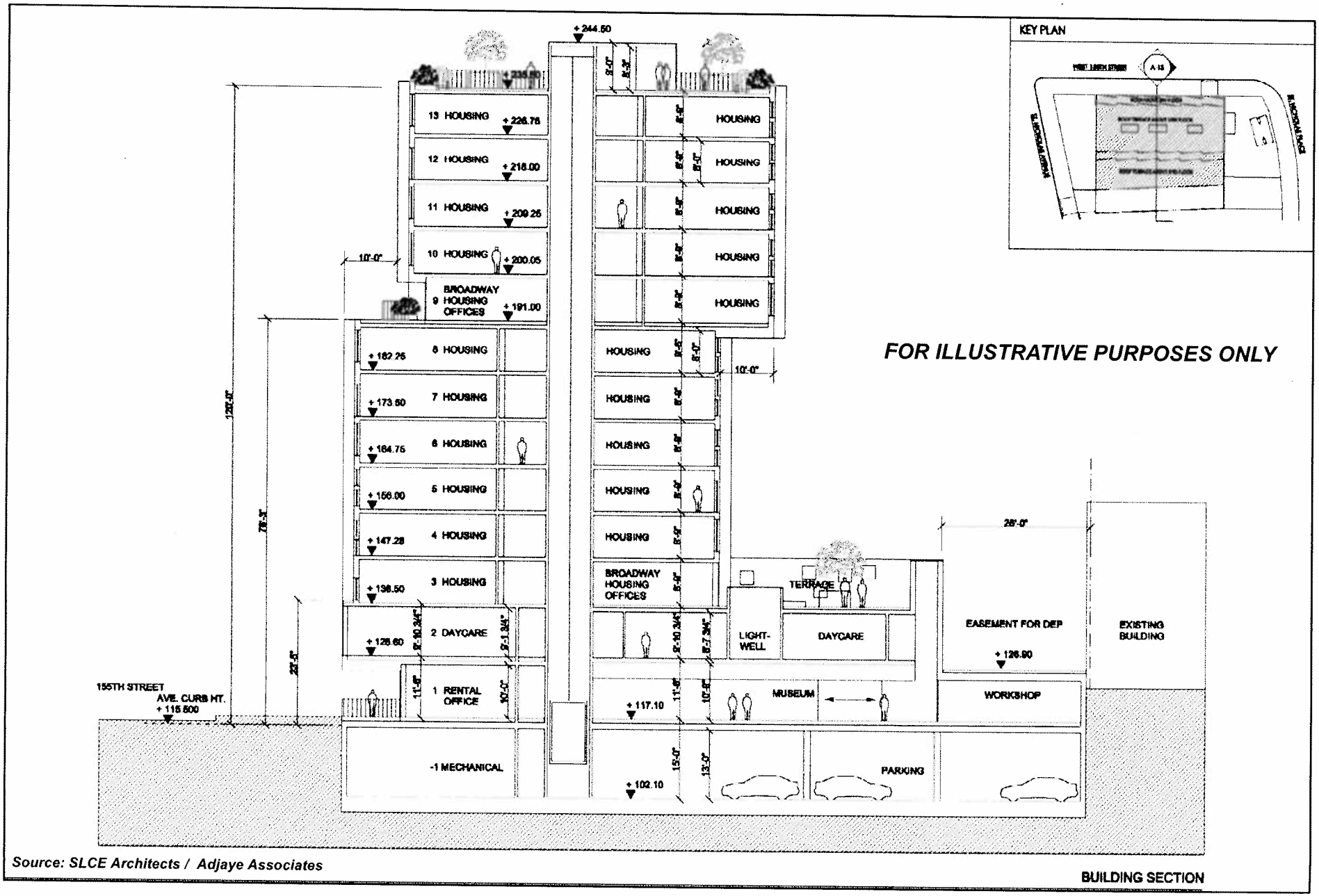
The Proposed Development would increase community use, historic connection, and public access on the site. Given the location of the Faith Ringgold Children's Museum of Art & Storytelling at the ground level of the Proposed Development, it is expected that historic photographs and art work would be visible 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



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-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.

