

## 27. RESPONSES TO COMMENTS

This chapter summarizes and responds to comments on the Draft Environmental Impacting Statement (DEIS), Oral and written comments were received during the public hearing held by the New York City Department of City Planning on July 2, 2008. Written comments were accepted through the close of the public comment period which ended July 14, 2008.

Section 25.2 lists the individuals who provided relevant comments on the DEIS. Section 25.3 contains a summary of the relevant comments and responses to them. The summaries set forth the substance of the comment made, but do not necessarily quote each comment verbatim. Comments have been organized by subject matter, as laid out in the Table of Contents of the DEIS. Where more than one commentator expressed similar views, those comments have been grouped and addressed together. A number of commenter's submitted general comments about the Proposed Project. Although these comments were not directly responded to in the Section 25.3, they were given due consideration, but are not itemized below.

### 27.1 LIST OF INDIVIDUALS WHO COMMENTED ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

Abbreviation	Commenter	Affiliation	Type of Comments Given (Written or Oral)
Borelli	Anthony Borelli	Borough President's Office	Oral
Jaffe	Sandra Jaffe	Resident in the Area	Oral
MLevinson	Mara Levinson	Resident in the area	Oral
Richman	Dan Richman	Zarin & Steinmetz	Oral
Cooper	David Cooper	Zarin & Steinmetz	Oral
Hutton	Ernest Hutton	AICP, and an Associate of AIA	Oral & Written
Canning	John Canning	Adler Consulting	Oral & Written
MAlex	Marthis Alex	Resident in the area	Oral
DAlex	Dennis Alex	Resident in the area	Oral & Written
Rosenthal	Mrs. William Rosenthal	Resident in the area	Oral
KSosa	Kathleen Sosa	Resident in the area	Written
RSosa	R. Earnest Sosa	Resident of 530 East 72 <sup>nd</sup> Street	Written
Gray	Madelyne Gray	Resident of 530 East 72 <sup>nd</sup> Street	Written
Schwartzman	Felice Schwartzman	Resident of 530 East 72 <sup>nd</sup> Street	Written
G Mavrovic	Gwen Mavrovic	Resident in the area	Written
P Mavrovic	Paul Mavrovic	Resident of 530 East 72 <sup>nd</sup> Street	Written
Plimpton	Sarah Dudley Plimpton	Resident of 541 East 72 <sup>nd</sup> Street	Written
Fein	Milton Fein	Resident of 530 East 72 <sup>nd</sup> Street	Oral

Abbreviation	Commenter	Affiliation	Type of Comments Given (Written or Oral)
Asiel	John Asiel	Resident of 530 East 72 <sup>nd</sup> Street	Written
Baff	Geraldine Baff	Resident of 530 East 72 <sup>nd</sup> Street	Written
Hand	Joel Hand	President of 530 East 72 <sup>nd</sup> Street	Oral & Written
JLevinson	Jay C. Levinson	Resident of 530 East 72 <sup>nd</sup> Street	Written
Scal	David Scal	Resident of 530 East 72 <sup>nd</sup> Street	Written
JBarnett	Judith Barnett	Resident of 530 East 72 <sup>nd</sup> Street	Written
Zarin	Michael D. Zarin	Attorney at Zarin & Steinmetz	Written
Pace	Norma Pace	Resident of 530 East 72 <sup>nd</sup> Street	Written
Paroni	Adele Paroni	Resident of 530 East 72 <sup>nd</sup> Street	Written
Chapelle	Alain de la Chapelle	Resident of 530 East 72 <sup>nd</sup> Street	Written
Knopf	Alice Knopf	Resident of 530 East 72 <sup>nd</sup> Street	Written
NBarnett	Norman Barnett	Resident of 530 East 72 <sup>nd</sup> Street	Written
Silver	Marian Silver	Resident in the area	Oral
Maslow	Carol Ross Maslow	Resident of 530 East 72 <sup>nd</sup> Street	Written
DPR	City of New York- Parks and Recreation	City of New York- Parks and Recreation	Written
Petition1	Petition Signed by 94 people	Residents in the Area	Written
Petition2	Petition Signed by 64 people	Residents in the Area	Written

## 27.2 COMMENTS AND RESPONSES

### 27.2.1 PROJECT DESCRIPTION

#### Comment 1

The Proposed Project does not result in a good site plan. The Commission must consider whether this Project "in relation to the existing buildings in the area, the location and distribution of new bulk results in a good site plan. The Commission must consider the Project's relationship to "existing buildings" compels the Commission to consider the impacts that the Project would have on residents not only when they are using the East River Esplanade, and the 72<sup>nd</sup> Street Overlook Park, but also from the perspective of their residences. This latter requirement is of special relevance here where the new bulk would be located literally inches from the Edgewater. (Zarin, Maslow)

#### *Response 1*

A discussion of the site plan for the project as in terms of its consistency with urban design, land use, zoning, and public policy is included in Chapters 2 (Land Use, Zoning, and Public Policy) and 8 (Urban Design and Visual Resource) of the FEIS. These analyses among other things note that the proposed enlargement and new River Building

are of a form and in a location that are comparable to other buildings in the area including those buildings built over the FDR Drive to the south, and that the building is located to minimize interference with view corridors, pedestrian access points, and open space resources. The location of buildings in close proximity or even immediately adjacent to one another is the typical condition throughout Manhattan and does not present a unique situation. Private views are inevitably affected by the nature of development in Manhattan and do not amount to a significant adverse impact for CEQR purposes.

**Comment 2**

**The Project calls for improper “spot zoning.” (Zarin)**

**Response 2**

The proposed project does not include an amendment to the Zoning Map. Therefore, this comment is incorrect. The claim of spot zoning is not a comment on the DEIS. The rationale for the project and its consistency with zoning and land use policy, including the land use policy set forth in the 1971 enabling legislation and the 1973 Agreement, as amended, allowing for the hospital expansion in this location is set forth in the EIS in Chapter 2 (Land Use, Zoning, and Public Policy).

**Comment 3**

**It appears the applicant’s request to amend the Resolution is to enable them to utilize an inadequate number of loading berths that are currently not in conformance with the designated requirements for loading berth dimensions, as per the zoning regulations. Furthermore, the applicant did not identify any other property that could potentially take advantage of the proposed amendment. (MAlex, Hand, JLevinson, & Zarin)**

**Response 3**

The rationale for the proposed zoning text amendment is explained in Chapter 1 (Project Description) and in Chapter 2 (Zoning, Land Use, and Public Policy). As described in the Project Description, the purpose of the proposed zoning text amendment is to allow for buildings that are part of an institution, but on separate zoning lots, to be considered together to determine loading requirements and to allow for modification of these requirements based on a determination by the City Planning Commission that loading facilities are adequate. A more detailed description of loading activities has been included in this FEIS and demonstrates the adequacy of the loading facilities for existing and future loading needs.

Loading activities for the Hospital currently take place in two (2) areas on the campus. The main loading area is a two berth facility located to the east of the main public entrance to the Hospital and west of the off-ramp leading from the FDR Drive. This berth operates from 6:00 a.m. to 4:00 p.m., Monday through Friday. The hours of operation have been set in response to concerns raised by the surrounding residential neighbors about early morning and weekend deliveries, and to avoid the afternoon rush hour. There is also a smaller environmental services dock to the east of the main loading area housing the hospital’s trash compactor and other waste facilities. The trash

compactor and waste facilities are replaced daily between 7:30 p.m. and 9:00 p.m. (two loading operations in total). As indicated in Chapter 16 (Traffic & Parking) the existing two loading bays are for handling existing and projected deliveries to the hospital.

In addition, certain loading services take place on the de-mapped portion of East 70<sup>th</sup> Street, including linen deliveries, housekeeping supplies and certain office supplies. This area does not have a formal loading berth, but includes a large storage facility for off-loading and warehousing materials for internal distribution to the Hospital. Loading services in this area will be expanded as a result of the proposed project.

If the Hospital for Special Surgery Campus is viewed as a whole, a total of two (2) loading berths would be required under the Zoning Resolution. Because the campus will be located on two zoning lots, the portion of the campus located to the north of East 71<sup>st</sup> Street generates a requirement for one loading berth, and the main campus (East and West Wings) generates a requirement for two, for a total of three loading berths. The application before City Planning seeks approval to aggregate the floor area generating loading requirements in the hospitals two zoning lots and to supplement the two loading berths with the additional facilities on East 70<sup>th</sup> Street and the compactor area. These requests will allow supplemental loading facilities to be located in an area away from the exit ramp from the FDR on East 71<sup>st</sup> Street.

**Comment 4**

**The Air Rights Agreement flatly prohibits construction that would penetrate, occupy, or construct the wider of either (a) the area between the eastern most edge of the FDR and the pierhead-bulkhead line; or (b) within twenty-five (25) feet west of the pierhead-bulkheadline. Therefore, a redesign of the proposed project is warranted. (Zarin)**

**Response 4**

This is not a comment on the EIS. The 1973 Agreement, as amended, authorizes the City Planning Commission to demap portions of the above-mentioned space for the placement of support columns, connecting girders and structural bracing, as well as one story of building area. As noted in Chapter 5 (Open Space), the proposed support columns in connection with the new River Building would not reduce the usable width of the pedestrian path of the East River Esplanade. This would be further ensured through the mapping agreement between HSS and the City in connection with the proposed City Map amendment.

**Comment 5**

**It is also unclear whether the Applicant has sufficient unused floor area to accomplish its expansion Project. The Zoning Code establishes that the Project can utilize only unused floor area from the portion of the adjoining zoning lot not within the demapped air space. In the first instance, the Applicant has not provided any detail demonstrating where it allocated unused floor area from. Moreover, the Applicant appears to be relying on the improper transfer of development rights from a non-permitted use it is currently operating. The Belaire's current Certificate**

of Occupancy permits "Hospital Staff Apartments" from the fifth through the thirteenth floor, and "Class A Apartments" from the fourteenth floor through the thirty-second floor. While it has been verified that the top nineteen floors are used for residential purposes, the floors designated for Hospital Staff Apartments appear to be used for transient hotel purposes.

Transient Hotels are not permitted in the R9 District as-of-right or by special permit. As a non-permitted use, the Belaire does not, or at least the hotel portions of the building cannot, possess any development rights. The Zoning Calculations provided in the DEIS at Z-005 claim that the Project will receive 34,595.70 square feet of available development rights from the Belaire. The Applicant has crafted this figure by inappropriately classifying the Belaire as a Community Facility. The floor area ratio (FAR) of 10 that is utilized by the Applicant is reserved for Community Facility uses. Here, the building is, at best, mixed residential and non-conforming uses - not a "community facility." The Project does not have 34,595.70 square feet of development rights available from the Belaire. (Zarin)

**Response 5**

This is not a comment of the EIS. Lower floors will be used for community facility purposes.

**Comment 6**

It also appears that the Project is subject to the regulations encompassed in the National Environmental Protection Act ("NEPA"). The Applicant is seeking federal construction loan insurance from the Federal Housing Administration ("FHA") under its FHA-241 mortgage insurance program. The authorization of such federal funds is sufficient to bring a project under the ambit of NEPA. See *Wilson v. Lynn*, 372 F. Supp. 934, 935 (D.C. Mass. 1974) (holding that the decision by U.S. Department of Housing and Urban Redevelopment now the-FHA's parent Agency) to-make federal mortgage insurance available constituted a "'major federal action" under NEPA). Indeed, under the FHA regulations relating to its Mortgage Insurance For Hospitals Program, funding decisions could be subject to review under NEPA. See 24 C.F.R. § 242.79. None of the potential NEPA impacts are reflected in the DEIS. (Zarin)

**Response 6**

HSS' application for loan guarantees with respect to the project is not actively under consideration. Accordingly, FHA has not made a commitment to provide loan guarantees to the proposed project, and accordingly, FHA's obligation under NEPA, if any, has not been triggered. If it is determined that NEPA review is required HSS will undergo any necessary NEPA review.

