

A. INTRODUCTION

This chapter of the Final Environmental Impact Statement (FEIS) summarizes and responds to the substantive oral and written comments received during the public comment period for the Draft Environmental Impact Statement (DEIS) for 550 Washington Street/Special Hudson River Park District. The public hearing on the DEIS was held concurrently with the hearing on the project's Uniform Land Use Review Procedure (ULURP) draft applications and with the hearing by the Hudson River Park Trust (HRPT) as part of HRPT's Significant Action Process under the Hudson River Park Act on August 24, 2016 in Spector Hall, 22 Reade Street, New York, New York. The comment period for the DEIS remained open until 5 PM on Tuesday, September 6, 2016. In addition, this chapter summarizes the substantive comments contained in the Manhattan Community Board 2 (CB2) ULURP resolution dated July 22, 2016, and Manhattan Borough President Gale A. Brewer's recommendation dated August 17, 2016, both undertaken pursuant to ULURP, as well as the pertinent comments on the DEIS made by the City Planning Commissioners at the public hearing.

Section B identifies the organizations and individuals who provided comments relevant to the DEIS. Section C contains a summary of these relevant comments and a response to each. These summaries convey the substance of the comments made, but do not necessarily quote the comments verbatim. Section D contains comments made by the City Planning Commission (CPC) at the public hearing and a response to each. Written comments are included in this FEIS in Appendix F, "Comments Received on the DEIS."

**B. LIST OF ORGANIZATIONS AND INDIVIDUALS WHO
COMMENTED ON THE DRAFT ENVIRONMENTAL IMPACT
STATEMENT****ELECTED OFFICIALS**

1. Gale A. Brewer, President, Manhattan Borough Hall, Letter dated August 17, 2016 (Brewer_001) (Brewer_063), Verbal Comments delivered on August 24, 2016 (Brewer_006)
2. Deborah J. Glick, Assemblymember, Assembly District 66, Letter dated July 21, 2016 (Glick_005), Verbal Comments delivered on August 24, 2016 (Glick_007) (Glick_085)
3. Brad Hoylman, Senator, New York State Senate, Verbal Comments delivered on August 24, 2016 (Nadler_Hoylman_Squadron_084)

¹ This chapter is new to the FEIS.

4. Corey Johnson, Council Member, New York City Council, 3rd District, Verbal Comments delivered on August 24, 2016 (Johnson_003) (Johnson_008) (Johnson_066) (Johnson_094)
5. Jerrold Nadler, Congressman, Congress of the United States House of Representatives, Verbal Comments delivered on August 24, 2016 (Nadler_Hoylman_Squadron_084)
6. Daniel Squadron, Senator, New York State Senate, Verbal Comments delivered on August 24, 2016 (Nadler_Hoylman_Squadron_084)

COMMUNITY BOARD

7. Manhattan Community Board 2, Letter dated July 22, 2016 (CB2_002)
 - The following commenters are included as part of the above reference:
 - Anita Brandt, Chair, Land Use Committee, Manhattan Community Board 2, Verbal Comments delivered on August 24, 2016; Rich Caccappolo, Chair, Parks and Waterfront Committee, Manhattan Community Board 2, Verbal Comments delivered on August 24, 2016; Terri Cude First Vice Chair, Manhattan Community Board 2, Verbal Comments delivered on August 24, 2016; Dan Miller, Manhattan Community Board 2, Verbal Comments delivered on August 24, 2016; Shirley Secunda, Chair, Traffic and Transportation Committee, Manhattan Community Board 2, Verbal Comments delivered on August 24, 2016

ORGANIZATIONS AND BUSINESSES

8. 9/11 Environmental Action—Esther Regelson, Verbal Comments delivered on August 24, 2016 (Regelson_EA_039)
9. Association for a Better New York—Joan Dorak, Verbal Comments delivered on August 24, 2016 (Dorak_ABNY_024)
10. Building Trades Council—Santos Rodriguez, Verbal Comments delivered on August 24, 2016 (Rodriguez_BTC_042)
11. Charlton Street Block Association—Richard Blodgett, President, Verbal Comments delivered on August 24, 2016 (Blodgett_CSBA_022)
12. Clean Air Campaign—Marcy Benstock, Director, Verbal Comments delivered on August 24, 2016 (Benstock_CAC_019), and Letter dated September 5, 2016 (Benstock_CAC_076)
13. Cosmopolitan Soccer League—Michael FitzGerald, President, Email dated September 2, 2016 (FitzGerald_096)
14. Downtown Soccer League—William Bialosky, Verbal Comments delivered on August 24, 2016 (Bialosky_DSL_021)
15. Downtown United Soccer Club—Isaac-Daniel Astrachan, Verbal Comments delivered on August 24, 2016 (Astrachan_DUSC_018); Andy Scruton, Verbal Comments delivered on August 24, 2016 (Scruton_DUSC_043)
16. Friends of Hudson River Park—Catherine Juracich, President, Playground Committee, Letter dated August 30, 2016 (Juracich_FHRP_069); Tony Simone, Director of External Affairs, Verbal Comments delivered on August 24, 2016 (Simone_FHRP_044)
17. Friends of the Earth—Bunny Gabel, Verbal Comments delivered on August 24, 2016 (Gabel_B_029), and Verbal Comments [written] dated September 6, 2016 (Gabel_B_092)

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18. Greenwich Village Community Task Force—Zack Winestine, Verbal Comments delivered on August 24, 2016 (Winestine_GVCTF_051)
19. Greenwich Village Little League—Michael Schneider, President, Email dated August 23, 2016 (Schneider_GVLL_065) (Schneider_GVLL_097) and Verbal Comments delivered on August 24, 2016 (Schneider_GVLL_046)
20. Greenwich Village Society for Historic Preservation—Andrew Berman, Executive Director, Verbal Comments delivered on August 24, 2016 (Berman_GVSHP_020); Theresa Cullimore, Verbal Comments delivered on August 24, 2016 (Cullimore_GVSHP_023); Chelsea Dowell, Verbal Comments delivered on August 24, 2016 (Dowell_GVSHP_025); Elizabeth Ely, Verbal Comments delivered on August 24, 2016 (Ely_GVSHP_027); Anita Isola, Verbal Comments delivered on August 24, 2016 (Isola_GVSHP_031); Matthew Morowitz, Verbal Comments delivered on August 24, 2016 (Morowitz_GVSHP_037); Sam Moskowitz, Verbal Comments delivered on August 24, 2016 (Moskowitz_GVSHP_038); Lannyl Stephens, Verbal Comments delivered on August 24, 2016 (Stephens_GVSHP_050); Trevor Stewart, Verbal Comments delivered on August 24, 2016 (Stewart_GVSHP_047); Judith Stonehill, Verbal Comments delivered on August 24, 2016 (Stonehill_GVSHP_048); Virginia Stotz, Verbal Comments delivered on August 24, 2016 (Stotz_GVSHP_049)
21. Hudson River Park Trust—Noreen Doyle, Madelyn Wils, and Dan Kurtz, Verbal Comments delivered on August 24, 2016 (Doyle_HRPT_026)
22. Hudson Square Connection—Ellen Baer, President, Verbal Comments delivered on August 24, 2016 (McNally_HSC_036)
23. Landmark West—Kate Wood, President, Email dated May 24, 2016 (Wood_LW_075)
24. Metropolitan Waterfront Alliance—Roland Lewis, Verbal Comments delivered on August 24, 2016 (Lewis_MWA_035)
25. New York Environmental Law Project & Environmental Initiatives—Joel R. Kupferman, Esq., Executive Director, Verbal Comments [written] dated August 24, 2016 (Kupferman_NYELJP_091)
26. New York Womens Field Hockey—Emily Flynn, Executive Director, Email dated September 8, 2016 (Flynn_100)
27. Park It Management—Michael Kramer, Verbal Comments delivered on August 24, 2016 (Kramer_PIM_033)
28. Perry Street Crusaders—Jordan Schaps, Verbal Comments delivered on August 24, 2016 (Schaps_PSC_045)
29. Real Estate Board of NY—Paj Maan Lodhi, Verbal Comments delivered on August 24, 2016 (Lodhi_REBNY_034)
30. Save Chelsea—Pamela Wolff, Verbal Comments delivered on August 24, 2016 (Wolff_SC_052)
31. SEIU 32BJ—Haydee Reynald, Verbal Comments delivered on August 24, 2016 (Reynald_SEIU_041)
32. Sierra Club—Arnold Frogel, Verbal Comments delivered on August 24, 2016 (Frogel_SC_028); Allison Tupper, Chair, Letter dated August 24, 2016 (Tupper_SC_068)
33. Soho Alliance—David Karlin, Verbal Comments delivered on August 24, 2016 (Karlin_SA_032); Rosalind Krauss, Letter dated August 24, 2016 (Krauss_SA_067)
34. Terreform Center for Advanced Urban Research—Michael Sorkin, President, Letter dated August 31, 2016 (Sorkin_TF_070)

35. Victorian Society New York—Hilda Regier, President, Verbal Comments delivered on August 24, 2016 (Regier_VSNY_040)
36. Village Community Boathouse—Mary Nell Hawk, Verbal Comments delivered on August 24, 2016 (Hawk_VCB_030)
37. Village Community School—Mary Johnson, Physical Education Coordinator, Email dated September 6, 2016 (Johnson_VCS_098)

GENERAL PUBLIC

38. Carolyn Amato, Email dated August 1, 2016 (Amato_071)
39. Mary Ann Arisman, Verbal Comments [written] dated August 24, 2016 (Arisman_089)
40. Ann Warner Arlen, Verbal Comments delivered on August 24, 2016 (Arlen_053)
41. Pauline dated Augustine, Verbal Comments delivered on August 24, 2016 (Augustine_054)
42. Cheryl Brock, Email dated August 1, 2016 (Brock_072)
43. Peter Brooks, Letter dated September 1, 2016 (Brooks_077)
44. William P. Burns, Verbal Comments [written] dated August 24, 2016 (Burns_090)
45. Michael Clayton, Verbal Comments [written] dated August 24, 2016 (Clayton_087)
46. Deborah Clearman, Verbal Comments delivered on August 24, 2016 (Clearman_055)
47. Isabelle Duchesne, Verbal Comments delivered on August 24, 2016 (Duchesne_056)
48. Styra Eisinger, Verbal Comments delivered on August 24, 2016 (Eisinger_057)
49. Jim Fouratt, Verbal Comments delivered on August 24, 2016 (Fouratt_058)
50. Dan Gabel, Verbal Comments delivered on August 24, 2016 (Gabel_D_059)
51. Pablo O. Garcia, Verbal Comments [written] dated August 24, 2016 (Garcia_088)
52. Steve Hopkins, Letter dated September 2, 2016 (Hopkins_078)
53. Andrew Lawrence, Letter dated September 2, 2016 (Lawrence_079)
54. Ralph Lewis, Email dated August 28, 2016 (Lewis_093)
55. Nicholas Michael, Email dated September 1, 2016 (Michael_099)
56. Jill Rapaport, Verbal Comments delivered on August 24, 2016 (Rapaport_060)
57. Katherine Salyi, Email dated September 1, 2016 (Salyi_095)
58. Mark Schulte, Email dated August 5, 2016 (Schulte_074)
59. Shelley Seccombe, Verbal Comments delivered on August 24, 2016 (Seccombe_061)
60. Charles Sewell, Email dated August 4, 2016 (Sewell_073) (Sewell_101)
61. Melvyn T. Stevens, Verbal Comments delivered on August 24, 2016 (Stevens_062)

FORM LETTERS/PETITIONS

62. Form Letter 1, various dates, 896 signatories (FormLetter1)
63. Form Letter 2, various dates, 692 signatories (FormLetter2)
64. Form Letter 3, various dates, 2 signatories (FormLetter3)
65. Form Letter 4, various dates, 6 signatories (FormLetter4)

C. COMMENTS AND RESPONSES

PROJECT DESCRIPTION

Comment 1: The Pier 40/St. John's Terminal development should not be approved. (Amato_071, Krauss_SA_067, Wood_LW_075)

Response: Comment noted.

PROPOSED ACTIONS

Comment 2: The City of New York must extend the South Village Historic District. When CPC and the City Council in 2013 handled the Hudson Square rezoning, phase two of the South Village was landmarked at that point, and I hope that phase three of the South Village will be landmarked as part of this process. And I am asking that this designation happen simultaneously when the Council is voting on the ULURP application. (Johnson_003, Johnson_008)

The City must move ahead with overdue landmark designation of the final phase of the proposed South Village Historic District. (Arisman_089, Arlen_053, Augustine_054, Berman_GVSHP_020, Blodgett_CSBA_022, Burns_090, Clayton_087, Clearman_055, Cullimore_GVSHP_023, Dowell_GVSHP_025, Duchesne_056, Ely_GVSHP_027, FormLetter1, FormLetter2, FormLetter3, FormLetter4, Glick_007, Glick_085, Isola_GVSHP_031, Rapaport_060, Regier_VSNY_040, Stewart_GVSHP_047, Stonehill_GVSHP_048, Winestine_GVCTF_051)

If the proposed rezoning and other approvals are to be granted, it should only be done so if this final leg of the proposed South Village Historic District is landmarked in its entirety. This must take place concurrently with or before the rezoning takes effect.

The eleven blocks and 175 buildings between West Houston and Watts Streets, Sixth Avenue and West Broadway, which form the final and not yet landmarked phase of the proposed South Village Historic District, are uniquely rich in New York and American history. They're also under huge amounts of development pressure, with historic buildings coming down and out-of-scale new developments going up every day. This pressure will only increase if this rezoning is passed without the long overdue landmark protections this area needs. (Morowitz_GVSHP_037)

Response: Designation of New York City historic districts is the responsibility of the Landmarks Preservation Commission (LPC), not CPC or the New York City Department of City Planning (DCP). It should be noted that the proposed project is not in the potential South Village Historic District proposed by the Greenwich Village Society for Historic Preservation (GVSHP) and is at least two blocks away.

Comment 3: 575 Washington Street, located at the corner of Clarkson and Washington Streets, is not included within the proposed Special Hudson River Park District. The last four discretionary actions undertaken by CPC have systematically ignored our property. This site was not included within the Special Hudson Square District to our south, it was not included within the special mixed use district, MX-6 to our north, nor was it included in the 2003 rezoning, which permitted the construction of new residential apartments to our south.

So these examples indicate to us that CPC is engaging in piecemeal zoning, which is inconsistent with the legal requirements for comprehensive planning. And it's our position that CPC has willfully engaged in segmentation to accommodate the needs of UPS, FedEx, Sanitation Department, Trinity Real Estate, and now the St. John's Center and Pier 40, while choosing to ignore the plight of their neighbors who are stuck in time.

The Hudson River Park derives 35 percent of its revenue from parking, and simply put, the proposal before you will drive down prices and force us out of our parking business at 575 Washington Street without any viable options under the zoning, circa 1961, for a reuse of our building.

We ask that CPC give us the opportunity to sit down with staff to fully consider our testimony and the inclusion of our site within an amended rezoning proposal. (Kramer_PIM_033)

Response: 575 Washington Street is between West Houston and Clarkson Streets on the east side of Washington Street. The Hudson River Park Act stipulates that air rights may be transferred to sites within one block of the Hudson River Park and to the degree permitted by local zoning law. 575 Washington Street is two blocks east of Hudson River Park and is ineligible to receive air rights.

The parking provided in the proposed project is intended to support the overall project financially, and, according to the private applicant, is not expected to compete with existing garages on a price basis.

Comment 4: This Special District is designed to enable a single developer to realize a golden opportunity, and it is insufficiently attuned to broader community impacts and needs. There is no planning logic to the Special District, only a fiscal one. (Sorkin_TF_070)

Response: The proposed Zoning Resolution (ZR) Section 89-00, Special Hudson River Park District, stipulates, among other application conditions, that the receiving site be within the same Community District or within a half-mile of the granting site. The development site meets this geographic requirement.

The FEIS does consider the potential impacts of the proposed project on the "broader community" in the analyses of community facilities, land use, neighborhood character, and other technical areas. Further, the proposed project is designed to benefit a major open space and recreational asset serving communities on the west side of Manhattan from Tribeca to 59th Street.

Comment 5: I support the creation of the Hudson River Park Special District and the special permit it creates for the transfer of development rights. (Brewer_001, Brewer_006)

Response: Comment noted.

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Comment 6: CB2 has previously made recommendations to New York City Department of Housing Preservation and Development (HPD) and the Department of Environmental Protection (DEP) for the use of DEP sites for affordable housing. HPD and DEP have not acted on using already vacant sites that contain DEP water distribution facilities but could include affordable housing in the open and unused spaces. This administration and HPD should actively pursue all available affordable housing opportunities and not rely solely on the development of luxury housing with affordable housing components. (Glick_085)

Response: Comment noted.

Comment 7: It makes no financial sense to sell public air rights to a private corporate entity. Instead, consider a lease with an end date, and, more effectively, a base annual rent with a surcharge as the net profits increase for the development. (Brock_072)

Response: The sale and transfer of development rights is a widely used technique in New York City to allow permitted floor area to be moved from one location to another, where such greater development on a transferee site is considered to be appropriate. Leasing development rights is impractical because the development rights will be used in a building to be constructed on the transferee site. The financial terms of the transaction will be approved by HRPT.