The City of New York

CB9M
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(212) 864-6200/Fax # 662-7396

COMMUNITY BOARD #9, MANHATTAN

June 23, 2010

Hon. Amanda M. Burden, FAICP
Chair
New York City Planning Commission
22 Reade Street
New York, New York 10007-1216

Re: Sugar Hill Project Rezoning/ Broadway Housing Development Fund
Application Nos. C100274 PPM, C100275 PQM, C100277 ZMM
Location: 404 - 414 W 155th Street

Dear Chair Burden:

At a Special Meeting of Manhattan Community Board No. 9 held on Tuesday, June 22, 2010, the following resolution was passed unanimously by a vote of 43 in favor, 0 opposed, and 0 abstentions:

WHEREAS, Manhattan Community Board 9 has developed an integrative plan for Community District 9M under Section 197-a of the New York City Charter; and

WHEREAS, the development site located at 404 – 414 West 155th Street falls within the confines of Community District 9M; and

WHEREAS, Broadway Housing Communities (BHC) is a not for profit organization with a 25 year track record of developing and managing community-based housing and programs; and

WHEREAS, BHC's six existing housing sites in CB9M and CB12M provide 290 units of rent-stabilized quality permanent affordable housing; and

WHEREAS, BHC proposes to develop 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; and

WHEREAS, in order to facilitate the proposed development, the following land use actions have been proposed: (1) a zoning map amendment to rezone the proposed development site from C8-3 and R7-2 to an R8A residential zoning district; (2) disposition of an easement comprising City-owned property (Block 2069, p/o Lot 26, currently used by NYCDEP) to create a public plaza and facilitate public access to the proposed mixed-use building (NYC Department of Citywide Administrative Services (DCAS) and the Department of Environmental Protection, co-applicants); and (3)

acquisition of an easement comprising Block 2069, p/o Lot 21, owned by BHS to provide vehicle parking, storage and emergency staging for an adjoining DEP leak detection facility (DCAS, applicant); and

WHEREAS, financing for the proposed project will come from the NYC Department of Housing Preservation and Development, the NYS Division of Housing & Community Renewal and the NYS Office of Temporary Disability Assistance for the residential component of the proposed development; and

WHEREAS, the proposed development is expected to provide 124 rent-stabilized units that meet NYC's HPD community preference criteria from studios to three-bedrooms, 70% of which are affordable to households earning no more than 50% of Area Median Income, including 20% dedicated to homeless families, with the balance accessible to households at 80% of the Area Median Income; and

WHEREAS, the proposed development is also expected to include an early childhood day care center serving 100 children which would serve the surrounding community and allow low- and moderate-income parents to secure employment; and

WHEREAS, 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 CB9 and other New York residents; and

WHEREAS, 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; and

WHEREAS, wide streets on two sides of the proposed development site can accommodate new higher density development; and

WHEREAS, the proposed acquisition/disposition of City-owned property, in the form of an easement exchange, would enable BHC to locate its main entrance to the proposed development on St. Nicholas Avenue through a landscaped plaza instead of locating the entrance on West 155th Street which is quite steep and therefore a challenge for necessary curb drop-offs and pick-ups; and

WHEREAS, the exchange of the easement on St. Nicholas Avenue, which currently accommodates NYCDEP vehicle storage and is limited in terms of development potential due to its irregular shape and the presence of the Old Croton Aqueduct which runs beneath it, for the easement bounded by West 155th, St. Nicholas Avenue and St. Nicholas Place would not alter the operations of the existing NYCDEP facility; and

WHEREAS, the proposed easements would be surface easements and would exclude the below-grade volumes that encompass the Old Croton Aqueduct, which runs beneath Block 2069, Lot 26. Other than previously described, permanent above-grade construction would not be permitted on either easement area; and

WHEREAS, the New York City Water Board has approved the grant of the aforementioned easement by a resolution dated December 18, 2009, as required by the Agreement of Lease, dated as of July 1, 1985, as amended between the City and the Water Board for the City's water and wastewater systems; and

WHEREAS, according to the Draft Environmental Impact Statement, no significant adverse impacts in terms of existing open space, incremental shadows cast, archaeological resources, visual resources, neighborhood character and air quality should result from the proposed development; and

WHEREAS, in order to avoid significant adverse impacts with respect to hazardous materials, BHC has agreed to enter into a restrictive declaration with NYCDEP requiring testing and sampling protocol to remediate any hazardous materials to NYCDEP's satisfaction prior to the issuance of any building permit; and

WHEREAS, the proposed zoning map amendment would be accompanied by an "E" designation to be placed on the zoning map that mandates that required noise attenuation be incorporated into the proposed development in order to preclude the potential for any significant adverse noise impacts; and

