



# Memorandum

U.S. Department  
of Transportation  
Federal Transit Administration

Subject: MTA New York City Transit Second Avenue Subway Project Date: September 16, 2010  
Technical Memorandum No. 6: 69<sup>th</sup> Street Ancillary Facility

From: *NC* Nina Chung  
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Reply to  
Attn. of:

To: *MB* Brigid Hynes-Cherin  
Regional Administrator

File

Through: Nancy Danzig  
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and  
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## INTRODUCTION

This memo provides FTA's analysis under the National Environmental Policy Act (NEPA) pursuant to 23 CFR 771.130 of the Metropolitan Transportation Authority's ("MTA") final design of the 69<sup>th</sup> Street Ancillary Facility for the Second Avenue Subway Project (Project). FTA's analysis is based on the "MTA New York City Transit Second Avenue Subway Technical Memorandum No. 6: Evaluation of 69<sup>th</sup> Street Ancillary Facility" (Technical Memorandum No. 6), dated July 16, 2010, submitted by the MTA for FTA's review.

FTA issued a Final Environmental Impact Statement (FEIS), entitled "MTA New York City Transit Second Avenue Subway Final Environmental Impact Statement and Final Section 4(f) and Section 6(f) Evaluation" on April 8, 2004 and Record of Decision (ROD) on July 8, 2004 on the Project.

This review addresses the potential impacts of the final design of one element of the Project compared to what was presented in the FEIS: the 69<sup>th</sup> Street Ancillary Facility ("Facility"), to be located at the northwest corner of 69<sup>th</sup> Street and Second Avenue, in order to determine if the final design would result in significant environmental impacts not evaluated in previous NEPA evaluations.

The level of design known and presented at the time of the FEIS for the Project was based on preliminary engineering, given the prohibition on final design activities prior to issuance of a ROD at 23 CFR 771.113(a). As a result of final design of the Facility, the following specific design details are now known that were not presented in the FEIS:

- the exact size of the Facility: length, width, and height
- the appearance of the Facility: façade materials and details on the size and location of

cooling towers and intake/exhaust louvers

As a result of the final size of the Facility, there will be an adverse impact to the view of the outdoors from eight (8) apartments in an adjacent building; this impact is not considered a significant effect on the quality of the human environment given the Project's context in a densely populated major metropolitan area and the intensity of the impact on a relatively small number of residents. The final appearance of the Facility has no significant adverse impact on the quality of the human environment. We have reviewed the Technical Memorandum No. 6 and find that there will be no new significant environmental impacts as a result of the final design of the Facility compared to what was evaluated in the FEIS. In addition, other than the elimination of the Facility's rooftop privacy screen, there will be no necessary changes to the mitigation measures described in the FEIS and ROD. The NEPA requirements pursuant to 23 CFR 771.130 have been met, and we recommend that no further environmental review is necessary.

#### **Comparison of the FEIS Design and the Final Design of the 69<sup>th</sup> Street Facility**

Two ventilation structures are required at each of the Project's 16 stations. The FEIS presented specific locations and functions of ancillary facilities. The specific location of the Facility was identified in the FEIS as 1313-1315 Second Avenue located at the northwest corner of 69<sup>th</sup> Street and Second Avenue. The final design of the Facility did not change that location. The functions of the ancillary facilities described in the FEIS include housing the shaft to the tunnel and ventilation, including fresh air intake, exhaust, emergency smoke exhaust, and relief of air pressure build-up caused by piston effect of train movement. The FEIS also indicated that some ancillary buildings would include a cooling tower on the rooftop and intake/exhaust louvers primarily on their rooftops. The FEIS also notes that in some locations, ground-floor retail or other similar uses may possibly be incorporated into Project buildings. The final design of the Facility did not change those functions described in the FEIS. Although specific details on location and functions were known at the time of the FEIS, the FEIS provided only conceptual information on size and appearance.

