NOTICE OF COMPLETION OF THE FINAL ENVIRONMENTAL IMPACT STATEMENT

ECF East 96th Street

SEQRA Classification: Type I

Date Issued: June 9, 2017

Lead Agency:
New York City Educational Construction Fund
30-30 Thomson Avenue, 1st Floor
Long Island City, NY 11101

Project Identification:
CEQR/SEQR No. 16ECF001M
ULURP Nos. C170226ZMM,
C170228ZSM, C170229ZSM

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Pursuant to State Environmental Quality Review Act (SEQRA) (Section 8-0113, Article 8 of the Environmental Conservation Law) as set forth in 6 NYCRR Part 617, a Final Environmental Impact Statement (FEIS) has been prepared for the action described below. The proposal involves actions by ECF and the City Planning Commission of New York. Digital copies of the FEIS are available for public inspection online at ECF's website: http://schools.nyc.gov/community/facilities/ecf.htm. A public hearing on the Draft Environmental Impact Statement (DEIS) was held on May 10, 2017. Written comments on the DEIS were requested and were received and considered by the Lead Agency until May 22, 2017. The FEIS incorporates responses to the public comments received on the DEIS and additional analysis conducted subsequent to the completion of the DEIS.

I. INTRODUCTION

The co-applicants, the New York City Educational Construction Fund (ECF) and AvalonBay Communities, Inc. (AvalonBay), are seeking a rezoning and other actions to allow the construction of a mixed-use building which will include a replacement facility for an existing school, a new facility for the relocation of two existing neighborhood public high schools, and the relocation of an existing jointly operated playground on Block 1668, Lot 1, in the East Harlem neighborhood of Manhattan. The proposed project involves the construction of a mixed use tower on Second Avenue containing a 135,000-gross square foot (gsf) public technical school—a replacement facility for the existing School of Cooperative Technical Education (COOP Tech) currently located on the project site—as well as approximately 25,000 gsf of retail space, and approximately 1,015,000 gsf of residential floor area (1,200 units[1]). Following the demolition of the existing COOP Tech, the co-applicants will construct a 135,000 gsf building on First Avenue that will house two existing, relocated public high schools (Heritage School and Park East High School). The jointly operated playground currently on the western portion of the project site would be relocated to the center of the project site.

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[1] Depending on unit sizing, the project could contain between 1,100 and 1,200 dwelling units. For the purposes of a reasonable worst-case analysis, the EIS assesses potential project impacts based on 1,200 units.

The project site is currently owned by the City of New York. The western portion of the project site is currently occupied by the Marx Brothers Playground, which is jointly operated by the Department of Education (DOE) and the New York City Department of Parks and Recreation (NYC Parks). The portion of the playground area facing Second Avenue is currently in use by the Metropolitan Transportation Authority (MTA) as a staging area for Second Avenue Subway construction. The eastern portion of the project site is occupied by a four-story, 103,498-gsf school building, currently in use by COOP Tech.

The proposed project would require: a zoning map amendment to change the northern half of the project site from an existing R7-2 district to a C2-8 district within 100 feet of Second Avenue and an R10 district over its remainder, and the southern half of the project site from an existing R10A district to a C2-8 district within 100 feet of Second Avenue and an R10 district over its remainder; amendments to the Zoning Resolution to modify Section 74-75 to allow distribution of allowable lot coverage on a zoning lot owned by ECF and Appendix F to establish a Mandatory Inclusionary Housing Designated Area over the project site; a special permit to allow distribution of lot coverage; modification of height and setback restrictions and tower regulations; a special permit to waive accessory off-street parking requirements for non-income restricted residences; certifications to modify restrictions on location of curb cuts, and a certification that a transit easement is not required.

The proposed project will require approval of a home rule request by the New York City Council and legislation by the New York State Legislature to authorize the alienation and disposition to ECF of the existing jointly operated playground, and its replacement with an equivalent size and proportion of jointly operated playground on the project site. The project also involves a transfer of the City-owned project site to ECF, which would lease the portion of the property on which the mixed-use building will be constructed to the designated developer, AvalonBay. ECF would hold title to the entire site, until it conveys the schools to the City (acting through DOE) and re-conveys control of the jointly operated playground to DOE and NYC Parks. To facilitate construction of the schools, ECF would issue tax-exempt bonds.

The proposed actions are subject to SEQRA and City Environmental Quality Review (CEQR). ECF is the lead agency for the environmental review. The New York City Department of City Planning (DCP) is an Involved Agency.

II. AREA AFFECTED BY THE PROPOSED ACTIONS

The area to be affected by the proposed actions is the project site, Block 1668, Lot 1, in the East Harlem neighborhood of Manhattan. The project site is the full block bounded by East 96th and 97th Streets and First and Second Avenues. It is located in Manhattan Community District (CD) 11. The northern half of the project site is zoned R7-2; the southern half of the project site is zoned R10A. The lot area within 150 feet of Second Avenue also is within the Special Transit Land Use District. The project site is currently owned by the City of New York. No lot mergers are required for the project. There are no (E) designations for the project site.

The western portion of the project site (approximately 64,150 sf) is currently occupied by the Marx Brothers Playground, which is jointly operated by DOE and NYC Parks. The playground includes a multi-purpose baseball and soccer field. The playground area facing Second Avenue (approximately 23,000 sf) is currently in use by MTA as a staging area for Second Avenue Subway construction. The eastern portion of the project site (approximately 67,039.5 sf) is occupied by a four-story, 103,498-gsf school building, currently in use by COOP Tech, a public technical high school.

III. PURPOSE AND NEED

ECF is a public benefit corporation established in 1967 by the New York State Legislature to provide funds for combined occupancy structures including school facilities in New York City. ECF serves as a financing and development vehicle for the New York City Department of Education (DOE), encouraging the development of new public schools as part of mixed-use projects in which the public component (i.e., relocated COOP Tech, new high schools and enhanced, relocated playground) is financed by tax-exempt bonds. ECF uses ground rents, lease payments, and/or tax equivalency payments from the non-school portions of the development to pay the debt service on the bonds issued to finance the public facilities. ECF enhances the ability of DOE to rehabilitate and construct new school facilities, thereby increasing the number of seats for the entire school system. The Fund encourages comprehensive neighborhood development by facilitating new mixed-use developments that feature new school facilities. ECF works with DOE and the New York City School Construction Authority (SCA) to identify schools and communities that need improved school facilities, and whose potential value can allow a private partnership to support and construct the buildings within a viable financial model.

BACKGROUND AND PROJECT PLANNING

In September 2013, ECF met with the staff of local elected officials and Community Board 11 to introduce a proposed new ECF project for three sites, including 321 East 96th Street. After consideration of competitive bidders and available locations to keep the schools active during construction, ECF selected AvalonBay to develop the site.

NEW SCHOOL FACILITIES

The current school facilities on the site date to the early 1940s and are outmoded. COOP Tech, as well as the Heritage School and Park East High School—which would relocate to the project site with the proposed project—all have cramped learning environments and lack available space for growth and/or appropriate facilities for high school achievement. At COOP Tech, additional shops for popular trades (e.g. welding, carpentry, automotive, culinary) cannot be accommodated in the current space; electrical and ventilation systems are inadequate to serve the needs of the technical training environment; and there is a lack of centralized, efficient storage facilities for trade equipment and supplies. The Heritage School lacks appropriate cafeteria, gym, and private counseling space, as well as storage facilities, and there is limited space for the growth of a vital community cultural institution, the Julia de Burgos Cultural Center, which occupies the same building. At the Park East High School, the gym serves as both gym and auditorium; the cafeteria doubles as an art room; and overall, the facility is not fully ADA-accessible. There is no access to open space or playgrounds in either of the current high school locations. The proposed actions would result in the replacement of the existing COOP Tech with a new state-of-the-art facility, and the relocation of the Heritage School and Park East High School to the site in new, modern facilities. These improvements will help achieve a better learning environment by alleviating over-crowded conditions and providing up-to-date educational facilities adjacent to a new playground for enhanced physical education opportunities.

AFFORDABLE HOUSING

The proposed actions also would facilitate the productive use of the project site by creating a new residential development of approximately 1,100 to 1,200 units, 30 percent of which would be designated as affordable, pursuant to the Mandatory Inclusionary Housing (MIH) program.

This affordable housing would advance a City-wide initiative to build and preserve 200,000 affordable units over 10 years in order to support New Yorkers with a range of incomes, from low to middle.