WHEREAS, the demolition of an existing 2-story garage which is identified as a contributing structure to the State/National Registry listed Sugar Hill district, constituting a significant adverse impact to historic architectural resources, will be partially mitigated by photographically documenting the building as well as studying which elements can be removed and incorporated into the design of the proposed development or in interior public spaces; and

WHEREAS, BHC's proposed programming for the development site requires substantial square footage, in particular the children's museum located on the first floor and due to the presence of subsurface rock prohibiting the ability of BHC to build substantially underground, the project will yield a total of up to 114 parking spaces in contrast to the current provision of 300 parking spaces in the existing 2-story garage, a trade off that the community raises no opposition to, and

WHEREAS, BHC will engage in sustainable design and construction practices with the equivalent of a LEED standard of SILVER; and

WHEREAS, the development project is expected to create 300 construction jobs and a minimum of 74 permanent jobs with hiring preference to community residents; and

WHEREAS, the Sugar Hill Project is consistent with the goals, objectives and recommendations set forth in CB9M's 197-a Plan, including increasing the number of housing opportunities affordable to low, moderate and middle income residents and the development of underbuilt sites;

WHEREAS, the Housing, Land Use and Zoning Committee (designated as the ULURP Committee for the Sugar Hill Project) recommended that Community Board 9 Manhattan vote to approve the requested zoning map amendment and easement acquisition/disposition actions to facilitate BHC's Sugar Hill Project by a vote of 7 In Favor, 0 Opposed and 1 Abstention;

WHEREAS, a Public Hearing was conducted on Tuesday, June 22, 2010 and in attendance were, 43 Community Board 9 Members, and 22 Community Residents.

NOW BE IT RESOLVED THAT, Community Board 9 Manhattan votes to approve the requested zoning map amendment and easement acquisition/disposition actions to facilitate BHC's Sugar Hill Project.

If you have any questions please feel free to contact me or Eutha Prince, District Manager at (212) 864-6200.

Sincerely,

Patricia Jones
Chair

cc: Hon. Michael Bloomberg, Mayor
Hon. Charles Rangel, Congressman
Hon. Scott Stringer, Manhattan Borough President
Hon. Bill Perkins, State Senator
Hon. Eric Schneiderman, State Senator
Hon. Keith Wright, Assemblymember
Hon. Daniel O'Donnell, Assemblymember
Hon. Herman D. Farrell, Jr., Assemblymember
Hon. Inez Dickens, City Councilmember
Hon. Robert Jackson, City Councilmember
Ellen Baxter, Executive Director, Broadway Housing Communities, Inc.
Ana-Ofelia Rodriguez, Director, Community Relations, Broadway Housing Communities, Inc.
Valerie Campbell, Esq., Kramer Levin Naftalis & Frankel, LLP
James Roberts, NYC Dept. of Environmental Protection
Randy Fong, NYC Dept. of Environmental Protection

Community/Borough Board Recommendation

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX # (212) 720-3356

Application # **C100274 PPM**
CEQR # **10DCP031M**
Community District No. 09 Borough: Manhattan
Community District No. 9 Borough: Manhattan
Project Name: **Sugar Hill Rezoning**

INSTRUCTIONS
1. Complete this form and return one copy to the Calendar Information Office, City Planning Commission, Room 2E, at the above address.
2. Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

IN THE MATTER OF an application submitted by the NYC Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for disposition to the Broadway Housing Development Fund Company, Inc., of a surface easement located at 882 St. Nicholas Avenue, on the southeast corner of 155th Street and St. Nicholas Avenue, (Block 2069, part of Lot 26).

Applicant(s):

Randall Fong, 1st Assistant Commissioner
Dept of Citywide Administrative Services
1Centre Street, 20th Floor South
NY, NY 10007

Applicant's Representative:

Valerie Campbell, Esq.
Kramer Levin Naftalis & Frankel LLP
1177 Avenue of The Americas
NY, NY 10036
212.715.9183

Community Board No. **9** Borough: **Manhattan**

Borough Board

Date of public hearing: June 22, 2010

Location: Fortune Society, 630 RSD @140th St., NYC. 10031

Was a quorum present? **YES** ☑ **NO** ☐

A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.

Vote adopting recommendation taken: 43 in favor

Location: Fortune Society, 630 RSD @140th St., NYC 10031

RECOMMENDATION

☑ **Approve**
☐ **Approve With Modifications/Conditions**
☐ **Disapprove**
☐ **Disapprove With Modifications/Conditions**

Explanation of Recommendation-Modification/Conditions *(Attach additional sheets if necessary)*

(Please see attached Resolution)

Voting

In Favor: 43 **Against:** 0 **Abstaining:** 0 **Total members appointed to the board:** 50

Community/Borough Board Officer

CHAIR
Title

6-23-2010
Date

v.012006w

* Indicates application was certified by the CPC pursuant to Section 197-C(c) of the City Charter.