#### **ASSESSMENT OF ENVIRONMENTAL IMPACTS**

FTA has evaluated Technical Memorandum No. 6, which provided analysis of impacts on the following sixteen (16) environmental issue areas:

1. Transportation (subway, bus, automobile, parking, and pedestrian)
2. Social and economic conditions
3. Open space
4. Displacement and relocation
5. Historic resources
6. Archaeological resources
7. Air quality
8. Noise and vibration
9. Infrastructure and energy
10. Contaminated materials
11. Natural resources
12. Coastal zone consistency
13. Safety
14. Environmental justice
15. Indirect and cumulative effects
16. Construction impacts

In the following three (3) areas, there are potential environmental impacts as a result of the final

design as it relates to size and appearance; however, the impacts are not significant: (1) Social and Economic Conditions, (2) Air Quality, and (3) Noise and Vibration. A summary of the potential impacts for these areas is provided below. For each of these areas, there is a comparison of the FEIS design and the final design.

#### **1. Social and Economic Conditions**

The FEIS concluded that no significant adverse impact to social and economic conditions would result from the operation of ancillary facilities. The FEIS considered the impacts of the Project on social and economic conditions, which were defined as those components of a community that influence its character, including land uses and important community facilities; zoning and public policies; population and employment; and visual/neighborhood character. The FEIS design included an ancillary building at the northwest corner of Second Avenue and 69<sup>th</sup> Street, and that has not changed for final design. Therefore, the Project's effects on land use and population and employment remain the same.

##### *Zoning and Public Policies*

With respect to zoning and public policies, the site of the Facility is located in New York City's Special Transit Land Use District. The special district requires new developments adjoining subway stations to reserve space in their projects for public access to the subway to coordinate the present and future relationships of land uses within the district to the Second Avenue Subway. The Facility is consistent with the purpose of the special district. In addition, the Facility's use is consistent with the overall goals of the zoning district, which permits public service establishments. The height, bulk, and form of the Facility are consistent with zoning, which allows buildings in this area to be built to the lot-line at a height of up to 85 feet before a setback is required.

##### *Visual/Neighborhood Character*

Although the size is consistent with zoning regulations, the specific size of the Facility was not presented in the FEIS, rather various sizes of roughly the same magnitude were presented throughout the FEIS. The final design size of the Facility has the potential to impact visual/neighborhood character. Furthermore, the appearance of the Facility was not known at the time of the FEIS; therefore the final appearance of the Facility has the potential to impact visual/neighborhood character. Below is summary analysis that focuses on the potential of the final design, specifically the size and appearance of the Facility, to impact visual/neighborhood character.

##### Size

##### **FEIS DESIGN**

The FEIS provided a general sense of scale and massing of ancillary facilities; it did not provide specific dimensions for any ancillary facility, including the 69<sup>th</sup> Street Ancillary Facility. Various dimensions for ancillary facilities were provided in different chapters of the FEIS. Chapter 2 of the FEIS indicates that ancillary facilities would be approximately 25 feet wide, 75 feet deep, and four to five stories high (FEIS page 2-22). Chapter 6 of the FEIS indicates that ancillary structures could be three to four stories high and between 20 wide by 70 feet deep and 40 wide by 80 feet deep (FEIS, page 6-49). In Chapter 8, ventilation and cooling facilities were described as being approximately 25 to 40 feet wide, 75 feet deep, and up to 50 feet high (FEIS, page 8-9). And Chapter 11 indicates that ventilation structures would typically be 25 to 40 feet wide and up to 75 feet high. The presentation of varying sizes is due to the level of design known and presented at the time of the FEIS, which was preliminary design, and the multiple chapters that discuss ancillary facilities in varying contexts, such as in Chapter 8: Displacement and Relocation as well as in Chapter 6: Social and Economic Conditions. The FEIS also indicates that cooling towers

would be located on the roofs of buildings (FEIS, Page 11-23).

#### FINAL DESIGN

As a result of final design, the Facility will occupy the entire lot of 1313-1315 Second Avenue: 79.5 feet deep (on 69<sup>th</sup> Street) by 50 feet wide (on Second Avenue) and 75 feet high. Two cooling towers (footprint of each will be 8.5 feet by 12 feet) will be located on the rooftop of the 75-foot structure. The cooling towers will have a smaller combined footprint than the one cooling tower described in the FEIS. The Facility will be rectangular with no setbacks. On Second Avenue, the final design depth and height are within the range of sizes presented in the FEIS. The 50 feet width is approximately 10 feet wider than the estimated width presented in the FEIS.

