

**266 West 96th Street  
Draft Scope of Work  
Environmental Impact Statement**

**A. INTRODUCTION**

This draft scope of work (the “Draft Scope”) outlines the issues to be analyzed in an Environmental Impact Statement (EIS) for the proposed disposition of City-owned property in the Upper West Side neighborhood of Manhattan (Figure 1). Block 1243, Lot 57 (the “Disposition Site”), currently City-owned property, is proposed for disposition to a developer. The Disposition Site along with two adjacent privately owned sites (Block 1243, Lots 59 and 60) (the “Privately Owned Sites”) (Figure 2) would be developed with approximately 171 residential dwelling units (the “Proposed Project”). Approximately 40 percent of the 171 dwelling units would be permanently affordable. The Proposed Project also requires, as a discretionary action, the approval of funding by the New York City Department of Housing Preservation and Development (HPD).

**B. PROJECT DESCRIPTION**

**PROJECT SITE**

The Disposition Site and the Privately Owned Sites (the “Proposed Project Site”) are located on the south side of West 96 Street, between Broadway and West End Avenue in the Borough of Manhattan, Community District 7. Collectively, the Proposed Project Site is approximately 10,402 square feet.

**CONSTRUCTION OF RESIDENTIAL BUILDING**

The Proposed Actions would facilitate the construction of a 23-story (235 feet tall), approximately 150,890-gsf building containing residential and community facility uses. The Proposed Project includes approximately 140,036 gsf of residential use (171 dwelling units), and approximately 10,854 gsf of community facility use. The Proposed Project includes 80 micro-units and 91 traditional dwelling units; 68 (approximately 40 percent) of the 171 dwelling units would be designated as permanently affordable for households with incomes averaging at 50, 70, and 130 percent of Area Median Income (AMI). The Proposed Project is anticipated to be completed in 2022. Absent the approval of the Proposed Actions, the Privately Owned Sites would be improved with a 22-story (235 feet), approximately 74,951-gross-square-foot (gsf) residential building containing approximately 95 dwelling units, including 19 permanently affordable units for households with incomes averaging at or below 80 percent AMI.

**C. PROPOSED ACTIONS AND APPROVALS**

The Proposed Project involves an application by HPD on behalf of the Project Sponsor, Fetner Properties, for the approval of the following discretionary actions (the “Proposed Actions”):

- The disposition of the City-owned Disposition Site, without the restrictions established in a prior disposition approval by the City Planning Commission (June 11, 1990).
- Funding by HPD, including through the Mixed Middle Income Program.

## **PURPOSE AND NEED**

The Proposed Project would create approximately 171 dwelling units, 68 (approximately 40 percent) of which would be affordable for households earning up to 50 percent, 70 percent, and 130 percent of the AMI. The Proposed Project would support the vision set forth in the City's *Housing New York: A Five-Borough, Ten-Year Plan* to create and preserve affordable housing in New York City by providing approximately 68 permanently affordable dwelling units. In addition, the Proposed Project would replace a vacant building on the Disposition Site, thereby enhancing the pedestrian experience at the street level.

The Disposition Site is occupied by a decommissioned MTA electric utility substation, which has been vacant for at least 28 years. The Privately Owned Sites are substantially underbuilt. The Proposed Actions would facilitate the development of a 23-story (235 feet), approximately 150,890-gsf building containing residential and community facility uses that would comply with the underlying R10A zoning district. The Proposed Actions would facilitate development consistent in both size and scale with the surrounding area.

## **D. CITY ENVIRONMENTAL QUALITY REVIEW**

All City discretionary approvals require environmental review under State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR) procedures. The New York City Department of Housing Preservation and Development (HPD) is the CEQR lead agency for the Proposed Project.