Community/Borough Board Recommendation

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX # (212) 720-3356

Application # **C 100277 ZMM**
CEQR # **10DCP031M**
Community District No. 09 Borough: Manhattan
Community District No. 9 Borough: Manhattan
Project Name: **Sugar Hill Rezoning**

INSTRUCTIONS
1. Complete this form and return one copy to the Calendar Information Office, City Planning Commission, Room 2E, at the above address.
2. Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

IN THE MATTER of an application submitted by Broadway Housing Development Fund Company pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3b:

1. changing from an R7-2 District to an R8A District property bounded by a line 100 feet southwesterly of West 155th Street, a line perpendicular to the southwesterly street line of West 155th Street distant 205 feet southeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of St. Nicholas Avenue and the southwesterly street line of West 155th Street, a line 150 feet southwesterly of West 155th Street and St. Nicholas Avenue; and

2. changing from a C8-3 District to an R8A District property bounded by West 155th Street, a line perpendicular to the southwesterly street line of West 155th distant 205 feet southeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of St. Nicholas Avenue and the southwesterly street line of West 155th Street, a line 100 feet southwesterly of West 155th Street, and St. Nicholas Avenue;

Borough of Manhattan, Community District 9, as shown on a diagram (for illustrative purposes only) dated June 7, 2010 and subject to the conditions of CEQR Declaration E-256.

Applicant(s):

Broadway Housing Development Fund Company
535 Riverside Drive
New York, NY 10031

Applicant's Representative:

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

Community Board No. 9 Borough: Manhattan Borough Board

Date of public hearing: June 22, 2010 Location: Fortune Society, 630 RSD @140th Street, NYC 10031

Was a quorum present? **YES** ☑ **NO** ☐

A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.

Vote adopting recommendation taken: 43 in favor Location: Fortune Society, 630 RSD @140th Street, NYC 10031

RECOMMENDATION

☑ **Approve**
☐ **Approve With Modifications/Conditions**
☐ **Disapprove**
☐ **Disapprove With Modifications/Conditions**

Explanation of Recommendation-Modification/Conditions *(Attach additional sheets if necessary)*

(Please see attached Resolution)

Voting

In Favor: 43 **Against:** 0 **Abstaining:** 0 **Total members appointed to the board:** 50

Community/Borough Board Officer

CHAIR
Title

6-23-2010
Date

v.012006w

* Indicates application was certified by the CPC pursuant to Section 197-C(c) of the City Charter.

Community/Borough Board Recommendation

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX # (212) 720-3356

Application # **C 100275 PQM**
CEQR # **10DCP031M**
Community District No. 09 Borough: Manhattan
Community District No. 9 Borough: Manhattan
Project Name: **Sugar Hill**

INSTRUCTIONS
1. Complete this form and return one copy to the Calendar Information Office, City Planning Commission, Room 2E, at the above address.
2. Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services and the Department of Environmental Protection, pursuant to Section 197-c of the New York City Charter for the acquisition of a surface easement generally bounded by West 155th Street, St. Nicholas Avenue and St. Nicholas Place (Block 2069, p/o Lot 21), Borough of Manhattan, Community District 9, to facilitate vehicular parking, access, storage and emergency staging.

Applicant(s):

NYC Dept of Environmental Protection
96-05 Horace Harding Expwy
Flushing NY 11373
NYC Dept of Citywide Admin Services
1 Centre Street 20th floor
NY, NY 10007

Applicant's Representative:

James Roberts
718-595-5330

Randy Fong
212-669-7150

Community Board No. 9 Borough: Manhattan Borough Board

Date of public hearing: June 22, 2010 Location: Fortune Society, 630 RSDA 140th Street, NYC 10031

Was a quorum present? **YES** ☑ **NO** ☐

A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.

Vote adopting recommendation taken: 43 in favor Location: Fortune Society, 630 RSDA 140th St., NYC 10031

RECOMMENDATION

☑ **Approve**
☐ **Approve With Modifications/Conditions**
☐ **Disapprove**
☐ **Disapprove With Modifications/Conditions**

Explanation of Recommendation-Modification/Conditions *(Attach additional sheets if necessary)*

(Please see attached Resolution)

Voting

In Favor: 43 **Against:** 0 **Abstaining:** 0 **Total members appointed to the board:** 50

Community/Borough Board Officer

CHAIR
Title

6-23-2010
Date

v.012006w

* Indicates application was certified by the CPC pursuant to Section 197-C(c) of the City Charter.