The size and massing of the Facility will have a direct adverse visual impact to the residents of eight (8) apartments of the building at 233 East 69<sup>th</sup> Street; this impact was not specifically presented in the FEIS. Below is a summary of this visual impact.

Two 5-story walk-up apartment buildings located at 1313-1315 Second Avenue currently occupy the full lot of the site of the Facility. They front onto Second Avenue with one-story extensions behind each building which are incorporated into a one-story commercial building that fronts onto East 69<sup>th</sup> Street. They are adjacent to two mid-rise apartment towers that front on 69<sup>th</sup> Street and on Second Avenue and that share a common entrance on 69<sup>th</sup> Street with the address of 233 East 69<sup>th</sup> Street. The portion of the 233 East 69<sup>th</sup> Street on 69<sup>th</sup> Street is 12 stories high (referred to as Building A) and the portion on Second Avenue is 16 stories high (referred to as Building B). Residents of Building A and Building B of 233 East 69<sup>th</sup> Street are the closest viewers to the site of the Facility. Currently, the east-facing windows of eight (8) apartments on the 2<sup>nd</sup> to 8<sup>th</sup> floors of Building A are located on the property lot line and are approximately 15 feet from the back of the 5-story buildings due to the presence of the 1-story commercial extension. Above the 8<sup>th</sup> floor, east-facing windows of four (4) apartments have views across the roof of the existing 5-story residential buildings.

For the residents of apartments with east-facing windows in Building A:

- apartments on the 2<sup>nd</sup> to 9<sup>th</sup> floors will lose their east-facing views from their windows entirely, as the 15 feet gap between the existing residential building and Building A will be filled with the new Facility structure;
- apartments on the 10<sup>th</sup> to 12<sup>th</sup> floors, views will remain, but the rooftop Facility equipment will be visible, including cooling towers without a privacy screen.

For the residents of apartments with south-facing windows in Building B:

- apartments on the 2<sup>nd</sup> to 8<sup>th</sup> floors, the existing views of a blank brick wall will change to views of a new blank wall with architectural concrete, scored and stained to match the façade of the Facility's brick-colored tiles;
- apartments on 9<sup>th</sup> floor who currently have views across the roof will face the new blank side wall of the Facility;
- apartments on the 10<sup>th</sup> to 16<sup>th</sup> floor, views will remain, but the rooftop Facility equipment will be visible, including the cooling towers without a privacy screen.

Therefore, the views of residents above the 9<sup>th</sup> floor of Building A and some views of residents with south facing windows of Building B will change, but the change is not adverse or significant. The width of 50 feet of the Facility does not result in any significant adverse impact. The depth and height of the Facility will directly block east-facing windows of eight (8) apartments of Building A. Although these eight (8) apartments will lose light and air from the east-facing windows, because these are floor-through apartments, light and air will still be available through existing windows of the south and north facades. This arrangement is similar for apartments with

the same floor plan on the western end of the building, which abuts an adjacent building built to its lot line. The eight (8) apartments that will be impacted will continue to meet the requirements of the New York City Building Code with respect to light and air. Although the loss of light and air is an adverse impact for the residents of the eight (8) apartments, the impact is not significant. Therefore, there is no significant change in impacts of the FEIS design as a result of the final size of the Facility.

#### Appearance FEIS DESIGN

The FEIS provided conceptual guidelines for the design of ancillary facilities; it did not provide specific details on the design of any Project ancillary facility. The conceptual guidelines (FEIS page S-47) included commitments that ancillary facilities would be sensitive to the surrounding architectural context; would not disturb the visual context of the study area; would not change the study area's urban design; and that community input on the design would be solicited during the design phase (FEIS page 6-49). The FEIS indicated that some ancillary buildings would include a cooling tower with a privacy screen on the rooftop and intake/exhaust louvers would be located primarily on their rooftops. The FEIS provided illustrative examples of existing ancillary facilities, such as sidewalk grates in Manhattan and a row house façade in Brooklyn. The FEIS (FEIS Figure 2-11) also provided a conceptual illustration of a Second Avenue Subway ancillary building: a row house façade with the interior of the building reconstructed as a ventilation facility.