Comment 8: Material omissions and misrepresentations in the DEIS disguise the magnitude of the policy change that CPC is being asked to approve (treating water as if it were dry land). The false narratives echoed in the DEIS do not provide a legally sufficient basis for any CPC approval of air rights transfers from Pier 40 or other sites in the HRPT project area in the Hudson River. (Benstock_CAC_076)

Response: Pursuant to Section 62-31 of the Zoning Resolution, the water coverage of piers is deemed to be lot area for the purpose of calculating allowable floor area. Pier 40 is located in an M2-3 zoning district, which permits 2.0 FAR of floor area. Further, the Hudson River Park Act states that Pier 40 is a “park/commercial” pier, on which commercial development is permitted. Concurrently with the special permit pursuant to proposed section 89-21 to transfer floor area from Pier 40 to the development site, a text amendment is sought to enable the transfer of available floor area in the Special Hudson River Park District, which only includes Pier 40 as the granting site and 550 Washington Street as the receiving site. The proposed zoning text amendment fulfills the intent of the State statutory amendments to the Hudson River Park Act in 2013, which allow development rights from Hudson River Park to be transferred to sites within one block to the east, provided that such transfer is permitted under local zoning. The EIS has been prepared appropriately, following the guidance of the *CEQR Technical Manual*.

Comment 9: The Hudson River in the HRPT project area is not a park in the conventional meaning of that term (normally applied to upland sites, not public waterways). The DEIS discussion of the Hudson River Park Act of 1998 and its 2013 amendments is misleading. The 1998 Hudson River Park Act defined “Hudson River Park” or “the park” in Sec. 3(e) to refer solely to a set of project area boundaries. These boundaries surround roughly 490 acres of environmentally critical habitat in the nearshore waters of the lower Hudson River off Manhattan between Battery Park City and West 59th Street extended out to the U.S. Pierhead Line 1,000-1,500 feet offshore.

While a number of piers were once built in this stretch of the River to support navigation, and HRPT has built or rebuilt at least 17 “piers” already, much of this stretch of the River still consists of open water. The DEIS does not disclose any of these crucial facts.

HRPT often uses the term “the park” in another way as well—to refer to whatever HRPT has already built and/or leased in its project area in the River, or hopes to build in the River in the future. For many years, HRPT has been saying something like “the park is 75 percent complete,” and HRPT needs more money to “complete the park.” The only thing HRPT needs more money for is to complete its high-risk, environmentally damaging buildout of potential development sites in the River.

Neither Pier 40 nor any other pier in the River that HRPT builds or rebuilds with the \$100 million HRPT is trying to get from 550 Washington’s developers will be safe from illegal, non-water-dependent, high-risk development if CPC approves the proposed Special Hudson River Park District and related actions. In 2012-2013, for example, mega-developer Douglas Durst proposed office space and galleries on Pier 40. Further evidence of HRPT’s undisclosed intentions to develop Pier 40 for non-recreational uses can be found in the fact that HRPT intends to reserve for its own uses an undisclosed number of “unused development rights” at Pier 40 in excess of the 200,000 square feet it hopes to sell to 550 Washington’s developers. (Benstock_CAC_076)

Response: Hudson River Park was created and defined by state law, the Hudson River Park Act (Act), and encompasses numerous piers, including Pier 40. Uses at Pier 40, as well as at other park piers, are defined under the Act. The current proposal does not include any new development on Pier 40. Any future development of the remaining development rights on Pier 40 will be subject to its own, independent review process. The project would transfer floor area off of the pier, thereby decreasing the extent of permissible development on the pier itself. The Special Hudson River Park District, as proposed, would only include Pier 40 as the single granting site, and the development site as the single receiving site. As part of the current ULURP process, HRPT has disclosed the amount of Floor Area that would remain at Pier 40 subsequent to the proposed sale.

Comment 10: The Special Hudson River Park District appears to apply to the entire 490-acre stretch of the Hudson River within HRPT’s project area boundaries—not just to the vicinity of Pier 40, as some of the documents imply. DCP’s failure to define “Hudson River Park” (a defined term in the Hudson River Park Act) properly may lead to a misunderstanding about how much of the Hudson River is at risk if CPC approves the creation of a Special Hudson River Park District at this point. The whole 490-acre stretch of the River included within the boundaries specified in the Hudson River Park Act’s “park” definition, not just the 15-acre Pier 40 portion of the River, is at risk. DEIS language implying that Pier 40 is the only site at issue (on page five, for example) is misleading. (Benstock_CAC_076)

The actual language on pages 33 and 36-37 of CPC’s August 24, 2016 calendar confirms that this is still HRPT’s and DCP’s intention—that is, to create an immense Special Hudson River Park District and then to have DCP, HRPT, and/or upland developers apply for a Special Permit every time they want to transfer/sell purported air rights from another site in the River. That would happen whenever a deal got made for particular parcels spanning both land and water (or even, conceivably, parcels that are just in the water). (Benstock_CAC_076, Brooks_077)

Response: The Special Hudson River Park District, as proposed, would only include Pier 40 as the single granting site, and the development site as the single receiving site. The designation of any additional granting sites and receiving sites, and any future transfers, would require independent zoning text and zoning map amendments in the future.

Comment 11: Neither HRPT nor Pier 40 needs the \$100 million. The constant drumbeat of misleading claims that Pier 40 will “fall into the River” if it doesn’t get \$100 million from the financiers/developers across from Pier 40 is false.

In fact, Pier 40’s roof, pilings, and other infrastructure have been repaired or replaced again and again, mostly with a great deal of taxpayers’ money. If any parts of Pier 40 are currently in need of urgent repairs—which is doubtful—those areas can just be cordoned off from public use while CPC takes all the time it needs to make reasoned decisions.

Similarly, HRPT is flush with cash. Among HRPT’s vast, unaccountable powers under the Hudson River Park Act is the power to take in money from any conceivable source—and HRPT has done exactly that. HRPT has received and spent more than \$600 million already—mostly public funds, including disaster recovery funds—according to documents posted on its website. (Benstock_CAC_076)

Response: This comment is not accurate. While HRPT has made limited repairs to portions of Pier 40, including portions of the roof, it has not repaired the piles. An independent study prepared by qualified engineers documents the piles’

deteriorated condition and was made public prior to the start of the current ULURP process; the full study is available on HRPT's website. In addition, numerous other portions of Pier 40 have also not been repaired or replaced. HRPT has stated that it does not have the financial capacity to make such infrastructure repairs and seeks the revenue from the proposed air rights transfer for this reason. The Act specifies that if any development rights are sold from Pier 40, revenue from such sale must be used to address the pier's infrastructure. Contrary to the commenter's opinion, HRPT has also stated that it is bound by the numerous restrictions of the Act with respect to generating revenue to support the entire park, inclusive of the public ballfields at Pier 40, and that it is relying upon the currently proposed air rights sales to address the magnitude of the Pier 40 pile condition problem in particular.

Comment 12: Unless CPC and DCP refuse to accept HRPT's misleading spin, not just Pier 40 but all of the 38 or so development sites HRPT would like to keep subsidizing in the Hudson River, HRPT will keep demanding more money. Too much public funding has been squandered on ruinous development schemes for the Hudson River already. Unless CPC disapproves the proposed actions, unending demands for more funding to build and rebuild development sites in the Hudson River, and to cover the costs of the resulting storm and hurricane damage claims and liability, can be expected to keep increasing. (Benstock_CAC_076)

Response: The proposed project does not include development in the Hudson River. The money that would be received by the Hudson River Park Trust for the sale of development rights would be used for the structural repair and rehabilitation of Pier 40, consistent with the Act's requirements, and not a new development.

Comment 13: There's no need to adhere to ruinous in-water development policies when times have changed, and experience has shown that those policies are bad for the City. The Hudson River Park Act was written in 1998—before Hurricanes Katrina and Irene, Superstorm Sandy, and widespread recognition of the likely impacts of climate change. There's no need to keep finding ways to subsidize HRPT's old General Project Plan (GPP) for the River—a GPP that doesn't fit current realities. There's no need for City agencies to go along with (much less echo) HRPT's false narratives and misleading spin in order to keep implementing that outdated plan for the River. (Benstock_CAC_076)

Response: The Act was amended in 2013, subsequent to Superstorm Sandy, Tropical Storm Irene, and Hurricane Katrina, such that it now allows HRPT to sell unused development rights from eligible piers subject to local zoning. As mandated by the Act, any revenue derived from the sale of air rights from Pier 40 must be used in the first instance to address infrastructure issues at Pier 40, including its piles and roof. Pier 40 is in poor condition, as documented by independent engineering studies that are publicly available. The revenue from the air rights sale that is currently proposed would be used to help stabilize a

pier that already exists, and which provides valuable public open space as well as generating income to help support the entire Park, as intended by the Act.

Comment 14: We note the problems that will be increasingly posed in selling the remaining 1.3 million square feet of rights, given the limited distance over which they can be transferred, the problematic effects this will have on the character of the waterfront, and the likely community resistance to this great bulking up of the city's Hudson River face. Absent a strategy for direct funding of the park, it seems rational to consider increasing the fungibility of this asset, allowing it to be used on more remote and appropriate sites. An imaginative use of these air rights might even enable the purchase of space within the neighborhood for additional parks. (Sorkin_TF_070)

Response: The amended Hudson River Park Act only permits development rights to be transferred to sites within one block of Hudson River Park. If any development rights are transferred from Pier 40, the Act also specifies that the proceeds from such transfer be used at Pier 40 to repair its infrastructure in the first instance. HRPT has stated that if the current ULURP proposal is approved, it intends to repair the badly deteriorated Pier 40 piles as its highest priority. HRPT has also stated that it will work with the local community and elected officials to explore an additional amendment to the Act to lengthen the permissible lease term and allow additional uses at Pier 40; if such an amendment can be secured, HRPT may not need to transfer additional development rights from Pier 40. Moreover, without another act of the New York State Legislature, the transfer of development rights to more distant inland sites is not possible.

Comment 15: We strongly support planning for the eventual extension of both King and Charlton Streets from Sixth Avenue to the river as well as of Van Dam through the current UPS site. This will require the reconfiguration of the 550 Washington Street project to align with these streets as well as a pre-emptive re-mapping of the UPS site to eventually permit the two streets to pass through it, defining small blocks that will help define local character. Re-knitting the city grid to bring it to the waterfront will both rescale neighborhood parcels downward and will suggest that additional opportunities to cross the West Side Highway by pedestrians be created, permitting far easier access to Pier 40 and Hudson River Park. Our preference is for additional grade-level crossings, rather than a bridge over the highway. (Sorkin_TF_070)

Response: The proposed project includes east-west corridors to connect upland streets to West Street, the Hudson River Park and the Hudson River. The UPS facility to the east of the proposed development is actively used with no known plans to redevelop the site. The through-block driveway through the project does serve to break up the site, and its location slightly north of Charlton Street will serve to reinforce Charlton Street as an east-west connector. The New York State Department of Transportation (NYSDOT) and HRPT are being engaged about

the possible construction of a pedestrian crosswalk across West Street at the location of the through-block driveway.

TRANSFER OF DEVELOPMENT RIGHTS

Comment 16: Allowing the transfer of air rights from the Hudson River to this or any other site is fundamentally flawed policy, and ignores other better options for funding the park, which we and dozens of other community groups have proposed. (Amato_071, Augustine_054, Berman_GVSHP_020, Dowell_GVSHP_025, Ely_GVSHP_027, Gabel_D_059, Hopkins_078, Isola_GVSHP_031, Lawrence_079, Lewis_093, Rapaport_060, Regier_VSNY_040, Schaps_PSC_045, Stewart_GVSHP_047, Stonehill_GVSHP_048, Winestine_GVCTF_051, Wood_LW_075)

Response: Pier 40 is designated for park/commercial use by the Hudson River Park Act. As such, it is eligible to be developed with revenue-generating uses permitted by the Act. HRPT has previously issued requests for proposals (RFPs) for the development of Pier 40 that have been unsuccessful due in part to community opposition to the nature and scale of development needed to support the level of investment in the pier. The proposed transfer of development rights from Pier 40 to an adjacent site is permissible under the Act and is also consistent with local land use policy that underpins other transfer mechanisms in zoning, like transfers from individually designated City landmarks.

Comment 17: We are opposed to any plan to move ahead without any limits on future air rights transfers from the park to allow further overdevelopment in the neighborhood. (Arisman_089, Burns_090, Clayton_087, Glick_085, FormLetter1, FormLetter2, Sorkin_TF_070)

The plan fails to address long-standing questions from groups like GVSHP about how air rights from Hudson River Park can and should be used and limited, alternatives that should be explored for funding the park, and how many air rights state legislation has allowed to be transferred from the park to increase development inland. (FormLetter4)

I urge you to approve the transfer of Pier 40's air rights only if future air rights transfers are restricted and planning for Pier 40's future includes community use as a priority over maximizing revenue to the park. (Clearman_055, Garcia_088)

Any further air rights transfers from Hudson River Park need to be at least controlled and restricted according to need. They are wrong, and they are not the appropriate way to fund the park because they will lead to massive, aggressive development of waterfront blocks in the Village and beyond, which are zones one and two of emergency evacuation. (Duchesne_056)

Nearly three years after the State Legislature voted to allow the transfer of millions of square feet of air rights from the Hudson River Park to allow increased development in our neighborhoods, we still have no accounting for

how many air rights have been created, nor any limits on how many air rights can be used to enable overdevelopment in our neighborhood. (Burns_090, FormLetter1, Moskowitz_GVSHP_038)

Save Chelsea feels strongly that allowing unused development rights or air rights from commercial piers within the Hudson River to be transferred inland is bad policy, will facilitate overdevelopment of west side communities, and is not a good and appropriate way to fund the Hudson River Park. (Wolff_SC_052)

Response: The current proposal would only enable the transfer of floor area from Pier 40 to the development site. Any future proposal to transfer floor area from Pier 40 or any other commercial pier will be subject to an individual ULURP and CEQR action at that time and be subject to the requirement of the proposed Special District limiting the potential transfer boundary to one-half mile from the selling site. HRPT intends to retain sufficient development rights on eligible transfer sites including Pier 40 to enable such site to be redeveloped in the future in accordance with the Act. See also Response to Comment 14.

Comment 18: While the proposed Special Hudson River Park District would only apply to these sites, it is clearly the intention of this legislation to allow for future expansion, allowing air rights transfers to and from other sites within the area. State legislation allows such transfers. That means from commercial piers within the park, which includes Chelsea Piers and Pier 57, to one block inland from the park from 59th Street to Chambers Street. Thus, while any future allowance for air rights transfers in Chelsea would require a separate additional ULURP in the future, we find it disturbing that the framework for allowing such transfers is being shaped here without any meaningful consultation with the Chelsea community or other affected communities. (Wolff_SC_052)

Response: All future designations of granting and receiving sites will require a text amendment to modify the Special District, subject to two processes that include extensive public review—ULURP and CEQR. HRPT has previously stated that Pier 57 is not eligible to transfer additional development rights, and that it will work with Community Boards 1 and 4 should future transfers that could affect those communities be contemplated.

Comment 19: Do you even need 200,000 square feet from air rights? It's just a diversion. It's something to make everyone focus on this air rights transfer, when really the whole project could be done without it. I don't see how it's a financial necessity. (Karin_SA_032)

Response: The proposed project relies on the 200,000 square feet of development rights from Pier 40 to achieve its proposed floor area and its goals and objectives, as set forth in the EIS. Without the transfer, there would be no mechanism for purchase and payment made to Hudson River Park to address serious infrastructure concerns at Pier 40.

Comment 20: HRPT’s plan for a sale of so-called air rights over the Hudson River contravenes important policies under federal, New York State and common law.

The Hudson River Park Act, as amended, only authorizes the transfer of unused development rights as may be available. These so-called air rights do not exist; and therefore are not available for sale.

There is a strong legal presumption against the right to build in or over navigable water, pursuant to the Clean Water Act, the New York State Protection of Waters Act, and the Public Trust Doctrine, unless the construction is necessary for a water dependent use.

Deeming that an over water pier has air rights and such air rights should be transferred to land in order to foster near-shore development sets a harmful precedent and could lead to more development density along our coastline, putting more people at risk from storms and flooding. (Kupferman_NYELJP_091, Regelson_EA_039)

So far as I can see, air rights don’t exist, because these are air rights of a structure that is over the water. And, so far as I know, there is a presumption against the right to build in or over navigable water pursuant to the Clean Water Act. (Eisinger_057)

Making this change in the zoning resolutions would encourage widespread violations of the Clean Water Act, which requires nothing be put in the water if there is a practicable alternative.