**Comment 7**

The City Zoning Code's stated purpose for off-street loading berths is to maintain the safety of public streets and walkways by providing space removed from these areas where large deliveries and waste removal can be made. Properly designed and

**used loading docks help relieve traffic congestion in residential areas, and promote and protect public health, safety and general welfare. As testimony at the July 2nd Hearing established, presently, the safety of passengers and pedestrians in the area is severely compromised by the already nonconforming loading berths. The current loading berth system at the Hospital has proven to be inadequate since the trucks servicing the Hospital for Special Surgery idle, park and make deliveries in the neighboring residential streets as they cannot access the Hospital's purportedly existing and available loading berths. (Zarin, MAlex, JLevinon)**

**Response 7**

As noted in Chapter 16 (Traffic and Parking), HSS conducted an analysis of current loading activities and facilities based on actual conditions and deliveries. HSS has indicated that current loading facilities are adequate for both current operations and for expanded operations under the proposed actions. Current loading activity is most intensive on Mondays, with up to 29 loading activities over the course of the day, with 22 of these activities utilizing the main loading berths. The large majority of the deliveries are relatively straight-forward and usually take from 10 to 20 minutes for the truck to enter the dock, unload or pick-up, and exit.

Other deliveries are more complex and can take 45 minutes or more to complete. The complex deliveries have been scheduled so that they are distributed over the course of the day to avoid monopolizing the main loading dock at any one time. Assuming the same proportion of short-stay and longer-stay deliveries, the East 71st Street main loading berth has the capacity to handle approximately 40 deliveries/pick-ups over the course of the day. This number is well in excess of the number of deliveries occurring today and expected in the future with the proposed project.

Most of the loading activity takes place in the morning. While the docks are generally able to accommodate demand, procedures are in place to address any situation where more than two trucks arrive at the loading dock at the same time. In the event more than two trucks arrive simultaneously, HSS personnel direct them to the loading zone adjacent to the Hospital where they wait until the loading dock is available.

HSS has stated that the loading zone can accommodate three trucks and provides adequate queuing space for HSS deliveries. In addition, depending upon the nature of the delivery, some trucks are redirected to the service area on the demapped East 70th Street to accelerate loading activities.

The East 71st Street truck loading zone serves as a buffer between loading activity in the Hospital's main loading facility and the cars using East 71st Street. Trucks maneuvering into the loading dock use this lane and any trucks extending outside of the existing bay avoid conflicting with moving traffic because of this lane.

The Environmental Services Dock east of the main loading facility generates two truck trips per day, and will continue to generate two trips with the proposed project. (Two trips are required due to the need to segregate medical waste.) These trips involve bringing in an empty waste container and switching it for the full container. Because of the need to switch containers, this activity involves the most maneuvering between the dock area and East 71st

Street. To avoid any possible conflict with East 71st Street traffic flow, the main compactor drop-off and pick-up is scheduled for early evening just after rush hour. The Hospital has also rescheduled the second delivery/pick-up for early evening, with this new schedule commencing next week.

The proposed enlargement of the Hospital complex will have very little effect on loading requirements. The uses proposed for the River Building and the East Wing enlargement are virtually the same as those already occurring in the Hospital. Materials and support for most of this activity will be delivered on the same trucks that are serving the remainder of the Hospital and will result in few, if any, additional trips or loading demands. The FEIS conservatively estimates that the proposed project would result in a maximum of twenty-eight (28) additional truck trips per day. However, because the supplies needed for the existing hospital are the same as those needed for the enlargement, many of those supplies will be on the trucks already coming to the Hospital, and so HSS has indicated that the actual number of additional trips would be substantially less.

To the extent that there is a limited amount of additional loading activity, these trips would be distributed over the course of the work day and would be scheduled by the Hospital to avoid peak traffic times.

This limited activity would not compromise the ability of the Main Loading berth to accommodate the Hospital's needs. It should be noted that as a conservative measure, the EIS adds additional truck trips to the peak traffic hours and determined that no adverse impact would occur as a result.

Moreover, the proposed project will allow for the potential for additional loading operations on the demapped portion of East 70th Street. Currently, a portion of this area is occupied by an emergency generator for the Hospital that will be relocated as part of the Hospital expansion. The relocation of the generator will allow for an open-air loading berth to be located in this area and for an increase in loading activity on the south side of the Hospital. The Hospital believes that this additional facility will more than compensate for any increase in loading activity resulting from the proposed enlargement. It should be noted that demapped East 70th Street is shared with New York Presbyterian, which uses the street for ambulance services, and therefore use of this area for loading must be coordinated with New York Presbyterian's emergency use.

## ***27.2.2 LAND USE, ZONING, & PUBLIC POLICY***

### **Comment 1**

**Having a building in the close proximity to the Edgewater building could be a potentially hazardous condition due to the wind pattern for the area. The wind that comes into that corner of the proposed project and the Edgewater could put tremendous pressure on the windows. (DScal, GMevrovic, PMavrovic, Hutton)**

### **Response 1**

The proposed building of 12-stories is not of a shape or size, and would not be located in a manner, that would be expected to create an unusual condition or excessive wind conditions.

**Comment 2**

**The tenants of those affected apartments in close proximity to the new development will be required to replace the now clear glass windows with wire reinforced (generally opaque) fire lot line windows will be required to do so at their own expense. (GMavrovic)**

**Response 2**

This is not a comment on the EIS. The determination for window requirements would occur as per the Department of Buildings requirements and determinations.

**Comment 3**

**A "good site plan" requirement must be read in conjunction with the overall goals established by the Zoning Code for Residence Districts and the Waterfront Area. See N.Y. Statutes § 221(b) (establishing that laws that are *in pari materia* "are to be construed together as though forming part of the same statute"). (Zarin)**

**Response 3**

The proposed project's consistency with the existing R9 zoning is discussed in Chapter 2 (Land Use, Zoning, and Public Policy) and its consistency with waterfront policies is discussed in Chapter 12 (Waterfront Revitalization Program). The EIS analysis shows that the project is consistent with both zoning and waterfront policy and would not result in any significant adverse impacts.

**27.3.3 SOCIOECONOMIC CONDITIONS**

No comments pertaining to this section were received.

**27.2.4 COMMUNITY FACILITIES**

No comments pertaining to this section were received.

**27.2.5 OPEN SPACE**

**Comment 1**

**The neighborhood is in need of spaces where people can take the air that is not available further in. (MLevinson & Hutton)**

**Response 1**

An inventory of open spaces is included in Chapter 5 (Open Space) and included a primary study area of ¼ mile, which was used to analyze the adequacy of existing open spaces compared to an existing nonresidential user population and additional nonresidential worker population with (Build Condition) and without (No Build



Condition) the proposed project. The existing nonresidential open space ratio in the study area is 0.154 acres per 1,000 workers.

**Comment 2**

**The proposed project would impact the open space ratios in the area (MLevinson, Rosenthal & Barnett)**

**Response 2**

Although the open space ratios would be decreased below the Department of City Planning's guidelines, as stated in Comment 1, the 1.8% decrease would not be considered significant and is further minimized by the presence of various amenities and spaces provided by neighboring institutions for their large worker and resident populations, which would compensate for the minimal reduction in the open space ratio. The additional daytime worker population generated by the proposed project would decrease the nonresidential daytime passive open space ratio from 0.1444 acres per 1,000 workers (for the No-Build scenario), which is below the Department of City Planning's guidelines of 0.15 acres per 1,000 workers, to 0.1427 acres per 1,000 workers. When viewed in connection with the availability of other open space for area workers, which is described in Section 5.5 of Chapter 5, this decrease (1.8%) does not amount to a significant adverse open space impact.

**Comment 3**

**Construction on the Esplanade constitutes parkland alienation. More specifically, According to the DEIS, installation of the support columns for the new River Building platform would result in a closure of the FDR Esplanade for at least four to six months, and likely longer. During this time a dead end will be created in the path, preventing the use of the Esplanade from 70th Street just past the midblock point of 72nd Street. If, in fact, this disruption to the public's use of the Esplanade occurs, then New York sets forth specific requirements of the Applicant before final approval for the Project may be obtained, including State legislative authorization to alienate the public space, and the identification of substitute parkland. It is crucial that a municipality explore other alternatives prior to selling, conveying, leasing, or using parkland for anything other than recreation. (Richman, DAlex, Zarin)**

**Response 3**

The Esplanade is not mapped parkland on the City Map; it is land under the jurisdiction of the New York City Department of Transportation (DOT) that is maintained by the New York City Department of Parks and Recreation (DPR) through an inter-agency agreement. A discussion of the effects of construction on the East River Esplanade is included in Chapter 20 (Construction Impacts). Measures to partially mitigate a potential significant adverse impact to the East River Esplanade are discussed in Chapter 22 (Mitigation Measures).

**Comment 4**

**The Agreement allows for necessary and appropriate support columns only if the Commission can find that the resulting building area shall not substantially interfere with the use and enjoyment of the East River Esplanade, light and air, restrict light and air to the East River Esplanade, detract from the visual quality of the waterfront area, or impede vehicular traffic use of the FDR Drive, East 63<sup>rd</sup> Street, East 70<sup>th</sup> Street, or East 71<sup>st</sup> Street. Furthermore, the Project's proposed development over the FDR Drive could adversely impact the Esplanade and other area proximate sensitive land uses. (Hutton & Zarin)**

**Response 4**

This comment addresses the 1973 Agreement and not the EIS. However, as stated in Chapter 8-Urban Design and Visual Resources, Section 8.4.3 on pages 8-3 to 8-4, public access to the East River Esplanade would remain. Only limited views to the waterfront would be affected by the support columns for the River building and this would occur only when standing under the ramp to the public pedestrian bridge. The V-shaped design was incorporated to, not only enhance the visual quality of the waterfront area in this location, but also to ensure that visibility, light and air, and accessibility to and of the East River Esplanade is preserved. A rendering of the proposed building and support columns can be seen in Figure ES-1 in the Executive Summary. The extent of the impact would be minimal and would not be considered significant.

**Comment 5**

**Views of the historic Queensboro Bridge from the Edgewater building and the East 72<sup>nd</sup> Street Overlook Park would be lost. (DAlex, Rosenthal, Plimpton, JLevinson, Hutton, & Zarin)**

**Response 5**

EIS analyses focus on views from publicly accessible locations. As noted in Chapter 8 (Urban Design and Visual Resources), views of the Queensboro Bridge from the East 72<sup>nd</sup> Street Overlook Park are already partially obstructed by existing developments. The Bridge may be viewed from other publicly accessible locations in the immediate area, including the 71<sup>st</sup> Street pedestrian bridge and the Esplanade. The degree of the incremental loss in a view of the Bridge from one public vantage point would not constitute a significant adverse impact. As seen in Figure 8-7, a partial view of the historic Queensboro Bridge from the East 72<sup>nd</sup> Street Overlook Park would remain.