PLAYGROUND IMPROVEMENTS

Since 2008, the western portion of the jointly operated Marx Brothers Playground has been used for MTA's Second Avenue Subway staging. The Second Avenue Subway opened at the end of 2016. The proposed project would relocate the Marx Brothers Playground to the midblock—a move which was requested by NYC Parks in order to buffer the playground use from the active First Avenue and Second Avenue corridors—and would include improvements to the playground. It is anticipated that it will include a new comfort station and maintenance building, along with play equipment and courts and fields for active recreation. The specific elements to be included and the overall design of the playground will reflect continued input from NYC Parks, DOE, Community Board 11, and the local community. The original size and dimensions of the playground would be maintained.

IV. DISCRETIONARY AND OTHER APPROVALS

Implementation of the proposed project would require the following discretionary actions:

- Amendment to the zoning map to change (i) the northern half of the project site from an existing R7-2 district to a C2-8 district within 100 feet of Second Avenue and an R10 district over its remainder, and (ii) the southern half of the project site from an existing R10A district to a C2-8 district within 100 feet of Second Avenue and an R10 district over its remainder;
- Amendment to the Zoning Resolution to modify (i) Section 74-75 to allow distribution of allowable lot coverage without regard to zoning lot lines on a zoning lot containing the Co-op Tech School, and (ii) Appendix F of the Zoning Resolution to establish a Mandatory Inclusionary Housing Designated Area over the project site;
- A special permit pursuant to Section 74-75 of the Zoning Resolution to modify the following sections of the Zoning Resolution:
  - Sections 23-64 and 24-522 relating to height and setback and sky exposure regulations on First Avenue, Second Avenue and 96th Street (wide streets) and on 97th Street (narrow street);
  - 24-11 to authorize the distribution of lot coverage without regard for zoning lot lines, in connection with the proposed school building on First Avenue;
  - 23-651(a) to allow the tower of the mixed-use building on Second Avenue to occupy less than the minimum 30 percent required tower coverage, and to allow the tower coverage calculations to be made for the entire zoning lot;
  - 23-651(a) to allow the proposed building on Second Avenue to have less than the required 55 to 60 percent of the total floor area on the zoning lot located either partially or entirely below a height of 150 feet; and
  - 23-65(a)(2), 23-651 (a), and 23-651(b) to permit the proposed tower of the mixed-use building on Second Avenue to be located beyond 125 feet from Second Avenue, not provide the required setback above the base, and not occupy the entire street frontage of the zoning lot and permit the street wall of the base of the building to exceed 85 feet.
- Special permit pursuant to ZR Section 74-533 to waive accessory off-street parking requirements for non-income restricted dwelling units.

- Certification pursuant to Section 26-15 to allow more than one curb cut on a narrow street.
- Certification pursuant to Section 26-17 to allow curb cuts on a wide street.
- Certification pursuant to Section 95-04 of the Zoning Resolution from the Metropolitan Transit Authority (MTA) and the City Planning Commission (CPC) that a transit easement volume is not required on the project site.

The proposed project also will require approval of a home rule request by the New York City Council and legislation by the New York State Legislature to authorize the alienation and disposition to ECF of the existing jointly operated playground, and its replacement with an equivalent size and proportion of jointly operated playground on the project site. The project also involves a transfer of the City-owned project site to ECF, which would lease the portion of the property on which the mixed-use building will be constructed to the designated developer, AvalonBay. ECF would hold title to the entire site, until it conveys the schools to the City (acting through DOE) and re-conveys control of the jointly operated playground to DOE and NYC Parks. To facilitate construction of the schools, ECF would issue tax-exempt bonds.

V. PROPOSED PROJECT

The proposed project would develop a 63-story building (710 feet in height, including bulkhead and mechanical equipment) with approximately 1,175,000 gsf on the western side of the project block, facing Second Avenue, and an 8-story building (185 feet in height, including bulkhead and mechanical equipment) with approximately 135,000 gsf on the eastern side of the block, facing First Avenue. The western building would include approximately 1,015,000 gsf of residential use (approximately 1,200 residential units[1]); approximately 25,000 gsf of commercial retail use (Use Groups 6A/6C); and approximately 135,000 gsf of public school use (Use Group 3A, a technical school to replace the existing COOP Tech). It is possible that the western building also could include an accessory parking facility with up to 120 parking spaces. The eastern building would house two additional public high schools that would relocate from nearby locations within Community Board 11. In total, the development on the site would be approximately 1,310,000 gsf.

The building facing First Avenue would be served by one curb cut on East 97th Street and one on East 96th Street. The building on Second Avenue would have a 9-story portion facing East 97th Street, for the replacement technical school; the proposed retail use would be on the first and second floor of the building facing Second Avenue; and the residential use would be in the tower portion of the building, facing East 96th Street. The Second Avenue building would be served by one curb cut on East 97th Street, which would be used by COOP Tech's loading operations and automotive trades shop; the other curb cut, on East 96th Street, would serve the proposed residential uses, including the potential accessory parking facility. One additional curb cut, on East 97th Street, would serve the relocated playground.

The proposed project would establish an MIH area at the project site. Thirty percent of the residential units will be affordable and will be occupied by households with incomes that are an average of 60 percent of Area Median Income (AMI). The Applicant is proposing to utilize Option 1, which requires at least 25 percent of the residential floor area be provided as permanent affordable housing. The weighted average of the affordable housing may not exceed 60 percent of AMI (currently $57,240 for a family of four) and at least 10 percent of the

[1] Depending on unit sizing, the project could contain between 1,100 and 1,200 dwelling units. For the purposes of a reasonable worst-case analysis, the EIS will assess potential project impacts based on 1,200 units.

affordable housing must be affordable to households with incomes not exceeding 40 percent of Area Median Income (currently $38,160 for a family of four). There can be no more than three income bands, and the maximum household income may not exceed 130 percent of Area Median Income (currently $124,020 for a family of four).

The existing jointly operated playground would be relocated to the middle of the block, between the two new buildings. The relocated jointly operated playground would be of an equivalent size and proportion to the existing jointly operated playground.

The proposed buildings would incorporate design elements to improve the site's resiliency, including elevating the first floor of the new buildings above the design flood elevation, and other measures to assist in protecting the lower levels of the buildings.

With the proposed project, the project site would be developed to an overall FAR of 9.7, as compared to the maximum permitted FAR under the proposed rezoning of 12.0. The agreements between ECF and AvalonBay will restrict the permitted development to that described in the EIS.

VI. ANALYSIS FRAMEWORK

The *CEQR Technical Review Manual* serves as a general guide on the methodologies and impact criteria for evaluating the project's potential effects on the various environmental areas of analysis. In disclosing impacts, the EIS considers the proposed project's potential significant adverse impacts on the environmental setting. It is anticipated that the proposed project would be operational in 2023. Consequently, the environmental setting is not the current environment, but the future environment. Therefore, the technical analyses and consideration of alternatives first assess existing conditions and then forecast these conditions to 2023 ("Future Without the Proposed Actions") for the purposes of determining potential impacts in the future with the proposed project ("Probable Impacts of the Proposed Actions").

THE FUTURE WITHOUT THE PROPOSED ACTIONS

For the purposes of the EIS, it is assumed that in the future without the proposed project (the "No Action" condition), the project area will continue as in the existing condition, except that the MTA will vacate the western portion of the jointly operated Marx Brothers Playground and will reconstruct and restore that 23,000 sf portion of the site back into open space use. In addition, the new Judith Kaye High School is projected to be housed within the COOP Tech building starting in the fall of 2017, utilizing space currently occupied by a P2K (GED) program, which is being phased out. For each technical analysis in the EIS, the No Action condition also incorporates approved or planned development projects within the appropriate study area that are likely to be completed by the analysis year.

THE FUTURE WITH THE PROPOSED ACTIONS

For each of the technical areas of analysis identified in the *CEQR Technical Manual*, conditions in the future with the proposed project (the With Action condition) are compared to the No Action condition (see **Table 1**).