This proposal would allow non-water-dependent development on Pier 40 and other parts of the river, contrary to Clean Water Acts laws. (Gabel_B_029)

Response: Under the Act, Pier 40 retains its underlying zoning. Pursuant to Section 62-31 of the Zoning Resolution, the water coverage of piers is deemed to be lot area for the purpose of calculating allowable floor area. Pier 40 is located in an M2-3 zoning district, which permits a floor area ratio (FAR) of 2.0. Further, the Hudson River Park Act states that Pier 40 is a “park/commercial” pier, which is intended to generate income for the Park while also providing public open space, and on which commercial development is permitted. Concurrently with the special permit pursuant to proposed Zoning Section 89-21 to transfer floor area from Pier 40 to the development site, a text amendment is sought to enable the transfer of available floor area in the Special Hudson River Park District, which only includes Pier 40 as the granting site and 550 Washington Street as the receiving site. The proposed zoning text amendment fulfills the intent of the 2013 State statutory amendments to the Hudson River Park Act, which allow development rights from eligible piers within Hudson River Park to be transferred to sites within one block to the east, provided that such transfer is permitted under local zoning. The proposal will not lead to development on Pier 40 because no development on Pier 40 is proposed as part of this project. In fact, by transferring development rights from Pier 40, the amount of development

rights remaining at Pier 40 would be permanently reduced. Any future development would be subject to its own approval process, if it occurs.

Comment 21: If approved, this new fictional right to build to a particular height will likely set a precedent that will perpetuate inequity and gentrification, through the creation of more special districts with air rights that can be transferred and sold to the highest bidder. CPC must oppose any scheme that could usher in a new wave of luxury high-rise construction along the water, so that Manhattan's waterfront becomes a vista enjoyed almost exclusively by high income occupants. (Kupferman_NYELJP_091, Regelson_EA_039)

Response: The proposed actions would only permit development on the 550 Washington project site. The height and massing of this proposed development is being evaluated in view of the appropriateness for this particular neighborhood. As noted above, any further development using development rights from Hudson River Park will be independently subject to ULURP and CEQR and HRPT's Significant Action Process. The proposed project would also break up the existing superblock by creating a new through-block connection that would result in a new view corridor toward the waterfront.

Comment 22: The development that's proposed is non-water-related. And this is a requirement of the Clean Water Act, that any development should be water related.

There is a Public Trust Doctrine that I believe is being undermined here in having a big capital project going into a park, what's supposed to be a park. And the kinds of development that are proposed here don't sound to me like a park. (Frogel_SC_028)

Response: The proposed development is not over water, nor is it within Hudson River Park. As stated in the DEIS, the funds provided by the sale of development rights will support the repair of the existing piles and other existing infrastructure at Pier 40, as required by the Act. Work on the piles would not increase their historic load-bearing capacities.

Comment 23: It is of concern that the appraisal of the value of air rights was completed following the scoping of the project, and no change to the preexisting deal to sell the air rights for \$100 million was made. The appraisal significantly undervalued the air rights due to the assumption that the zoning change approval was already in place and affordable housing would be used on the site, which is central to the City's interest in this massive project.

It is of concern that \$100 million would not actually be enough. A recent number cited was \$40 million of additional needed repairs over the next five years to stabilize Pier 40. (Glick_007, Glick_085)

Response: An independent appraisal of the development rights was issued on April 29, 2016. The appraisal valued the development rights at \$74,700,000. The private

applicant and HRPT have entered into an agreement that stipulates \$100,000,000 for the sale of development rights.

Comment 24: Construction should be curbed and towers held to lower levels. Please reject any further transfer of air rights that permit tall buildings. We don't need another trumped up development like the one in the West Sixties. (Seccombe_061)

Response: Any future transfer of development rights from the Hudson River Park or associated development will be subject to review under SEQRA and ULURP. See also Response to Comment 16.

Comment 25: I ask you to reject the creation of the Hudson River Trust zone that will allow it to have unrestricted ability to auction off the air rights of the entire Hudson River Trust. (Fouratt_058)

Response: The commenter is not correct. The majority of piers within Hudson River Park are public park piers and are therefore not eligible under the Act to sell development rights. Moreover, the proposed Special Hudson River Park District specifically permits the transfer of air rights from a granting site (Pier 40) to a receiving site (the proposed development site). The designation of additional granting and receiving sites will require separate zoning text amendments that will be subject to environmental review and ULURP.

Comment 26: We urge you to disapprove the applications related to air rights transfers from Pier 40 in the Hudson River because they would help implement a ruinous City policy. That policy is to subsidize and facilitate new development in the worst possible locations, the most disaster prone locations, such as the near shore waters of the Hudson River below West 59th Street, in a high risk hurricane evacuation zone. (Benstock_CAC_019, Benstock_CAC_076)

Response: See Responses to Comments 13 and 20. In addition, the New York City Department of Buildings (DOB) has implemented regulations to address construction in areas that may experience flooding. As noted in Chapter 3 "Land Use, Zoning, and Public Policy," and Chapter 16, "Greenhouse Gas Emissions and Climate Change," the proposed project would comply with applicable flood mitigation requirements and the development site buildings would include dry flood proofing. The proposed project would be designed to accommodate flood levels projected for the 2100 for all critical infrastructure and residential uses, and for the 2050s or higher for commercial uses. No new development is proposed at Pier 40, an existing structure, associated with the current proposals.

Comment 27: If CPC approves the special district spanning both land and water, and related ULURPs to facilitate purported air rights transfers over the river, then HRPT's tax-free enclaves in the river would expand and thus depress the City's real estate tax revenues, not protect them, as some have claimed. (Benstock_CAC_019)

Chapter 26: Response to Comments on the Draft Environmental Impact Statement

Response: The commenter is incorrect in that the proposed actions would not result in air rights transfers over the river. If development rights are transferred from Hudson River Park to private development sites outside the Park that are subject to property taxes an increase to the City's tax base would occur because Hudson River Park is exempt from property taxes.

Comment 28: The NYC ZR reportedly now allows air rights transfers only on the upland (dry land), and even there only in certain limited circumstances (from landmarked buildings, for example). HRPT and some other dealmakers advocating this drastic change—allowing the transfer of hypothetical air rights from public waterways—stand to benefit from treating the Hudson River and its piers as if they were vacant lots on dry land. (Benstock_CAC_076)

Response: The establishment of the Special Hudson River Park District is supported by the Hudson River Park Act, as amended, which permits the transfer of existing development rights from Hudson River Park to sites within one block of the Park, to the extent permitted by local zoning law. Additionally, see Response to Comment 20.

Comment 29: I implore you to deny the Pier 40 air rights transfer. The Hudson River is a public waterway, and under common law it is meant to be shared by all New Yorkers and not just the affluent few. It also should be noted that it is a navigable waterway allowing no development in, on, or over the river. (Stevens_062)

Response: The proposed project does not include development in Hudson River Park. Further, the Hudson River Park Act legislated construction in the Park. Also, see Response to Comment 20.

Comment 30: Not only were air rights transfers never really envisioned for the Hudson River Park, but the restrictions on the types of uses in the park, even on the commercial piers, means that the types of huge developments that the air rights transfers are now enabling would never have been possible or conceived of as a use or scale of development within the park. (Dowell_GVSHP_025)

Response: The Hudson River Park Act was amended in 2013 to permit air rights transfers from eligible piers provided such transfers are supported by local zoning. The legislation does not govern development beyond Hudson River Park's boundaries. There is no development in Hudson River Park proposed as part of this project. Pier 40 is designated in the Hudson River Park Act as a "park/commercial" pier, on which commercial development is permitted. Any future transfer of development rights from the Hudson River Park or associated development will be subject to review under CEQR and ULURP.

Comment 31: I urge, given the density of this project and the fact that Pier 40 supports over 30 percent of the entire Park, that the text include a provision that no further

development rights be transferred from the Pier into Community District 2. (Brewer_001, Brewer_006, Nadler_Hoylman_Squadron_084)

There must be a ban on future air rights transfers from Pier 40 into the Community District 2 catchment area. HRPT's ability to earn income from the transfer of air rights was specifically bestowed for the purpose of ensuring HRPT is able to afford the expenses of major capital projects, namely, the restoration of Pier 40. The 550 Washington Street proposal ensures this outcome through unprecedented density. It would be inappropriate for HRPT to further earn revenue through the transfer of air rights from Pier 40 to adjacent properties when such a transfer would place an unfair burden on the community.

Furthermore, the geographic nexus for the HRPT's ability to transfer air rights must be tightened to ensure that all future receiving sites are both within one half mile of the granting site and within the same community board. This is in keeping with the spirit of air rights transfers, and it would ensure that the same community is weighing the positive and negative aspects of such a transfer for both the granting site and the receiving site. (Johnson_003, Johnson_008)

The potential overdevelopment of neighboring communities resulting from the 1.6 million square feet of air rights that HRPT has estimated the park could provide is staggering.

All parties involved with the decision making in this case, however, seem committed to enabling at least some air rights transfers to take place. If any air rights are allowed to be transferred from Pier 40 to the St. John's site, as is proposed here, and a Special Hudson River Park District is created, it must include a strict prohibition on any future air rights transfers anywhere else in Community District 2. (Moskowitz_GVSHP_038)

Any Hudson River Park Special District must include a clear, strict and concrete prohibition on any future air rights transfers from anywhere in the Hudson River Park to anywhere within Community District 2. (Berman_GVSHP_020, Dowell_GVSHP_025)

Response: The current proposal would only enable the transfer of floor area from Pier 40 to the development site. Any future proposal to transfer floor area from Pier 40 or any other commercial pier will be subject to ULURP and CEQR. Further, the proposed ZR Section 89-00, Special Hudson River Park District, stipulates, among other application conditions, that the receiving site be within the same Community District or within a half-mile of the granting site to ensure a geographic nexus between the resulting development and the area of Hudson River Park that is realizing improvements. See also Response to Comment 14.

Comment 32: HRPT and others have falsely claimed that there are no other sites in Community District 2 to which air rights could be transferred in the future. This is patently and demonstrably false. (Moskowitz_GVSHP_038)

A comprehensive study must be completed of the potential banking, sale, and transfer of all air rights under the purview of HRPT, including those that might be generated by existing piers, former piers, and from the analysis of the ambiguous status of the total area spanning from the bulkhead line to the pier head line over the full length of the park. Such a study must question both the scope and the use of this potentially enormous asset in light of a variety of pressing public needs. West Street is a conceptual Rubicon: crossing it opens a vast territory and possibilities have, to date, been overly limited. Not only should these rights be used to advance a vision of the waterfront as a whole, they should be deployed in support of the entire city system of public parks and open space, especially those parts that do not enjoy adjacency to a real estate gold mine. (Sorkin_TF_070)

Response: The Act, as amended in 2013, authorizes potential transfers from eligible piers subject to local zoning and the requirements of the Act. The current proposal would only enable the transfer of floor area from Pier 40 to the development site. Any future proposal to transfer floor area from Pier 40 or any other commercial pier will be subject to ULURP and CEQR. As such, this FEIS does not include an assessment of any prospective transfers that are not permitted by zoning today nor enabled by the proposed actions.

Comment 33: Sierra Club attorneys have written that “HRPT can sell only development rights that exist. We believe that these so-called air rights over the Hudson River do not exist.” Chairman Weisbrod said at the August 24, 2016 CPC hearing that “no one” questions whether or not any air rights exist at Pier 40, just whether or not they should be transferred. However, a great many people outside of the closed circle that supports Hudson River development do in fact question every aspect of what DCP and HRPT are proposing for CPC approval. This central question would have to be cleared up in an unbiased/independent new draft EIS that would need to be circulated to the public before CPC would have an appropriate foundation for approving any Special Hudson River Park District, Special Permit, and map change to facilitate air rights transfers from Pier 40 in the Hudson River. (Benstock_CAC_076)

Response: Pier 40 is designated for park/commercial use by the Hudson River Park Act and under the Act, it retains its underlying zoning. As such, it is eligible to be developed, pursuant to local zoning law and environmental review, with uses permitted by the Act. The proposed actions include an amendment to the ZR that would permit floor area that could be developed on Pier 40 to be transferred to the development site. See also Response to Comment 22.

Comment 34: The proposed actions would create the mechanisms and models for air rights transfers from public waterways to upland sites (or even to other in-water sites). If this new mechanism (to facilitate a deal for Pier 40 in the Hudson River and 550 Washington St.) is approved by CPC, and then by the City Council, this

disastrous model could spread to the rest of the Hudson River, and to other waterways around NYC. If it's widely adopted, this "City for Sale"-style model could create a virtually unlimited supply of "transferable development rights" (TDRs) to make proposed mega-development projects even bigger. It could also subsidize and encourage massive destruction of environmentally critical habitats in the nearshore waters around the City. (Brooks_077)

Response: No transfers from public waterways would occur. See Response to Comments 17 [and](#) 20.

PIER 40 IMPROVEMENTS

Comment 35: HRPT must submit a plan for the future use and development of Pier 40. With the extraordinary amount of resources that are being vested in Pier 40 and the effects that the air rights transfer associated with the project will have, the public is entitled to a full account of HRPT's plans for the future of Pier 40. This includes any plans for the use of the pier by the public, as well as any of the pier's anticipated needs in terms of capital improvements in the foreseeable future. (Johnson_003, Johnson_008, Sorkin_TF_070)

Response: To comply with the application requirement for the transfer of development rights pursuant to proposed ZR Section 89-21, HRPT submitted a letter identifying necessary improvements and stating that such improvements would be sufficiently financed by a payment for the transferred floor area in addition to any other available funding. In addition, as requested by elected officials, HRPT has separately provided cost estimates for all infrastructure work that might be needed at Pier 40 before the pier can be redeveloped privately as intended by the Act. HRPT has also provided a summary of infrastructure improvements and associated costs that have already occurred at Pier 40 since 2011. The primary remaining need is the pile repairs for which the vast majority of any revenue from the transfer would be used. A detailed report including cost estimates of the pile repair program is available on HRPT's website. HRPT cannot commit to a comprehensive redevelopment plan for Pier 40 because the Act needs first to be amended to allow a longer lease term than the 30 years currently permitted, as well as to allow office uses. If the Act can be amended, HRPT will need to conduct a competitive Request for Proposals process before a developer can be selected. In the meantime, HRPT has committed to work with Community Board 2 and local elected officials to identify changes to the Act and a development program that can also be supported by the community. Such conversations have already begun.

Comment 36: It is unclear if the \$100 million promised to the Park will sufficiently fund the needed repairs in order to stabilize the pier. The outstanding needs for Pier 40 need to be thoroughly understood before we can fully evaluate how much of an impact this money would make for the Pier. (Glick_005)

Response: See Response to Comment 35.

Comment 37: Based on prior reports from HRPT, there is reason for concern that to remain open until a redevelopment plan is in place, Pier 40 may urgently require substantial additional repair work. There is no justification for the transfer of development rights unless the future of Pier 40 is secured. (CB2_002)

Response: See Response to Comment 35. HRPT believes that if the air rights transfer can be approved, sufficient funding will be available to address necessary pile repairs, which are the most urgent need, and will allow the pier to remain open. In addition, additional funding would be available to address emergent infrastructure needs required to keep the pier open while discussions with the community and elected officials take place regarding an amendment to the Act to allow a viable redevelopment.

Comment 38: Most of us have been approaching this crucial issue from the standpoint that this current plan is the best or maybe the only option on the table. I'm not qualified to determine the merits of this plan in and of itself. I can tell you this community's health and identity depends heavily on how we treat our children, and Pier 40 is the soul of that in our village. (Schneider_GVLL_046)

Response: Comment noted.

Comment 39: If Pier 40 is as decayed as we are told by HRPT, it seems a waste of money to rebuild those pilings and repair the shacks on top of it. Do not encourage this waste and the extended problems of opening the water to more and more intrusive development. HRPT should not be allowed to build on our piers and our waterways. (Gabel_B_029)

Response: Pier 40 is an extant structure that, even in its current condition, provides enormous recreational and financial benefits to the public and Park. If the piles in particular can be repaired through the transfer of development rights, the amount of future development on Pier 40 would be reduced while also making future private redevelopment of the pier, as intended by the Act, more viable. No new development at Pier 40 is proposed as part of the current actions.

Comment 40: The relationship of the new development to the rehabilitation and transformation of Pier 40 has not been studied, and the new development does nothing to facilitate access to the pier or the park. (Sorkin_TF_070)

Response: The proceeds from the sale of development rights to the proposed project would support the repair and maintenance of Pier 40 to ensure that it remains available to the public. Further, the proposed site plan introduces a grade-level through-block driveway from Washington Street to West Street. NYSDOT and HRPT have been engaged regarding the potential establishment of a pedestrian crossing of West Street that could connect to the through-block driveway. This

crossing, however, would require other approvals beyond those considered in this ULURP application.

Comment 41: CPC’s approval of the \$100 million HRPT deal and the CPC actions to facilitate that deal would provide a huge infusion of cash for HRPT to misuse. HRPT would misuse this windfall to prepare the Pier 40 site for new, misplaced, non-water-dependent development—at a catastrophe-prone location in the Hudson River. With their success at Pier 40 as a model, it would be hard to imagine why HRPT and their financial, real estate, and deal-making allies would stop at that one location of the Hudson River. (Benstock_CAC_076)

Response: HRPT has publicly identified how it would use the funds received from the transfer if it is approved. As required by the Act, all funds would be used for infrastructure repairs to the existing structure of Pier 40, with the vast majority devoted to pile repairs. Under the proposed text amendment, additional site specific ULURP and environmental analysis, among other requirements, would be needed before any additional transfers could occur. HRPT has no jurisdiction over properties where future transfers could occur; such decision-making would remain in the City’s jurisdiction.