THE CITY OF NEW YORK
OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN

SCOTT STRINGER
BOROUGH PRESIDENT

June 30, 2010

Recommendation on
ULURP Application Nos. C 100277 ZMM and C 100274 PPM and C 100275 PQM – Sugar Hill Rezoning
by the Broadway Housing Development Fund Company, New York City Department of Citywide Administrative Services and the New York City Department of Environmental Protection

PROPOSED ACTION

Broadway Housing Development Fund Company, Inc. ("Broadway Housing"), the New York City Department of Citywide Administrative Services ("DCAS") and the New York City Department of Environmental Protection ("DEP") seek the approval of the following land use actions to facilitate the development of a mixed-use, affordable housing project located between St. Nicholas Avenue and St. Nicholas Place along 155th Street (Block 2069, Lot 21 and a portion of Lot 26) partially in the New York State Sugar Hill Historic District of Manhattan Community Board 9 ("CB9"):

Amendment to the Zoning Map (C 100277 ZMM), pursuant to Sections 197-c and 201 of the New York City Charter, Broadway Housing proposes to amend the Zoning Map:

1. Changing from an R7-2 District to an R8A District property bounded by a line 100 feet southwesterly of West 155th Street, a line perpendicular to the southwesterly street line of West 155th Street distant 205 feet southeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of St. Nicholas Avenue and the southwesterly street line of West 155th Street, a line 150 feet southwesterly of West 155th Street and St. Nicholas Avenue; and

2. Changing from a C8-3 District to an R8A District property bounded by West 155th Street, a line perpendicular to the southwesterly street line of West 155th Street distant 205 feet southeasterly street line of St. Nicholas Avenue and the southwesterly street line of West 155th Street, a line 100 feet southwesterly of West 155th Street, and St. Nicholas Avenue.

Disposition of City-owned property (C 100274 PPM) pursuant to Section 197-c of the New York City Charter, DCAS proposes to dispose to Broadway Housing a surface easement located at 882 St. Nicholas Avenue, on the southeast corner of 155th Street and St. Nicholas Avenue (Block 2069, part of Lot 26).

Acquisition of property by the City (C 100275 PQM) pursuant to Section 197-c of the New York City Charter, DEP proposes to acquire from Broadway Housing a surface easement generally bounded by West 155th Street, St. Nicholas Avenue and St. Nicholas Place (Block 2069, part of Lot 21) to facilitate DEP vehicular parking, access, storage, and emergency staging.

PROJECT DESCRIPTION

The proposed actions are sought to facilitate the development of a 124-unit affordable housing development, tentatively known as the "Sugar Hill Project," at 404-414 West 155th Street (Block 2069, Lot 21 and part of Lot 26) ("Development Site"). The proposed development would be located in the Sugar Hill neighborhood of West Harlem. Lot 21, controlled by Broadway Housing, is a midblock lot with frontage on the south side of 155th Street between St. Nicholas Avenue and St. Nicholas Place. Lot 26, controlled by DEP, is an L-shaped lot with frontage on St. Nicholas Avenue and 155th Street. On Lot 21, there is a two-story, 300-space parking garage. Only the northern portion of Lot 26 that directly abuts Lot 21 to the west is proposed to be used for the Development Site. Currently, DEP utilizes that portion for vehicle parking, storage and emergency staging. While the Development Site is not included in the New York City Landmarks Preservation Commission ("LPC") designated Hamilton Heights/Sugar Hill Northeast Historic District adjacent to the site, it is identified as contributing to the Sugar Hill Historic District listed on the State and National Registers of Historic Places ("S/NR").

In order to facilitate the Sugar Hill Project, the existing garage structure on Lot 21 would be demolished to allow for the construction of an approximately 140,934 SF, 13-story mixed-use building with residential, community facility, and parking uses. The proposed building would include approximately: 114,878 SF of residential floor area; 18,036 SF for the Faith Ringgold Children's Museum of Art and Storytelling; a 12,196 SF day care facility and early childhood center; 2,350 SF of program and office space for Broadway Housing; 8,026 SF of green roof terraces; six street trees; and a 114-space below-grade accessory parking garage (using 37 stackers), with a 20-foot access point at the easternmost portion of the Development Site along 155th Street.