Table 1
Comparison of No Action and With Action Scenarios

Use (GSF)	Existing Conditions/No Action Scenario	With Action Scenario	Increment
Use Group 2 (Residential)	0	1,015,000 gsf	+1,015,000 gsf
Residential Units	0	1,200[1]	+1,200
Affordable Unit Count	0	360[2]	+360
Use Group 6A/6C (Retail)	0	25,000 gsf	+25,000 gsf
Use Group 3A (Public School)	103,498 gsf (1 public technical school)	270,000 gsf (1 public technical school 2 public high schools)	+166,502 gsf 2 public high schools
Accessory Parking	34 *surface*[3]	0 *surface*[4]	(34)[4]
Jointly Operated Playground	64,150 sf	64,150 sf	No change in size; change in location on site

Notes:
[1]Depending on unit sizing, the project could contain between 1,100 and 1,200 dwelling units. For the purposes of a reasonable worst-case analysis, the EIS will assess potential project impacts based on 1,200 units.
[2]Approximate number. Total number to be provided will be 30 percent of total built dwelling units.
[3]The loading area is used as informal staff parking for 34 cars.
[4]With the proposed special permit to waive accessory off-street parking requirements for non-income restricted dwelling units, no parking would be provided. It is possible that the proposed project would include an accessory parking facility with up to 120 enclosed parking spaces.

VII. PROBABLE IMPACTS OF THE PROPOSED ACTIONS

LAND USE, ZONING AND PUBLIC POLICY

The detailed analysis presented in this chapter concludes that the proposed actions would not have a significant adverse impact on land use, zoning, or public policy.

LAND USE

The proposed actions would not adversely affect surrounding land uses, nor would the proposed actions generate land uses that would be incompatible with land uses, zoning, or public policy in either the primary or the secondary study areas. Furthermore, the proposed actions would not result in land uses that conflict with public policies applicable to the study area.

The proposed project would be compatible with and would support use of the Marx Brothers Playground. The redevelopment of the playground would contribute to the open space resources in the area and would improve the visual character of the area. Active ground-floor retail and other uses would enhance the pedestrian experience.

ZONING

The proposed project requires a zoning map amendment to change the northern portion of the project site from an existing R7-2 district to a C2-8 district within 100 feet of Second Avenue and an R10 district over its remainder, and the southern half of the project site from an existing R10A district to a C2-8 district within 100 feet of Second Avenue and an R10 district over its remainder; amendments to the Zoning Resolution to allow modifications and waivers of lot coverage, height and setback, parking, and curb cut requirements and to establish a mandatory inclusionary housing designated area over the project site; and certification that a transit easement is not required. All of the proposed actions would be more consistent with the zoning in the study area and immediately beyond (the area ¼-mile from the boundary of the project area), and would reflect the trend toward increased density in the study area. The proposed actions also would be consistent with the goals of the East Harlem rezoning effort summarized in the recently issued *East Harlem Rezoning DEIS*.

PUBLIC POLICY

The proposed project would be consistent with the *Housing New York* and the *Zoning for Quality and Affordability* plans, as the project would result in a substantial amount of new permanently affordable housing at a variety of income levels, and would be supportive of this key public policy goal. The proposed project is also supportive and reflective of the *Upper Manhattan Empowerment Zone*, *Manhattan Community Board 11 197-A Plan*, and the *East Harlem Neighborhood Plan*; all of which are public policy initiatives in the area.

The proposed actions would be consistent with the city's sustainability goals, including those outlined in *One New York: The Plan for a Strong and Just City* (OneNYC) by creating substantial new housing opportunities at a range of incomes; redeveloping underutilized sites along the waterfront with active uses; focusing development in areas served by mass transit; and fostering walkable retail destinations. The proposed project would also incorporate resiliency measures for future storm events. Overall, the proposed actions would be supportive of the applicable goals and objectives of OneNYC.

Located within the city's Coastal Zone, the proposed project is subject to review for consistency with the policies of the New York City Waterfront Revitalization Program (WRP) designed to maximize the benefits derived from economic development, environmental preservation, and public use of the waterfront, while minimizing the conflicts among those objectives. The proposed project is consistent with applicable WRP policies.

SOCIOECONOMIC CONDITIONS

The analysis concluded that the proposed actions would not result in significant adverse socioeconomic impacts. As there are no residents or existing businesses on the project site, the proposed actions would not result in direct residential or business displacement. While the proposed actions would likely add new population with a higher average household income as compared to existing households, the increase in population would not be large enough relative to the size of the No Action study area population to potentially affect real estate market conditions in the study area. Therefore, the proposed actions would not result in significant adverse impacts due to indirect residential displacement. The proposed actions would not introduce commercial development exceeding the *CEQR Technical Manual* threshold for an analysis of indirect business displacement. As the proposed actions would not directly displace any business or have significant adverse indirect effects on businesses in the study area, there would be no significant adverse impacts on specific industries with the proposed actions.

COMMUNITY FACILITIES AND SERVICES

Based on a preliminary screening, the proposed actions would not exceed the thresholds for analysis of health care facilities, fire and police protection services, or public high schools. Therefore, no significant impacts on these facilities would occur. The proposed actions would exceed the thresholds for analysis of elementary and intermediate schools, libraries and child care facilities, and therefore detailed analyses were undertaken. The detailed analyses concluded that the proposed actions would not result in significant adverse impacts on public schools, libraries, or child care facilities.

OPEN SPACE

The proposed project would not have any direct, significant adverse impacts on existing open space in terms of air quality, noise, odors, or shadows. New shadows from the proposed buildings would fall on several sunlight-sensitive open space resources at certain times of day in

certain seasons, but in no case would the new shadows significantly impact the use or usability of the resource or any vegetation within the resource.

The proposed project would limit public access to the Marx Brothers Playground throughout the duration of construction. Upon completion of the project, the playground would be reconstructed in its new location and its overall condition would be enhanced in comparison to the No Action condition.

The analysis of indirect effects concluded that the proposed project would not result in a significant adverse open space impact as a result of reduced open space ratios. While the open space ratios for the study area are, and would continue to be, below the City's open space goals and the median community district ratios, the proposed project would not result in a decrease of more than 5 percent in the total, active, and passive open space ratios. In addition, the proposed project would enhance open space options within the study area by reconstructing the Marx Brothers Playground. The private rooftop open spaces that would be created on the proposed residential tower would be for use by building residents and would help to serve the open space needs of the residents to be generated by the proposed project. There would also rooftop access on COOP Tech, specifically for students enrolled in the school's solar panel program.

SHADOWS

The assessment found that new shadows would fall on several sunlight-sensitive resources at certain times of day in certain seasons, but in no case would the new shadows significantly impact the use or usability of the resource or any vegetation within the resource.

HISTORIC AND CULTURAL RESOURCES

The proposed construction on the project site would not entail the demolition of any known or potential architectural resources; would not result in the replication of aspects of any of the architectural resources in the study area so as to cause a false historical appearance; and would not result in the introduction of significant new shadows or significant lengthening of the duration of existing shadows over historic landscapes or structures. There would be no physical changes to any of the architectural resources in the surrounding area.

The former P.S. 150 is located slightly more than 90 feet from the project site. Therefore, to avoid inadvertent demolition and/or construction-related damage to this resource from ground-borne construction-period vibrations, falling debris, collapse, etc.—and consistent with LPC's letter dated June 24, 2016—the school would be included in a CPP for historic structures that would be prepared in coordination with LPC and implemented in consultation with a licensed professional engineer. The CPP would be prepared and implemented prior to demolition and construction activities on the project site and project-related demolition and construction activities would be monitored as specified in the CPP. None of the other architectural resources in the 400-foot study area are located within 90 feet of the project site, and thus would not be included in the CPP.

The proposed project would not isolate any architectural resource from its setting or visual relationship with the streetscape, or otherwise adversely alter a historic property's setting or visual prominence. At 63 stories, the proposed building fronting on Second Avenue would be taller than the buildings in the surrounding area, but there are tall buildings up to 43 stories in height in the surrounding area, particularly to the south. The proposed building fronting on First Avenue would be of a comparable height and footprint to other buildings in the study area. The proposed new buildings on the project site would not introduce incompatible visual, audible, or atmospheric elements to a resource's setting. The proposed residential, school, and retail uses of

the development are comparable with the use of many of the historic and modern buildings in the study area. The proposed project would not eliminate or screen significant publicly accessible views of any architectural resource.

URBAN DESIGN AND VISUAL RESOURCES

While the proposed buildings would be considerably taller than the existing building on the site, there are other tower developments in the southern portion of the study area, as described below. The school use of the proposed buildings would remain the same as in existing/No Action conditions, with the addition of retail and residential space along Second Avenue. In addition, the relocated open space would be improved in comparison to the existing/No Action condition, and its new mid-block location would provide a buffer from the busy Second Avenue corridor. The curb cuts serving the project site would be reduced, from seven to five, which would also be expected to enhance the pedestrian experience.