Comment 42: The pier structure would be open to the challenges presented by flooding, structural damage from the wind, and eventual piling deterioration from corrosive sea water. (Hopkins_078)

Response: Pier 40 is an extant structure and the piles and any other infrastructure repairs that would be undertaken through the transfer of development rights would improve it, as intended by the Act.

Comment 43: The use of the enclosed areas of the pier for parking seems a ludicrous waste of such valuable space. However, it seems that the community of local drivers and the fees they generate for HRPT is an irresistible force, and the storage of 700 private cars will part of the reconstructed pier. There are a variety of ways of incorporating this if it must be included. The path of least resistance is simply to rehabilitate the existing parking areas. A more radical solution would be to remove the existing superstructure and add a deck over the entire area of the pier, reserving the existing “grade” for parking, thus allowing the equivalent of the entire surface area of the pier to utilized as sports and park space. Assuming that the pier retains its current shape, a number of ancillary uses might be added that will not subtract from maximized recreational space. A marina is a perennial possibility as are a ferry terminal, floating bars, restaurants, gymnasias, schools, and other marine and amphibious vessels. However, we unalterably believe that all uses of the pier should be accessible to the public. (Sorkin_TF_070)

Response: Comment noted. No redevelopment of Pier 40 is proposed as part of the current proposal. As required by the Act, revenue from the proposed transfer would be used to improve existing infrastructure, principally, the pier's piles.

ALTERNATIVE FUNDING SOURCES

Comment 44: The City of New York must make a capital contribution to the preservation of Pier 40. While the 550 Washington Street proposal would allow for the transfer of air rights that would give \$100 million to Pier 40, significant unfunded capital needs would persist even following the infusion from the private transaction contemplated by this proposed project. (Johnson_003, Johnson_008, Nadler_Hoylman_Squadron_084)

While the St. John's project potentially would result in \$100M for the sale of air rights, due to the significant unfunded capital needs of Pier 40 that would persist even following the infusion from the private transaction contemplated by the proposed project, we believe a significant and consistent City capital contribution is needed and appropriate to address any outstanding cost of repairs. (Glick_005, Glick_085)

Response: In fulfillment of the application requirement for the transfer of development rights pursuant to proposed ZR Section 89-21, HRPT submitted a letter identifying necessary improvements and stating that such improvements would be sufficiently financed by a payment for the transferred floor area in addition to any other available funding.

Comment 45: It's unfortunate that we seem to be past the point where it is possible to consider other constructive means of funding necessary repairs to Pier 40, most obviously a development tax, which would harness the massive windfalls the developers are now generating from the increase in real estate values. (Winestine_GVCTF_051)

GVSHP and more than two dozen community groups urge City and State officials to instead consider placing a dedicated tax upon new developments adjacent to the park as a means of generating income for its completion and maintenance, as has been done in Battery Park, Hudson Yards, and Hudson Square, among other places. Such a system could generate more income and would not contribute to overdevelopment of these adjacent areas. (Moskowitz_GVSHP_038, Rapaport_060, Wolff_SC_052)

Response: Comment noted. The current proposal to allow the transfer of development rights is supported by the 2013 amendment to the Hudson River Park Act, and the proposed transfer mechanism is consistent with local land use policy that underpins other transfer mechanisms in zoning, like transfers from individually designated City landmarks.

Comment 46: We support the transfer of 200,000 square feet of development rights from Pier 40 for the purpose of repairing the Pier 40 piles if \$50 million of City and State funding is committed over a five-year period to complete other urgent repairs at the pier and assure the pier remains open for its current uses. (CB2_002, Sorkin_TF_070)

Response: See Response to Comments 35 and 37.

Comment 47: The Greenwich Lane development built the public park across the street and pays for its maintenance in perpetuity through assessments on condominiums. This model should be implemented, including charges to all property owners on the site, so this project can provide ongoing support for Hudson River Park. (CB2_002)

Response: This example is not comparable because the open space was part of the same property as the Greenwich Lane development. Comment noted.

AFFORDABLE HOUSING

Comment 48: I do not think the amount, location, and design of the proposed affordable housing is adequate. (Brewer_001, Brewer_006)

Response: The affordable housing proposed as part of the development is consistent with the Inclusionary Housing program. The senior affordable units are located in a building to be managed specifically for senior citizens. The building will have direct access to the publicly accessible open space provided by the project. The building will have an entrance on Washington Street, which is closest to public transit. The other affordable units will be located in a building with market-rate units, and its entrance will also be on Washington Street.

Comment 49: The new MIH Program would apply to the project and would result in the development of 476 units of affordable housing and affordable senior housing or 25 percent of the total residential floor area of the project. This affordable housing is sorely needed in Community District 2 but the provision of this affordable housing is required by law. (Brewer_001, Brewer_006, Nadler_Hoylman_Squadron_084)

Response: Comment noted.

Comment 50: The actual rents for the affordable units are unclear. These will presumably be based on some percentage of Area Median Income (AMI), but such calculations often exclude those most in need of subsidized housing. (Sorkin_TF_070)

A careful assessment of the actual affordability of the 30 percent of units dedicated to affordable housing must show that tenants at the low end of the income scale—including many who work in the area—are able to pay the rents on offer. (Sorkin_TF_070)

Response: AMI is used as a standard to express income restrictions for units under the Inclusionary Housing Program. Any affordable program proposed as part of a development is subject to consultation with HPD and must be provided in accordance with the requirements of available housing financing programs.

Comment 51: Virtually all of the affordable housing units in the project could be contained in buildings on the east side of the sites—furthest from the Hudson River and the park and closest to the UPS building and manufacturing uses. (Brewer_001, Brewer_006)

On the Center Site, the applicant actually plans to put all of the affordable units in the smaller eastern building. The locations, views and access to the buildings on the east of the site will not be on the same level as the western buildings. (Brewer_001, Brewer_006, Nadler_Hoylman_Squadron_084)

On the North Site, the senior housing is in the East building with an entrance on Washington Street, which will have a narrow sidewalk adjacent to UPS trucking activities. (Brewer_001, Brewer_006)

Response: The private applicant believes that the locations of buildings with affordable residential floor area are desirable because they will have the most convenient entrance locations just north and south of West Houston Street, which is the primary east-west pedestrian route in the vicinity and will be closest to public transit. They will also have City views to the north and east.

The senior housing entrance and the Center-East entrance are located very close to West Houston Street. The UPS loading docks are located farther to the south along Washington Street. The project has been specifically designed to reduce conflict between the residential and pedestrian activities and the existing trucking operations.

Comment 52: The size of the senior units will make them unappealing to seniors, especially to those not living alone. As proposed, 75 percent of these units will be studio apartments. The breakdown of affordable senior units should be 75 percent one-bedroom units and 25 percent studio units. (Brewer_001, Brewer_006, Glick_085, Nadler_Hoylman_Squadron_084)

CB2 recommends that no more than 70 senior units be studios. (CB2_002)

Senior housing should not be the size of modern prison cells. (Fouratt_058)

Response: The unit mix was determined in consultation with HPD, and was designed to maximize the number of affordable units available. However, the private applicant is exploring altering the unit mix to be more heavily weighted toward one-bedroom units. Part of this exploration will need input from the senior housing operator who is selected to operate the building based on his/her experience regarding demand for studios and one bedroom units.

Comment 53: The proposed design for the building includes acoustically-rated windows and central air conditioning as an alternate means of ventilation. However, it would be unacceptable to pass a required cost of mitigation at this site to the tenants of the affordable units. Heating and cooling costs should be part of the operation costs and not part of the rent for the senior or other affordable units. (Brewer_001, Brewer_006, Nadler_Hoylman_Squadron_084)

Response: The operator will be required to follow the applicable HPD guidelines for operating costs of the affordable units.

Comment 54: A significant part of the affordability package should be how all residents access amenities. To be truly equitable, and as a way to help mitigate the open space impacts, all amenities, such as but not limited to a gym, play areas, and rooftop recreation space, should be accessed for free. Alternatively, there should be a cap on a fee charged for these amenities, and at no point should that cost exceed 20-30 percent for the affordable tenants. (Brewer_001, Brewer_006)

Response: The amenity program for the mixed-income building has not yet been determined. However, the private applicant has agreed that all amenities will be equally accessible to all residents of the mixed income building.

Comment 55: The percentage of affordable housing should be increased to at least 30 percent of total floor area and the Special Permit should require equal distribution of affordable units in both Center Site buildings. (Brewer_001, Brewer_006, Nadler_Hoylman_Squadron_084)

Response: The private applicant has agreed that at least 30 percent of units and 25 percent of floor area will be affordable, and the proposed project will comply with the MIH distribution requirements.

Comment 56: CB2 recognizes the negative impact of loss of diversity on the vitality of the neighborhood, the need to place new affordable housing in high value areas, and the importance of creating “aging in place” opportunities for district seniors. CB2 therefore appreciates and supports the significant number of affordable units that will be provided as part of this project, but requests concurrent development of additional affordable housing in the district. CB2 is greatly concerned that HPD has failed to respond to our requests to evaluate the nearby opportunity for new affordable housing at the water tunnel shaft construction site at 388 Hudson Street. (CB2_002)

Response: Comment noted. Additional affordable housing projects that may be undertaken by HPD are not part of the proposed project.

Comment 57: The developers have repeatedly claimed that 30 percent of the total units and 25 percent of the residential square footage will be dedicated to affordable housing. But in reality the affordable tenants would only occupy 19 percent of the total footage of the project, including the commercial space. The amount of the

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affordable housing offered in this project should represent an equitable 30 percent of the total square footage for this project. Additionally, these units should be evenly distributed throughout the development to ensure that one building does not house all affordable units. (Glick_007, Glick_085, Sorkin_TF_070)

Response: The comparison to overall residential floor area is consistent with MIH requirements. MIH is not intended to apply to commercial developments.

Comment 58: It is not enough to include senior housing if you have not talked to senior applicants first about senior needs. (Fouratt_058)

Response: The private applicant has had preliminary conversations with senior housing experts and plans to issue an RFP for the final selection of the operator. Programming will be developed in consultation with the operator.

Comment 59: I am unclear as to the definition of what constitutes affordable housing in this project. I hope this will get some clarification. (Fouratt_058)

Response: The AMI levels that will be applied to the affordable units are established by HPD.

PROPOSED RETAIL SPACE

Comment 60: Smaller retail is necessary to enliven the streetscape, draw pedestrian traffic from the east, and avoid further increasing vehicular traffic and the isolation of the project. No retail space, except the supermarket, should exceed 10,000 square feet. (Brewer_001, Brewer_006, CB2_002, Glick_007, Glick_085, Nadler_Hoylman_Squadron_084)

Response: As noted above, FEIS Chapter 21, “Alternatives to the Proposed Actions,” has been updated to include consideration of a requirement that there be a minimum of four retail establishments at the ground-floor level on each of the north and south sides of West Houston Street and three retail establishments at the ground-floor level on Clarkson Street. In addition, there would be no big box retail.

Comment 61: Local neighborhood retail needs such as a dry cleaner, shoe repair and the like are not being met farther east, where chain and high-end clothing and clothing accessory stores dominate. (Brewer_001, Brewer_006)

Response: Comment noted.

Comment 62: CB2 opposes locating destination retail, including “Big Box” and other large footprint stores, anywhere within the Hudson River Park Special District. Destination retail stores will be accessed primarily by means of private cars and taxis, leading to increased congestion in an area already burdened by traffic conditions. Restrictions on retail sizes need to include all indoor area, not just

zoning floor area. (Arisman_089, CB2_002, Clayton_087, FormLetter2, Nadler_Hoylman_Squadron_084)

It must be guaranteed that there will be no big box store on site. (Glick_005, Glick_085)

All big box stores and destination retail must be eliminated from the proposed development, with all retail uses limited in size and scope to those serving local retail needs. Only a supermarket should be allowed to exceed strict limits upon the size of stores. (Berman_GVSHP_020)

If any proposals are granted for this site, they must prohibit any big box store developments and must eliminate all destination retail. Retail should be restricted in size and types to stores that will serve the local community. Larger individual stores should only be allowed for a supermarket. (Stephens_GVSHP_050)

The idea of big box retail on this site is a non-starter and must be seen as a threat rather than a serious option. (Sorkin_TF_070)

Response: Chapter 21, “Alternatives to the Proposed Actions,” includes a consideration of alternatives that do not include big box retail.

Comment 63: The proposal includes 160,000 square feet of retail, but where it is located it fails to contribute to a lively urban streetscape. (CB2_002)

Response: Ground-level retail spaces are located along all street frontages of the North Site, as well as along West Houston Street and West Street on the Center Site, and will activate the pedestrian areas along those streets.

Comment 64: The maximum size of any eating and drinking establishment, including below grade areas, should not exceed 5,000 square feet. (CB2_002, Glick_007, Glick_085)

Response: Comment noted.

Comment 65: 40,000 feet for one grocery store would probably preclude any other competitive grocers from building near there. We need competition among grocers to keep the prices affordable. (Regier_VSNY_040)

Response: Comment noted.

PARKING

Comment 66: The parking special permit should be granted for the North Site. (Brewer_001, Brewer_006)

Additional parking permits for the Center and South Sites would create a collective concentration of parking that would effectively exhaust the permitted

parking ratio for the entire neighborhood. (Brewer_001, Brewer_006, Nadler_Hoylman_Squadron_084)

Response: The residential growth parking ratio is determined by assessing recent changes in parking capacity and residential growth for the area within a 1/3-mile radius of the project site. The 772 spaces that would be provided with the proposed project would result in a residential growth parking ratio of +20 percent for the area around the project site, the maximum ratio recommended for the Manhattan Core area. Under the residential growth parking regulations, other residential projects that share the 1/3-mile study area with the proposed project may be precluded from seeking additional spaces under the Special Permit; however, these projects would still be able to contain the parking spaces permitted as-of-right (generally 20 percent of the residential units).

Furthermore, the Manhattan Core calculation is backward-looking, based on the past gain or loss of parking spaces compared to the gain or loss of residential units in the past 10 years. It is also a dynamic and fluid calculation, which will change continually over time, and with the particular 1/3-mile radius analyzed for the particular project. Residential projects that are located outside of the immediate 1/3-mile radius, or have a study area that is not contiguous with the proposed project's (and would therefore draw on parking change and residential growth sites not utilized by the proposed project) may still be permitted additional spaces under the residential growth Special Permit. Similarly, future residential projects may be permitted additional spaces as they seek a Special Permit at a later date. For the study periods of future Special Permit applications, parking capacity change and residential growth trends beyond the proposed project may result in demand for additional parking spaces. Thus, another proposed development in the future, in a different location, will require a different calculation, and will have a new opportunity for parking above the as-of-right amount.

Comment 67: 772 spaces will create the potential for underutilized residential parking, which will in turn encourage destination retail. (CB2_002)

The application for 772 parking spaces is absolutely unnecessary. Furthermore, this amount of parking would encourage the destination shopping, which would cause additional traffic and everything else. (Glick_007, Glick_085)

Response: The parking in the project is primarily intended to serve the residential uses in the project. The private applicant anticipates that virtually all of the buyers and renters of the market rate units in the project will own cars and demand parking, and parking will therefore be an important amenity for these residents. This expectation of a high demand for residential accessory parking is supported by census data on car ownership. The private applicant expects almost all of the parking in the project to be utilized by the residents of the project, and very little by the retail uses. The retail spaces in the project are expected to be occupied

primarily by a mix of local retail and retail oriented to the nearby Hudson River Park, such that the retail patrons are expected to be the project's residents, nearby office workers from Hudson Square office buildings, and visitors to Hudson River Park, all of whom are expected to travel to the project on foot. The DEIS for the project estimates that, even for the "destination retail" uses in the project, less than 10 percent of visitors to such retail would travel by car. The "auto share" is only two percent for local retail uses. Especially in Manhattan where parking is priced at a premium, the decision of whether to drive or use other modes of transportation typically does not depend on the availability of parking, but rather the cost of parking and time spent in traffic.

In addition, the private applicant believes that the parking in the proposed project is justified by the unmet demand for parking in the surrounding area, which is what the Manhattan Core ratio measures. The Manhattan Core parking study prepared for the proposed project indicates that parking has been lost in the study area during the lookback period, while residential units have been added, such that the Manhattan Core ratio would be negative (-7.7 percent) without the 772 parking spaces added by the proposed project. The guidance for the Manhattan Core residential growth parking analysis recognizes that accessory parking in a particular garage may serve residential parking needs in surrounding buildings, where buildings have been built without parking or parking in the area has been lost over the last 10 years.

The number of spaces, as a percentage of the residential units in the project—49 percent—is in line with the percentage approved for other recent residential growth special permits, where the number of parking spaces has ranged from 66 percent to over 100 percent, as a share of residential units in the project. Assuming no parking demand from the affordable units, the percentage of units would be 70 percent.

Also, see Response to Comment 185.