An Environmental Assessment Statement (EAS) has been prepared. Based on the EAS, HPD determined that the Proposed Project would not have the potential for significant adverse environmental impacts in the following areas: land use, zoning, and public policy; socioeconomic conditions; community facilities and services; open space; urban design and visual resources; natural resources; hazardous materials; water and sewer infrastructure; solid waste and sanitation services; energy; air quality; greenhouse gas emissions; noise; public health; and construction impacts.

The EAS included detailed assessments for hazardous materials, air quality, and noise, as described below.

- For hazardous materials, the assessment detailed specific protocols that would be undertaken. With the implementation of these measures, no significant adverse impacts related to hazardous materials would be expected to occur.
- For air quality, the stationary source assessment determined that no significant adverse impacts related to air quality would be expected to occur.
- For noise, the assessment identified specific façade attenuation requirements that would be undertaken. With the implementation of these measures, no significant adverse impacts related to noise would be expected to occur.

HPD determined that the project could have the potential for significant adverse environmental impacts in the area of historic and cultural resources. Additional analysis is needed to determine if the project could have the potential for significant adverse environmental impacts in the areas of shadows and neighborhood character. Therefore, a detailed assessment of likely effects in those areas will be prepared and disclosed in an EIS (see section E, "Scope of Work for the EIS").

## **SCOPING**

The CEQR scoping process is intended to focus the EIS on those issues that are most pertinent to the Proposed Project. At the same time, the process allows other agencies and the public a voice in framing the scope of the EIS. This Draft Scope sets forth the analyses and methodologies proposed for the EIS. During the scoping period, those interested in reviewing the Draft Scope may do so and provide comments in writing to the lead agency or at a public scoping meeting to be held on June 6, 2019 at 6:00PM at the Ansche Chesed Synagogue located at 251 West 100th Street in Manhattan. Comments received during the Draft Scope's public hearing, and written comments received up to 10 days after the hearing, will be considered and incorporated as appropriate into a final scope of work. The comment period will end on close of business on June 17, 2019. The final scope of work will be used as a framework for preparing the Draft EIS (DEIS) for the Proposed Project.

## **E. SCOPE OF WORK FOR THE EIS**

The EIS will be prepared in conformance with all applicable laws and regulations, including the State Environmental Quality Review Act (Article 8 of the New York State Environmental Conservation Law) and its implementing regulations found at 6 NYCRR Part 617.9, New York City Executive Order No. 91 of 1977, as amended, and the Rules of Procedure for CEQR, found at Title 62, Chapter 5 of the Rules of the City of New York. The EIS will follow the guidance of the *CEQR Technical Manual* dated 2014.

The EIS will contain:

- A description of the Proposed Project and its environmental setting;
- A statement of the potential environmental impacts of the Proposed Project, including its short- and long-term effects and typical associated environmental effects;
- An identification of any potential adverse environmental effects that cannot be avoided if the Proposed Project is implemented;
- A discussion of reasonable alternatives to the Proposed Project;
- An identification of irreversible and irretrievable commitments of resources that would be involved in the Proposed Project should it be implemented; and
- A description of mitigation proposed to minimize any significant adverse environmental impacts.

In addition, the EIS will include a brief summary of the hazardous materials and noise analyses, which have been screened from further analysis based on the EAS.

The specific areas to be included in the EIS, as well as their respective tasks, are described below.

## **TASK 1. PROJECT DESCRIPTION**

The first chapter of the EIS introduces the reader to the Proposed Project and sets the context in which to assess impacts. The chapter will contain the background and purpose and need for the Proposed Project and the Proposed Actions; a detailed description of the Proposed Project and Proposed Actions; and a discussion of the roles of involved public agencies, procedures to be followed, and the role of the EIS in the CEQR process. This

chapter is basic to understanding the Proposed Project and its impacts, and gives the public and decision-makers a context from which to evaluate the Proposed Project.