The residential portion of the Sugar Hill Project would comply with Quality Housing standards by providing larger rooms and a total of approximately 8,026 SF of accessory recreation space, comprised of roof terraces above the second, eighth and thirteenth floors of the building. Nearly 100 of the residential units would be affordable to families whose income ranges vary from below 30% to 80% of the Area Median Income ("AMI"); 25 units will be set aside for homeless individuals. Of the 124 units, there will be 51 studio apartments, 20 one-bedroom apartments, 41 two-bedroom apartments, and 12 three-bedroom apartments. The proposed building will house approximately 215 residents.

Land uses in the surrounding neighborhood are predominantly residential with a mix of commercial uses. The area's residential buildings are primarily six-story, prewar buildings. However, the area also includes several taller buildings, including the 30-story Polo Grounds Towers. Prominent sites in the immediate area include: P.S. 28 Wright Brothers School to the northwest, Highbridge Park to the north, Jackie Robinson Park to the east, and the LPC designated Hamilton Heights/Sugar Hill Northeast Historic District directly south.

Although the neighborhood land uses are predominately residential, the Development Site is located in an existing C8-3 zoning district and an R7-2 zoning district. The C8-3 zoning district allows a commercial FAR of 2.0 and permits primarily industrial, automotive-related uses, but no residential uses. The R7-2 zoning district allows a residential FAR of 3.44 and 6.5 for community facility uses; there are no height limits for this zoning district. The C8-3 zoning district covers the northern portion of the block (at a depth of 100 feet extending south from 155th Street). The remainder of the site is zoned R7-2.

As residential uses are not allowed as-of-right for the majority of the Development Site, Broadway Housing proposes to rezone the northwestern portion of the block (extending 150 feet south from 155th Street) to an R8A contextual zoning district. The proposed R8A zoning district would allow residential and community facility uses with a maximum allowable FAR of 6.02 for residential uses and 6.5 for community facilities. The contextual controls of the zoning district restrict building street wall heights to 85 feet and maximum building heights to 120 feet. Compliance with the Quality Housing Program is mandatory for residential buildings in R8A districts, which includes amenities relating to the planting of trees, landscaping and recreational space.

The proposed rezoning area includes the Development Site (Lot 21 and part of Lot 26) and two lots not part of the Development Site – Lot 28 and a small portion of Lot 14. Lot 14 is occupied by a 6-story apartment building and is the only lot within the proposed rezoning area that falls within the LPC designated Hamilton Heights/Sugar Hill Northeast Historic District. Approximately 12% of Lot 14 (692 SF) would be rezoned to an R8A zoning district; the balance of Lot 14 would remain within an R7-2 zoning district. The rezoning area also includes a 12 SF triangular parcel at the corner of St. Nicholas Avenue and 155th Street (Lot 28), which is currently vacant. Lots 14 and 28 will not be included in the proposed development by Broadway Housing.

The proposed development also requires the disposition of City-owned property and the acquisition of property by the City, in the form of an easement swap between DEP/DCAS (currently in control of Lot 26) and Broadway Housing (currently in control of Lot 21). The easements are necessary, because Lot 21's frontage on West 155th Street has a significant slope (approximately 17 feet between the eastern and western edges of the site). The steep slope makes access to the Sugar Hill Project challenging for the museum and day care uses, which require curbside drop-offs and pick-ups. Broadway Housing has requested a surface easement from DEP on the northern portion of Lot 26 to construct an entry plaza along St. Nicholas Avenue. The landscaped entry plaza would provide access to the primary entrances for the proposed development's museum, day care and residential spaces. In return, DEP would acquire

a surface easement from Broadway Housing along the southern 28 feet of the proposed Development Site for vehicle parking, storage and emergency staging. The easements are roughly equal in area and would be surface easements only. In connection with the construction of the proposed development, Broadway Housing would pave the proposed DEP easement area and construct a curb cut leading to it from St. Nicholas Avenue. Both of the easements exclude below-grade volumes, because DEP requires access to the Old Croton Aqueduct underneath the northern portion of Lot 26, and Broadway Housing proposes to construct a parking garage underneath the entirety of Lot 21.

The acquisition and disposition actions are contingent upon the construction of the proposed development planned by Broadway Housing. In the event that the proposed rezoning is approved but the proposed development is not constructed, this easement exchange would not take effect. In connection with the City's acquisition of the proposed DEP easement, DEP will request a Mayoral zoning override to permit vehicle parking, storage and emergency staging uses on the easement area; such uses are not otherwise permitted in an R8A zoning district.