Comment 68: The application includes an alternative proposing to replace 372 spaces in the Center Site cellar with 100,000 square feet of large format retail. This is an admission by the applicant that there can be no finding, as required, that "any exempted floor area used for parking is needed in order to prevent excessive on-street parking demand and relieve traffic congestion." (CB2_002)

Response: This finding is not applicable to the project because there is no exempted floor area for parking. The parking is removed in this scenario because there is no other place in the project to accommodate a large-format retail use, which means, necessarily, that such a retail use would have little parking available to it.

Comment 69: 1,586 residential units, which would be permitted 317 parking spaces on an as-of-right basis, based on 20 percent of the dwelling units, limited to 200 spaces in

one parking facility. The South Site building would be permitted 52 spaces as-of-right for a hotel use or 55 spaces as-of-right for an office use. The retail uses would generate 10 additional spaces as-of-right. The program therefore generates 265 parking spaces when considered on an aggregate basis; however, as a single zoning lot with a mix of uses, the total number of spaces permitted is 225. The request for 772 spaces is excessive and harmful. (CB2_002)

Response: See Responses to Comments 66 and 67. While the proposed project is seeking 772 spaces, more than the 225 spaces that are permitted as-of-right on a single zoning lot, under the guidelines of the Manhattan Core parking regulations these spaces are “reasonable and not excessive” in relation to the recent trends in the area of the project site. Based on the study of changes to parking capacity and residential growth in the area, there is unmet demand for parking by residents in the area. The proposed project’s spaces are expected to be primarily used by residents of the proposed project; however, spaces would also be available to residents of nearby buildings.

Comment 70: The 2013 amendment to Manhattan Core parking regulations sought to balance more relaxed use regulations by expanding the range of land use considerations considered for special permits to exceed as-of-right parking ratios. The applications for three special permits offer only cursory findings regarding impacts on traffic congestion and pedestrian flow. (CB2_002)

Response: The entrances to two of the garages—the North Site and South Site garages—are located on West Street, which is a major arterial highway that is expected to be able to handle any additional traffic from the garages. West Street will also see little pedestrian traffic. In addition, the entrance to the Center Site garage—the largest of the three garages—is located on a new, through-block driveway that will be added as part of the project. This driveway will remove project-related traffic from the surrounding streets more efficiently. Neither vehicular nor pedestrian conditions are expected to be adversely affected by traffic exiting and entering the proposed garages.

Comment 71: The excess parking availability will create competitive pressure reducing income from parking at Pier 40 to HRPT. (CB2_002)

Response: Pier 40 primarily serves existing monthly parking demand at a price point generally lower than competing sites, reflecting its somewhat remote location. The proposed parking is intended to support the overall project financially.

Comment 72: DCP and CPC should consider a more robust set of factors aside from the parking methodology analysis, including the absolute availability of parking, the supply of parking prior to the ten-year look-back and the current capacity and utilization rate of parking facilities in the neighborhood. (Brewer_001, Brewer_006)

Response: Comment noted.

Comment 73: CB2 opposes the proposed permits for off-street parking modifications. The number of spaces allowed should not exceed the total of 381 spaces, based on 317 residential spaces (20 percent of 1586 units), 52 spaces for a hotel (or 54 spaces for office use), and 10 spaces for retail. (CB2_002) See Responses to Comments 66, 67, and 69. The proposed project's 772 spaces are expected to be primarily used by residents of the proposed project as well as residents of nearby buildings, and would meet the demand for parking in the area based on recent trends in parking capacity and residential growth.

Comment 74: The question of parking is not sufficiently addressed. The addition of over 800 parking spaces is not in the public interest, and the retention of public parking on Pier 40 should be vigorously questioned. (Sorkin_TF_070)

Response: The proposed project would provide 772 spaces, which would meet the demand for parking for both the proposed project's residents and residents of other buildings in the area. No changes in use at Pier 40 are contemplated as part of the current land use actions.

PROPOSED OPEN SPACE

Comment 75: The project can mitigate open space impacts by creating more opportunities for at-grade usable open space and below grade active recreation use. One such opportunity is the courtyard on the Center Site. (Brewer_001, Brewer_006, Nadler_Hoylman_Squadron_084)

A large internal space between the east and west buildings on the Center Site is walled off from the public to provide "silence" for the apartments above, wasting an important opportunity to create public open space and site access at-grade. (CB2_002)

Response: FEIS Chapter 21, "Alternatives to the Proposed Actions," has been updated to include a consideration of eliminating the elevated open space over West Houston Street and providing: a multi-purpose indoor active recreation space at either the ground level or the cellar level of the Center Site to partially mitigate the significant adverse impact on active open space anticipated with the proposed project; and at-grade public open space in the through-block driveway, as well as some combination of open space in the Center Site courtyard and/or the South Site.

Comment 76: The through-site driveway must be activated with lighting, additional planting, and seating areas to serve pedestrians first, not cars. This area should be redesigned with plantings, shaded areas, varied seating and serve as a pedestrian route to the Pier. This will help offset the open space impact and create an additional pathway to the park. (Brewer_001, Brewer_006, Nadler_Hoylman_Squadron_084)

The pass-through between the Center and South Sites of the development that is for tenant and car use for access to those buildings is problematic due its car-centric design. It is clear that this will be used as a loading zone for the tenants with cars and the hotel in addition to any parking garages, while not providing useful access to cross the superblock. King Street or Charlton Street should be reintegrated into their original street grid and begin the process of connecting cross-town connections that were previously lost. (Glick_085)

Response: FEIS Chapter 21, “Alternatives to the Proposed Actions,” has been updated to include consideration of a modification of the design of the through-block driveway between the Center and South Sites to make the driveway more pedestrian-friendly. Changes considered include: replacing the separated vehicle drop-off area and island in front of the South Site commercial building with a lay-by lane for vehicle drop-offs; adding requirements for seating, planting, paving, and building transparency within the through-block driveway; and requiring the driveway to be open to the public for pedestrian passage during operating hours to be established.

In addition NYSDOT and HRPT have been engaged in the evaluation of a potential crosswalk across Route 9A extending from the location of the driveway.

Comment 77: The above-grade publicly accessible areas over West Houston Street, while beautifully designed, will never have the same utility as at-grade space. In addition, the three spaces in aggregate serve to continue darkening West Houston Street; the two at the farthest edges of the block should be removed, and a lighting plan for the undercarriage of the former rail bed put in place. (Brewer_001, Brewer_006, Nadler_Hoylman_Squadron_084)

Response: The proposed project scenario analyzed in the EIS would include removal of the building that now exists over West Houston Street, retaining only the rail beds and allowing light and air to reach ground level. FEIS Chapter 21, “Alternatives to the Proposed Actions,” has been updated to include consideration of eliminating the elevated open space over West Houston Street and providing: a multi-purpose indoor active recreation space at either the ground level or the cellar level of the Center Site to partially mitigate the significant adverse impact on active open space anticipated with the proposed project; and at-grade public open space in the through-block driveway, as well as some combination of open space in the Center Site courtyard and/or the South Site. Also considered is a requirement that there be a minimum of four retail establishments at the ground-floor level on each of the north and south sides of West Houston Street and three retail establishments at the ground-floor level on Clarkson Street. It is expected that tenant storefront guidelines will be developed, in consultation with DCP, to ensure a minimum amount of glazing and interior lighting that will help to enliven the streetscape.

Comment 78: All accessible open spaces should be accessible to all residents and amenities provided in an equal and fair manner. (Brewer_001, Brewer_006, Nadler_Hoylman_Squadron_084)

Response: Comment noted. The proposed publicly accessible open space (whether elevated or at-grade; see response to the preceding comment) is designed as a public square that will serve the entire community—building residents, office workers, Pier 40 patrons, neighborhood residents—with a mix of uses and amenities. The senior building will have amenities specifically tailored toward the needs of the building’s senior residents. For the mixed-income building, all residents would have access to the same amenities.

Comment 79: CB2 opposes the proposal for passive public open space on the old railroad track beds above Houston Street because these should be removed to open Houston Street to the sky. Instead, a much larger public open space should be created with at-grade access in the area between the buildings on the Center Site of the project. (CB2_002, Nadler_Hoylman_Squadron_084)

This new space needs to be at-grade, and a proper ground-level park or plaza should be part of the development site. (Sorkin_TF_070)

Response: See Response to Comment 75.

Comment 80: There would be some significant adverse impact on the open space. This community is already very park starved, and this would create an additional burden. The central courtyard or passive open space that is proposed provides no function other than observation, and is unhelpful in the mitigation. The reality is that we have little open space provided by this project specifically. (Glick_007, Glick_085)

Response: See Response to Comment 75.

Comment 81: The gardens that are supposed to be open spaces are hidden gardens. They’re not accessible or welcoming to a pedestrian public. These gardens are for the residents. (Schaps_PSC_045)

The promised public space—to be located at an upper level—is unlikely to be truly public, and even with its inclusion, the project will result in a net reduction of per capita open space in the area. (Sorkin_TF_070)

Response: As described above, the proposed publicly accessible open space (whether elevated or at-grade) is designed as a public square that will serve the entire community—building residents, office workers, Pier 40 patrons, neighborhood residents—with a mix of uses and amenities. Additionally, see Response to Comment 75.

Comment 82: Public space should be expanded at grade in the form of pedestrian streets on the historic grid, a linear park along Washington Street, and an internal way.

However, the question of public space must be considered holistically, and we strongly urge the dramatic enlargement of open space on Pier 40 and the mapping of a future park either to the north or south of Houston Street, between Greenwich and Washington Streets. (Sorkin_TF_070)

Response: The layout of the proposed project takes into account a number of site planning considerations, including the presence of the UPS superblock to the east. The private applicant does not believe that the reintroduction of the “historic street grid” is practical given the project’s objectives and is, therefore, not proposing this as part of the project. The proposed site plan does include a number of improvements intended to enhance physical and visual access to the waterfront from Washington Street, such as the through-block driveway and the enhancements of the West Houston Street streetscape. A linear park along Washington Street would significantly reduce the footprint of the proposed buildings, making them impractical and infeasible, in the private applicant’s opinion. While the proposed project does not include “mapping of a future park” or an enlargement of open space on Pier 40, the proposed project does include a new on-site publicly accessible open space and would provide significant financial benefits for the repair of Pier 40. In addition, as described above, FEIS Chapter 21, “Alternatives to the Proposed Actions,” has been updated to include consideration of eliminating the elevated open space over West Houston Street and providing at-grade public open space in the through-block driveway, as well as some combination of open space in the Center Site courtyard and/or the South Site.

DESIGN

Comment 83: Our concerns include, but are not limited to:

- The layout of the buildings;
- The amount of parking proposed on site;
- The proposed size and location of the affordable units;
- The proposed layout of open space; and
- The proposed inclusion of big box retail as part of this plan.

During the City Council’s review of this application, I look forward to hearing solutions from the Applicant that address these concerns. (Johnson_008)

Response: Comment noted.

Comment 84: I believe significant changes to the site plan in regard to parking, open space, retail, and public access are needed to truly stitch this development into its surrounding neighborhood and to ameliorate impacts. (Brewer_001, Brewer_006, Nadler_Hoylman_Squadron_084, Sorkin_TF_070)

The DEIS also paid substantial attention to the beneficial streetscape improvements this proposal would bring to a forlorn corner the neighborhood.

Yet the application to date does not actually convince me that all measures have been taken or exhausted to truly stitch this project into its greater neighborhood. That is most evidenced by the lack of a cohesive pedestrian realm plan. There is no plan for the streetscape, the back of house operations centered on Washington Street are not wrapped with active frontages, there is a lack of small retail spaces along West Houston and Clarkson Streets, the additional through block connector is design focused on vehicles not people with its dearth of seating, lighting, and planting, and there is no clear or cohesive signage plan to direct the public to the modicum of public access area the developer is providing on the second floor bridges above West Houston Street. (Brewer_001, Brewer_006)

Response: The most prominent front entrances of the project, to the North-East and Center-East buildings, will be located on Washington Street, just north and south of West Houston Street, respectively. On the North Site, the Washington Street frontage will also include retail uses. To the south of the residential entrance to the Center-East building, active retail uses have not been programmed, to minimize conflicts between pedestrians and the UPS operations across the street.

As described above, FEIS Chapter 21, “Alternatives to the Proposed Actions” has been updated to include consideration of eliminating the elevated open space over West Houston Street and providing: at-grade public open space in the through-block driveway, as well as some combination of open space in the Center Site courtyard and/or the South Site; a modification of the design of the through-block driveway between the Center and South Sites to make the driveway more pedestrian-friendly; and a requirement that there be a minimum of four retail establishments at the ground-floor level on each of the north and south sides of West Houston Street and three retail establishments at the ground-floor level on Clarkson Street.

The publicly accessible open space (either elevated or at-grade) would be larger than Father Fagan Square and about the same size as Father Demo Square, providing a high quality open space for relaxation, socializing, and recreation.

Comment 85: Retail frontage requirements and active use are critical here for site planning considerations and for providing visual cues that the public is welcome and safe to use these thoroughfares. (Brewer_001, Brewer_006)

Response: As described above, FEIS Chapter 21, “Alternatives to the Proposed Actions,” has been updated to include consideration of a requirement that there be a minimum of four retail establishments at the ground-floor level on each of the north and south sides of West Houston Street and three retail establishments at the ground-floor level on Clarkson Street.

Special attention has been given by the private applicant to ensuring vibrant street activity by orienting active retail with expansive glass storefronts along

West Houston Street and at the corners of the buildings. Residential entries will anchor the center of the blocks, ensuring foot traffic. Lighting guidelines with established minimum illumination levels will ensure a well-lit, welcoming, and safe pedestrian environment.

Comment 86: The proposal has not taken full opportunity to create an integrated site plan with the neighborhood street grid and context, and I am especially concerned with the lack of details and thus assurances for continued public access to the provided above-grade spaces. I believe these concerns can be assuaged by more work in these areas and with CPC approval of plans dedicated to frontage, lighting, planting, and seating requirements, and signage requirements for access to open space. (Brewer_001, Brewer_006)

Response: As described above, FEIS Chapter 21, “Alternatives to the Proposed Actions,” has been updated to include a consideration of eliminating the elevated open space over West Houston Street and providing: at-grade public open space in the through-block driveway, with some combination of open space in the Center Site courtyard and/or the South Site; a modification of the design of the through-block driveway between the Center and South Sites to make the driveway more pedestrian-friendly; and a requirement that there be a minimum of four retail establishments at the ground-floor level on each of the north and south sides of West Houston Street and three retail establishments at the ground-floor level on Clarkson Street. The modification of the through-block driveway considered in the Alternatives chapter includes: replacing the separated vehicle drop-off area and island in front of the South Site commercial building with a lay-by lane for vehicle drop-offs; adding requirements for seating, planting, paving, and building transparency within the through-block driveway; and requiring the driveway to be open to the public for pedestrian passage during operating hours to be established.

Comment 87: The following retail changes are recommended: provide at-grade access to retail on West Houston Street, require a minimum of one retail establishment per 25 feet of street frontage along Clarkson Street, West Houston Street, and Washington Street; and require a minimum of 80 percent active uses along Washington Street. (Brewer_001, Brewer_006)

Response: As discussed above, FEIS Chapter 21, “Alternatives to the Proposed Actions” has been updated to include consideration of a requirement that there be a minimum of four retail establishments at the ground-floor level on each of the north and south sides of West Houston Street and three retail establishments at the ground-floor level on Clarkson Street. On Washington Street, to the south of the residential entrance to the Center-East building, active retail uses have not been programmed deliberately, to minimize conflicts between pedestrians and the UPS operations across the street.

Comment 88: While the Washington Street sidewalk needs to be widened, this can and must be accomplished by moving the street wall of the new buildings west, which will also allow the addition of an important planted buffer to create a pleasant and protected pedestrian environment in the context of a preexisting and still essential industrial use. (CB2_002)

Response: Washington Street is a typical New York City “narrow” street with a right-of-way (property line to property line) of approximately 60 feet. However, due to the historically industrial nature of uses along Washington Street, the sidewalk on the west side of the street fronting the project site is substandard: the typical minimum sidewalk width requirement for a 60-foot narrow street, per New York City Department of Transportation (DOT) standards, is approximately 11 feet, but the current condition is only approximately five feet. And because of the narrow west sidewalk, the adjacent roadbed (more than 40 feet in width) is wider than it needs to be functionally to accommodate one moving lane of traffic and curbside parking/standing lanes. The proposed sidewalk widening would bring the west sidewalk up to current standards. DOT has reviewed the proposed sidewalk widening and accompanied analyses, which concluded that all turning maneuvers including those made by UPS trucks across the street could be adequately accommodated. DOT also agreed that the existing painted buffer could be eliminated while maintaining the existing bike lane on the east side of the street. Furthermore, it is the policy of DCP to maintain street-wall continuity along a City block, which would be violated by setting back the buildings on the project site. In addition, floor area lost at ground level would need to be relocated higher in the buildings, making them taller than currently designed. For these reasons, the commenter’s suggestion is not feasible.

Comment 89: CB2 favors a shift of height and density from the North Site to the Center Site and favors a maximum building height of 405 feet. (CB2_002)

Response: Comment noted.