**Comment 6**

**Shadows in the analysis would impact the 72<sup>nd</sup> Street Overlook and the Esplanade. (Richman, Hutton, DAlex, Schwartzman, Plimpton, Asiel, Zarin, Canning, GMavoric, Rosenthal)**

**Response 6**

As indicated in Chapter 6 (Shadows) the proposed project would result in minor incremental shadows over portions of the 72<sup>nd</sup> Street Overlook at limited times throughout the year, principally near the spring and vernal equinox. At other times of

the year, shadows from the proposed project do not reach the Overlook, or the Overlook is already experiencing shadows from existing buildings. The incremental shadows occurring in the spring and autumn would occur for a limited period in the afternoon, would travel across the Overlook so that shadows would not occur for extended periods over any one spot, would for most of this time cover only a portion of the Overlook, and would not be of such a duration as to result in a significant adverse impact. See Figures in Chapter 6. On March 21 the shadow would enter the Overlook park around 12:30pm and exit the park around 2:55pm for a total duration of approximately 2 hours and 20 minutes which is not considered significant since the shadows would not occur for extended periods over any one spot and there are limited sun sensitive resources in the areas affected. Additionally, before 12:30pm and after 2:55pm there would be ample sunlight reaching the park to account for the insignificant shadows from the proposed project.

Incremental shadows do occur on the East River Esplanade. However these additional shadows cover only a portion of this resource, are of limited duration, and for the most part are cast on areas used for active recreation without sun sensitive features. The shadows cast are also typical of the types of shadows experienced up and down the Esplanade, when the tall buildings of the Upper East Side cast shadows on this resource. The Esplanade enjoys full sunlight from sunrise to mid-afternoon in all analysis periods, and the incremental afternoon shadows occurring as a result of the project would not significantly adversely impact this resource. On December 21, existing shadows fall on the East River Esplanade at 2:15 PM and continue to at least 6:30 PM. The incremental shadows cast by the proposed project would fall on the East River Esplanade for a shorter duration than the existing shadows. On March 21, existing shadows from existing buildings enter the East River Esplanade at approximately 2:55pm and are off of the Esplanade by 5:30 PM. The incremental shadows cast by the proposed project would fall during the same hours as the existing shadows but would cover a larger area of the East River Esplanade. On May 6, existing shadows would cover the East River Esplanade between 2:55PM and 5:30PM. The incremental shadows cast by the proposed project would fall during the same hours as the existing shadows but would cover a larger area of the East River Esplanade. On June 21, Existing shadows fall on the East River Esplanade at 2:15 PM and continue to at least 6:30 PM. The incremental shadows cast by the proposed project would fall on the East River Esplanade for a shorter duration than the existing shadows and only cover a relatively small portion of the Esplanade. The limited amount of incremental shadow in areas without sun sensitive features like benches or landscaping would not amount to a significant adverse impact.

**Comment 7**

**The unique pedestrian bridge over the FDR Drive to the Esplanade on 71st Street will be destroyed as a result of the proposed project. (Rosenthal, Schwartzman, Barnett)**

**Response 7**

Pedestrian access from East 71<sup>st</sup> Street to the East River Esplanade will remain upon completion of the project. Due to construction logistics and safety concerns the ramp will

be unavailable during construction of the River Building, but a temporary ramp will be installed to the south to provide pedestrian access throughout construction, as stated in Chapter 19 (Transit & Pedestrians), Section 19.5.4 on page 19-4 and Chapter 9 (Neighborhood Character), section 9.4.4 on page 9-6.

**Comment 8**

**The "V" shaped columns would be far more intrusive than straight vertical columns. (Zarin)**

**Response 8**

The V-shaped design was incorporated to ensure that visibility, light and air, and accessibility to and of the East River Esplanade is preserved and incorporates open structural bracing where the columns connect to the platform. Therefore, the extent of the impact would be minimal and would not be considered significant. The Hospital believes that such design would in fact enhance the visual quality of the building and the public's experience of it. The Hospital also believes that the design would be an improvement over straight columns and would create an interesting visual effect with light for vehicles on the FDR Drive.

**Comment 9**

**On Page 1-16, and in Chapter 5, pages 5-7, Section 5.5.2 *Quantitative Analysis and Indirect Impacts*, the text in the second paragraph should clarify that the proposed project is decreasing the nonresidential daytime passive open space ratio from 0.154 acres per 1,000 workers, which above City Planning's guideline of 0.15 acres per 1,000 workers, to 0.139 acres per 1,000 acres, which is below City Planning's guideline. (DPR)**

**Response 9**

The open space ratio calculations were corrected from the DEIS in response to this comment (0.139 was corrected to 0.1444). The chapter in the EIS has been revised to state that the additional daytime worker population generated as a result of the Future without the proposed project (the No-Build scenario) would decrease the nonresidential passive open space ration for workers from 0.154 acres per 1,000 workers, under the Existing Conditions, to 0.1444 acres per 1,000 workers in the No Build scenario, which is below DCP's planning guideline of 0.15 acres per 1,000 workers.

Further analyses state that the additional daytime worker population generated by the proposed project would decrease the nonresidential daytime passive open space ratio from 0.1444 acres per 1,000 workers (for the No-Build scenario), to 0.1427 acres per 1,000 workers. The DCP guideline of 0.15 acres reflects a goal of the City and is not in itself a standard for determining significant adverse impacts.

**Comment 10**

**In Chapter 5 on pages 5-3 to 5-4, of section 5.3-Inventory of Open Space Resources the second paragraph should specify that the public plazas are privately-owned**

**publicly accessible plazas. The last paragraph should include information regarding the condition and use level of each of the open spaces described. (DPR)**

**Response 10**

The FEIS addresses this request contained in this comment and now provides that three (3) of the seven (7) plazas in the study area are privately-owned publicly accessible plazas (Somerset Plaza, Windsor Plaza, and Stratford Plaza) totaling 0.61 acres of open space and are of marginal value, characterized by lacking satisfactory levels of design, amenities, or aesthetic appeal.

**Comment 11**

**In Chapter 5 on page 5-7, Table 5-2-Open Space Inventory, the Table should include information regarding the condition and use level of each of the open spaces listed. Please add basketball and handball courts to the list of features for John Jay Park. (DPR)**

**Response 11**

The response to this comment has been provided in Table 5-2.

**Comment 12**

**In Chapter 5, page 5-7, Section 5.5.2. Quantitative Analysis – Indirect Impacts, the text should clarify that the proposed project is decreasing the nonresidential daytime passive open space ratio from 0.154 acres per 1,000 workers, which above City Planning’s guideline of 0.15 acres per 1,000 workers, to 0.139 acres per 1,000 acres, which is below City Planning’s guideline. (DPR)**

**Response 12**

The EIS has been revised to state that the additional daytime worker population generated as a result of the Future without the proposed project (the No-Build scenario) would decrease the nonresidential passive open space ration for workers from 0.154 acres per 1,000 workers, under the Existing Conditions, to 0.1444 acres per 1,000 workers, which is below DCP’s planning guideline of 0.15 acres per 1,000 workers.

Further analyses show that the additional daytime worker population generated by the proposed project would decrease the nonresidential daytime passive open space ratio from 0.1444 acres per 1,000 workers (for the No-Build scenario), which is below the Department of City Planning’s guidelines of 0.15 acres per 1,000 workers, to 0.1427 acres per 1,000 workers, which is below the Department of City Planning’s guidelines of 0.15 acres per 1,000 workers.

**Comment 13**

**In Chapter 5 on page 5-9, Table 5-4 Summary of Existing, With, and Without the Proposed Project should be changed to “Adequacy of Open Space Resources” or another title—the current one appears to be missing some text. Additionally, City Planning’s guidelines for each of the open space ratios should be added to the table. (DPR)**

**Response 13**

This EIS was amended as requested and the updated Open Space ratios have been incorporated. The EIS and now reflects the following:

**Table 27-1. Adequacy of Open Space Resources**

	<b>Existing Conditions</b>	<b>2010 Without Proposed Project</b>	<b>2010 With Proposed Project</b>
<b>Study Area Population</b>			
Workers	23,495	24,670*	25,413*
Passive Open Space Acreage	3.626	3.626	3.626
Worker Open Space Ratio (acres/daytime workers)	0.154/1,000	0.1444/1,000	0.1427/1,000
<u>Percent Decrease</u>	<u>2.6% above the 0.15 recommended threshold value</u>	<u>5.6% decrease in open space from 2000 without the proposed project.</u> **	<u>1.18% decrease in open space as a result of the proposed project</u>
<b>Notes:</b>			
* Includes workers from other developments anticipated to be completed by 2010.			
** Without the proposed project a 7.34% decrease in the open space ratio would result, indicating an already existing deficiency in the open space ratio.			

**Comment 14**

**We, the undersigned, strongly oppose the Hospital for Special Surgery’s proposed construction of a 12-story building over the FDR Drive between 71<sup>st</sup> Street and 72<sup>nd</sup> Street. In a neighborhood already taxed to the limit by hospital traffic, our small park overlooking the East River provides relief to the hundreds of residents, patients, and hospital employees daily. In 1994, Special Surgery constructed over the FDR Drive at 71<sup>st</sup> Street destroyed much of the riverfront view with a hideous building. Now, the Hospital for Special Surgery proposes to further wall in our park and block that entire panorama forever. (Petition2)**

**Response 14**

EIS analyses focus on views from public ways. As noted in Chapter 8 (Urban Design and Visual Resources), the majority of views of the East River from the East 72<sup>nd</sup> Street Overlook Park and Esplanade would not be obstructed.

Views of the Queensboro Bridge from the East 72<sup>nd</sup> Street Overlook Park are already partially obstructed by existing developments, are not the principal views from the park, and the incremental loss in views of the Bridge from one public vantage point would not constitute a significant adverse impact. As seen in Figure 8-7, a partial view of the Queensboro Bridge from the East 72<sup>nd</sup> Street Overlook Park would still remain, and views from other public locations in the immediate vicinity would be preserved.

Therefore, the FEIS concluded that no significant adverse impacts to visual resources would occur.

### **27.2.6 SHADOWS**

#### **Comment 1**

**The DEIS incorrectly asserts that the Project does not cause any significant adverse shadows, since the CEQR Technical Manual states that there may be situations where a very small loss of sunlight is important (for example, in areas where older people sit). The shadows in the analysis would impact the East 72<sup>nd</sup> Street Overlook Park (Hutton, DScal, Rosenthal, GMavrovic, PMavrovic, Hand, Barnett, Zarin)**

#### **Response 1**

As indicated in Chapter 6 (Shadows) the proposed project would result in minor incremental shadows over portions of the East 72<sup>nd</sup> Street Overlook Park at limited times throughout the year, principally near the spring and vernal equinox. At other times of the year, shadows from the proposed project do not reach the Overlook Park, or the Overlook is already experiencing shadows from existing buildings. The incremental shadows occurring in the spring and autumn would occur for a limited period in the afternoon, would travel across the Overlook Park so that shadows would not occur for extended periods over any one spot, would for most of this time cover only a portion of the Overlook, and would not be of such a duration as to result in a significant adverse impact.

No incremental shadows would occur on the Belaire Plaza above those cast by existing buildings, and therefore no significant adverse impacts to this resource would occur. Incremental shadows do occur on the East River Esplanade. However these additional shadows cover only a portion of this resource, are of limited duration, and for the most part are cast on areas used for active recreation without sun sensitive features. The shadows cast are also typical of the types of shadows experienced up and down the Esplanade, when the tall buildings of the Upper East Side cast shadows on this resource. The Esplanade enjoys full sunlight from sunrise to mid-afternoon in all analysis periods, and the incremental afternoon shadows occurring as a result of the project would not significantly adversely impact this resource.