#### FINAL DESIGN

The final design façade of the Facility will not look like a row house, as in the FEIS conceptual illustration; it will look institutional. The façade will include a granite base, brick-colored terracotta tiles (color similar to bricks or brownstone), translucent glass, and silver-colored metal slats for the ventilation louvers. Although there will be some glass on the façade, there will be no windows that look similar to residential windows. The structure will be rectangular with no setbacks. Two cooling towers, without privacy screens, with a footprint smaller than the one cooling tower presented in the FEIS, and three ventilation shafts will be located on the rooftop. Although the FEIS indicated that a privacy screen would be used for the cooling tower, no privacy screen is proposed at this time because MTA believes that the inclusion of a privacy screen that meets the MTA's operational and maintenance requirements would make the Facility appear larger and less attractive than a Facility without such a screen. Although there will be no significant change in impact as a result of the elimination of the privacy screen, if the community prefers a privacy screen, then this can be included in the design. In addition, while the FEIS indicated that the intake and exhaust louvers would be primarily located on the rooftop, in the final design, approximately 46% of the intake and exhaust louvers will be located on the façade and 54% will be located on the rooftop. As a result of community input during final design, the building will also include a ground-floor retail space at the corner of Second Avenue and 69<sup>th</sup> Street. (Because the addition of one cooling tower and the placement of intake/exhaust louvers on the façade have the potential to impact air quality and noise and vibration, analysis for these environmental issue areas is provided later in the Air Quality and Noise and Vibration sections of this Memorandum.)

The 72<sup>nd</sup> Street Station study area ("Study Area") was defined as the area between East 67<sup>th</sup> and 74<sup>th</sup> Streets and First and Third Avenues. Pursuant to NEPA, the study area may be different for each environmental issue area, depending on the nature of the project and specific issue area. The Study Area for the 72<sup>nd</sup> Street Station, which is much larger than the locally-recommended 400-foot radius, is appropriate because there are several above-ground structures which make up the 72<sup>nd</sup> Street Station, including station entrances and ancillary facilities, dispersed throughout the Study Area. The Study Area is largely unchanged from what was described in the FEIS. It

continues to have residential and institutional uses, including a post office, schools, and hospital-related buildings. The ground floors of most buildings on Second Avenue have retail uses. The Study Area has a wide range of building types and styles. The predominant building types are large high-rise buildings with groups of attached, 5- and 6-story walk-up tenement type apartment buildings. While the high-rise buildings are typically masonry, with some granite, metal, and glass elements, the tenement type apartments are often in brick or brownstone. This Study Area contains a mix of materials used for facades, including brick, brownstone, polished granite, and glass. The Facility will be built with materials that are consistent with those used in other buildings in the Study Area.

- Terra-cotta tiles will cover most of the Facility's façade, which will relate to the masonry facades of buildings in the Study Area. This is also consistent with the predominant building material – brick and brownstone – found in the Study Area. Although the size of the terra-cotta tiles of the Facility will be larger than that of brick, other buildings in the Study Area also use larger building units than brick.

- Granite will be used on the base of the Facility. This is consistent with the materials used in older residential buildings in the Study Area, such as the building at 205 East 69<sup>th</sup> Street. It also relates to newer construction such as Trump Place at the Third Avenue and 69<sup>th</sup> Street.

- Glass will be used at the corner of the Facility. At the ground floor, clear glass will be used for the retail space. Above, there will be a curtain-wall of semi-transparent glass at the corner, which will be illuminated. The use of glass will give the appearance of activity at night. The illumination levels of the curtain wall will be adjusted to be compatible with the lighting levels in the immediate area. The Study Area includes numerous examples of ground-floor display windows. For example, the entire Second Avenue frontage of the building across 69<sup>th</sup> Street is composed of a two-story glass and metal curtain-wall façade. Glass is used in all residential buildings, with more recently constructed buildings having rows of windows. The Trump Palace Tower at Third Avenue and 69<sup>th</sup> Street is designed with glass corners.

- Silver-colored metal slats will also be used along the 69<sup>th</sup> Street and Second Avenue facades for the ventilation louvers. In addition, aluminum bands will run across both facades horizontally, dividing the structure visually into six stories.