Comment 90: The project shares a super block with a municipal sanitation garage to the south with another superblock to the east solely occupied by a UPS distribution facility. To the west is West Street, functionally more like an arterial highway than a New York City street. It will be difficult to successfully integrate the site with nearby residential and office uses, but if the challenges cannot be met, the rezoning is not justified.

The proposed site plan and project design run away from the challenges. Most of the proposed site is isolated and non-contributing with respect to surrounding areas. It remains inaccessible to pedestrians, offering no reason for non-residents to enter or pass through. (CB2_002)

Response: As described in Chapter 3, “Land Use, Zoning, and Public Policy,” the proposed mix of uses would be consistent with the mixed-use character of the surrounding

study area. The siting of commercial uses on the South Site has been designed taking into account nearby light industrial and transportation uses, including the new New York City Department of Sanitation (DSNY) facility. Residential entrances and loading areas for the proposed buildings have also been located away from the portion of Washington Street where there is active UPS loading and unloading. The affordable senior housing building is proposed for the North Site, where it would be farthest from the UPS and DSNY facilities. Overall, the area would continue to have a mix of uses with new residential and commercial development.

Comment 91: The project design misses the one-time opportunity to reestablish a human scale street grid that was eliminated by necessity when the terminal building was constructed. It is true that King Street and Charlton Streets cannot be reestablished as true through streets as long as the UPS building stands, but with the mixed-use development trend in the area likely to continue, this is an opportunity to create a chance in the future to truly reintegrate the two superblocks into the fabric of the neighborhood. An opening at King Street, in particular, combined with widening Washington Street, to create a pleasant urban retail environment with building transparency at grade, will allow for an inviting and convenient route for pedestrians and vehicles into and through the site. (CB2_002)

The site should be configured as three distinct blocks aligned with the extensions of Charlton and King Streets. (Sorkin_TF_070)

Response: The proposed through-block driveway would reestablish the historic link between Washington Street and the waterfront. Additionally, see Response to Comment 76.

Comment 92: Failure to welcome bike transportation is a missed opportunity. While mandatory bike parking is included and the developer has committed to providing more bike parking than required, DOT CityRacks should be provided at several convenient locations and central location for Citi Bike should be designated in the project. (CB2_002)

Response: Bike parking for both residents and short-term visitors will be a part of the design, and will meet or exceed NYC zoning regulation of one space for every two residential units. The optimal locations for on-site bike storage and parking are being studied. There is adequate space available in below-grade and mezzanine level areas to accommodate parking for residents and their visitors, and widened sidewalks will provide potential additional space for public bike racks, which will be coordinated with DOT. The site is currently served by Citi Bike docking stations at Pier 40 and Greenwich and West Houston Streets.

Comment 93: The removal of parking below the Center and South Sites would allow for the opportunity to provide active, indoor recreation space, thus creatively working

to mitigate the adverse impact identified in the DEIS. This would also create opportunities for cultural uses, such as rehearsal space, small theaters, and galleries. (Brewer_001, Brewer_006, Nadler_Hoylman_Squadron_084)

There are potential uses of the below grade spaces that would contribute substantially to the value of the project to the community and its integration into the neighborhood such as rehearsal space, indoor recreation, and bicycle parking exceeding required amounts. (CB2_002)

Response: As noted above, FEIS Chapter 21, “Alternatives to the Proposed Actions” has been updated to include consideration of a multi-purpose indoor active recreation space at either the ground level or the cellar level of the Center Site. The space would be fitted out for recreation uses and will be suitable for activities such as various ball sports, martial arts, or fitness classes. In addition to the main space, support space would include toilets and storage areas for a total of approximately 10,000 sf. This shared amenity space would be used by building tenants and would also be available to the public for 50 percent of its operating hours. Also, see Response to Comment 92.

Comment 94: The tallest structures are proposed to sit at the northern end of the lot and would stand significantly taller than their immediate neighbors across Clarkson Street. This building is proposed to be 430 feet plus mechanicals which potentially add another 34 feet. The current neighbor across Clarkson Street is a two-story warehouse structure, and a nearly 470-foot building on the other side of a narrow street will create an oppressive street wall that is out of context. The buildings should be no taller than 400 feet, including mechanicals. (Glick_085)

Response: The tallest buildings are planned for the North Site because it is closer to transit and farther from industrial uses to the south. While the immediate neighbor across Washington Street is a two-story warehouse, this building form is increasingly rare in the Hudson Square area, and the remainder of that block is being redeveloped with a high-rise residential development. The design of the proposed project relates to the large, historic structures that define the Hudson Square neighborhood, with sensitivity to future adjacent developments.

Comment 95: The building volumes proposed are too large. (Sorkin_TF_070)

The height of the project should be reduced to a maximum of 400 feet. The bulk of the project should be lower, reflecting the scale of the neighborhood behind it and the buildings adjacent to it along the waterfront. (Lewis_093, Sorkin_TF_070)

Response: The DEIS did not identify any significant adverse impacts associated with building volumes and building heights. According to the private applicant, the cascading massing of the buildings is designed to allow slimmer tower profiles and an ordered transition between the height of the buildings to the north, and the height of future developments in Hudson Square. The building steps up

gradually from its base and resolves in a terraced and faceted top that reduces the overall profile of the tallest portions of the building.

Comment 96: A street wall at the neighborhood default (approximately 180 feet) should serve as a podium for slimmer towers rising above. (Sorkin_TF_070)

Response: The height of the street wall is varied and intended to maximize light to the street, while providing a strong base to the building in keeping with the Hudson Square masonry structures.

WEST STREET PEDESTRIAN CROSSING

Comment 97: This project should include a second level connection point for a pedestrian bridge across West Street and a commitment to provide and maintain public access including elevators, as promised by the applicant.

The following measures can provide safer access across West Street and thereby substantially improve access to active and passive open space resources:

1. Add a West Street crossing at King Street where there would be no conflict with turning vehicles.
2. Add a West Street crossing at Spring Street serving residents in the southern portion of the district.
3. Use signs at various locations to route traffic turning northbound onto West Street from Houston Street to Leroy Street to reduce the number of vehicles turning through the Houston Street crosswalk.
4. Adjust signal time and phasing to maximize pedestrian crossing times and safety at Houston Street, Clarkson Street, and other West Street crossings.
5. Remove ramps where the crosswalks pass through the West Street medians.
6. Widen West Street crosswalks, install stop line signs at curbs where buildings extend past stop lines, and where possible install bulb outs to shorten crossings.
7. Redesign the Pier 40 driveway with an additional entry to distribute vehicle access away from Houston Street. (CB2_002)

Response: With the proposed project, the elevated open space would incorporate adequate vertical connection and the possibility of building a second level connection across West Street to Hudson River Park would not be precluded. However, such a connection is not part of the proposed project and would require other approvals beyond those considered in the current application. Also, as discussed above, FEIS Chapter 21, “Alternatives to the Proposed Actions” has been updated to include consideration of eliminating the elevated open space and instead providing publicly accessible open space at-grade on the Center and South Sites.

Regarding the suggested measures intended to provide safer access across West Street:

1. Outreach to HRPT and NYSDOT has been initiated to explore the possibility of a crosswalk extending from the through-block passage. This crossing, however, would require other approvals beyond those in the current application.
2. The potential West Street crossing, if deemed feasible and constructed, would provide an additional pedestrian connection to Hudson River Park. A new crossing at Spring Street would not be feasible since it would require creating a new signalized intersection that is too close in distance to the adjacent Canal Street intersection, where another crossing is already available on the south side of that intersection.
3. West Houston Street is a main east-west Manhattan thoroughfare, similar in function to nearby Canal Street and 14th Street, and is also a DOT-designated truck route (through truck route between First Avenue and Varick Street and local truck route between Varick Street and West Street). While diverting vehicles to turn onto West Street at Leroy Street would reduce the potential for vehicular-pedestrian conflicts at the West Street and West Houston Street intersection, it would result in an overall increase in turning movements and may add vehicular-pedestrian conflicts to other area intersections, possibly along Greenwich Street, Hudson Street, and Varick Street, where crossing pedestrian volumes are much higher than experienced at the north crosswalk of West Street and West Houston Street.
4. The analyses presented in the DEIS did not identify a need for the increased pedestrian crossing times suggested by the commenter. However, DOT has recently implemented pedestrian safety measures at the intersection of Varick Street and West Houston Street, which included installing bulb outs, re-channelizing traffic flow, and adding leading pedestrian intervals. DOT also regularly monitors traffic and pedestrian conditions at intersections across the City and implements signal timing and other operational changes on an as-needed basis.
5. The pedestrian ramps (and raised refuge) in the median of West Street were constructed to provide pedestrians a safe area to wait for the next walk signal. The commenter's suggestion is not recommended.
6. The comment is not specific as to location and is unclear about its intent for additional signage. Adjacent to the development site, there are two crosswalks serving pedestrians crossing West Street, one on the north side of West Houston Street and the other on the south side of Clarkson Street. Stop bars, which are always set back from the adjacent crosswalks and building lines, are clearly demarcated along all West Street approaches. Bulb outs are already in place on the east side of West Street for the above-mentioned crosswalks.
7. The EIS (Figures 14-47 to 14-50 in Chapter 14, "Transportation") showed that Pier 40 traffic (entering from West Houston and West Street and exiting onto West Street) is a small percentage of the overall traffic volumes traversing the West Street and West Houston Street intersection. The suggested redesign would not have any measurable benefit to traffic

circulation in the area, while possibly resulting in adverse effects at locations to which such traffic may be diverted.

Comment 98: It's clear that the residents of the proposed project are going to use Hudson River Park as their local park. The current connections are insufficient for both the residents and those who are already seeking access into the park along Houston or Clarkson Street. The project should include improvements to the West Street crossings in conjunction with DOT so pedestrian safety is improved. And any pedestrian bridge, should it be discussed, should be funded by the developer. (Glick_007, Glick_085)

An additional signaled grade-level crossing of West Street should be added on alignment with the newly restored King Street pedestrian way. (Sorkin_TF_070)

Response: As noted above, NYSDOT and HRPT have been engaged to explore a new crosswalk on West Street. This crossing, however, would require other regulatory approvals beyond those considered in this ULURP application.

A pedestrian bridge is not part of the proposed project.

MISCELLANEOUS

Comment 99: The public benefits largely consist of the \$100 million towards Pier 40 repairs, and about 19 percent of the total project space going towards affordable housing. The 25 and 30 percent figures often cited by the developers of course exclude all of the project's commercial space. While necessary public benefits clearly cost something, they pale by comparison to the vast increase in value and profitability the City would be giving this developer by increasing the allowable size of development by 70 percent. (Dowell_GVSHP_025, Winestine_GVCTF_051)

Response: Comment noted.

Comment 100: This plan would not only hurt the Hudson, but would inevitably spread as a terrible model to other waterways. The Special Hudson River Park District proposal is not limited to Pier 40 and 550 Washington Street, as the very crafty wording of the proposal would hint. The language of the plan focuses on the Pier 40 transfer. But a careful reading shows the plan extends to most of the Hudson River Park, which is defined by law as 490 acres of Hudson River water and 60 acres of land from Battery Park City to 59th Street, out to the Pier end. (Gabel_B_029)

In Chapter 1, "Project Description," page four states that "Under the amended Act, HRPT can sell development rights for projects up to one block from the park's boundaries across West Street," with no limitations specified. (Gabel_B_092)

The sale of air rights along the whole park (550 acres of project area) is the Special Hudson River Park District agenda. The DEIS and other documents misrepresent the boundaries and thus the impacts. (Gabel_B_092)

Response: Please see Response to Comment 24.

Comment 101: I see this as possibly becoming another in a series of what I would call bait and switch, where a developer asks for a change in zoning or a variance, and then doesn't actually do what they've outlined, as well as makes a lot of promises, and then they flip the property and sell it at enormous profit. And the new developer doesn't honor the commitments or the concessions that were made. (Karlin_SA_032)

Response: The commitments and requirements of the approvals will be reflected on the approved plans and in a restrictive declaration to be recorded against the property. If the private applicant elects to proceed with the special permit project and builds something other than allowed under current zoning, it can only develop the property in accordance with the approved plans.

Comment 102: If you actually approve this proposal after careful consideration of all of the suggestions the public has made, we strongly suggest in your consideration you call for the inclusion of a full-service hospital. (Fouratt_058)

Response: Comment noted.

Comment 103: The planned hotel (a likely economic non-starter in the current market) should be eliminated in favor of additional housing, retaining a 70/30 (or better) split between market and affordable units. (Sorkin_TF_070)

Response: The proposed actions include a rezoning of the South Site from M2-4 to M1-5. M1-5 districts do not permit residential uses. The proposed zoning is intended to provide commercial uses (either office space or a hotel) as a buffer between the residences proposed to be located to the north and the existing M2-4 zone to the south that includes the DSNY facility.

ANALYTICAL FRAMEWORK

Comment 104: We are concerned with what the neighborhood is receiving in return for the increase in height and density and whether those benefits outweigh adverse impacts to open space, transportation, and the very real, albeit temporary, impacts during construction. (Brewer_001, Brewer_006)

Response: In conformance with CEQR requirements, the EIS presents an evaluation of the potential effects of the proposed project as determined by a conservative analysis, including potential effects on open space (Chapter 6, "Open Space"), transportation (Chapter 14, "Transportation"), and construction (Chapter 20, "Construction"). Where identified, the EIS discloses the significant adverse impacts that are anticipated to occur as a result of the proposed project, and

identifies measures that would be implemented to mitigate those impacts. The CEQR process allows for decision makers and members of the public to evaluate the proposed project and weigh the potential impacts against the project's goals, which include transforming an underutilized building into a mixed-use development with residences serving a variety of income levels, publicly accessible open space, office or hotel use, and retail, and facilitating the repair, maintenance, and development of Hudson River Park.

Comment 105: The strain put on a variety of other public infrastructures and assets—including schools, solar exposure and shadows, sewers, heat island effect, and energy supply—is not convincingly dealt with. (Sorkin_TF_070)

Response: The DEIS included consideration of a full range of environmental impact categories, consistent with the guidance of the *CEQR Technical Manual*. Following CEQR criteria, significant adverse impacts were not identified on the topics raised in the comment, including schools, shadows, water and sewer infrastructure, or energy. As described in Chapter 12, “Water and Sewer Infrastructure,” the private applicant will conduct additional analysis and investigation to consider the project's effects on the capacities of the local sewers and combined sewer overflow (CSO) at the downstream regulator in the corresponding street frontages in coordination with DEP. Any required changes or upgrades to sewer infrastructure, including upgrades that may be needed to address existing capacity issues in the area, would be reflected on an amended drainage plan as required per DEP rules and regulations.

LAND USE, ZONING, AND PUBLIC POLICY

Comment 106: The aggregate floor area ratio (FAR) of 8.7 for the proposed project, including zoning changes and development rights transfers, supports over 1.711 million zoning square feet of development plus additional use of exempt below grade space. This is by far the largest development in the history of the district, although the average density is less than the allowed density in the Hudson Square Special District. (Brewer_001, Brewer_006, CB2_002)

The proposed development is ludicrously oversized, 70 percent larger than the already generous zoning the site allows, with the added benefit to the developer of granting exponentially more profitable residential and hotel uses where they are currently prohibited. The proposed development will be overwhelming to the surrounding area, with few if any public amenities on a site ill-suited for this scale of development. (Berman_GVSHP_020)

The zoning would result in the largest mixed-use development seen in Greenwich Village, and there's an existing superblock. As such, no building on the site should be taller than 400 feet, including mechanicals. (Glick_007, Glick_085)

Response: The proposed development is below the FAR permitted in the Special Hudson Square District (12 FAR) to the east, and similar to what is permitted in the Special Tribeca Mixed-Use District to the south, even with the addition of transferred floor area from Hudson River Park. As noted in the DEIS, while the proposed actions would result in an increase in density on the development site, the proposed project would be consistent with the study area's land use and would enliven the development site by bringing a 24-hour population to this currently underutilized location.

The existing 5 FAR zoning districts reflect the historic industrial use of the sites, but they are outmoded and inconsistent with developing land use trends in the area. The proposed zoning districts reflect the commercial and residential zoning in the surrounding neighborhoods.

Comment 107: The C6-4 zone is acceptable, but CB2 does not agree with statements in the application that the north end of the site is appropriate for the tallest buildings. In fact, the built scale and the zoning north of the project area is less dense than the built scale and zoning in Hudson Square Special District to the east. (CB2_002)

Response: As noted above, the proposed zoning district designations are consistent with long-term land use trends in this neighborhood. The proposed density in the project will be less than permitted in the Special Hudson Square District to the east. The tallest buildings are located in the north end of the project, near West Houston Street, which is the most significant east-west corridor in the project. Height is also concentrated in the north to relieve pressure on the industrial uses to the south. As stated in the DEIS, residential entrances and loading areas for the proposed buildings have been located away from the portion of Washington Street where there is active UPS loading and unloading. The affordable senior housing building is proposed for the North Site, where it would be farthest from the UPS and DSNY facilities.

Comment 108: The 2013 amendment to the Manhattan Core off-street parking regulations reduced the site maximum for the as-of-right retail parking to ten spaces, "in order to discourage auto-oriented retail development in the Manhattan Core." However, the same amendment removed restrictions on the use of residential accessory parking, allowing excess spaces to be available for "public parking," enabling building operators to reserve spaces for retail use. (CB2_002)

Response: Comment noted.