Due to the current and historical use of the Development Site for auto-related operations, the site has been identified in the Draft Environmental Impact Statement ("DEIS") as having a potential environmentally hazardous condition. As a result, Broadway Housing has agreed to enter into a restrictive declaration with DEP to undertake testing for and remediation of any hazardous materials to DEP's satisfaction prior to the issuance of any building permit. Broadway Housing would also commit to a site specific Health and Safety Plan in the Easement Agreement for the portion of Lot 26 to be used as the entrance plaza. The DEIS also identifies potential adverse impacts relating to shadows and historic architectural resources. With regard to the impact of shadows, the Department of City Planning's Environmental Review Division has received a letter from the forestry department at NYC Department of Parks and Recreation confirming that there will be no significant adverse impact on plant growth in Highbridge Park as a result of the proposed building. The proposed development will result in the demolition of the two-story parking garage on Lot 21, which is identified as a contributing structure to the S/NR listed Sugar Hill Historic District; therefore, the proposed development will result in a significant adverse impact on historic architectural resources. Broadway Housing is taking measures to preserve pieces of the existing façade and incorporate it in the construction of the plaza, where feasible, but the project's impact would not be fully mitigated.

In addition to the proposed land use actions, Broadway Housing is seeking funding through several sources to achieve the high level of affordability. Broadway Housing anticipates financing from the NYC Department of Housing Preservation and Development ("HPD") for the residential component of the proposed development. HPD, which will be the lead financing agency, has issued a commitment loan through its Low Income Rental Program. Broadway Housing is also applying to HPD in September 2010 for federal Low Income Housing Tax Credits. In addition, State funding is being sought through NYS Low Income Housing Tax Credits, allocated by the NYC Division of Housing Community Renewal, as well as funding from the NYS Office of Temporary Disability Assistance under its Homeless Assistance Program.

Finally, Broadway Housing intends to obtain LEED Silver Certification for the proposed development upon its completion. Some of the green design elements and construction techniques include: water efficient landscaping, water use reduction, and waste management, construction with low-emitting materials, energy efficient appliances, and bicycle storage. The project has been approved to participate in the New York State Energy Research and Development Authority's ("NYSERDA") Energy Star Multifamily Performance Program.

COMMUNITY BOARD'S RECOMMENDATION

At a special general board meeting on June 22, 2010, Manhattan Community Board 9 voted to approve the application unanimously, with a vote of 43 in favor, 0 opposed and 0 abstentions.

BOROUGH PRESIDENT'S COMMENTS

Broadway Housing is a not-for-profit housing developer with a 25-year track record of developing and managing affordable housing in West Harlem and Washington Heights. To date, it has developed and managed six housing sites, providing 290 units of rent stabilized permanently affordable housing. Broadway Housing works with other local community groups to provide residents with necessary supportive services such as after school programs, early childhood development programs, medical and mental health care, vocational training and job placement, substance abuse treatment, counseling, training and assistance with independent living skills.

Broadway Housing has partnered with Faith Ringgold, a renowned African American artist and author who grew up in Sugar Hill, to create a new cultural institution in Harlem. The Faith Ringgold Children's Museum of Art and Storytelling is envisioned as a natural extension of Broadway Housing's model to support families in creating vibrant and enriched communities. More than a traditional museum, the 18,000 SF space will truly engage children by providing flexible exhibition space, art making space, performance space, and recording and listening stations. Most importantly, the proposed development will serve as a resource for the West Harlem community by providing much needed affordable housing that is consistent with the income targets of CB9's 197-a Plan. Further, the mix of residential units will benefit the neighborhood by providing residential opportunities for families rather than for only one-person households.

The Sugar Hill Project would transform an underutilized site into a model of green development that integrates affordable housing, educational and cultural resources that will serve the West Harlem community. Not only does the proposed project create resources for West Harlem, but its development and design informed by LEED certification standards and NYSERDA's Energy Star Program contribute to creating sustainable neighborhoods and improving the health of local residents.

The proposed R8A zoning district is consistent with sound zoning practices by providing contextual controls in an area where the existing zoning districts are governed by height factor zoning. The proposed building will have maximum height of 120 feet (13-stories) and will be lower in height than other 14 to 30-story tower-in-the-park buildings along the 155th Street

corridor. Currently, 409 Edgecombe, near the corner of 155th Street and Edgecombe Avenue, is built at a 12.09 FAR, and a 20-story residential tower on the southeast corner of 155th Street and Amsterdam Avenue is built at a 6.59 FAR. Further, the proposed rezoning will predominantly affect a C8-3 zoning district that currently does not permit residential uses, which is the predominate use in the neighborhood. The proposed rezoning will, therefore, produce a building that is consistent with the surrounding neighborhood density, height, and use.