#### **Comment 2**

**A reduction in the hours of sunshine on the East River Esplanade from ten to six hours on a typical summer day is significant. (Rosenthal & Fein)**

#### **Response 2**

As indicated in Chapter 6 (Shadows), the proposed project would result in a small amount of incremental shadow on a portion of the East River Esplanade on June 21 from approximately 2:15 p.m. to 6:30 p.m., extending less than 100 feet north of the project site. These areas would be in full sun from sunrise until approximately 2:15 p.m. The portion of the Esplanade that would experience these incremental shadows is used for running, cycling, and walking, does not contain significant sun sensitive features or

amenities that would be used for passive activities, and no significant adverse impact would occur.

**Comment 3**

**In the Shadows chapter on pages 6-2-6-3, section 6.3-The Future With the Proposed Project – 2010, the text for each of the analysis periods should describe the affected features as recommended in the CEQR manual. (DPR)**

**Response 3**

The EIS has been amended to reflect this request.

***27.2.7 HISTORIC RESOURCES***

**Comment 1**

**The lack of good site planning is further evidenced by the Applicant's failure to protect the character of certain designated areas of historic and architectural interest. According to the DEIS, the Project would not impact the public's ability to view the Queensboro Bridge as the "view is already obstructed by the existing East Wing." This one sentence analysis is woefully inadequate to address the substantial obstruction of the public's view of this recognized historic resource that would result from the Project. (DAlex, Rosenthal, Plimpton, JLevinson, Hutton, & Zarin)**

***Response 1***

The EIS includes a detailed analysis of historic resources as well as visual resources. As stated in Chapter 8, Section 8.4.3 on pages 8-3 to 8-4 views south to the Queensboro Bridge from the East 72<sup>nd</sup> Street Overlook Park are already partially blocked by existing development to the south. As seen in Figure 8-7, the proposed project would result in a larger portion of the Bridge being obscured from view from the East 72<sup>nd</sup> Street Overlook Park, but views as the Bridge reaches Queens would remain. In addition, views of the Queensboro Bridge from the Esplanade and the East 71<sup>st</sup> Street pedestrian bridge/ramp would remain. Views of the Bridge are not a complete or predominant view from the Overlook, and the loss of the incremental view from this location would not be a significant adverse impact to historical or visual resources.

***27.2.8 URBAN DESIGN & VISUAL RESOURCES***

**Comment 1**

**The Urban Design and Visual Resources analysis trivializes the impacts to the area surrounding the project site. The project will block light and air by instituting a monotonous, continuous, building bulk and causing other objectionable influences. Furthermore, as a result of the narrowing from the proposed project's, bulk and positioning would also include the complete elimination of the view of the Queensboro Bridge– a national landmark - from the 72<sup>nd</sup> Street Overlook Park. (Hutton, Cooper, DAlex, Rosenthal, Plimpton, Hand, Barnett, & Zarin)**



**Response 1**

The EIS includes a detailed Urban Design and Visual Resources analysis in accordance with the CEQR Technical Manual guidelines as stated in Chapter 8, Section 8.4.3 on pages 8-3 to 8-5, the proposed project would result in the enlargement of an existing building (the East Wing of the main HSS building) and introduce a new, 12-story building on the north side of West 71<sup>st</sup> Street over the FDR Drive (the “River Building”). The overall size of the new River Building, at approximately 87,000 square feet, and its overall height are consistent in scale with the many institutional buildings in the area and significantly lower in height than the many residential towers in the area, and would not result in a significant loss of light and air to the surrounding area. The site of the proposed River Building over the FDR Drive will continue the trend established for many blocks to the south of the project site of extending the block eastward over the FDR Drive, and thereby reducing views of, and noise associated with that roadway. As with development to the south, the proposed new River Building would respect the established City street grid, and would not result in a significant change to established streets or block forms not already present in the area.

While an above grade connection would cross East 71<sup>st</sup> Street between the new River Building and the East Wing, the connection would be similar to the connection that already exists above East 71<sup>st</sup> Street between the Hospital’s West Wing and the Caspary research building, and would not interfere with views of the water from East 71<sup>st</sup> Street.

Views of the water from the East River Esplanade would be the same as exist today east of the proposed support columns for the platform of the new River Building. The only area where the East River views would be affected from the Esplanade is when standing under the ramp to the public pedestrian bridge where the support columns for the River building are to the east of the ramp. The V-shaped design of the support columns was specifically incorporated to ensure that visibility, light and air, and accessibility to and from the East River Esplanade would be maximized. The building was also designed to provide open, structural bracing connecting the columns to the building, instead of solid platform connecting to the columns, to allow for additional light and air to fall on the western edge of the Esplanade/71<sup>st</sup> Street pedestrian ramp. The extent of any loss in views in this location would be minimal and would not be significant.

Some views to the waterfront would be incrementally blocked from public areas as a result of the proposed project. These include views to the northeast from the public pedestrian bridge at East 71<sup>st</sup> Street and a portion of the views to the southeast from the East 72<sup>nd</sup> Street Overlook Park. As noted in Comment 1 above, views of the waterfront from the East 72<sup>nd</sup> Street Overlook Park are already partially blocked by the East Wing and the public pedestrian bridge from East 71<sup>st</sup> Street over the FDR Drive, and the incremental loss in views in one direction from one public location would not amount to a significant adverse impact.

Although unrelated to the CEQR review, the design for the new River Building received a 2007 Special Recognition Award by the Art Commission of the City of New York for excellence in design. The citation by the Arts Commission states that the design of the

River Building creates a unified identity for the institution through an agile structure system and technologically advanced skin. The “intelligent” building skin, fritted and clear, responds to specific exterior and internal environmental conditions, based on dynamic thermal modeling. The articulated and braced trusses raise the towers base-allowing more light and air to the Esplanade and maximizing its usable area by minimizing the number of structural supports-and stitch it to the Esplanade and the FDR Drive. As a gateway to midtown, seen from the FDR Drive, the large braced trusses spanning the drive recall the scale and proportions of the East River crossings. From Roosevelt Island, the upper stories of the building addition, rendered in fritted glass, result in a compositional “book-ending” effect, mirroring the new tower and its vertical surfaces. Accordingly, far from being monotonous, the proposed River Building is expected to add an attractive new, modern, building to the area that is expected to add to the visual character of the area.

**Comment 2**

**The “hulking mass” of the proposed River Building would completely alter public access areas and the upland communities. (Zarin & Hutton)**

**Response 2**

As noted in Chapter 8 (Urban Design and Visual Resources), the proposed project’s new River Building would result in a building form that, at 12-stories and approximately 87,000 square feet, is entirely consistent with community facility building forms in the neighborhood, and one which is significantly smaller than the residential towers to the north and west. The project will not alter public access to the waterfront, including access along East 71<sup>st</sup> Street, though a temporary ramp will be built to accommodate pedestrian access to the south of the project site during the construction of the proposed project. Also refer to the response in Response 1 above.

**Comment 3**

**The Proposed Project does not result in a good site plan. The Commission must consider whether this Project "in relation to the existing buildings in the area, the location and distribution of new bulk results in a good site plan. The Commission consider the Project's relationship to "existing buildings" compels the Commission to consider the impacts that the Project would have on residents not only when they are using the East River Esplanade, and the 72<sup>nd</sup> Street Overlook Park, but also from the perspective of their residences. This latter requirement is of special relevance here where the new bulk would be located literally inches from the Edgewater. (Zarin)**

**Response 3**

A discussion of the site plan for the project as in terms of its consistency with urban design, land use, zoning, and public policy is included in Chapters 2 (Land Use, Zoning, and Public Policy) and 8 (Urban Design and Visual Resource) of the FEIS. These analyses among other things note that the proposed enlargement and new River Building are of a form and in a location that are comparable to other buildings in the area including those buildings built over the FDR Drive to the south, and that the building is located to

minimize interference with public view corridors, pedestrian access points, and open space resources.

### 27.2.9 NEIGHBORHOOD CHARACTER

#### Comment 1

**The constant construction by the Hospital for Special Surgery and New York Hospital is creating a complex that is changing the residential character of the neighborhood, and is not improving the quality of the developments in the area. (Asiel, Zarin, & Hutton)**

#### Response 1

As noted in Chapter 9 (Neighborhood Character) and Chapter 2 (Land Use Zoning and Public Policy), the predominant and historic land uses in the area are Hospitals, other community facility uses, and residential uses, with the institutional uses for the most part pre-dating the larger residential towers. Rather than changing the character of the area, the proposed project will reinforce existing uses and will allow the Hospital for Special Surgery's campus to remain concentrated along the eastern part of East 71<sup>st</sup> Street. The creation of the new River Building over the FDR Drive would complement the existing HSS Main Hospital-East Wing and NYPH-CMC structures over the FDR Drive. Furthermore, the 1973 Agreement, as amended, allows for the expansion/modernization of HSS over the FDR Drive and away from the residential neighborhoods to the west of the site, as does the 1971 legislation authorizing the expansion. As seen in Chapter 2 (Land Use, Zoning, and Public Policy) Figure 2.1 -Land Use Map and below the surrounding a majority of the surrounding area is utilized by institutional use. Therefore, the proposed project would be similar to existing development patterns and complement existing uses that characterize the area.



#### Comment 2

**The DEIS blithely concludes that the Project would support the existing neighborhood character by supporting the major land use of the area. Incredulously, the DEIS continues, most of the factors that create the character of the neighborhood would be supported by the proposed project, while others would not be affected. Therefore the future with the proposed project would not change the character of the neighborhood. The CEQR Technical Manual establishes that if one of the defining features of the neighborhood's character would be significantly affected, then a significant impact would occur. Alternatively, an action can result in a significant adverse impact on neighborhood character if it has moderate impacts on a number of defining features. Also of particular relevance to this case, the CEQR Technical Manual establishes a significant impact on neighborhood**

**character could occur because of an increase in traffic on area roadways, even if that increase did not constitute a significant traffic impact. (Zarin)**

**Response 2**

While the CEQR Technical Manual does state that a number of moderate impacts on the defining features of a neighborhood may cumulatively have a significant adverse impact, most of the factors that create the character of the subject neighborhood would be supported by the proposed project, while others would not be affected or at most have minimal impacts. As provided in Chapter 9 (Neighborhood Character) the proposed project would support land use and zoning policy in the area, would not impact open space resources, and would introduce a building form consistent with the prevailing character of the area. The proposed project would not adversely impact traffic or pedestrian movement since no significant adverse impacts would result from the proposed project in regards to vehicular or pedestrian trip generations as indicated in Chapter 16 (Traffic and Parking). Accordingly, no significant adverse impacts relating to neighborhood character are expected.

**27.2.10 NATURAL RESOURCES**

No comments on natural resources were received during the public comment period.