Comment 109: As part of the redevelopment of the St. John's Terminal, CB2 must receive time-certain assurances of the extension of the Big U from Canal Street to West 14th Street. (CB2_002, Glick_085)

Response: Consideration of the timing of an independent proposal is not required under CEQR and is outside the scope of the DEIS.

Comment 110: A detailed plan for what will be the completion of the Hudson River waterfront should be designed and ratified such that any new development, including that on the St. John’s Terminal site, is in conformity with its larger formal and social objectives. (Sorkin_TF_070)

A comprehensive plan should be prepared for the ambiguously developing territory between Tribeca and the West Village that takes into account a broad set of public requirements for parks and open space, street improvements and reconnections, transit, housing, job retention and creation, schools, and other infrastructures likely to emerge as the neighborhood is transformed. At a minimum, this plan must consider the implications of the likely departure of the enormous UPS facility and its transformative impact on the future of the area. (Sorkin_TF_070)

Response: Development of comprehensive area-wide plans is not required under CEQR and is outside the scope of the DEIS. As analyzed in the DEIS, the proposed actions are consistent with relevant public policies, including “Housing New York: A Five-Borough, Ten-Year Plan,” OneNYC, the New York City Landmarks Law, and the Waterfront Revitalization Program.

Comment 111: The only measure that has proved completely effective in keeping people and property out of harm’s way in deadly storms and hurricanes is shifting new development away from the coast. By providing HRPT with \$100 million to build and rebuild development sites at Pier 40 and other in-water locations, CPC approval of the Pier 40 air rights transfer deal would move New York City in exactly the wrong direction.

Many thousands of New Yorkers will unwittingly risk being injured or killed at misplaced development sites in the Hudson River offshore if HRPT’s planned buildout is allowed to continue—and not just allowed, but facilitated by CPC’s approval of the proposed Special Hudson River Park District, Special Permit, and map changes. (Benstock_CAC_076)

Response: The proposed actions would result in funding of repairs to Pier 40’s critical infrastructure, thus preserving an important community open space resource, and would not facilitate any “offshore” development. As described in the DEIS, the proposed project would be designed to accommodate flood levels projected for the year 2100 for all critical infrastructure and residential uses, and for the 2050s or higher for commercial uses (applying the higher 2100 levels where practicable). See also the Responses to Comments 13, 22, and 28.

SOCIOECONOMIC CONDITIONS

Comment 112: GVSHHP spoke at CB2 to express credible concern about increasing development pressures in the South Village and the potential harmful impacts of future transfers of development rights from Hudson River Park. (CB2_002)

Response: Chapter 4, “Socioeconomic Conditions,” includes an analysis of potential secondary residential displacement conducted in accordance with the guidance of the *CEQR Technical Manual*. The analysis finds that the proposed actions would not result in any significant adverse impacts due to changes in socioeconomic conditions. The assessment finds that the average income of the project-generated population is expected to be less than the current average in the ½-mile socioeconomic study area as well as the future population, given existing trends of increasing incomes in the area. The affordable housing added by the proposed project would maintain a more diverse demographic composition within the study area than would otherwise exist.

COMMUNITY FACILITIES AND SERVICES

Comment 113: The project will have a significant adverse impact on public elementary school utilization. (CB2_002)

Response: Chapter 5, “Community Facilities and Services,” includes an analysis of public elementary schools conducted in coordination with DCP and the New York City School Construction Authority (SCA) and in accordance with the guidelines of the *CEQR Technical Manual*. The analysis concludes that the proposed project would not have a significant adverse effect on public elementary schools.

Comment 114: The DEIS analysis is flawed because it includes 100 percent of the PS 340 capacity, even though most of the PS 340 zone is not in Sub-district 2, the study area for schools analysis. (CB2_002)

Response: The FEIS has been revised to indicate that, based on new information provided by SCA since publication of the DEIS, 50 percent of the PS 340 capacity is assigned to the students of Sub-district 2. As noted in FEIS Chapter 5, “Community Facilities and Services,” the proposed project would not have a significant adverse impact on schools, the same conclusion presented in the DEIS.

Comment 115: In the rezoning for Hudson Square, the applicant agreed to fund the core and shell of a 75,000-square-foot elementary school as a result of a five percent change in elementary school utilization.

Furthermore, a very small change in other assumptions also would result in a significant adverse impact to both elementary school and intermediate school seats while the impact on intermediate school seats likely will be greater than the forecast. (CB2_002)

Response: As indicated in Chapter 5, “Community Facilities and Services,” the proposed project would not result in significant adverse impacts to schools requiring mitigation. It should be noted that the Hudson Square rezoning proposal was significantly larger than the proposed project and did result in significant

adverse schools impacts, for which the referenced mitigation of a new school was proposed.

Comment 116: The formula for calculating the change in utilization is: Students Introduced by the Proposed Project / Capacity in the Study Area = Change in Utilization. As the population in the study area expands and more school capacity is built, the threshold for any residential project to impact utilization increases. Meanwhile, the cost to build new school seats continues to rise. Based on the New York City Department of Education's (DOE's) FY 2015-2019 Proposed Five Year Capital Plan, new school construction in District 2 for schools fully funded by the DOE ranges from \$120,000 to \$174,000 per seat. As a result, it will cost NYC taxpayers \$20 to \$29 million to build new school capacity for the 169 elementary school students that the proposed project will generate, based on a CEQR multiplier of 0.12. In Greenwich Village, the historical CEQR multiplier is 0.164 and as a result, CB2 projects that the proposed project will produce 225 additional elementary school students for a cost to taxpayers of \$27 to \$39 million. (CB2_002)

Response: The analysis of schools contained in the EIS utilizes the methodology set forth in the *CEQR Technical Manual*. Based on this approach, the analysis concludes there would not be significant adverse impacts warranting mitigation. The analysis correctly uses the 0.12 multiplier for elementary school student generation that is identified in the *CEQR Technical Manual* for projects in Manhattan.

Comment 117: 550 Washington Street and Pier 40 are not ideal locations for a new elementary school, but either could provide a good location to relocate one of the two high schools in the area which could then be reconfigured. (CB2_002)

Response: Comment noted.

Comment 118: Lack of school seats is of real concern. The DEIS has no mitigation for school seats. By the time this project is completed, especially with the new developments in Hudson Square, there will be a significant need for school seats in Lower Manhattan. And therefore the developer should provide either a school on-site or additional funding towards a school off-site. (Glick_005, Glick_007, Glick_085)

The development of the Washington Street site, as well as the rapid addition of residential population in Hudson Square calls for the construction of a new elementary school. (Sorkin_TF_070)

Response: As noted above, the proposed project would not result in significant adverse impacts to schools requiring mitigation. The schools analysis incorporates enrollment projections from SCA that account for demographic trends. As a conservative measure, the analysis also incorporates SCA's Housing Pipeline data to account for anticipated background development projects. As part of the

Hudson Square rezoning, a new elementary school is planned at the Duarte Square site, which is not quantitatively accounted for in the EIS schools analysis.

OPEN SPACE

Comment 119: The sheer size of the development will increase demand and push the open space ratio for the community even further below the city's threshold. Yet little is discussed in either the application material or the DEIS about the quality of or access to the spaces that remain, primarily Pier 40 and the areas slated for public access within the receiving or development site at the former St. John Terminal site. (Brewer_001, Brewer_006, Lewis_093)

Response: Chapter 6, "Open Space," provides an assessment of the condition and utilization of each open space resource in the study area (see Table 6-3 of the FEIS). As noted in the chapter, the recreational facilities on Pier 40 are highly utilized, although elements of its infrastructure (including its piles and roof) are in need of repair. The transfer of floor area from Pier 40 to the development site under the Special Hudson River Park District as part of the proposed project would provide critical funding for these repairs. Chapter 1, "Project Description," provides a description of the elevated publicly accessible open space above West Houston Street that would be provided by the proposed project, and Figure 1-9 shows an illustrative plan of the new open space. The elevated public open space would have stair and elevator entrances on the southwest corner of Washington and West Houston Streets and on the northeast corner of West and West Houston Streets. In addition, as discussed above, FEIS Chapter 21, "Alternatives to the Proposed Actions" has been updated to include consideration of eliminating the elevated open space and instead providing publicly accessible open space at-grade on the Center and South Sites.

Comment 120: The DEIS has a total open space ratio of 1.15 acres per one thousand residents. There are only 0.42 acres of active open space per one thousand residents compared to the goal of 2.0 acres.

The DEIS identifies a significant adverse open space impact based on a 5.66 percent decrease in the total open space ratio including a 6.96 percent decrease in the active open space ratio. No specific mitigations are proposed as part of the application.

No outdoor space suitable for active recreation will be available on the project site. However, because indoor sports facilities provide year-around opportunities, it is appropriate to provide indoor space to mitigate the adverse impact on open space for active recreation. (CB2_002)

Response: Following completion of the DEIS, mitigation measures for the identified significant adverse open space impact were determined in consultation with DCP, the New York City Department of Parks and Recreation (NYC Parks),

and HRPT. As discussed above, FEIS Chapter 21, “Alternatives to the Proposed Actions,” has been updated to include consideration of a multi-purpose indoor active recreation space at either the ground level or the cellar level of the Center Site to partially mitigate the significant adverse impact on active open space anticipated with the proposed project. The space would be fitted out for recreation uses and will be suitable for activities such as various ball sports, martial arts, or fitness classes. In addition to the main space, support space would include toilets and storage areas for a total of approximately 10,000 sf. This shared amenity space would be used by building tenants and would also be available to the public for 50 percent of its operating hours.

SHADOWS

Comment 121: The DEIS analysis showed that even in the middle of winter, when shadow impacts would be at their minimum, the development would still cause the field on Pier 40 to be in shade for at least five hours. In spite of this finding, it was determined that there was no adverse impact. (Brewer_001, Brewer_006)

Response: Following the guidance of the *CEQR Technical Manual*, shadows on the summer solstice (June 21), winter solstice (December 21) and spring and fall equinoxes, as well as two days between the equinoxes and the summer solstice, are modeled, to represent the range of shadows over the course of the year. It is not required to analyze a day in the middle of winter other than the winter solstice. The longest shadows of the year for any structure occur on the December 21 analysis day, the winter solstice. When compared to the No Action development, the proposed project would cast new shadow on Pier 40 for 54 minutes on the December 21 analysis day (see Table 7-5 of Chapter 7, “Shadows”). In the No Action condition, almost all of the rooftop athletic field would receive direct sunlight for the entire December 21 analysis day, but portions of the Pier 40 courtyard athletic field would be cast in shadow for the entire analysis day (6 hours and 2 minutes). In the With Action condition, new shadow would be cast on portions of both the courtyard and rooftop athletic fields only between 8:51 AM and 9:45 AM (see Figure 7-10). The small duration of new shadow on the December 21 analysis day would not significantly impact the usability of the athletic fields and would not result in a significant adverse shadows impact.

Comment 122: The proposed height of several of the towers will guarantee many streets to the east of the development will lose their winter light earlier, which translates into ice forming earlier as the temperatures drop. What are the possible environmental and financial ramifications for the City? (Brock_072)

Response: Following the guidance of the *CEQR Technical Manual*, city streets are not sunlight-sensitive resources, and their assessment for shadow impacts is not required.

Comment 123: The height of the entire project will affect points west, mainly Hudson River Park, our community's main park. The morning sunlight will warm the piers and walkways much later, especially in winter. The Hudson River is a tidal estuary, and there will be an environmental effect on the river, as well as the expensive trees and shrubbery the City planted between the West Side Highway and the park, from both the nature of the local construction traffic and the loss of warming morning light. The study must consider the effects on plant life on both sides of the project as well. (Brock_072)

Response: As described in Chapter 7, "Shadows," similar to the No Action condition, the proposed project would cast new shadow on three sunlight-sensitive resources to the west: the Hudson River, Hudson River Park, and Pier 40 within Hudson River Park. The incremental shadow falling on the Hudson River would not be a significant adverse impact to the biota of the resource. Phytoplankton is able to perform photosynthesis with limited direct sunlight. The minimal light requirement for estuarine primary producers, such as phytoplankton, is for one percent of the surface irradiance to reach the lower depth limit for that species. The low light requirement of primary producers, combined with the relatively short residence time within the area of new shadow by primary producers, would limit potential impacts to phytoplankton from shading in the relatively well-flushed lower Hudson River. Overall, the proposed actions would not contribute to a loss of habitat or function that would diminish the Hudson River's ability to serve as a major natural resource that provides wildlife habitat and functions as a recreational and scenic resource. Therefore, based on the guidance of the *CEQR Technical Manual*, the proposed actions would not result in a significant adverse natural resources impact to the Hudson River. On all representative analysis days within the growing season, with the proposed project, Hudson River Park vegetation would continue to receive, at a minimum, four and a half hours of direct sunlight—a sufficient duration to support plant life, as stated in the *CEQR Technical Manual*. Pier 40 athletic field turf is synthetic and would not be affected by a reduction in direct sunlight.

As discussed in Chapter 20, "Construction," an emissions reduction program would be implemented for the construction of the proposed project. For example, all construction trucks would have their loads securely covered prior to leaving the construction site, construction vehicle idle time would be restricted to three minutes, and controlled truck fleets would utilize ultra-low sulfur diesel and best available tailpipe technology for reducing air pollutant emissions. In addition, the traffic generated during construction of the proposed project would represent a very small increase compared to existing traffic volumes in surrounding roadways, especially Route 9A. Therefore, the proposed project would not adversely affect plant lives during construction.

HISTORIC AND CULTURAL RESOURCES

Comment 124: By simultaneously changing the allowable zoning bulk and allowable zoning use of the vast St. John’s Terminal site, impacts on the surrounding historic communities of the West Village, South Village, Meatpacking District, Soho, and Tribeca would be enormous.

Increasing buildable bulk would exacerbate the walling in of these neighborhoods with new development. These neighborhoods are living, breathing communities and must not be relegated to vestigial status. (Regier_VSNY_040)

Response: As detailed in Chapter 8, “Historic and Cultural Resources,” the proposed project would be developed on a site located at a substantial distance from the historic neighborhoods, including the historic districts of the West Village, South Village, Meatpacking District, SoHo, and Tribeca neighborhoods. Further, the proposed development site does not have a meaningful contextual relationship to the historic districts in these neighborhoods as there are many intervening buildings between the development site and these neighborhoods. In addition, the blocks immediately surrounding the development site are generally characterized by large warehouse buildings, many of which have been converted to commercial and residential uses; industrial and parking facilities; and a few transportation facilities. These larger existing buildings create a physical and visual transition between the larger scale of the proposed project and the more distant, smaller residential buildings that characterize Greenwich Village, the West Village, and South Village neighborhoods.

Comment 125: Air pollution and vibration from increased vehicular traffic will take a toll on the brownstone, limestone, and soft-mortared brick masonry of Greenwich Village’s oldest structures, as well as on the intricate assemblages of mechanically fastened parts of the cast iron fronted buildings in Soho. (Regier_VSNY_040)

Response: As detailed in Chapter 8, “Historic and Cultural Resources,” the proposed project would not result in any significant adverse impacts to historic and cultural resources within the 400-foot study area surrounding the project site. No architectural resources in the study area would be directly affected by the proposed project. The proposed project also would not result in any significant adverse indirect impacts to historic architectural resources in the study area because of distance, intervening buildings, and the lack of meaningful contextual relationships between the development site and study area architectural resources.

URBAN DESIGN AND VISUAL RESOURCES

Comment 126: The DEIS does not always reflect the practical reality of what this scale of development actually means day to day in terms of open space usability, access,

neighborhood character, and neighborhood impact. As an example, no impacts were found under the category of Urban Design, claiming that the buildings were designed to be contextual since their materials would be consistent with the architectural fabric around it. (Brewer_001, Brewer_006, Glick_085)

The claim that the project is “contextual” is not convincing. (Sorkin_TF_070)

Response:

The analysis presented in Chapter 9, “Urban Design and Visual Resources,” was prepared in accordance with the guidelines of the *CEQR Technical Manual* which focuses on the pedestrian experience of urban design characteristics and visual resources on the project site and within a surrounding study area. The project incorporates urban design elements that juxtapose the heights and setbacks of the proposed buildings to establish connections to the existing nearby buildings, which themselves comprise a variety of heights, forms, and architectural styles and represent a broad range of development periods in this area of Manhattan. The proposed project also incorporates design features, such as cladding materials and window openings, that reflect elements of the character of nearby buildings. Further, although the proposed buildings are substantially taller than other nearby buildings, the design features of the proposed buildings have been designed to contribute to the pedestrian experience of these tall buildings by providing widened sidewalks, activated ground floor uses, new publicly accessible open space, and improvements to physical and visual east-west access through the development site at West Street and the through-block driveway between the Center and South Sites. The proposed project would result in substantial contextual changes; however, these changes would not constitute a significant adverse urban design or visual resources impact.