The language of the FEIS with regard to the design of ancillary facilities makes the reader aware that the design of the ancillary facilities was not finalized and the design would be determined by the specific site location, site conditions, relative location to other Project elements, context, as well as continued public outreach (more information regarding public outreach is provided below in the Public Outreach section of this Memorandum). Although illustrations of existing ventilation facilities were provided as examples of what ancillary facilities could look like, no specific information on the design of any Project ancillary facility was provided. The FEIS provided general guidelines that would be used, such as consistency with urban design, and that community input would be solicited during the design phase. The materials used in the façade are sensitive to the surrounding context, do not disturb views within the study area, and do not change the area's urban design. However, as a result of the silver-colored metal slats for louvers located on the façade as well as the lack of residential-style windows, the Facility will look institutional, not residential. In terms of massing, the rectangular shape is consistent with the built context of the Study Area where row houses and many of the apartment buildings are designed with rectangular plans. The massing of the Facility, rectangular with no setbacks, is similar with the massing of the

two existing residential buildings on the Facility site. The final design of the Facility is generally consistent with the conceptual design guidelines presented in the FEIS and there will be no significant change in impacts related to visual/neighborhood character as a result of the final size and appearance of the Facility; however, the MTA will continue to meet with the community to consider the exterior façade treatment.

Therefore, there will be no significant change in impacts related to social and economic conditions as a result of final design of the Facility.

## **2. Air Quality**

### **FEIS DESIGN**

Based on the FEIS design, no significant adverse impacts related to air quality would occur from the Project's ancillary facilities, including the 69<sup>th</sup> Street Ancillary Facility. Because the air exhausted from the ventilation facilities would not include hazardous pollutants, the FEIS included a qualitative discussion of the air quality impacts of new ventilation structures. The design assumed that intake and exhaust louvers would be primarily through the roof to minimize the amount of surface area needed at street level. The analysis stated that air emitted from ventilation structures would be ambient air from the subway's tunnels and stations. In addition, the FEIS anticipated one cooling tower.

### **FINAL DESIGN**

The final design of the Facility places 54% of the intake and exhaust louvers at roof level and 46% on the façade. The façade intake and exhaust louvers will be located near the top of both the 69<sup>th</sup> Street and Second Avenue facades, approximately 40 feet above street level. The location is adequate to maintain fresh air into the station and to disperse exhaust air. All exhaust louvers will be separated from any fresh air intakes and operable windows on adjacent buildings by a minimum of 10 feet, as required by the New York State Mechanical Code and as described in the FEIS. Air emitted by the ventilation system will be ambient air from the subway tunnels and stations as well as back-of-house space within the Facility. There will be no combustion or other air pollutant sources that will be emitted from the louvers. Additional qualitative air quality analysis or a quantitative air quality analysis is unnecessary because the type of air emitted from the Facility has not changed.

One of the FEIS functions of the Facility is to exhaust emergency smoke – this has not changed. No analysis for emergency exhaust was provided in the FEIS because, by definition, such emergencies are extremely rare and of very short duration. All exhaust louvers will be separated from any fresh air intakes and operable windows on adjacent buildings by a minimum of 10 feet, as required by the New York State Mechanical Code.

Therefore, there will be no significant change in the air quality impacts presented in the FEIS as result of final design of the Facility.

## **3. Noise and Vibration**

### **FEIS DESIGN**

Based on the FEIS design, the Project would meet FTA standards for operational noise criteria. Specifically, all above-ground mechanical equipment and any below-ground equipment requiring above-ground vents or structures would be designed so that noise levels produced when the equipment is in use would not exceed 60 dBA as measured from the façade of the nearest residential property. The ambient noise in the area was estimated to be 67.8 dBA based on measurements taken at 66th Street between 2<sup>nd</sup> and 3<sup>rd</sup> Avenues.

## **FINAL DESIGN**

The Facility has been designed to meet this threshold of 60 dBA at the nearest residential property. The final design incorporates noise attenuation measures, such as glass fiber, which will be use as the principal sound absorbing mechanism. A new estimate of the ambient noise level was deemed unnecessary because the major noise sources in the area, street traffic and building utilities, have not changed.