The proposed project would not result in any changes to buildings, natural features, open spaces, or streets in the study area. In comparison with the No Action condition, the proposed project would alter the visual character of the surrounding area, but this character is already changing through the buildings currently under construction in the study area, which range in size from six to 36 stories. The proposed project also would enhance the visual character of the project site as compared to existing/No Action conditions, and thus would enhance the pedestrian experience of the neighborhood. The proposed residential, institutional, and retail uses are consistent with the predominant land uses in the study area, and the proposed lot coverage is more consistent with the surrounding area than the lot coverage in existing/No Action conditions. At a built FAR of approximately 9.69, the overall density of the new development on the project site would not be out of scale with other tower developments in the surrounding area; however, in comparison to other developments, the majority of the density on the project site would be oriented along Second Avenue rather than distributed more evenly across the project block.

The new buildings on the project site would be built closer to the lot line on First and Second Avenues than the existing COOP Tech and would be built to the lot line on Second Avenue, and thus would create cohesive street frontages and stronger streetwalls along these corridors. These stronger streetwalls would be expected to enhance the pedestrian experience along adjacent sidewalks. The proposed retail and school uses also would be expected to activate the streetscape along Second Avenue.

In the future with the proposed actions, the proposed buildings would be prominent in views along surrounding streets, particularly along Second Avenue and East 96th Street, as well as from the East River Esplanade. In views looking south, the proposed development on the project site would be more consistent with residential towers to the south of East 96th Street than the lower-scale development to the north; the proposed Second Avenue building would be the tallest and most prominent building in these views. The height of the development on First Avenue would be visually consistent with surrounding buildings in views to the north and south on this corridor, and the proposed Second Avenue building would not be notable in these views except those nearest the project site. The height of the proposed Second Avenue building would be taller than existing buildings in the study area by at least 263 feet; however, the sloping topography of the study area would serve to somewhat lessen the perceived height in east-west views.

The proposed buildings would not obstruct or eliminate views to other visual landmarks in the surrounding area. The proposed buildings would change the immediate context of the former P.S. 150 building (now the Life Sciences Secondary School, M655), but this change in context is

not considered to be a significant adverse effect on this visual resource, and the school building would continue to be visible from existing nearby vantage points. As described above, other historic resources in the surrounding area, including several school buildings, are visually interesting, but are not highly visible except along adjacent streets, and thus the proposed buildings would not be anticipated to adversely affect views to those resources.

HAZARDOUS MATERIALS

The proposed project would entail demolition of the existing structure and excavation for the new development. The November 2015 Phase I ESA for the site identified Recognized Environmental Conditions (the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property related to a release). Although excavation activities could increase pathways for human exposure, impacts would be avoided by performing the project in accordance with the following:

- Following completion of the EIS and prior to ground disturbance required for the proposed development, a subsurface (Phase II) investigation would be conducted that would include the collection of soil, groundwater, and soil vapor samples with laboratory analysis. Prior to such testing, a Work Plan for the investigation would be submitted to the New York City Department of Environmental Protection (DEP) for review and approval. Following receipt of the sampling results, a DEP-approved site-specific Remedial Action Plan and Construction Health and Safety Plan (RAP/CHASP) to be implemented during construction would be prepared based on the results of the Phase II Investigation. The RAP/CHASP would specify procedures for managing any encountered USTs and any encountered contamination (including procedures for stockpiling and off-site transportation and disposal of soil). It would also identify any measures (e.g., vapor controls) required for the proposed buildings. The CHASP also would address appropriate health and safety procedures, such as the need for dust or organic vapor monitoring. Plans for remediation, including any vapor controls for the proposed school buildings, also would be provided to the New York City School Construction Authority (SCA) for review.

- Removal of all known and any unforeseen petroleum tanks encountered during redevelopment would be performed in accordance with applicable regulatory requirements including New York State Department of Environmental Conservation's (DEC's) requirements relating to spill reporting tank registration, and tank removal procedures, as warranted.

- Prior to demolition, the existing building would be surveyed for asbestos by a certified asbestos investigator and all ACM would be removed and disposed of prior to demolition in accordance with local, state, and federal requirements.

- Demolition activities with the potential to disturb lead-based paint would be performed in accordance with applicable requirements (including federal Occupational Safety and Health Administration regulation 29 CFR 1926.62 - Lead Exposure in Construction, where applicable).

- Unless there is labeling or test data indicating that any suspect PCB-containing electrical equipment and fluorescent lighting fixtures do not contain PCBs, and that any fluorescent lighting bulbs do not contain mercury, disposal would be conducted in accordance with applicable federal, state and local requirements.

- If dewatering were to be necessary for the proposed construction, water would be discharged to sewers in accordance with DEP requirements.

ECF would require, through the terms incorporated into the Development Agreement, that AvalonBay Communities comply with and implement all measures outlined above into the proposed project with review and oversight by the appropriate regulatory agencies/authorities. With the measures outlined above, no significant adverse impacts related to hazardous materials would be expected to occur as a result of the proposed project.

WATER AND SEWER INFRASTRUCTURE

The analysis finds that the proposed project would not result in any significant adverse impacts on the City's water supply or wastewater and stormwater conveyance and treatment infrastructure. The proposed project would result in an increase in water consumption and sewage generation on the project site as compared with the No Action condition. While the proposed project would result in an incremental water demand of 520,295 gpd, this would not represent a significant increase in demand on the New York City water supply system. An analysis of water supply is not warranted since it is expected that there would be adequate water service to meet the incremental demand, and there would be no significant adverse impacts on the City's water supply.

While the proposed project would generate 324,800 gpd of sanitary sewage, an increase of 315,190 gpd above the No Action condition, this incremental increase in sewage generation would be approximately 0.16 percent of the average daily flow at the Wards Island Wastewater Treatment Plant (WWTP) and would not result in an exceedance of the plant's permitted capacity. The proposed project would not require the rerouting of the existing conveyance system, except for the removal of the 8-inch pipe that was installed in 2013 to serve the MTA staging area on the western portion of the project site. In addition, DEP's approval and sign-off would be required to obtain building permits. Therefore, the proposed project would not result in a significant adverse impact to the City's sanitary sewage conveyance and treatment system.

With the incorporation of selected stormwater source control best management practices (BMPs) that would be required as part of the site connection approval process, subject to the review and approval by the New York City Department of Environmental Protection (DEP), the peak stormwater runoff rates would be reduced.

TRANSPORTATION

TRAFFIC

Based on a detailed assignment of project-generated vehicle trips, ten intersections were identified as warranting detailed analysis for the weekday AM, midday, and PM peak hours. There would be the potential for significant adverse impacts at seven intersections during the weekday AM peak hour, five intersections during the midday peak hour, and six intersections during the PM peak hour.

Table 2 provides a summary of the impacted locations by lane group and analysis time period. As detailed below under "Mitigation," the majority of the locations where significant adverse traffic impacts are predicted to occur could be fully mitigated with the implementation of standard traffic mitigation measures (e.g., signal timing changes). However, the significant adverse impacts at the intersections of East 96th Street at York Avenue/FDR Northbound Ramp, East 96th Street at FDR Southbound Ramp, East 96th Street at First Avenue, and East 96th Street at Second Avenue could not be fully mitigated during one or more analysis peak hours. It should be noted that there are often traffic enforcement agents present to direct traffic flow at

these study area intersections. Hence, although unmitigatable impacts were identified, the actual traffic conditions are likely more favorable than shown by the analysis results.

Table 2
Summary of Significant Adverse Traffic Impacts

Intersection		Weekday AM Peak Hour	Weekday Midday Peak Hour	Weekday PM Peak Hour
EB/WB Street	NB/SB Street			
East 96th Street	First Avenue	WB-R NB-L NB-R	NB-L	NB-L
East 97th Street	First Avenue	EB-L		
East 97th Street	Second Avenue	WB-LT	WB-LT	WB-LT
East 96th Street	Second Avenue	WB-L	WB-L	WB-L SB-L
East 96th Street	Third Avenue	EB-LT WB-TR	EB-LT	EB-DefL WB-TR
East 96th Street	York Avenue/FDR Northbound Ramp	NB-L (FDR Ramp) NB-LT (FDR Ramp)		NB-L (FDR Ramp) NB-LT (FDR Ramp)
East 96th Street	FDR Southbound Ramp	EB-R WB-LT SB-LT	EB-R	EB-R
Total Impacted Intersections/Lane Groups		**7/13**	**5/5**	**6/9**

Notes: L = Left Turn, T = Through, R = Right Turn, DefL = Defacto Left Turn, EB = Eastbound, WB = Westbound, NB = Northbound, SB = Southbound.