**27.2.11 HAZARDOUS MATERIALS**

**Comment 1**

**The DEIS indicates that the City Department of Environmental Protection ("DEP") required, by letter dated August 22, 2007, that the Applicant conduct Phase II testing, including, in connection with impacts related to the proposed support beam on the Esplanade. Rather than conducting the requisite testing prior to the completion of the DEIS, so that the results and any necessary mitigation measures could be subject to public review, the Applicant states that between the DEIS and FEIS, the Applicant will use best and good faith efforts to seek and obtain all necessary approvals to perform the Phase II testing on the East River Esplanade and within the sidewalk on the west side of the FDR Drive. The Applicant then essentially concedes that it plans on deferring the resolution of the hazardous waste issue until after the close of the instant SEQRA process. (Rosenthal, Barnett, & Zarin)**

**Response 1**

In accordance with the procedure set forth in the DEIS, the FEIS reflects that the Phase II work was completed between the completion of the DEIS and the FEIS. The findings of the Phase II work is described in Chapter 11 (Hazardous Materials) Section 11.5, as are the measures to be carried out pursuant to a Remedial Action Plan and Construction Health and Safety Plan reviewed and approved by NYCDEP. With the implementation of the RAP and the CHASP, no significant adverse impacts stemming from the presence of hazardous materials on the project site are anticipated.

**27.2.12 WATERFRONT REVITALIZATION PROGRAM**

**Comment 1**

**The Project is inconsistent with the City's goals for Waterfront Areas since the proposed bulk and positioning of the Project would severely narrow the views, light and air, and the public's enjoyment of the waterfront from the area's open spaces. (Hutton, DAlex & Zarin)**

**Response 1**

An analysis of the proposed project's consistency with the City's Waterfront Revitalization Program is included in Chapter 12 (Waterfront Revitalization Program) of the EIS. The analysis shows that the proposed project is consistent with the City's policies for development and use of the waterfront, including Policy #8 regarding promoting public access to and use of the waterfront. The proposed project would maintain a pedestrian access point to the waterfront from the northern sidewalk of East 71<sup>st</sup> Street. During construction, a temporary ramp would be installed providing access to the south of East 71<sup>st</sup> Street to assure that pedestrian access over the FDR Drive to the Esplanade is maintained. Support columns for the platform for the River Building would be located between the two portions of the switchback of the pedestrian ramp along the Esplanade leading to the Esplanade, and would not limit access along the waterfront or reduce the width of the main pedestrian path. While there would be a loss of a limited number of views of the water, most views would be preserved, and the surrounding built fabric would be improved through the replacement of an open stretch of the FDR with an architecturally distinguished building. Therefore, the goals of Policy #8, as well as the Waterfront policies in general, are met with the proposed project.

**27.2.13 INFRASTRUCTURE**

No comments were raised pertaining to Infrastructure.

**27.2.14 SOLID WASTE**

No comments were raised pertaining to solid waste.

**27.2.15 ENERGY**

No comments were raised pertaining to Energy.

**27.2.16 TRAFFIC & PARKING**

**Comment 1**

**It appears that the Service Road traffic is the cause of the traffic congestion on the FDR going south bound between East 71<sup>st</sup> Street and East 72<sup>nd</sup> Street. (Plimpton, Canning, & Hand)**

**Response 1**

A Traffic Analysis was conducted in accordance with the guidelines set forth in the CEQR Technical Manual. As set forth in Chapter 16- Traffic & Parking, Section 16.5 on

page 16-37, there would be no significant adverse traffic impacts resulting from the proposed project including at the intersection of East 71<sup>st</sup> Street and the FDR Service Road, and therefore, no mitigation measures are warranted as a result of the proposed action. The 2001 CEQR Technical Manual adopts the methodology from Highway Capacity Manual (HCM 2000) published by the Transportation Research Board (TRB). The Levels of Service (LOS) analysis for the East 71<sup>st</sup> Street and FDR service road intersection indicates that in the existing, No Build and Build conditions, traffic movements operate at acceptable levels. This acceptable LOS is because the southbound through and right turn movement has no conflicting movements (i.e., eastbound or westbound) resulting in minimal congestion for that movement.

**Comment 2**

**There is no available parking in the area. (Jaffe & Baff)**

**Response 2**

The traffic study included a survey of on- and off-street parking utilization within a one-quarter mile radius of the project site in accordance with the CEQR Technical Manual guidelines. The results are reported in Tables 16-6 and 16-7. As per the collected information the collected information, there would be sufficient available parking spaces to accommodate the site generated traffic during the peak analysis hours.

**Comment 3**

**The DEIS's conclusion that the Project will produce "no significant traffic impacts, and therefore, no mitigation measures are warranted," does not comport with the existing conditions in the study area surveyed by the Applicants. The methodology employed by the Applicant to reach this conclusion is inconsistent with the technical guidelines set forth in the CEQR Technical Manual. The DEIS' analyses of level of service, trip generation and vehicular and traffic safety are critically flawed. It is important that the existing conditions be defined precisely since this is a reflection of activity levels that actually occur today, and since existing conditions will serve as the baseline for future conditions analyses that require at least some projection. It is clear that the DEIS's definition of existing conditions are anything but precise. This calls into question the reliability of its conclusion that no mitigation measures are warranted. (JLevinson, Canning, GMavrovic, PMavrovic, Asiel, Barnett, Jaffe, Silver & Zarin)**

**Response 3**

A Traffic Analysis was conducted in accordance with the guidelines set forth in the CEQR Technical Manual. As set forth in Chapter 16- Traffic & Parking, Section 16.5 on page 16-37, there would be no significant adverse traffic impacts resulting from the proposed project including at the intersection of East 71<sup>st</sup> Street and the FDR Service Road, and therefore, no mitigation measures are warranted as a result of the proposed action. Traffic calculations were based on the Highway Capacity Manual 2000 published by the Transportation Research Board, and were reviewed and accepted by NYCDOT. The analyses also used methodologies from the approved Memorial Sloan-Kettering Cancer Center Rezoning FEIS from 2001, such as day time employee trip generation.

With respect to the FDR Drive Service Road and East 71<sup>st</sup> Street, as noted in the response to comment 1 above, the analysis shows that there is typically a low volume to capacity ratio of at the intersection, allowing for cars to make the turn onto East 71<sup>st</sup> Street with a minimum of congestion.

**Comment 4**

**Federal transportation regulations would also talk about impacts of historic resources. There's no discussion of this in the DEIS at all. (Richman)**

**Response 4**

The potential for the project as a whole to impact historic resources was analyzed in Chapter 7 (Historic Resources) of the EIS, which analysis was reviewed and approved by Landmarks Preservation Commission (LPC). According to the analysis contained in that Chapter, the closest potential historic resource is the Cornell Medical Center (approximately 400 feet away). The minor incremental traffic resulting from the proposed project would not have any effect on this or on any other identified historic resource.

**Comment 5**

**The EIS says that not a single employee of this new facility will leave by car, taxi, subway or bus during the lunchtime hour. (Canning & Gray)**

**Response 5**

As indicated in the note in under Table 17-1 of Chapter 17 (Transit and Pedestrians), as well as in Chapter 5, Section 5.4.2 on page 5-5 the Hospital provides cafeteria services to its employees, and employees typically have short lunch breaks. For the purposes of analysis it was assumed that most employees would remain onsite for lunch and that those leaving the site would do so on foot. A similar assumption was also used in the Memorial Sloan-Kettering EIS and reflects hospital operations and practice. Vehicular trips for visitors and patients are included in the midday peak hour.

**Comment 6**

**As a result of the increased deliveries and pedestrians at the site, increased traffic should be expected. Furthermore, the DEIS indicates that the proposed action will add almost fifteen (15) deliveries per day to the Hospital. (Zarin & Canning)**

**Response 6**

As stated in Chapter 16- Traffic & Parking, section 16.4.2, on page 16-27 and Table 16-5 on page 16-28 the additional 137,869 square feet of space that will be added which would result in additional truck trips per day. Of these additional trips the EIS assumes that two (2) truck trips for each of the AM, midday and PM peak hours. These additional trips are not significant, and would not require mitigation measures. Additional information regarding the nature and scheduling of deliveries has been included in the FEIS. As stated in Chapter 17 (Transit and Pedestrians) the pedestrian trips generated as a result of the proposed project would not result in a significant adverse impact for the sidewalks, corners or crosswalks and would therefore, not result in any significant adverse impacts to pedestrian conditions.

**Comment 7**

**The "queue spillback" created by the insufficient size and placement of the Hospital's loading bays and trips. Despite being a "major impact area" under CEQR, the current and potential future impacts of the Hospital's goods delivery system are unexamined in the DEIS. A baseline calculation for the increased traffic and delivery activities (of which the delivery systems are unexamined) of planned renovations should be conducted simultaneously with the project. (Zarin & Canning)**

**Response 7**

As stated in Chapter 16- Traffic & Parking, section 16.4.2, on page 16-27 and Table 16-5 on page 16-28 The number of truck trips per day generated by the 137,869 SF by the proposed project is based on sources such as USDOT, Curbside Pickup and Delivery, Operation and Arterial Traffic, and Motor Trucks in the Metropolis by Wilbur Smith & Associates (1969) loading and operations at the hospital today. The additional truck trips generated by the proposed project were calculated using an average rate of 0.2 truck trips per 1,000 square feet of floor area per day. Of these additional trips the EIS conservatively assumes two (2) truck trips for each of the AM, midday and PM peak hours. These additional trips would be accommodated at this existing loading docks and would not create any significant traffic impacts on the adjacent roadway. The Hospital conducted its own survey of existing loading activities and believes that there would be fewer actual deliveries generated by the expansion than the EIS's assumption (by close to a factor of two)... Additional information regarding the nature and scheduling of deliveries has been included in the FEIS.

**Comment 8**

**As motorists approach East 71st Street on the FDR Drive Service Road, they must be prepared to stop if they encounter a queue spilling back from East 71st Street under the proposed new building. Much like turning a light off in a darkened room, it takes the human eye one or two seconds after the light has been tamed off for the pupil to dilate and allow enough light to strike the retina to create a lineage. The Applicant might consider lighting to address this situation. If such an alterative were feasible, the Applicant must be required to study its implementation, as it is not a simple solution. Increasing ambient lighting to adequate levels in the underpass, for example, might require the use of extremely high intensity lights which could also result in temporary blindness if viewed directly. (Canning & Zarin)**

**Response 8**

The design for the lighting under the platform, as well as the platform itself was reviewed and approved by NYCDOT. The lighting will be in accordance with DOT requirements. While daytime lighting was originally proposed by the project sponsor, it was determined by NYCDOT that it would not be necessary given the limited length of the platform.

**Comment 9**

**The new building at Cornell, which has not opened yet, will increase the traffic problem. (Hand & Canning)**



**Response 9**

New Weill-Cornell building was not included in the Traffic Study projections since it has a build year of 2012 and will be opened after the completion of the proposed project.

**Comment 10**

**The DEIS fails to adequately predict future events such as Congestion Pricing Plan (Hand)**

**Response 10**

At this time, it is unknown whether the City and the State will adopt a Congestion Pricing program in New York City, and if the City and State do adopt a program at some unknown point in the future, the particulars of that program do not exist. Should the City and State adopt a Congestion Pricing Program, it would result in less vehicular traffic and would improve traffic operations not only south of 60<sup>th</sup> Street but also areas north of 60<sup>th</sup> Street.

**Comment 11**

**Certain as-of-right construction is occurring that is separate and apart from the Project. According to the brief description in the DEIS, this construction included the expansion of several buildings, but their traffic and delivery activities were not included in the proposed. (Canning)**

**Response 11**

A background growth rate was assumed for the analysis, in order to account for potential development from as-of-right projects. All other projects (soft-sites) were included in the traffic background growth as shown in the DEIS Traffic and Parking section. The vehicular traffic generated by these sites have been incorporated in the yearly background growth as shown in the DEIS Traffic and Parking section.