## **TASK 2. LAND USE, ZONING AND PUBLIC POLICY**

An assessment of land use, zoning, and public policy is appropriate if an action would result in a significant change in land use or would substantially affect regulations or policies governing land use. Although the Proposed Actions do not involve a change in land use or zoning, guidance in the *CEQR Technical Manual* indicates that it is often appropriate to provide a brief description of existing land uses and zoning designations in the surrounding area to inform the remainder of the environmental review. Additionally, a public policy assessment was prepared to determine the relevant policies governing the surrounding area and disclose the potential for the Proposed Actions to adhere to or conflict with them.

## **TASK 3. HISTORIC AND CULTURAL RESOURCES**

The Proposed Project is adjacent to the Riverside-West End Historic District Extension II immediately to the south of the Proposed Project Site, including the Disposition Site. The Disposition Site contains IRT Substation 14, which LPC has stated appears to be eligible for designation as a New York City landmark and listing on the State and National Register of Historic Places (S/NR).

According to the *CEQR Technical Manual*, an assessment of potential effects on architectural resources is typically required if a proposed project would result in the following:

- New construction, demolition, or significant physical alteration to any building, structure, or object;
- A change of scale, visual prominence, or visual context of a historic resource. The *CEQR Technical Manual* describes visual prominence as generally the way in which a historic resource is viewed. Visual context includes the character of the surrounding built or natural environment;
- Additions to or significant removal, grading, or replanting of significant historic landscape features;
- Screening or elimination of publicly accessible views; or
- Introduction of significant new shadows or significant lengthening of the duration of existing shadows on an historic landscape or on an historic structure whose significant features depend on sunlight.

Because the Proposed Project would result in the demolition of the IRT Substation 14 and is adjacent to the Riverside-West End Historic District, an analysis of the effects of the Proposed Project on historic and cultural resources will be included in the EIS.

This task involves the following:

- Delineation of a study area in which to assess the Proposed Project's potential direct and indirect impacts on historic and cultural resources.
- Identification of historic and cultural resources in the study area. These include, but are not necessarily limited to, resources listed on the State and National Register of Historic Places (S/NR) or designated by New York City's Landmarks Preservation Commission; resources that are determined to be eligible for listing or designation, or resources that appear to meet the eligibility requirements for such listing or

designation. These include historic districts, individual landmarks, and scenic landmarks.

- An analysis of the effects of the Proposed Project on each resource.
- A description of the construction measures that will be required to ensure the protection of adjacent historic resources.
- Identification of measures to avoid, minimize or mitigate adverse impacts on historic resources.

#### **TASK 4. SHADOWS**

Based on a preliminary assessment, the shadow study area includes 29 potentially sunlight-sensitive resources that have the potential to be affected by incremental shadows from the development in the With-Action Condition. These sunlight-sensitive resources include Joan of Arc Park, Riverside Park, Happy Warrior Playground, the Broadway Malls, four buildings within the Riverside-West End Historic District, 17 buildings within the Riverside-West End Historic District Extension II, two LPC individual landmarks (the Former East River Savings Bank, 743 Amsterdam Avenue and the Midtown Theater, 2626 Broadway), one S/NR and LPC individual landmark (St. Michael's Episcopal Church, Parish House and Rectory, 227 West 99 Street), and one resource that is eligible for S/NR listing and LPC designation (Church of the Holy Name of Jesus, Amsterdam Avenue at West 96<sup>th</sup> Street). Accordingly, a detailed shadow analysis will be conducted.