TRANSIT

Based on a detailed assignment of project-generated subway and bus trips, detailed analyses of station circulation elements and control areas were conducted for the 96th Street-Lexington Avenue Station (No. 6 line) and the 96th Street-Second Avenue Station (Q line). Subway line-haul (No. 6 line) and bus line-haul (M96, M15, and M15 Select Bus Service [SBS]) analyses were conducted for the weekday AM and PM peak hours.

Based on the subway station analysis results, a potential significant adverse stairway impact was identified for the S4 stairway at the 96th Street-Lexington Avenue Station during the weekday AM peak hour. With the recent opening of the Second Avenue Subway line, ridership at the 96th Street-Lexington Avenue Station has yet to be normalized and the actual ridership may be lower than what was estimated in this analysis. Also, the analysis conservatively assumed, in accordance with CEQR guidelines, that the timings of peak travel by the proposed project's residential and school uses take place during the same commuter peak hours, while in reality, they typically stagger over an approximately two-hour window in the morning and minimally overlap in the afternoon. Furthermore, one of the future high schools to be relocated to the project site would have community preference student enrollment where they are expected to draw students primarily from the local neighborhood (i.e., East Harlem). Students from the local neighborhood are more likely to walk to/from school than take public transit to school such that the actual student subway ridership may be less than what has been assumed for a conservative transit analysis. Therefore, given the above reasons, the projected significant adverse impact at the S4 stairway may not materialize. Nonetheless, discussions with NYCT are underway to identify mitigation needs and will continue. In addition, ECF intends to conduct future monitoring based on the completion and occupancy of the proposed project. If such monitoring confirms that the projected stairway impact would occur and the discussions with NYCT do not identify any feasible mitigation measures, the identified significant adverse stairway impact would be unmitigated.

The line-haul analyses showed that the proposed project would not result in the potential for a significant adverse subway line-haul impact. It would, however, have the potential to yield

significant adverse bus line-haul impacts on the westbound M96, and the northbound and southbound M15 SBS during the PM peak period. Potential measures to mitigate the projected significant adverse bus line-haul impacts are described below.

PEDESTRIANS

Weekday peak period pedestrian conditions were evaluated at key area sidewalk, corner reservoir, and crosswalk locations. Based on the detailed assignment of pedestrian trips, 5 sidewalks, 11 corners, and 6 crosswalks were selected for detailed analysis for the weekday AM, midday, and PM peak hours. Significant adverse impacts were identified for 1 crosswalk during the weekday AM and PM peak hours. Potential measures (i.e., signal timing adjustments) were identified to mitigate the projected pedestrian impacts, as described below.

VEHICULAR AND PEDESTRIAN SAFETY

Crash data for the study area intersections were obtained from the New York State Department of Transportation (NYSDOT) for the time period between January 1, 2013 and December 31, 2015. During this period, a total of 255 reportable and non-reportable crashes, 2 fatalities, 155 injuries, and 46 pedestrian/bicyclist-related accidents occurred at the study area intersections. A rolling total of accident data identifies two study area intersections, First Avenue at East 96th Street and Third Avenue at East 96th Street, as high crash locations in the 2013 to 2015 period. A summary of the identified high crash locations, prevailing trends, project-specific effects, and recommended safety measures is provided in **Table 3**.

Table 3
Summary of High Crash Locations

High Crash Intersections	Prevailing Trends	Peak Hour Project-Specific Effects	Recommended Safety Measures
Third Avenue and East 96th Street	None	Incremental trips: 75 vehicles and 470 peds	Subsequent to the publication of the DEIS, DOT has independently restriped all four crosswalks into high visibility crosswalks and also introduced two new safety measures to temper speeds and maneuvers at this intersection. These include a hardened centerline and a slow turn wedge/enhanced daylighting. These safety measures are expected to further improve pedestrian safety at this intersection such that no additional safety measures are recommended at this time.
First Avenue and East 96th Street	None	Incremental trips: 110 vehicles and 140 peds	Installing a countdown timer and repositioning bicycle signal head

Source: NYSDOT crash data; January 1, 2013 to December 31, 2015.

PARKING

The proposed project would include a special permit waiver to eliminate the requirement for providing any parking on the project site, with an option to provide up to 120 accessory parking spaces (with 111 spaces allocated for residential use, and the remaining 9 spaces allocated for school staff use). Accounting for the parking supply and demand generated by the proposed project, the With Action public parking utilization is expected to result in a parking shortfall in the ¼-mile study area during the weekday midday time period if the up to 120 on-site parking spaces are not constructed. In consideration of this potential parking shortfall, an additional inventory of off-street parking resources was conducted to determine if the overflow demand could be accommodated at a slightly longer walking distance from the project site. This

undertaking concluded that the additional parking resources available between ¼-mile and ½-mile of the project site would yield 942 additional available parking spaces during the peak weekday parking demand midday time period, such that the overflow demand could be adequately accommodated. Therefore, while a ¼-mile parking shortfall would be expected with the proposed parking waiver, it would not result in a significant adverse parking impact.

If the proposed project includes accessory parking for up to 120 spaces, accounting for the parking supply and demand generated by the proposed project, the With Action public parking utilization is expected to increase to just below 98 percent during the weekday midday peak period within the ¼-mile study area. Since this parking utilization level would be within the study area's parking capacity, the proposed project is not expected to result in the potential for a parking shortfall or a significant adverse parking impact in this scenario.

AIR QUALITY

The maximum predicted pollutant concentrations and concentration increments from the project's potential accessory parking garage would not result in any significant adverse air quality impacts. Therefore, the proposed project would not have significant adverse impacts from mobile source emissions.

Analysis of the emissions and dispersion of nitrogen dioxide (NO_2) and particulate matter less than 10 microns in diameter (PM_{10}) from the proposed project's heating and hot water systems indicate that these emissions would not result in a violation of NAAQS. In addition, the maximum predicted $PM_{2.5}$ incremental concentrations from the proposed project would be less than the applicable 24-hour and annual average criteria. To ensure that there are no significant adverse impacts resulting from the proposed project due to heating and hot water system emissions, certain restrictions would be required.

An analysis of the laboratory exhaust system for the proposed public high schools determined there would be no significant impacts in the proposed buildings or on the surrounding community in the event of a chemical spill in a laboratory.

The analysis of the COOP Tech's industrial source emissions demonstrates that there would be no predicted significant adverse air quality impacts on the proposed project.

Based on the analysis of the emission sources from the New York Health & Hospitals Corporation (HHC) Metropolitan Hospital on the proposed project, no significant adverse air quality impacts are predicted to occur.

CLIMATE CHANGE

The building energy use and vehicle use associated with the proposed actions would result in up to approximately 13.1 thousand metric tons of carbon dioxide equivalent (CO_2e) emissions per year.

The *CEQR Technical Manual* defines five goals through which a project's consistency with the City's emission reduction goal is evaluated: (1) efficient buildings; (2) clean power; (3) sustainable transportation; (4) construction operation emissions; and (5) building materials carbon intensity.

AvalonBay is currently evaluating the specific energy efficiency measures and design elements that may be implemented, and is seeking to achieve certification under the Leadership in Energy and Environmental Design (LEED) rating system for the proposed residential development, and similar energy requirements would be applied for the proposed public high school building

which would be developed to meet the New York City School Construction Authority (SCA) guidelines. AvalonBay is committed at a minimum to achieve the prerequisite energy efficiency requirements under LEED and would likely exceed them. To qualify for LEED, the project would be required to exceed the ASHRAE 90.1-2010 standard, resulting in energy expenditure lower than a baseline building designed to meet but not exceed that standard by 5 percent. New York City has recently increased the stringency of its building code to require energy efficiency equivalent to the newer ASHRAE 90.1-2013 code. The SCA guidelines which would be applied to the proposed high school building are designed to reduce energy expenditure to at least 20 percent below the minimum which would be achieved under the New York State energy code. The proposed COOP Tech building has special ventilation requirements associated with the combination of industrial type uses (e.g., automotive trade shops) with classroom level heating and cooling needs. This type of non-standard use is not well addressed by energy baseline analyses applied in LEED-based evaluations and would therefore not satisfy the SCA requirements. Nonetheless, the proposed COOP Tech facility would be designed to include substantial energy efficiency measures such as heat recovery and LED lighting, and would exceed the minimum energy requirements of the building code.