**Comment 12**

**The DEIS projects that not a single vehicle will be added by the project to the 73rd street entrance to the FDR Drive. (Canning)**

**Response 12**

Site generated traffic was assigned based on 2000 Census information (i.e. reverse journey to work, etc.) and the geographic distribution. The traffic assignments indicate that the FDR Service Road at East 73rd Street is not the only access to FDR. The trip assignment is based on the reasonable worst case scenario.

**Comment 13**

**The surrounding community is experiencing inadequate and dangerous traffic congestion, as well as increased potential exposure to hazardous substances as a result of the inadequate loading berths. These unsafe conditions would only be exacerbated if the Project is approved without increased loading areas. (Canning, DAlex, & MAlex)**

**Response 13**

See Response to Comment 1 above regarding the adequacy of the existing loading berths. In addition, the traffic studies contained in Chapter 16, Traffic and Parking indicates that, in accordance with CEQR methodologies, the proposed project would not generate significant adverse traffic impacts. To the extent that the comment's reference to "hazardous substances" is meant to refer to medical wastes, the disposal of medical wastes is subject to strict regulation by applicable federal state and local laws and regulations that protect the public from exposure to those wastes.

**Comment 14**

**The City Zoning Code's stated purpose for off-street loading berths is to maintain the safety of public streets and walkways by providing space removed from these areas where large deliveries and waste removal can be made. Properly designed and used loading docks help relieve traffic congestion in residential areas, and promote and protect public health, safety and general welfare. As testimony at the July 2nd Hearing established, presently, the safety of passengers and pedestrians in the area is severely compromised by the already nonconforming loading berths. The current loading berth system at the Hospital has proven to be inadequate since the trucks servicing the Hospital for Special Surgery idle, park and make deliveries in the neighboring residential streets as they cannot access the Hospital's purportedly existing and available loading berths. (Canning)**

**Response 14**

The analysis of current loading activities and facilities prepared by HSS demonstrates that current loading facilities are adequate for both current operations and for expanding operations under the proposed actions. Current loading activity is most intensive on Mondays, with up to 29 loading activities (58 trips) over the course of the day, with 22 (44 trips) of these activities utilizing the main loading berths. The large majority of the deliveries are relatively straight-forward and usually take from 10 to 20 minutes for the truck to enter the dock, unload or pick-up, and exit.

Other deliveries are more complex and can take 45 minutes or more to complete loading activities. The complex deliveries have been scheduled so that they are distributed over the course of the day to avoid monopolizing the main loading dock at any one time. Assuming the same proportion of short-stay and longer-stay deliveries, the East 71st Street main loading berth has the capacity to handle approximately 40 deliveries/pick-ups over the course of the day. This number is well in excess of the number of deliveries occurring today and expected in the future.

Most of the loading activity takes place in the morning. While the docks are generally able to accommodate demand, procedures are in place to address any situation where more than two trucks arrive at the loading dock at the same time. In the event more than two trucks arrive simultaneously, HSS personnel direct them to the loading zone adjacent to the Hospital where they wait until the loading dock is available.

HSS has stated that the loading zone can accommodate trucks and provides adequate queuing space for HSS deliveries. In addition, depending upon the nature of the delivery, some trucks utilize the service area on the demapped East 70th Street to accelerate loading activities.

The East 71st Street truck loading zone serves as a buffer between loading activity in the Hospital's main loading facility and the cars using East 71st Street. Trucks maneuvering into the loading dock use this lane and any trucks extending outside of the existing bay avoid conflicting with moving traffic because of this lane. There is also an Environmental Services Dock east of the main loading facility, and the main compactor drop-off and pick-up is scheduled for early evening just after rush hour.

The proposed enlargement of the Hospital complex will have little effect on loading requirements. The uses proposed for the River Building and the East Wing enlargement are virtually the same as those already occurring in the Hospital. Materials and support for most of this activity will be delivered on the same trucks that are serving the remainder of the Hospital and will result in few, if any, additional trips or loading demands. Even if one assumes that the expansion would result in a proportionate increase in loading activity, this would only result in an additional approximately 5 to 9 deliveries spread over the course of the day. The FEIS conservatively assumed an additional 28 truck trips per day as result of the proposed project. However, because the supplies needed for the existing hospital are the same as those needed for the enlargement, many of those supplies will be on the trucks already coming to the Hospital, and so the actual number of additional trips will be substantially less.

To the extent that there is a limited amount of additional loading activity, these trips would be distributed over the course of the work day and would be scheduled by the Hospital to avoid peak traffic times.

This limited activity would not compromise the ability of the Main Loading berth to accommodate the Hospital's needs. It should be noted that as a conservative measure, the EIS adds additional truck trips including to the peak traffic hours and determined that no adverse impact would occur as a result.

Moreover, the proposed project will allow for the potential for additional loading operations on the demapped portion of East 70th Street. Currently, a portion of this area is occupied by an emergency generator for the Hospital that will be relocated as part of the Hospital expansion. The relocation of the generator will allow for additional open-air loading berth in this area and for an increase in loading activity on the south side of the Hospital. This additional facility will compensate for any increase in loading activity resulting from the proposed enlargement. It should be noted that demapped East 70th Street is shared with New York Presbyterian, which uses the street for ambulance services, and therefore use of this area for loading must be coordinated with New York Presbyterian's emergency use.

#### **27.2.17            *TRANSIT & PEDESTRIANS***

##### **Comment 1**

**There will be increased pedestrians, patients, and visitors as a result of the proposed project which will result in the increase in traffic. (Canning & Zarin)**

**Response 1**

An analysis of pedestrian conditions and the potential for the project to result in significant adverse impacts is included in Chapter 17 (Transit and Pedestrians), as shown in Tables 16-3 (Trip Generation-Employees) and 16-4 (Trip Generation-In and Out Patients/Visitors), and an analysis of traffic conditions and the potential for the proposed project to result in significant adverse impacts is included in Chapter 16 (Traffic and Parking). The total pedestrian trips generated by the project during the weekday peak hours would be approximately 280 (In 262/ Out 18) during the AM, 242 (In 120/ Out 122) during the midday and 352 (In 96/ Out 256) in the PM . The pedestrians generated by the proposed action was added to the Future No Build pedestrian volumes and a LOS analysis was performed which indicates that there would be no significant impacts as a result of the project. In addition, the traffic analyses indicate that the incremental vehicular trips resulting from the proposed project would not result in significant adverse impacts to either vehicular or pedestrian networks.

**Comment 2**

**The DEIS indicates that the Project will add almost 90 pedestrian trips to East 71<sup>st</sup> Street between the FDR Service Road and York Avenue, but that none of them will use the Stop sign-controlled pedestrian crosswalk across East 71<sup>st</sup> Street, located just 120 feet from the service road. It is clear that the proposed action will increase pedestrian activity on this crosswalk, requiring vehicles to wait longer for pedestrians to cross and thereby increasing queues on the service road. (Canning)**

**Response 2**

The proposed action would generate approximately 90 pedestrians trips per peak 15 minute during the PM peak period. This signifies that approximately six pedestrians per minute would use East 71<sup>st</sup> Street between York Avenue and the FDR service road. As indicated in Tables 17-2 through 17-4, the Pedestrian LOS analysis does not identify any significant adverse impacts on the pedestrian facilities. Based on current pedestrian travel patterns, it is the Hospital's belief that the majority of patients and visitors to the River Building will travel from York Avenue to the River Building on the north side of East 71st Street. The Hospital has found that because of the connections between the Hospital's buildings, persons travel between the buildings via the above grade connections and will not cross East 71st Street at grade. Similarly, the vistor's to the East Wing enlargement will access the building from the south side of East 71st Street or the north side of East 70th Street and will not generally result in substantial additional pedestrian trips across East 71st Street.

**Comment 3**

**The DEIS's conclusion that not a single accident has occurred on the FDR Service Road is completely at odds with data collected for the surrounding intersections. If you check with the Department of Transportation or the local precinct, you will discover an average of two to three rear-end accidents on the FDR Drive at 71st Street every day. However, the DEIS states that there were no accidents there in three years. (Plimpton, Canning, & Hand)**

**Response 3**

All information regarding reportable accidents was obtained from the New York City Department of Transportation which is based on data from the New York City Police Department. This data is summarized in Chapter 17- Transit and Pedestrians in section 17.2.5 on pages 17-23 to 17-24, and is included in Appendix B. According to this data, no accidents were reported from 2003 to 2005 at the intersection of the FDR Drive Service Road and East 71<sup>st</sup> Street.

**27.2.18 AIR QUALITY**

**Comment 1**

**Significant adverse Air Quality impacts will occur as a result of the construction of a platform over the FDR Drive. (GMavrovic, PMavrovic, Rosenthal, & Barnett)**

**Response 1**

As indicated in the DEIS potential significant impacts were identified during the initial mobile source analysis. Therefore, a refined and in depth mobile source air quality analysis of CO emissions was performed following the completion of the DEIS and was incorporated in the FEIS. As stated in Chapter 18 Section 18.6.3 on page 18-4 and as shown in Table 18-5, the highest 1-hour total concentration is 8.9 ppm (the background concentration of 2.2 ppm plus the analysis concentration of 6.7 ppm) at Receptor 39 and the highest 8-hour total concentration is 5.3 ppm (the background concentration of 1.5 ppm plus the analysis concentration of 3.8 ppm) at Receptor 40 from the line source analysis. The one-hour and eight-hour CO levels for the Build Condition are predicted to be well below the respective NAAQS standards of 35 ppm and 9 ppm.

In addition to the NAAQS, the City of New York applies a *de minimis* impact criterion to estimate impacts on air quality from the proposed project. The analysis results indicate that the *de minimis* criterion would not be exceeded.

Therefore, the proposed project's new platform over the FDR Drive would not result in significant air quality impact.

**27.2.19 NOISE**

**Comment 1**

**The proposed project would have significant adverse noise impacts as a result of the proposed project. (GMavrovic, PMavrovic, Baff, & Barnett)**

**Response 1**

The FEIS concluded that the proposed project would not result in significant adverse noise impacts. As stated in Chapter 19, Section 19.5 on page 19-4 there would be no stationary sources introduced by the proposed project that would generate significant noise. The results of the traffic study (Chapter 16) indicate that there would be no doubling of passenger car equivalents (PCE's), which is the threshold criterion for traffic

generated noise impacts under the CEQR Technical Manual, and therefore there would be no significant increase in mobile source noise from the proposed project.

As stated in Chapter 23, Section 23.2.19.9 on page 23-9 construction noise generated by the project is expected to be similar to noise generated by other construction projects in Manhattan. Increased noise levels can be expected to be most significant during the foundation phase of the construction. There would be no blasting conducted.

Noise from construction activities associated with the proposed project would affect nearby residents and hospital patients in HSS and NYPH. Construction noise would last at varying levels, as long as the project is under construction, and would vary in intensity, depending upon the nature of the construction phase. However, these effects would be temporary in nature, and are not considered significant adverse impacts. Construction activities would comply with the general city, state, and federal guidelines for noise levels during construction including compliance with the NYCDEP requirements for a construction noise protection plan. After erection of the framework and shell, the majority of the buildings would be enclosed and noise levels related to on-site construction activities would be significantly reduced. Therefore, no significant noise impacts are expected.