While a small portion of Lot 14 which contains a historic residential building will be rezoned from an R7-2 to an R8A zoning district, the change in zoning will not result in any residential displacement, nor is it expected to alter the historical character of the building. Moreover, 155th Street is a major thoroughfare that can support the increase in residential density. The area is also well served by the transit system, with a station for the C subway line located at the intersection of West 155th Street and St. Nicholas Avenue and a station for the Number 1 subway line located at West 157th Street and Broadway.

Additionally, the proposed rezoning is consistent with CB9's 197-a Plan and the related West Harlem Rezoning. In response to community concerns over development pressures associated with the Manhattanville Rezoning, the Department of City Planning ("DCP") committed to undertake a rezoning initiative with CB9 based on the goals stated in CB9's 197-a Plan and the Manhattan Borough President's proposed West Harlem Special District. Presently, DCP is in the process of consulting with CB9 to develop a comprehensive and fine-tuned zoning framework for the entire West Harlem neighborhood north of 125th Street. The larger West Harlem Rezoning proposal excludes the subject rezoning area, because Broadway Housing prepared a private application. While this rezoning is not specifically part of the proposed larger comprehensive rezoning for West Harlem, Broadway Housing's proposed rezoning and associated development are in line with CB9's goals, objectives and recommendations set forth in its 197-a Plan. Furthermore, the proposed R8A zoning designation is consistent with DCP's most recent proposal for the larger rezoning effort, which also envisions an R8A district for the remainder of the city block on which the Development Site is located (excluding a gas station on the northwest corner of the block that will remain a C8-3 district).

The disposition of the City-owned property to Broadway Housing will promote a safer and more accessible entrance along St. Nicholas Avenue for residents of the building and users of the Children's Museum and child care center. The proposed landscaped entry plaza on St. Nicholas Avenue would be a publicly accessible community resource that highlights the presence of the Old Croton Aqueduct underneath and would improve the look of the St. Nicholas Avenue/155th Street corner. The proposed easement swap will also provide DEP with a newly paved, better-oriented staging and storage area directly adjacent to its building. Additionally, the New York City Water Board determined that the grant of the DEP surface easement to Broadway Housing would have no adverse impact on the operation of the water systems and approved the easement swap.

While the potential benefit of the proposed Sugar Hill Project to the West Harlem community is evident, sound planning requires that the proposed development respond to potential adverse impacts. As studied in the DEIS, potential adverse impacts related to the proposed actions have been identified in the following categories: shadows, historic architectural resources and

hazardous materials. As previously explained, potential impacts due to shadows and hazardous materials have been addressed and/or mitigated; the demolition of the two-story garage, however, will result in an adverse impact on historic architectural resources. While local residents support the goals of the project, many have expressed concerns over the loss of the historic structure and believe the architectural design is out of character. Since the garage is not a LPC designated structure and mitigation efforts are being undertaken to preserve elements of the structure, CB9 voted in favor of the project because it felt the benefits of the Sugar Hill Project outweighed the loss of the historic structure. However, I encourage Broadway Housing to work with its architect and local residents to modify the architectural design of the building to make it more consistent with the historic character of the neighborhood.

Finally, in addition to the affordable residential units that will serve approximately 215 new residents, the Sugar Hill Project meets other 197-a Plan goals, which include development of underbuilt sites with green development, encouraging community facilities, and job creation. It is anticipated that the project will yield approximately 74 new jobs (33 day care employees, 24 museum employees, 9 non-profit office employees, up to 3 parking attendants, and 5 employees associated with the residential component).

BOROUGH PRESIDENT'S RECOMMENDATION

The proposed rezoning would facilitate the construction of a development with superior use of land over the existing conditions. The proposed development is contextual, in scale and use, consistent with surrounding land uses, and addresses local needs for affordable housing and child care related services. Further the proposed development meets the goals of the 197-a Plan and is in-line with the current proposal for the West Harlem Special District.

The Manhattan Borough President, therefore, recommends <u>approval</u> of ULURP Application Nos. C 100277 ZMM, C 100274 PPM, and C 100275 PQM.

Scott M. Stringer
Manhattan Borough President