Overall, the project's commitment to building energy efficiency under LEED would result in energy expenditure that is at least 2 percent lower than the expenditure that would result from meeting the minimum energy requirements of the New York City building code, and would likely be lower than that, ensuring consistency with the efficient buildings goal defined in the *CEQR Technical Manual* as part of the City's GHG reduction goal, and would be specified and required under the conditions of the special permit.

The proposed project also would support the other GHG goals by virtue of its nature and location: its proximity to public transportation, reliance on natural gas, and commitment to construction air quality controls. All of these factors demonstrate that the proposed development supports the GHG reduction goal.

Therefore, based on the commitment to energy efficiency and by virtue of location and nature, the proposed actions would be consistent with the City's emissions reduction goals, as defined in the *CEQR Technical Manual*.

NOISE

The analysis finds that the proposed project would not result in any significant adverse mobile source or stationary source noise impacts due to operations of the project.

The CEQR building-attenuation analysis concludes that up to 31 dBA of building attenuation as well as an alternate means of ventilation for the project buildings would be necessary to meet CEQR interior noise level requirements. These requirements would be included in the development agreement between ECF and AvalonBay Communities. Because the proposed buildings would be designed to satisfy these specifications, there would be no significant adverse noise impacts with respect to building attenuation.

Noise levels at the relocated and enhanced playground on the project site would be greater than the 55 dBA $L_{10(1)}$ CEQR guideline, but would be comparable to other active recreation spaces around New York City. Therefore, there would be no significant adverse noise impacts with respect to the playground.

NEIGHBORHOOD CHARACTER

The neighborhood character analysis concluded that the proposed project would not result in any significant adverse impacts on neighborhood character, and that a detailed analysis was not necessary. The proposed project would be compatible with the existing residential, institutional, and commercial uses that define the surrounding area. It is anticipated that the proposed project would create a new, active residential, institutional, and commercial destination at the project site, enhance the relocated Marx Brothers Playground and COOP Tech, and contribute to the essential character of the area.

Although the proposed actions would result in significant adverse traffic, pedestrian, and transit impacts, most of these impacts could be mitigated through standard measures (e.g., signal timing changes, crosswalk widening, increasing the number of buses for affected routes). Discussions with NYCT are underway to identify mitigation options for the anticipated stairway impact at the 96th Street-Lexington Avenue subway station and will continue. In addition, ECF intends to conduct future monitoring based on the completion and occupancy of the proposed project. If such monitoring confirms that the projected stairway impact would occur and the discussions with NYCT do not identify any feasible mitigation measures, the identified significant adverse stairway impact would be unmitigated. While there would be increased transportation activity in the surrounding neighborhood in the future with the proposed actions, the resulting conditions—even if partially unmitigated—would be similar to those seen in the high activity urban neighborhoods defining the study area and would not result in conditions that would be out of character with the study area or surrounding neighborhoods.

While the proposed actions will generally enhance the existing defining features of the neighborhood character within the study area, potential transportation impacts resulting from the project, and other relevant impact areas, were evaluated in connection with any potential impacts they could have on such defining features. The proposed project's significant adverse transportation impacts would not adversely affect neighborhood character. In addition, the *CEQR Technical Manual* advises that additional analysis of neighborhood character may be warranted based on the potential for a project to result in a combination of moderate effects in more than one technical area on the defining features of the neighborhood character. A "moderate" effect is generally defined as an effect considered reasonably close to the significant adverse impact threshold for a particular technical analysis area. As discussed throughout the EIS, the proposed project would not result in moderate effects that would be reasonably close to the impact thresholds in the other relevant impact areas. Therefore, the proposed project would not have the potential to affect neighborhood character through a combination of moderate effects.

CONSTRUCTION

Construction of the proposed project—as is the case with any construction project—would result in some temporary disruptions in the surrounding area. The project's construction phasing plan must incorporate the need to maintain the operations of COOP Tech at its current location until the replacement school is completed. As such, the overall construction of the proposed project is anticipated to take approximately five years to complete. Construction activities associated with the proposed project would result in temporary significant adverse impacts in the areas of traffic, noise, and open space.

TRANSPORTATION

Compared with the No Action condition, construction activities associated with the proposed project would generate 384 more daily passenger car equivalents (PCEs) during peak construction. During the 6:00 to 7:00 AM and 3:00 to 4:00 PM construction traffic peak hours, the incremental construction PCEs would exceed the *CEQR Technical Manual* threshold of 50 vehicle-trips and would generate 126 and 90 PCEs, respectively. However, the peak construction traffic increments (during the second quarter of 2020) during these peak hours would be much lower than the full operational traffic increments associated with the proposed project in 2023 during the 8:00 to 9:00 AM and 5:00 to 6:00 PM commuter peak hours. Therefore, if traffic impacts occur during the peak construction they are expected to be within the envelope of significant adverse traffic impacts identified for the With Action condition. In addition to the above comparison between operational and construction traffic increments, an assessment of cumulative operational and construction effects (when construction of the western building is completed and operational and the eastern building is still under construction) showed that the cumulative trip-making during any point of project development in the morning and afternoon hours would be lower than the critical 8:00 to 9:00 AM and 5:00 to 6:00 PM commuter peak hours, for which project-related impacts were identified. Therefore, all potential traffic impacts and required mitigation measures have been identified as part of the assessment of the full build-out of the proposed project. The proposed project is not expected to result in any significant adverse parking, pedestrian, or transit impacts during construction.

AIR QUALITY

Construction activities associated with the proposed project would not result in any significant adverse stationary or mobile source air quality impacts. To minimize the effects of the proposed project's construction activities on the surrounding community, the proposed project would implement an emissions reduction program that would include, to the extent practicable: diesel equipment reduction, the use of ultra-low sulfur diesel (ULSD) fuel; best available tailpipe reduction technologies; and the utilization of newer equipment. The proposed project would also adhere to *New York City Air Pollution Control Code* regulations regarding construction-related dust emissions, and to *New York City Administrative Code* limitations on construction-vehicle idling time.

NOISE

The detailed modeling analysis concluded that construction of the proposed project has the potential to result in construction noise levels that exceed *CEQR Technical Manual* noise impact criteria for an extended period of time at the portion of HHC Metropolitan Hospital immediately across East 97th Street north of the project site, the western façade and western portions of the north and south façades of the existing COOP Tech school building, and the north façade of the residential building at 306 East 96th Street immediately south of the project site.

The affected façades of HHC Metropolitan Hospital and 306 East 96th Street would experience exterior noise levels in the high 70s dBA, which represent increases in noise level up to approximately 13 dBA compared with existing levels, for up to approximately three years during the construction period. The affected portions of the existing COOP Tech building would experience exterior noise levels in the mid 80s dBA, which represent increases in noise level up to approximately 18 dBA compared with existing levels, for up to approximately three years during the construction period.

Construction noise levels of this magnitude for such an extended duration would constitute a significant adverse impact. Field observations determined that these buildings have insulated glass windows and alternate means of ventilation (i.e., air conditioning), and would consequently be expected to experience interior $L_{10(1)}$ values less than 45 dBA during much of the construction period, which would be considered acceptable according to CEQR criteria. At the outdoor balconies on the north façade of the 306 East 96th Street building, there are no feasible or practicable measures to attenuate the construction noise that reaches the building. Therefore, additional receptor controls (i.e., façade attenuation improvements) to further reduce interior noise levels at these locations are not proposed.

At other receptors near the project site, including open space, residential, and hospital receptors, noise resulting from construction of the proposed project may at times be noticeable, but would be temporary and would generally not exceed typical noise levels in the general area and so would not rise to the level of a significant adverse noise impact.