A noise survey was also conducted for the proposed SMART Building at New York Presbyterian Hospital which indicated that a window/wall attenuation of 35 dBA would be required. Because of this analysis and the analysis prepared for the EIS, Chapter 19 (Noise), both the River Building and the addition to the East Wing would be constructed with a window wall attenuation of 35 dBA in order to achieve an interior closed window noise level of 45 dBA or lower,

#### **27.2.20 CONSTRUCTION IMPACTS**

##### **Comment 1**

**Construction on the Esplanade constitutes parkland alienation, and a disruption relating the public's use and enjoyment of the Esplanade. According to the DEIS, installation of the support columns for the new River Building platform would result in a closure of the FDR Esplanade for *at least* four to six months, and likely longer. During this time a "dead end" will be created in the path, preventing the use of the Esplanade from 70<sup>th</sup> Street just past the midblock point of 72<sup>nd</sup> Street. If, in fact, this disruption to the public's use of the Esplanade occurs, then New York sets forth specific requirements of the Applicant before final approval for the Project may be obtained, including State legislative authorization to alienate the public space, and the identification of substitute parkland. Indeed, NYS Parks advises, "it is crucial that a municipality explore other alternatives prior to selling, conveying, leasing, or using parkland for anything other than recreation." In addition, the DEIS fails to account for the impact to open space from other construction phases such as the barge, cranes, and derricks. (Richman, DAlex, Zarin)**

**Response 1**

This is not a DEIS comment, but rather a legal claim. The Esplanade is not mapped parkland on the City Map; it is land under the jurisdiction of the New York City Department of Transportation (DOT) that is managed by the New York City Department of Parks and Recreation (DPR) through an inter-agency agreement. As noted in Chapter 20 (Construction Impacts), it is anticipated that the closure of a portion of the East River Esplanade would occur due to construction activities related to the proposed project for a period of no more than four (4) to six (6) months and that the portion subject to this temporary closure would remain open on weekends when possible and safety permitting. Measures to address any unexpected closure are addressed in Chapter 22 (Mitigation Measures).

**Comment 2**

**As a result of the proposed construction activities, road closures will happen and this will add to the traffic problems in the area. Pursuant to Article 15 of the Air Rights Agreement, the Commission can only allow for the development of the subject area, provided, that it can find that "such construction will not substantially interfere with the vehicular and pedestrian use of the FDR Drive or the Streets," and that such construction shall otherwise "be in accordance with the provisions of this agreement. (Zarin)**

**Response 2**

Sections of the FDR Drive near the project site would be narrowed during construction. The Hospital will obtain all necessary NYCDOT permits. Any lane closures would be programmed to minimize traffic congestion and would be reviewed and approved by NYCDOT. Lanes on the FDR Drive have been similarly narrowed in the past for other projects and has been determined to have modest impact on capacity and level of service. During certain stages of construction, there could be complete sidewalk closures and temporary parking restrictions. Pedestrian safety would be protected by means of construction site fencing, overhead protection, and limited access locations. There could be sidewalk closings for short periods of time, but pedestrians would be directed to an alternate route for walking past the construction site. No bus stops or subway entrances would need to be closed to allow for construction related activity. These effects would be of limited duration and would not result in significant adverse impacts.

**Comment 3**

**“HSS claims that they will have the authority to build between the hours of 12am and 5am (over the FDR Drive), in addition to the 7am to 6pm allowance for regular construction, setting the stage for possible 24-hour construction noise and congestion.” (GMavrovic & PMavrovic)**

**Response 3**

Please refer to Chapter 20 (Construction Impacts), Section 20.2, on pages 20-1 to 20-3. Normal construction activities will occur during the hours of 7am-6pm. However, certain temporary or short-term activities will occur during the hours of 6pm-7am for safety reasons or in response to NYCDOT requirements. Requests for permission to undertake

construction overnight are subject to approval by the Department of Buildings/NYCDEP should these activities and closures be required.

**Comment 4**

**Safety should be carefully considered since a crane on a barge in the East River will increase the possibility of an accident on the FDR Drive while lifting steel to the HSS Expansion project (GMavrovic, PMavrovic, & Baff)**

**Response 4**

As stated in Chapter 20 (Construction Impacts), Section 20.3 on page 20-3 proper safety would be provided. All construction operations will comply with all appropriate and applicable city, state and federal government regulations.

**Comment 5**

**It appears that HSS proposes to support the new building over the FDR Drive on 2-foot thick columns. Quite apart from the fact that this would not appear to provide the lateral stability necessary to support the structure (the columns appear to be five feet long in the transverse direction), only 12 inches are available between the ramps descending from the pedestrian overpass of the FDR Drive to the Esplanade to accommodate the columns. Thus, either the columns cannot be built or they will extend into the pedestrian walkway by 6 to 12 inches, depending on how they are situated. If the columns need to be thicker, which is the case with the existing building just to the south, the incursion into the pedestrian walkway will be greater. Given the minimal margin for error, the Applicant should have a structural engineer certify that the 2-foot columns will be adequate to provide the lateral stability necessary for the building. (Canning)**

**Response 5**

This comment does not pertain to the EIS.

**Comment 6**

**On the opposite [West] side of the FDR Drive, it appears that the column footings may reduce the sidewalk width from eight feet to four feet at the northwest corner of the intersection of East 71st Street with the FDR Drive Service Road. This would represent a reduction below the ADA-recommended minimum width for sidewalks of 5 feet. (Canning)**

**Response 6**

A minimum of five (5) feet would be allocated on the sidewalk of the FDR Service road which currently has minimum pedestrian traffic as stated in the pedestrian counts in the Transit and Pedestrian Section of the EIS. Therefore, no significant adverse impacts are expected.

**Comment 7**

**In Chapter 20 on page 20-2, Section 20.2.2-Platform Construction, the text should mention the platform support columns and their associated impacts. (DPR)**



**Response 7**

Chapter 20 was updated to more fully describe the support columns and consider whether they would cause any significant adverse impacts during their installation. The analysis concludes that the columns would not have a significant adverse impact.

**Comment 8**

**In Chapter 20 on page 20-3, Section 20.5.1 Land Use, the third sentence states that the construction of the River Building may require closure during certain unsafe construction activities—Chapter 5 and it’s our understanding that the esplanade will be closed during certain periods of construction (DPR).**

**Response 8**

As indicated in the EIS, if there are unanticipated delays in construction, the proposed project has the potential to have significant adverse impacts on open spaces during construction. Portions of the Esplanade would be temporarily closed during construction. During installation of the columns and while the footings are being excavated, the Esplanade would be closed between approximately E. 70<sup>th</sup> Street to just past the midblock between E. 71<sup>st</sup> Street and E. 72<sup>nd</sup> Street. It is anticipated that this portion of the Esplanade would be closed for four to six months, and the Esplanade would remain open on weekends when possible. Access to the E. 71st pedestrian bridge via the E. 71st Street pedestrian ramp would be re-routed to a temporary ramp during construction in order to preserve access along the Esplanade south of E. 71st Street. Detour signage would be installed at the last entrance/exit to the Esplanade north of the blocked area (E.78th Street) to alert Esplanade users that there is no exit south of this point and that there is a “dead-end” ahead and to direct pedestrians to the temporary ramp. In the event that unforeseen conditions result in the section of the Esplanade being closed for more than six months, HSS would contribute \$10,000 per month (for every month beyond 6 months) to the City’s fund for maintaining the Esplanade.

Fencing and temporary protection during construction activities would ensure safety to users of the Esplanade. Once the columns are in place and the structure of the deck is in place, north-south movement past this point would be restored. Restoration of the Esplanade would commence as early as possible after construction of the River Building and would include plantings, lighting, benches, and paving.

**Comment 9**

**In Chapter 20, on page 20-4, Section 20.5.4-Open Space, the first sentence is inaccurate and contradicts the second sentence. (DPR)**

**Response 9**

The EIS was amended to clarify the noted section and now provides that although the construction of the proposed project would decrease the attractiveness and accessibility to and from the Esplanade in the area of the proposed project while underway, it would be short term and localized. No other open spaces would be affected as a result of the proposed project’s construction activities.

**Comment 10**

**The number of rodents that will follow excavation will represent a serious health hazard. (KSosa & RSosa)**

**Response 10**

No increase in the number of rodents following or during excavation are expected since the proposed project would not be excavating a significantly large area. The area to be excavated as a result of the proposed project would be limited to the support columns. In addition, the construction site will have scheduled construction debris and refuse pick up on a regular basis to ensure that no undue waste is not stored on or adjacent to the project site.

**27.2.21 PUBLIC HEALTH**

**Comment 1**

**The number of rodents that will follow excavation will represent a serious health hazard. (KSosa & RSosa)**

**Response 1**

As indicated in Chapter 21 (Public Health), section 21.3.1, on page 21-2 no conditions were identified that would be likely to cause the attraction of, or increase in, vermin/pest populations.

**27.2.22 MITIGATION MEASURES**

**Comment 1**

**The DEIS's failure to consider mitigation measures for this purportedly "limited" alienation is exacerbated by the Applicant's deferral of consideration of how this closure would be mitigated if, as is likely, it actually exceeds six months. The DEIS states the obvious in conceding that if the Esplanade remains closed longer than six months, there would be the potential for significant adverse impacts to the open space. The Applicant, however, improperly defers consideration of mitigation measures for this impact, stating, instead that such "measures will be explored in consultation with the Department of Parks and Recreation between the Draft and Final EIS. A discussion of mitigation measures is the underpinning of a comprehensive DEIS. Not only are such critical discussions absent from the Applicant's DEIS, but the document fails to even identify the underlying impacts that make such considerations necessary. (Zarin & Hutton)**

**Response 1**

The DEIS was conducted in accordance with CEQR methodologies. The DEIS identified only two potential significant adverse environmental impacts for which mitigation would be required: a potential impact on open space during construction on the portion of the East River Esplanade between E. 70<sup>th</sup> Street and the midblock between E. 71<sup>st</sup> and E. 72<sup>nd</sup> Streets; and in Chapter 18 (Air Quality), a potential for impacts due to CO emissions from mobile sources based on a preliminary analysis.

As stated in Chapter 22 of the FEIS, Section 22.2 on page 22-1 the proposed project has the potential to have significant adverse impacts on open space during to construction of the proposed project. During installation of the columns and while the footings are being excavated, the Esplanade would be closed between approximately E. 70<sup>th</sup> Street to just past the midblock between E. 71<sup>st</sup> Street and E. 72<sup>nd</sup> Street. It is anticipated that this closure would be limited to four (4) to six (6) months and would remain open on weekends when possible and safety permitting. In the event that, due to unforeseen circumstances the Esplanade remain closed longer than six (6) months, the impact to the Esplanade would be considered significant. HSS will make monthly contributions in the amount of \$10,000 to the City, for the duration of any extended closing, to maintain the Esplanade.

As indicated in the DEIS, an additional refined analysis of mobile source CO emissions was to be conducted after the completion of the DEIS to determine if any significant impacts would result from the Mobile Source analysis. The analysis in the FEIS indicates that there would be no exceedences of the relevant standards for CO emissions due to the extension of the platform over the FDR. Therefore, no air quality impacts from the additional analysis were identified and no mitigation measures are required.

As explained in the FEIS, no other effects exceed CEQR impact thresholds.