The analysis presented in the Technical Memorandum No. 6 confirmed that noise levels from the Facility at the nearest residential property will not exceed 60 dBA. The noise levels were calculated based on the distance from the Facility's rooftop cooling and ventilation equipment, not from the southern and eastern façade louvers. Although the intake and exhaust louvers on the southern and eastern façades are closer to the residential receptors, they are not the dominant noise source because they do not contain mechanical equipment that would generate noise. In addition, the 72<sup>nd</sup> Street Station tracks are approximately 80 feet below street level and the vents are offset more than 10 feet above the street level. Train noise and air movement will follow a path through ventilation ducts involving several changes in direction, and each change in direction will act to dampen noise. Therefore, noise analysis was based on the distance from the residential receptors to dominant sources of noise, which are located on the roof. These calculations were made in accordance with the methodologies provided in the most recent FTA Noise and Vibration Impact Assessment guidance (2006).

Therefore, there will be no significant change in the noise and vibration impacts presented in the FEIS as a result of the final design of the Facility.

## **MITIGATION**

No new or additional mitigation is required as a result of the final design of the 69<sup>th</sup> Street Ancillary Facility presented in Technical Memorandum No. 6. As noted above in the Social and Economic Conditions section, a privacy screen to mitigate views to the cooling towers is no longer proposed; however, if the community prefers a privacy screen, then the MTA will include one in the final design. All other mitigation measures included in the FEIS and ROD remain unchanged.

## **PUBLIC OUTREACH**

MTA NYCT has been conducting ongoing public outreach related to the Second Avenue Subway project. This outreach is being conducted through a Second Avenue Subway Task Force established by Manhattan Community Board 8. During a November 30, 2009 Community Board 8 Task Force meeting, MTA discussed the 72<sup>nd</sup> Street and 69<sup>th</sup> Street Ancillary facilities. At this Community Board 8 meeting, the design of the 69<sup>th</sup> Street Ancillary Facility was presented, including granite bases, terra-cotta tiles, glass, and metal louvers. The building presented was rectangular and built to the property line.

In addition, the following meetings related to the 69<sup>th</sup> Street Ancillary Facility have taken place:

- December 3, 2009: MTA met with representatives of 233 East 69<sup>th</sup> Street. As a follow up to this meeting, the MTA provided additional information regarding the 69<sup>th</sup> Street Facility in correspondence dated January 13, 2010.
- May 4, 2010: FTA met with the MTA to hear MTA views.
- May 14, 2010: FTA met with representatives of 233 East 69<sup>th</sup> Street as well as with a representative from Congressperson Maloney's office to hear views.



- August 12, 2010: FTA met with the representatives of 233 East 69<sup>th</sup> Street and the MTA.

The information presented in Technical Memorandum No. 6 was made available to the representatives of 233 East 69<sup>th</sup> Street. MTA, through their outside counsel, provided via e-mail the following documents to representatives of 233 East 69<sup>th</sup> Street:

- On July 12, 2010, the following 3 documents: (i) the AKRF memo dated May 28, 2010 titled "Response to FTA Letter dated April 20, 2010 Regarding the Second Avenue Subway East 69<sup>th</sup> Street Ancillary Facility"; (ii) the draft Technical Memorandum No. 6 dated May 28, 2010; and (iii) the AKRF Memo dated June 28, 2010 titled "Response to FTA Comments on Draft Technical Memorandum No. 6."
- On July 13, 2010, the DMJM Harris ARUP memorandum dated July 9, 2010 titled "Acoustics Calculations Ancillary 1 69<sup>th</sup> Street in Support of Technical Memorandum 6."
- On July 21, 2010 Technical Memorandum No. 6 dated July 16, 2010 (This July 16, 2010 Technical Memorandum incorporated responses to FTA comments noted above as well as the Acoustics Calculations noted above)

The representatives of 233 East 69<sup>th</sup> Street provided comments to the FTA based on the information submitted to them on July 12, 2010.

In addition, on September 1, 2010, the MTA's Memorandum from Mr. William Goodrich (MTA Capital Construction) to Ms. Judy McClain (NYCT Operations Planning), dated September 1, 2010, was made available to the representatives of 233 East 69<sup>th</sup> Street. The MTA Memorandum provides MTA's analysis on the potential to reconfigure the Facility to provide a setback. This Memorandum was prepared at the request of the residents of 233 East 69<sup>th</sup> Street during the August 12, 2010 meeting.