This task involves the following:

- Determination of the shadow study area, which is the length of the longest shadow that could be cast by the proposed project. In New York City, this is 4.3 times the height of the proposed structure. A radius of this length surrounding the Proposed Project Site will delineate the study area for shadows.
- Tier 1 screening – potentially sunlight-sensitive resources within the study area will be inventoried and a map showing their locations within the study area will be provided.
- Tier 2 screening – potentially sunlight-sensitive resources located within a triangular area south of the Proposed Project Site (which will not experience shadows given the earth's location relative to the sun) will be determined not to be affected by the Proposed Project and screened out of the shadow study area.
- Tier 3 screening – shadows from the Proposed Project on remaining potentially sunlight-sensitive resources will be analyzed on four CEQR defined analysis days – (i) March 21 (the vernal equinox, equivalent to September 21, the autumnal equinox); (ii) June 21 (the summer solstice and longest day of the year); (iii) May 6 (equivalent to August 6, the midpoint between the equinox and longest day of the year); and (iv) December 21 (the shortest day of the year).
- If the Tier 3 screening demonstrates any shadow impingement on a potentially sunlight-sensitive resource, a detailed shadow analysis will be performed that takes into account intervening buildings or those buildings proposed to be built before the Build Year for the Proposed Project.
- Based on these analyses, the incremental shadow pattern and length of time each incremental shadow will be determined.

## **TASK 5. NEIGHBORHOOD CHARACTER**

The character of a neighborhood is established by numerous factors, including land use patterns, the characteristics of its population and economic activities, the scale of its development, the design of its buildings, the presence of notable landmarks, and a variety of other physical features that include noise levels, traffic, and pedestrian patterns.

As described in the EAS, the Proposed Project may result in potentially significant adverse impacts on historic and cultural resources, requiring an analysis of impacts to neighborhood character. The specific elements of this analysis are expected to include the following:

- A description of the predominant factors that contribute to defining the character of the neighborhood surrounding the Proposed Project Site, including a description of shadows cast on potentially sunlight sensitive resources.
- Based on planned development projects, public policy initiatives, and planned public improvements, a description of changes that can be expected in the character of the area in the future without the Proposed Project.
- Assess and summarize the Proposed Project's impacts on neighborhood character as compared to the future without the Proposed Project. Where appropriate, the analysis of impacts (such as historic and cultural resources and shadows) as presented in other pertinent EIS sections will be considered.

## **TASK 6. MITIGATION**

Where significant impacts have been identified in the EIS, measures to mitigate those impacts will be described. These measures will be developed and coordinated with the responsible City and State agencies as necessary. If identified impacts cannot be mitigated, they will be described as unmitigated and unavoidable adverse impacts (see "Summary Chapters" below).

## **TASK 7. ALTERNATIVES**

The purpose of an alternatives analysis is to examine reasonable and practicable options that avoid or reduce project-related significant adverse impacts while achieving the stated goals and objectives of the Proposed Project. Alternatives must be feasible, considering the objectives and capabilities of the project sponsor. Typically, alternatives to the Proposed Project are identified as project impacts are clarified during the preparation of the EIS. However, alternatives must include the No Build Alternative, which assumes that the Proposed Actions are not approved. If there are significant adverse impacts identified during the preparation of the EIS, a No-Unmitigated Adverse Impacts Alternative will be included to describe the modifications to the Proposed Project needed to avoid any such impacts. Alternatives that reduce adverse impacts to the greatest extent practicable may also be considered.

## **TASK 8. SUMMARY CHAPTERS**

In accordance with *CEQR Technical Manual* guidelines, the EIS will include the following three summary chapters, where appropriate:

- Unavoidable Adverse Impacts—which summarizes any significant adverse impacts that are unavoidable if the Proposed Project is implemented regardless of the mitigation employed (or if mitigation is not feasible);

- Growth-Inducing Aspects of the Proposed Actions—which generally refers to “secondary” impacts of Proposed Actions that trigger further development; and
- Irreversible and Irretrievable Commitments of Environmental Resources—which summarizes the Proposed Actions and their impacts in terms of the loss of environmental resources (loss of vegetation, use of fossil fuels and materials for construction, etc.), both in the immediate future and in the long-term.

#### **TASK 9. EXECUTIVE SUMMARY**

The executive summary will utilize relevant material from the body of the EIS to describe the Proposed Project, their significant and adverse environmental impacts, measures to mitigate those impacts, and alternatives to the Proposed Project.