**Comment 2**

**As presently formulated, the Project's site plan cannot meet the requisite "good site plan" standard. The City Zoning Code specifically authorizes the Commission under these circumstances to impose "conditions and safeguards" in order to "improve the quality of the development and minimize adverse effects on the character of the surrounding area." (See also Zoning Code, § 74-31(a) requiring the Commission to consider with respect to every Special Permit application "that the adverse effects, if any, on the privacy, quiet, light and air in the neighborhood of such use will be minimized by appropriate conditions governing location of the site, design and method of operation". (Zarin, Hutton, Richman)**

**Response 2**

This is not a comment on the EIS to the extent it relates to review under the 1973 Agreement. A discussion of the site plan for the project as in terms of its consistency with urban design, land use, zoning, and public policy is included in Chapters 2 (Land Use, Zoning, and Public Policy) and 8 (Urban Design and Visual Resource) of the FEIS. These analyses among other things note that the proposed enlargement and new River Building are of a form and in a location that are comparable to other buildings in the area including those buildings built over the FDR Drive to the south, and that the building is located to minimize interference with view corridors, pedestrian access points, and open space resources.

**27.2.23 IRRETRIEVABLE & IRREVERSIBLE COMMITMENT OF RESOURCES**

No comments pertaining to this section were raised.

**27.2.24 ALTERNATIVES TO THE PROPOSED PROJECT**

**Comment 1**

**What is still necessary is a greater consideration and meaningful discussions on design alternatives that will produce a site plan that, blends in with the surrounding area, and the public space and that incorporates set backs, different distribution of bulk in the proposed project, and a reduction in size in order to minimize impacts to the Edgewater Residential Building, and incremental impacts to the surrounding area. A discussion of alternative designs is the underpinning of a comprehensive DEIS. (Richman, Cooper, Zarin, & Hutton)**

**Response 1**

A smaller build alternative was included in the FEIS. As a result of comments, an alternative considering a project with additional setbacks has been considered in the FEIS. This analysis concludes that the re-designed building would not meet project goals, and it would not have substantially different effects. As noted in Chapter 1 (Project Description), Section 1.4, Purpose and Need for the Project, due to increases in the number of surgical procedures performed, the need to maintain its position as the leading center of orthopedic patient care and research, and to recruit specialists with appropriate expertise to continue its mission, HSS is in need of efficient expansion space. For the reasons stated in Chapter 1 (Project Description), which are detailed below, expanding at locations other than at its current campus and locating the needed expansion space in buildings other than as proposed would not be feasible.

The Hospital for Special Surgery currently operates as an integrated specialty service campus dedicated to orthopedic surgeries, research, teaching, and clinical practices. The Hospital has expressed its pressing need for additional modern and efficient space for patients and physicians to accommodate current and expected increased utilization rates and volume increases in surgeries. The proposed addition to the HSS Campus would allow HSS to expand, inpatient beds, ambulatory surgery, diagnostic imaging services, sports medicine rehabilitation, and physician offices to meet these increases in the number of surgeries performed and to continue its role as a leading teaching and research facility specializing in orthopedics

HSS has stated that in order to meet these needs efficiently and to continue to do meet its long-standing standards of excellence, HSS must be able to continue to operate as an integrated facility whose functions in one campus. This is so for several reasons. First, HSS is a specialty hospital. Unlike a general tertiary care facility, it does not have a large number of departments that could operate efficiently in a variety of locations because they deal with entirely different fields of medical treatment and results. Second, clinical research and patient care at HSS are joint undertakings; i.e., the same physicians who do clinical research also treat patients. Separating those two functions by expanding the Hospital's patient care facilities at a location other than the existing campus and leaving

research facilities at the campus would reduce efficiency and the ability of researchers and clinicians to interact. Separating the function could adversely affect the quality of patient care and the Hospital's ability to continue recruiting highly qualified staff.

HSS's operations are also closely integrated with the neighboring hospitals. Its physicians provide orthopedic staff for the Emergency Department and New York Presbyterian and HSS is physically connected to NYP.

Furthermore, a portion of the air spaces over the FDR Drive were allocated to the Hospital in accordance with the 1971 State legislation and subsequent agreement with the City in 1973. The parcels assigned to the Hospital for Special Surgery are 3A, 3B and 3C of Block 1482, Lot 9020 include the subject property. The current proposal would allow for property identified in 1973 as appropriate for hospital purposes to be used in this manner. The site of the proposed new River Building is a viable and perfectly fit location for the expansion project, given its proximity to the remainder of the HSS campus, the ability to share resources and connect to operating and other HSS services above grade to provide comprehensive treatment from diagnosis to surgery to rehabilitation.

Prior to initiating any plans to develop in the air space above the FDR Drive, the Hospital considered expansions within its existing buildings. The Caspary Building, which is owned and operated by HSS was not a viable alternative since it is currently 100% utilized by existing research operations and other medical facility uses. The conversion of this space is not possible as it would limit the extensive research that is conducted the facility which aids in the unprecedented success of the Hospital. In addition, the conversion of floors to meet other needs of the Hospital would not be permitted given the significant security measures that would be required in order to protect the currently existing research laboratories. Moreover the building could not structurally accommodate additional floors.

The Belaire Building is located at 525 East 71<sup>st</sup> Street (also known as 524 East 72nd Street) (Block 1483, Lot 33). It is a 39-story building, constructed in 1987-1988, that consists of 113,917 SF of community facility space on the 1st through 14th floors for the Hospital for Special Surgery and 192,076 SF of residential space for condominiums on the 15th through 39th floors. The residential use is unrelated to and is not owned by HSS. This building would not accommodate the additional space needed by the Hospital since it is currently 100% utilized by existing operations or conversions.

As proposed, the first four floors of the River Building (floors 2-5) will have the largest floor plates of 9,400 SF. The 6<sup>th</sup> through 12<sup>th</sup> Floors utilize 7,600 square feet of floor plate space. Overall, the reduction in floor plate size from 9,400 to 7,600 square feet already included in the program translates into 30 to 40% reduction in program per floor. This means that the River Building would require substantially more floor area if its floor plates were further reduced, and would require additional floors to accommodate the program. This would result in significant inefficiencies and costs for the Hospital, resulting from among other things (i) the need to provide additional multiple core

services such as elevator lobbies, toilets, and circulation; (ii) the need to devote substantial portions of the floors to non-core functions such as reception and supply areas; and (iii) the need to staff these additional areas. In addition, the smaller floor plates make it more difficult to locate specialties on a single floor, potentially interfering with consultation and the teaching process. Finally, because the smaller floor plates are so inefficient, the same amount of program requires considerably more floor area. The River Building as proposed utilizes almost all of the floor area available on the zoning lot, and accordingly any reduction in floor plate size will inevitably result in a smaller program for the River Building.

Finally, it is important to note that HSS does not own or control any other property upon which it could locate the needed expansion space, even if it were appropriate for HSS to do so.

**Comment 2**

**The Hospital should expand to the south of the East Wing. (GMavrovic & PMavrovic)**

**Response 2**

Most of the area south of the East Wing, including the one-half of East 70<sup>th</sup> Street is not owned by the Hospital and the remaining 30'-wide portion is not viable as a development site.

**Comment 3**

We, the undersigned, have grave concerns about the unmitigated proposal to build a major new building over the FDR. Although we recognize the laudable purpose of the Hospital for Special Surgery, we are concerned about the project's potential impacts upon pedestrian use, public enjoyment, and light and air access for the FDR Esplanade, and other public space between E. 69th and 72nd Streets, including One East River Park Place; the visual quality of the waterfront area; and traffic conditions in the area, including on E. 71st Street. We urge the City Planning Commission to seek alternatives to the plan that will mitigate such impacts. (Petition1)

**Response 3**

As stated in the EIS, no significant adverse impacts are expected as a result of the proposed project except for the temporary significant adverse impacts that could occur should temporary closure of the Esplanade as a result of construction activities. However, mitigation measures have been discussed and approved by the City, which will mitigate significant adverse impacts regarding construction activities and the temporary closure of the Esplanade for greater than six months. In addition, as stated in Comment 1 due to increases in the number of surgical procedures performed, the need to maintain its position as the leading center of orthopedic patient care and research, and to recruit specialists with appropriate expertise to continue its mission, HSS is in need of expansion

space. Expanding at locations other than at its current campus and locating the needed expansion space in buildings other than as proposed would not be feasible.

**27.2.25 UNAVOIDABLE SIGNIFICANT ADVERSE IMPACTS**

No comments pertaining to this section were raised.

**27.2.26 GROWTH-INDUCING ASPECTS**

No comments pertaining to this section were raised.

**27.2.27 ADDITIONAL AREAS OF CONCERN**

**Comment 1**

**It is incumbent upon the City Planning Commission to postpone the July 2 public hearing, and extend the corresponding July 14 written submission deadline, until interested stakeholders can have a full and fair opportunity to access the pertinent Record, and thoroughly review its contents. Alternatively, we would request that CPC commit in advance to hold the public hearing open until after such records are available. In order to ensure meaningful public participation and the integrity of the review process, we would respectfully request that CPC either postpone the July 2nd public hearing and extend the written submission deadline, or keep the public hearing open for further comment until after the public has had a reasonable opportunity to review the Record and process the pertinent information. (Zarin)**

**Response 1**

The Environmental Impact Statement and Uniform Land Use Review Procedure (ULURP) documents are subject to a ULURP schedule. The public has been afforded the opportunity to respond verbally and in writing to the public scoping document as well as the Public Hearing pertaining to the DEIS as demonstrated by the substantial number of detailed comments received from the community. Notice of the public scoping meeting was published on June 17, 2008 in the New York Times. A notification, as required by the Department of City Planning, was issued on June 17, 2008 in the New York Times as well as in the City Record and on the Department of City Planning's website to ensure the public was provided with information on when the City Planning hearing was taking place. All notices of public meetings were provided in conformance with all applicable laws and regulations. The process afforded all interested parties the opportunity to submit written comments following the completion of the July 2, 2008 public hearing if they were not able to appear at the hearing. Further, in accordance with SEQRA, agencies and the public may consider the FEIS prior to the City Planning Commission's determination on the proposed actions.

**Comment 2**

**As you know public notice of the July 2nd hearing appeared in the New York Times on June 17, 2008. On Friday, June 20, 2008, an attorney in this firm attempted to obtain copies of the full Draft Environmental Impact Statement ("DEIS"), and other substantive documents in the Record. As requested and pursuant to New York's Freedom of Information Law, we immediately complied with this request via**

**email and followed up via phone correspondence. This entire process appears to violate both the letter and intent of Section 617.12 of the implementing regulations of the New York State Environmental Quality Review Act, providing that all SEQRA documents must be maintained in files that are readily accessible to the public and made available upon request. Moreover, significant portion of the material contained in the DEIS on-line are illegible. We have been unable to review many of the documents supporting the DEIS contained in the Record. This includes the proposed site plans and surveys, analyses of potential impacts of the project submitted to other City Agencies, existing and requested special permits, and many other integral records that would provide the public with a basic understanding of the potential impacts of the project. (Zarin)**

**Response 2**

Copies of the DEIS were made readily available online and upon request from the Department of City Planning. Improved quality graphics were immediately substituted for the original graphics in the online version of the DEIS upon receipt of this comment. All requested files were made available for review.

**Comment 3**

**The information contained in the FEIS must be subject to further public review. The public is owed some assurance that when and if the Applicant provides more complete and accurate information, including, reasonable development alternatives, the public will have an opportunity to comment upon this new information. (Zarin)**

**Response 3**

As stated in Comment 1, the EIS process afforded all interested parties the opportunity to submit written comments, including following the completion of the July 2, 2008 public hearing. In addition, the public may consider the FEIS and comment prior to the City approval.