At various Community Board 8 Task Force meetings, as noted below, at a December 3, 2009 meeting between the MTA and representatives of 233 East 69<sup>th</sup> Street, and at the August 12, 2010 meeting noted above, a number of issues were raised related to the Facility:

- At an October 28, 2008 Community Board 8 Task Force meeting, CIVITAS (a local community group dedicated to improving neighborhood quality of life in the Upper East Side and East Harlem) requested that retail space be provided at street level. Ground-floor retail space is now planned for the 69<sup>th</sup> Street Ancillary Facility.
- At a November 30, 2009 Community Board 8 Task Force meeting, the residents of 233 East 63<sup>rd</sup> Street and the Community Board requested that the illumination and opaqueness of the glass façade be modified to be less bright. MTA will modify the lighting of the glass façade to conform to the day and night illumination characteristics of the surrounding structures; MTA has also adjusted the opaqueness of the glass.
- At a November 30, 2009 Community Board 8 Task Force meeting, representatives of 233 East 69<sup>th</sup> Street requested that MTA reduce the size of the Facility. MTA cannot reduce the size without compromising the mechanical needs of the 72<sup>nd</sup> Street Station or without substantially increasing the overall cost of the Project (please see bullet below).
- At a November 30, 2009 Community Board 8 Task Force meeting, representatives of 233 East 69<sup>th</sup> Street requested that the MTA maintain the existing air space at the western lot line of the site of the Facility in order to avoid impacts to the residents at 233 East 69<sup>th</sup> Street. Residents proposed flipping the staircase to the rear of the Facility building and moving the vents to the middle of the lot, which would eliminate the ground-floor retail space. MTA studied this proposal and determined that there are technical and schedule impacts to such a proposal. Flipping the staircase does not provide sufficient space to relocate the fans and shafts, which extend vertically from the

second floor to the roof. Relocating equipment from the upper floors of the ancillary structure to below ground would be extremely difficult and costly due to rock conditions in the area. There must be enough space between the basement of the Facility and the cavern in order to ensure the structural integrity of the cavern, and the cavern cannot be made any wider and the building cannot go any deeper because of the rock condition.

-At a January 10, 2010 Community Board 8 Task Force meeting, Mr. Michael Zarin of Zarin & Steinmetz Attorneys at Law requested that the MTA design the Facility to look like a rowhouse. While a rowhouse was provided as a conceptual illustrative example, the current design does not look like this example. The final design still fits, however, within the urban fabric of the surrounding area.

-At a December 3, 2009 meeting between the MTA and representatives of 233 East 69<sup>th</sup> Street, a request was made to include a privacy screen around the cooling towers. Although a privacy screen was included in the FEIS design, the MTA has decided that a screen that would meet the MTA's operational and maintenance needs would make the Facility appear larger because of the added bulk surrounding the cooling towers. After further discussion with the community, if the community still requests a privacy screen, then MTA will include one in the final design.

-At an August 12, 2010 meeting among the MTA, representatives of 233 East 69<sup>th</sup> Street, and the FTA, the residents of 233 East 69<sup>th</sup> Street requested a meeting to discuss the final design details of the façade. MTA and residents of 233 East 69<sup>th</sup> Street plan to meet in the near future to discuss the façade design of the Facility. In addition, the representatives of 233 East 69<sup>th</sup> Street requested that MTA prepare analysis with regard to the possibility of providing a setback to the Facility. On September 1, 2010, the MTA provided a Memorandum (from William Goodrich to Judy McClain, dated September 1, 2010) which describes the flexibility to reconfigure to provide a setback, explains the constraints of the underground rock, the constraints of the 3<sup>rd</sup> and 4<sup>th</sup> floors of the Facility, and the restrictions in moving equipment below-ground. The MTA's Memorandum concludes that it is not practicable to have a setback from the western edge of Facility site, as requested by the residents of 233 East 69<sup>th</sup> Street.

#### SUMMARY

Based on our review of Technical Memorandum No. 6, and consideration of comments made by the residents of 233 East 69<sup>th</sup> Street and their representatives through discussion and correspondence with FTA, as noted above, no new significant impacts since the issuance of the FEIS and ROD have been identified by FTA as a result of final design of the 69<sup>th</sup> Street Ancillary Facility.

Concur

  
Brigid Hynes-Cherlin  
Regional Administrator

9/16/10  
\_\_\_\_\_  
Date