OPEN SPACE

The existing Marx Brothers Playground would be temporarily displaced during construction. To allow for a more efficient and expedited construction, construction staging would take place within the project site. On-site construction staging would minimize disruptions to the surrounding roadways during construction and would allow for vehicle access to be maintained at nearby facilities including HHC Metropolitan Hospital to the north of the project site across East 97th Street. On-site construction staging would also allow for a safer environment for the public passing through the area as the activities would be contained within the project site. According to the *CEQR Technical Manual*, in areas that are well served by open space, a reduction of open space ratios greater than five percent may be considered significant, as it may result in overburdening existing facilities or further exacerbating a deficiency in open space. During the construction period, the active open space ratios for the study area would be reduced by more than the CEQR threshold of five percent; therefore, the temporary displacement of the Marx Brothers Playground during construction would be considered a significant adverse construction-period impact. There are other active open space resources in the area, such as Stanley Isaacs Playground and Ruppert Park that could partially accommodate the active recreation activities temporarily displaced from the Marx Brothers Playground. Upon completion of the proposed project, the Marx Brothers Playground would be reconstructed and enhanced following a process that would reflect continued input from NYC Parks, DOE, Community Board 11, and the local community.

ALTERNATIVES

The alternatives consist of the following:

- A No Action Alternative, which is mandated by CEQR and SEQRA, and is intended to provide the lead and involved agencies with an assessment of the expected environmental impacts of no action on their part. The No Action Alternative assumes that in the future without the proposed actions, the project site will continue as in the existing condition, except that the MTA will vacate the western portion of the jointly operated Marx Brothers Playground and will reconstruct and restore that portion for open space uses. In addition, the new Judith Kaye High School is projected to be housed within the COOP Tech building starting in the fall of 2017, utilizing space currently occupied by a P2K (GED) program, which is being phased out.

- A No Unmitigated Significant Adverse Impacts Alternative, which considers a project program which would eliminate the proposed project's unmitigated significant adverse impacts in the area of transportation.
- A Community Alternative, which considers several massing scenarios suggested by Community Board 11 that would result in a reduction of the height of the proposed residential tower on Second Avenue.

Additionally, other massing scenarios that would move residential use to the proposed First Avenue building were also studied in response to questions from the City Planning Commission.

The No Action Alternative would not result in any of the significant adverse impacts to traffic, transit, and pedestrians—as well as noise and open space during the construction period—that have been identified for the proposed project. However, the No Action Alternative would not meet the project's stated purpose and need.

The proposed project would result in a significant adverse subway stairway impact at the S4 stairway at the 96th Street-Lexington Avenue station during the weekday AM peak hour. Discussions with New York City Transit (NYCT) to identify mitigation needs for this impact are underway and will continue. In addition, ECF intends to conduct future monitoring based on the completion and occupancy of the proposed project. If such monitoring confirms that the projected stairway impact would occur and the discussions with NYCT do not identify any feasible mitigation measures, the identified significant adverse stairway impact would be unmitigated. In order to eliminate this potential impact, the proposed residential use would have to be reduced by approximately 60 percent, or roughly 720 units, or the proposed high schools would have to be eliminated from the program. Therefore, no reasonable alternative could be developed to avoid such impacts without substantially compromising the proposed project's stated goals.

Of the unmitigatable significant adverse traffic impacts identified for the proposed project, the traffic impacts at the East 96th Street and FDR Northbound and Southbound Ramps and at the East 96th Street and Second Avenue intersections were determined to be the most difficult to mitigate, due to multiple lane groups/movements at these intersections projected to operate at congested levels. Hence, even small increases in incremental project-generated traffic volumes at these intersections would result in significant adverse traffic impacts that could not be fully mitigated during one or more analysis peak hours. Correspondingly, any residential development or the addition of the two new high schools could result in unmitigated traffic impacts. Therefore, no reasonable alternative could be developed to avoid such impacts without substantially compromising the proposed project's stated goals.

None of the massing scenarios considered in the Community Alternative were found to be feasible without substantially compromising the proposed project's stated goals. In addition, the alternative massing scenarios studied in response to questions from the CPC were concluded to be not feasible and would not meet the goals and needs of the project.

MITIGATION

The proposed project has the potential to result in significant adverse impacts to traffic, transit, and pedestrians as well as noise and open space during the construction period. Potential mitigation measures for each of these technical areas are identified below.

TRAFFIC

In the future with the proposed project, there would be the potential for significant adverse traffic impacts at seven intersections during the weekday AM peak hour, five intersections during the weekday midday peak hour, and six intersections during the weekday PM peak hour.

The majority of the locations where significant adverse traffic impacts are predicted to occur could be fully mitigated with the implementation of standard traffic mitigation measures (e.g., signal timing changes). However, the significant adverse impacts at the intersections of East 96th Street at York Avenue/FDR Northbound Ramp during the AM and PM peak hours, East 96th Street at FDR Southbound Ramp during the AM, midday, and PM peak hours, East 96th Street at First Avenue during the AM peak hour, and East 96th Street at Second Avenue during the PM peak hour could not be fully mitigated. There are often traffic enforcement agents present to direct traffic flow at the study area intersections along East 96th Street. Hence, although unmitigatable impacts were identified for four of these intersections, the actual traffic conditions are likely more favorable than shown by the analysis results.

TRANSIT

The proposed project would potentially result in a significant adverse subway stairway impact at the S4 stairway at the 96th Street-Lexington Avenue station during the weekday AM peak hour. Discussions with New York City Transit (NYCT) are underway to identify mitigation needs and will continue. In addition, ECF intends to conduct future monitoring based on the completion and occupancy of the proposed project. If such monitoring confirms that the projected stairway impact would occur and the discussions with NYCT do not identify any feasible mitigation measures, the identified significant adverse stairway impact would be unmitigated.

Bus line-haul impacts were identified for the westbound M96, and northbound and southbound M15 SBS routes during the weekday PM peak hour. Increases in service frequency of one, one, and four buses an hour for the westbound M96, northbound M15 SBS, and southbound SBS routes, respectively, would fully mitigate the projected line-haul impacts.

PEDESTRIANS

Pedestrian conditions were evaluated at five sidewalks, 11 corners, and six crosswalks for the weekday AM, midday, and PM peak hours. In the 2023 With Action condition, the proposed project would result in significant adverse pedestrian impacts at one crosswalk during the weekday AM and PM peak hours. The pedestrian mitigation measures consist of signal timing changes that are routinely implemented and are generally considered feasible.

The proposed traffic and pedestrian mitigation measures would be subject to approval by the New York City Department of Transportation (DOT) prior to implementation.

CONSTRUCTION

As described above, construction activities associated with the proposed project would result in temporary significant adverse impacts in the areas of traffic, noise, and open space.

Traffic

The peak construction traffic increments during the construction peak hours (6:00 to 7:00 AM and 3:00 to 4:00 PM) would be much lower than the full operational traffic increments associated with the proposed project during the 8:00 to 9:00 AM and 5:00 to 6:00 PM commuter peak hours. Therefore, if traffic impacts occur during the peak construction they are expected to be within the envelope of significant adverse traffic impacts identified for the With Action

condition. Measures to mitigate the 2023 operational traffic impacts were recommended for implementation at up to five intersections during one or more of the weekday analysis peak hours. These measures would encompass primarily signal timing changes, which could be implemented early at the discretion of DOT to address actual conditions experienced at that time. As with the operational condition, there could also be significant adverse traffic impacts at the intersections of East 96th Street and York Avenue/FDR Northbound Ramp, East 96th Street and FDR Southbound Ramp, East 96th Street and First Avenue, and East 96th Street and Second Avenue (although unlikely given the magnitude of trips during the 6:00 to 7:00 AM and 3:00 to 4:00 PM peak hours) that could not be fully mitigated during one or more analysis peak hours.

Noise

The detailed analysis of construction noise determined that construction of the proposed project has the potential to result in construction noise levels that would constitute temporary significant adverse impacts at the portion of HHC Metropolitan Hospital immediately across East 97th Street north of the project site, the western façade and western portions of the north and south façades of the existing COOP Tech building, and the north façade of the residential building at 306 East 96th Street immediately south of the project site.

Based on field observations, the affected areas of HHC Metropolitan Hospital and COOP Tech school have insulated glass windows and an alternative means of ventilation (i.e., central air conditioning), which would be expected to provide approximately 30 dBA window/wall attenuation. Consequently, interior noise levels during construction in the affected portion of the hospital would be in the low to mid 50s dBA, up to approximately 9 dBA higher than the 45 dBA threshold recommended for inpatient medical or classroom use or approximately 4 dBA higher than the 50 dBA threshold recommended for outpatient medical or office/administrative use according to CEQR noise exposure guidelines. With these façade noise attenuation measures already in place, there are no feasible and practicable mitigation measures that would be able to reduce or eliminate the potential significant adverse noise impacts. Source or path controls beyond those already identified for the construction of the proposed project would not be effective in reducing the level of construction noise at the receptors that have the potential to experience significant adverse construction noise impacts. Additional noise receptor controls at these locations would require change to the buildings' design that would have disproportionately high cost considering that the potential noise impacts would be temporary, the interior noise levels during construction are expected to be no more than approximately 9 dBA over the acceptable threshold levels, and that the potential impacts would be limited to construction hours, which would not include regular night-time or weekend periods.

Based on field observations, 306 East 96th Street appears to have insulated glass windows and an alternative means of ventilation (i.e., through-wall air conditioning units), which would be expected to provide approximately 30 dBA window/wall attenuation. Consequently, interior noise levels during construction in this area would be in the mid to high 40s dBA, up to approximately 5 dBA higher than the 45 dBA threshold recommended for residential use according to CEQR noise exposure guidelines. With these façade noise attenuation measures already in place, there are no feasible and practicable mitigation measures that would be able to reduce or eliminate the potential significant adverse noise impacts. Source or path controls beyond those already identified for the construction of the proposed project would not be effective in reducing the level of construction noise at the receptors that have the potential to experience significant adverse construction noise impacts. Additional noise receptor controls at these locations would require change to the building design that would have disproportionately high cost considering that the potential noise impacts would be temporary, the interior noise

levels during construction are expected to be no more than approximately 5 dBA over the acceptable threshold levels, and that the potential impacts would be limited to construction hours, which would not include regular night-time or weekend periods.

At the outdoor balconies on the north façade of the building at 306 East 96th Street, there would be no feasible or practicable way to mitigate the construction noise impacts. Therefore, these balconies would be considered to experience unmitigated significant noise impacts as a result of construction. However, even during the portions of the construction period that would generate the most noise at these balconies, the balconies could still be enjoyed without the effects of construction noise outside of the hours that construction would occur, e.g. during late afternoon, nighttime, and on weekends.

Open Space

To allow for a more efficient and expedited construction, construction staging would take place within the project site and the existing Marx Brothers Playground would be temporarily displaced. On-site construction staging would minimize disruptions to the surrounding roadways during construction and would allow for vehicle access to be maintained at nearby facilities including the HHC Metropolitan Hospital to the north of the project site across West 97th Street. On-site construction staging would also allow for a safer environment for the public passing through the area as the activities would be contained within the project site. During the construction period, the active open space ratios for the study area would be reduced by more than the CEQR threshold of 5 percent; therefore, the temporary displacement of the Marx Brothers Playground during construction would be considered a temporary significant adverse construction-period impact. There are other active open space resources in the area, such as Stanley Isaacs Playground and Ruppert Park that could partially accommodate the active recreation activities temporarily displaced from the Marx Brothers Playground. Upon completion of the proposed project, the Marx Brothers Playground would be reconstructed and enhanced following a process that would reflect continued input from NYC Parks, DOE, Community Board 11, and the local community.

UNAVOIDABLE ADVERSE IMPACTS

A number of the potential impacts identified for the proposed project could be mitigated. However, as described below, in some cases, impacts from the proposed project would not be fully mitigated.

TRANSPORTATION

The significant adverse vehicular traffic impacts at the intersections of East 96th Street and York Avenue/FDR Northbound Ramp, East 96th Street and FDR Southbound Ramp, East 96th Street and First Avenue, and East 96th Street and Second Avenue could not be fully mitigated during one or more analysis peak hours.

The proposed project would also result in a significant adverse subway stairway impact at the S4 stairway at the 96th Street-Lexington Avenue station during the weekday AM peak hour. Discussions with New York City Transit (NYCT) are underway to identify subway mitigation needs and will continue. In addition, ECF intends to conduct future monitoring based on the completion and occupancy of the proposed project. If such monitoring confirms that the projected stairway impact would occur and the discussions with NYCT do not identify any feasible mitigation measures, the identified significant adverse stairway impact would be unmitigated.

CONSTRUCTION

Traffic

There is the potential for temporary significant adverse traffic impacts during the peak construction period at the intersections of East 96th Street and York Avenue/FDR Northbound Ramp, East 96th Street and FDR Southbound Ramp, East 96th Street and First Avenue, and East 96th Street and Second Avenue that could not be fully mitigated during the construction peak hours.

Noise

The detailed analysis of construction noise determined that construction of the proposed project has the potential to result in construction noise levels that would constitute temporary significant adverse impacts at the portion of HHC Metropolitan Hospital immediately across East 97th Street north of the project site, the western façade and western portions of the north and south façades of the existing COOP Tech school building, and the north façade of the residential building at 306 East 96th Street immediately south of the project site.

Based on field observations, the affected areas of HHC Metropolitan Hospital and COOP Tech have insulated glass windows and an alternative means of ventilation (i.e., central air conditioning) and 306 East 96th Street appears to have insulated glass windows and an alternative means of ventilation (i.e., through-wall air conditioning units). With the window/wall attenuation provided by these measures, interior noise levels at these locations during the loudest portions of construction are predicted to be up to 9 dBA higher than the acceptable levels according to CEQR noise exposure guidelines. With these façade noise attenuation measures already in place, there are no feasible and practicable mitigation measures that would be able to reduce or eliminate the potential significant adverse noise impacts. Source or path controls beyond those already identified for the construction of the proposed project would not be effective in reducing the level of construction noise at the receptors that have the potential to experience significant adverse construction noise impacts. Additional noise receptor controls at these locations would require change to the buildings' design that would have disproportionately high cost considering that the potential noise impacts would be temporary, the interior noise levels during construction are expected to be no more than approximately 9 dBA over the acceptable threshold levels, and that the potential impacts would be limited to construction hours, which would not include regular night-time or weekend periods.

At the outdoor balconies on the north façade of the building at 306 East 96th Street, there would be no feasible or practicable way to mitigate the construction noise impacts.

Open Space

During the construction period, the active open space ratios for the study area would be reduced by more than the CEQR threshold of 5 percent; therefore, the temporary displacement of the Marx Brothers Playground during construction would be considered a temporary significant adverse construction-period impact. There are other active open space resources in the area, such as Stanley Isaacs Playground and Ruppert Park that could partially accommodate the active recreation activities temporarily displaced from the Marx Brothers Playground. Upon completion of the proposed project, the Marx Brothers Playground would be reconstructed and enhanced following a process that would reflect continued input from NYC Parks, DOE, Community Board 11, and the local community.

GROWTH-INDUCING ASPECTS OF THE PROPOSED ACTIONS

The proposed project would be limited to the project site. The project would increase the density of the project site by introducing approximately 1,200 more residential units, 25,000 gsf of retail, and approximately 166,502 gsf more public school use than in the existing condition. These uses would be consistent with the existing uses in the surrounding area. While the proposed actions would likely add new population with a higher average household income as compared to existing households, the increase in population would not be large enough relative to the size of the No Action study area population to potentially affect real estate market conditions in the study area. Therefore, the proposed project is not expected to introduce or accelerate a trend of changing socioeconomic conditions. In addition, the proposed project would not include the introduction or expansion of infrastructure capacity (e.g., sewers, central water supply) that would result in indirect development; any proposed infrastructure improvements would be made to support development of the project site itself. Therefore, the proposed project is not expected to induce significant new growth in the surrounding area.

IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

Resources, both natural and built, would be expended in the construction and operation of the proposed project. These resources include the materials used in construction; energy in the form of fuel and electricity consumed during construction and operation of the project; and the human effort (i.e., time and labor) required to develop, construct, and operate various components of the project.

The resources are considered irretrievably committed because their reuse for some purpose other than the proposed project would be highly unlikely. The proposed project constitutes an irreversible and irretrievable commitment of the project site as a land resource, thereby rendering land use for other purposes infeasible, at least in the near term.

These commitments of land resources and materials are weighed against the benefits of the proposed project. The proposed actions are intended to achieve a better learning environment for COOP Tech, the Heritage School, and Park East High School by alleviating over-crowded conditions and providing modern facilities for these schools. The proposed actions also would create up to 360 affordable housing units on the project site, pursuant to the MIH program, and thus would make a substantial contribution to the housing production goals of the Mayor's *Housing New York: A Five-Borough, Ten-Year Plan*. And last, the proposed actions would result in substantial improvements to the existing Marx Brothers Playground, and its relocation to the midblock in order to buffer the playground use from the active First Avenue and Second Avenue corridors.

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