Comment 127: The excessive North Site heights are produced by denser zoning in combination with locating a disproportionate amount of the total transferred development rights there. The result yields a plan that violates the requirement that transfer of development rights yields structures that relate well to the surrounding streets and open areas. (CB2_002)

At 430 feet, the tallest building here is the same height as the tallest building allowed in the Hudson Square Special District, but that building was justified by the inclusion of a school and because it will face three wide streets. (CB2_002)

The tallest tower at the north end of the complex would be more than three times the height of both the new residential development being built directly to the north of it, and One Morton Square development directly to the north of that, both of which already far exceed the height of most of their surroundings. (Dowell_GVSHP_025)

Response:

As described in Chapter 3, “Land Use, Zoning, and Public Policy,” a Zoning Text amendment is proposed that would establish the Special Hudson River Park District comprising Pier 40 and the development site. The text amendment

would define Pier 40 as the “granting site” and the development site as the “receiving site” in the special district. A special permit pursuant to ZR Section 89-21 of the proposed Special Hudson River Park District would permit the transfer of 200,000 sf of floor area from Pier 40 to the development site and permit certain bulk waivers on the development site. The heights of the North Site buildings are appropriate given the permitted heights in the Hudson Square neighborhood to the east and the distribution of mass to include slender towers with separations that maintain views.

Comment 128: The North and Center Sites give a sense of a monolithic and forbidding inward facing structure with 800-foot long street walls broken only by the marginally enhanced Houston Street “tunnel” and a private driveway serving as a primary site access that is a 345-foot walk along a choice of two unwelcoming streets. (CB2_002)

Response: As described in the Chapter 9, “Urban Design and Visual Resources,” the proposed project would remove the existing building that spans the entire approximately 860-foot-long project site obstructing westward views and would replace the existing building with five new taller buildings with different forms and heights that would change the urban design character of the adjacent streets with enhanced streetscape elements such as a widened sidewalk on Washington Street, street trees, and active ground floor retail uses. Further, the proposed project would open up westward views on West Houston Street by removing the existing building that obstructs westward views. The proposed project would also create a new east-west through-block driveway between the Center and South Sites that would not only break down the perceived massing of the new development by establishing a physical and visual separation between the Center and South Site buildings but would also create a new east-west physical and visual connection across the project site between Route 9A/West Street and Washington Street. Further, the east-west driveway does not exist in the existing condition and would not be developed in the No Action condition. Retaining the existing building or developing the No Action project would maintain an uninterrupted streetwall along the full length of the project site south of West Houston Street. In addition, FEIS Chapter 21, “Alternatives to the Proposed Actions” has been updated to include consideration of modifications to the design of the through-block driveway between the Center and South Sites to make the driveway more pedestrian-friendly.

Comment 129: The overall height of the project favors giving the best view to tenants in the luxury market rate units while creating structures that destroy this view for existing neighbors. The proposed buildings in this development are far too high and do not reflect what is typical for Greenwich Village Hudson Square when accounting for total square footage of comparable projects. (Glick_085)

Response: The analysis in Chapter 9, “Urban Design and Visual Resources,” was prepared in accordance with the *CEQR Technical Manual* which considers public views and view corridors and the pedestrian experience. The CEQR methodology does not consider views from private buildings or private vantage points as part of urban design and visual resources assessments. From the street level, no existing views or view corridors would be obstructed with the proposed project. New views would be created at West Houston Street and at the east-west driveway between the Center and South Sites. In addition, the proposed project would include new publicly accessible open space. The heights of the North Site buildings are compatible with the built context in the Hudson Square neighborhood to the east and planned development projects in the area.

Comment 130: Why do we want to damage the Hudson River Park with its beautiful, peaceful open pedestrian and natural environment, which so many people enjoy during their leisure time? There must be better ways of funding the park than by blocking the light, the river view, and access to the river with enormous buildings. (Duchesne_056)

Response: With the proposed project, a Zoning Text amendment would establish the Special Hudson River Park District comprising Pier 40 as the granting site and the development site as the receiving site, allowing for the transfer of 200,000 square feet of floor area from Pier 40 to the development site. Payment for development rights would allow HRPT to undertake critical infrastructure repairs to Pier 40. There would not be any changes to the uses on Pier 40 or of Hudson River Park as a result of the proposed actions. The proposed repairs have been awaiting funding.

The project would include new views at West Street providing visual connections to the Hudson River and Hudson River Park, and a new east-west driveway between the Center and South Sites that would also provide physical and visual connections between Route 9A/West Street and Washington Street. In addition, the proposed project would widen the sidewalk on Washington Street, add new street trees to the sidewalks adjacent to the project site, and create new publicly accessible open space.

Comment 131: The buildings themselves, while containing a handsome, updated, industrial style window, set within a masonry frame would repeat this motif ad infinitum across multiple buildings at an enormous, overpowering scale. Virtually no public space is being offered, and the towers would loom over the surrounding neighborhood and shadow the adjacent park and playing fields. (Dowell_GVSHP_025)

Response: The new buildings would be designed to be contextual to the surrounding area and would be massed as towers rising from lower-height bases, with multiple and varied setbacks at different heights at each façade. The setbacks would allude to the variety of building heights of nearby study area buildings. These

design features would help to reduce the perceived scale of these buildings. The proposed project would contribute active ground floor uses to the surrounding area. Street trees would be added to the sidewalks adjacent to the development site, and the sidewalks on Washington Street adjacent to the development site would be widened. The proposed project's publicly accessible open space that would be developed on the platform above West Houston Street would have wide openings allowing sunlight to reach the street level, and would provide views to the Hudson River and Hudson River Park to the west and the City to the east. A new east-west driveway located between the center and South Sites would provide physical and visual access across the development site and would have new seating, plantings, and decorative pathways. As described above, FEIS Chapter 21, "Alternatives to the Proposed Actions" has been updated to include consideration of eliminating the elevated open space; providing at-grade public open space in the through-block driveway, with some combination of open space in the Center Site courtyard and/or the South Site; and modifying the design of the through-block driveway between the Center and South Sites to make the driveway more pedestrian-friendly. The proposed actions would provide funding for critical infrastructure repairs to Pier 40. There would not be any changes to the uses on Pier 40 as a result of the proposed actions. The proposed repairs have been awaiting funding.

Comment 132: It is essential that seating, landscaping and lighting amenities create a welcoming streetscape environment for the many people that will all live, work, play and shop in and around the 550 Washington site. (McNally_HSC_036)

Response: The proposed project would provide enhanced streetscape elements such as a widened sidewalk on Washington Street, street trees adjacent to the development site, and active ground floor retail uses. The proposed project would also create new publicly accessible open space. Further, a through-block east-west driveway between the Center and South Sites would provide a new view corridor. This driveway would also break down the massing of the new development by establishing a physical and visual separation between the Center and South Site buildings. In addition, as noted above, FEIS Chapter 21, "Alternatives to the Proposed Actions" has been updated to include consideration of eliminating the elevated open space; providing at-grade public open space in the through-block driveway, with some combination of open space in the Center Site courtyard and/or the South Site; modifying the design of the through-block driveway between the Center and South Sites to make the driveway more pedestrian-friendly; and a requirement that there be a minimum of four retail establishments at the ground-floor level on each of the north and south sides of West Houston Street and three retail establishments at the ground-floor level on Clarkson Street.

Comment 133: What are we getting for these air rights and the transfer? We are getting all of these big construction projects that are really not helpful at all on the east side,

our way, blocking the views of all of us that have little four story buildings. (Gabel_D_059)

Rather than encouraging development of non-compatible commercial uses over the Hudson River, the City should reduce the waterfront structures that block views. (Hopkins_078)

Response: See Response to Comment 132.

Comment 134: The project seems more akin to Midtown Manhattan or Rockefeller Center. Why do you want to plant that in a low-rise Greenwich Village, South Village, West Village area? It's a village, not a metropolis. (Schaps_PSC_045)

The project's effect along the West Village and farther south, some of the few areas where residents still have views and access to the river, and still live in low rise areas like the South Village, is alarming. This pending project, another out-of-scale construction, is just another affront to the entire residential Village, especially the southern Village area long awaiting landmarking. (Stotz_GVSHP_049)

Response: The development site is not immediately adjacent to Greenwich Village, the West Village, or the South Village. The areas closest to the development site are characterized by large warehouse buildings, many of which have been converted to commercial and residential uses; industrial and parking facilities; and a few transportation facilities. These larger existing buildings create a physical and visual transition between the larger scale of the proposed project and the more distant, smaller residential buildings that characterize Greenwich Village, the West Village, and South Village neighborhoods. The compatibility of the proposed project with the surrounding area is considered in Chapter 3, "Land Use, Zoning, and Public Policy," and Chapter 9, "Urban Design and Visual Resources."

Comment 135: Can it be built more in the character of the neighborhood? Is this an opportunity to correct a wrong, this huge super block and actually create an avenue through King Street. Isn't there a way? (Miller_016)

Response: See Response to Comment 132.

Comment 136: Plans for five massive, out-of-scale, river-blocking high rise towers must be scaled down or eliminated. (Clayton_087)

Response: See Response to Comment 132.

NATURAL RESOURCES

Comment 137: The 490-acre stretch of the Hudson River in the so-called Hudson River Park project area supports over 100 species of valuable marine life, including endangered species, and this irreplaceable stretch of the river must not be

subjected to the habitat degradation and destruction caused by more building and rebuilding in and over the river. (Tupper_SC_068)

Response: No new development at Pier 40 is proposed. Pier 40 is an existing pier, and repairs to its piles were authorized in Hudson River Park's existing permits with the US Army Corps of Engineers (USACE) and New York State Department of Environmental Conservation (DEC) following a comprehensive environmental review process conducted for the entirety of Hudson River Park pursuant to both SEQRA and CEQR. Moreover, the Hudson River Park Act specifically identifies that repairs be made to Pier 40's infrastructure, including its piles, if any development rights are transferred from Pier 40. Therefore, the proposed repairs would not result in "more building and rebuilding" in and over the Hudson River.

Comment 138: The thousands of piles necessary to stabilize Pier 40 will stab into the riverbed, destroying the aquatic habitat. And I think earlier somebody from HRPT said that that would take somewhat like 3,000 piles. (Stevens_062)

Response: See Response to Comment 137. The proposed pile repairs are outside of the scope for this EIS.

Comment 139: This proposal would clear the way for towers all along and in the Hudson, as well as provide resources for HRPT development authority to extend its habitat-destroying projects in the River. (Gabel_B_029)

The entire project area run by HRPT and called "the park" would be subject to the "air rights transfers" proposed for 550 Washington Street/Pier 40. This calls into question the lack of information in the DEIS, where fewer than three pages are devoted to natural resources, and most of the verbiage is about shadows from the 550 Washington Street buildings. This consideration is of less concern than the damage to the aquatic habitat caused by installing multiple new pilings for Pier 40 or other eligible "air rights transfers." The amount of new fill would cause irrevocable harm to the aquatic habitat, and this is not mentioned. Also ignored are any natural resource considerations related to the fact that the Special Hudson River Park District would open up a model for such intrusions throughout the 550-acre project area. The DEIS is seriously deficient in its treatment of water impacts and impacts on fisheries (including endangered species) throughout the project area, as well as other environmental impacts within the "park's" 550 acres and the adjacent land vulnerable to the "air rights transfers" and development allowed. (Gabel_B_092)

Response: No development on Pier 40, or in other locations in or over the water, is proposed by this action. Rather, a transfer of development rights from Pier 40 to the development site is being proposed, permanently reducing the amount of floor area at Pier 40. The proposed transfer of floor area from Pier 40 to the development site was appropriately analyzed in the FEIS. Any future transfers

of floor area from Hudson River Park will be subject to their own environmental review when the details of any such transfers are known. The proposed pile repairs are outside of the scope for this EIS. Also, see Response to Comment 137.

Comment 140: If CPC facilitates more building in the Hudson River, you'll be facilitating unprecedented and completely avoidable new risk to human life and property, and to irreplaceable natural resources. Kids can and should play soccer at higher, dryer, safer upland locations, and office workers could and should work on dry land. (Benstock_CAC_019)

Response: In accordance with the existing USACE and DEC permits issued to HRPT, the proposed actions would result in funding of repairs to Pier 40's critical infrastructure, thus preserving an important community open space resource. The proposed project does not include "more building in the Hudson River" as no development on Pier 40, or in other locations in or over the water, is proposed by this action.

WATER AND SEWER INFRASTRUCTURE

Comment 141: Sustainability measures, such as green roofs, water retention, and cooling, should be incorporated as a design standard for the proposal. (Brewer_001, Brewer_006)

Response: As discussed in Chapter 12, "Water and Sewer Infrastructure," the proposed project would utilize stormwater source control best management practices (BMPs) required as part of the DEP site connection approval process in order to bring the building into compliance with the required stormwater release rate. Specific BMP methods will be determined with further refinement of the building design and in consultation with DEP, but may include on-site stormwater detention systems such as green roofs and/or vaults.

Comment 142: While the St. John's redevelopment project has considerable on-site retention and detention measures to protect their property during heavy rainstorms, the surrounding community struggles with ongoing sewer back-ups and flooding during such storms. The problems are documented as far east as Hudson Street and along the entire waterfront. CB2 appreciates the commitment made by the project architect to work with neighbors to address longstanding failure of the area sewers.

Approval of this application should include a commitment by the City to take urgent action to address these longstanding problems, including rerouting sewer lines, enhancements to tidal gates, local actions required to increase sewer capacities of residential buildings in the area, and a community process for monitoring progress. (CB2_002)

Response: As discussed in Chapter 12, “Water and Sewer Infrastructure,” the proposed project would remove two combined sewer lines located beneath the existing St. John’s Terminal building and reroute the wastewater flow that is currently conveyed through them. Plans for rerouting the flow are currently being coordinated with DEP’s Bureau of Water and Sewer Operations. The private applicant will conduct additional analysis and investigation to consider the project’s effects on the capacities of the local sewers and combined sewer overflow (CSO) at the downstream regulator in the corresponding street frontages. Once DEP has reviewed and approved the rerouting, the changes or upgrades to such infrastructure, including upgrades that may be needed to address existing capacity issues in the area, would be reflected on an amended drainage plan as required per DEP rules and regulations.

Comment 143: The West Village Houses along the block just north of this development between Washington and West Streets is a large complex that experiences severe sewage back up issues during large storms. Over the years, this has become more frequent, and with added development and little improvement to the infrastructure below the streets, the problem will only worsen. (Glick_085)

The sewer system is completely inadequate. It backs up badly when there are storms. (Winestine_GVCTF_051)

Response: See Response to Comment 142. The private applicant will conduct additional analysis and investigation of the capacities of the local sewers in coordination with DEP, and any required upgrades to sewer infrastructure, including upgrades that may be needed to address existing capacity issues in the area, would be reflected on an amended drainage plan as required per DEP rules and regulations.

Comment 144: The epic scale of this project’s construction guarantees capillary-like fractures in the old pipes, as will increased traffic from construction equipment and vehicular traffic. Who will pay for the repairs going forward as they tiny fractures become actual breaks?

Who pays for the extension of old water pipes, as well as for the new enhanced pipes that must be installed to accommodate the expanded residential and commercial demands? (Brock_072)

Response: As discussed in Chapter 12, “Water and Sewer Infrastructure,” the proposed project’s incremental water demand would not represent a significant increase in demand on the New York City water supply system, and the development site is not in an area that experiences water supply distribution issues (e.g., areas of low water pressure). Existing water supply infrastructure in the streets surrounding the development site is expected to be sufficient to serve the proposed project, and no extension of water supply pipes is required. DEP is

responsible for the maintenance, repair, or replacement of any public water supply infrastructure.

TRANSPORTATION

Comment 145: To decrease transportation impacts, no stores above 10,000 sf, except for a supermarket should be permitted. (Brewer_001, Brewer_006)

The traffic generating big box store and destination retail component of the development should be eliminated. (Dowell_GVSHP_025, Duchesne_056, Ely_GVSHP_027, Isola_GVSHP_031, Schaps_PSC_045, Stewart_GVSHP_047, Stonehill_GVSHP_048, Winestine_GVCTF_051)

A destination retail or big box component will only add to the area's already vexing traffic problems and to the overwhelming and negative impact which this proposed development will have on the surrounding area. (Stephens_GVSHP_050)

Response: While the private applicant plans to provide mostly retail uses that would serve future residents of the proposed development and needs of the surrounding neighborhood, the FEIS analyzes potential impacts from reasonable worst-case development programs at the project site, which included a larger share of destination retail space and the possibility of a big box retail store. Where significant adverse traffic impacts were identified for these reasonable worst-case development programs, measures were explored to mitigate the impacts to the extent practicable.

As described above, FEIS Chapter 21, "Alternatives to the Proposed Actions," has been updated to include consideration of a requirement that there be a minimum of four retail establishments at the ground-floor level on each of the north and south sides of West Houston Street and three retail establishments at the ground-floor level on Clarkson Street.

Comment 146: A holistic approach is necessary to reduce the impact of Holland Tunnel traffic, which will be exacerbated by the project, and ensure pedestrian safety. We urge the administration to work with CB2, the Hudson Square Connection, and other local stakeholders to identify and implement a cohesive network of traffic and pedestrian improvements in the area and improve local mass transit access. (Johnson_003, Nadler_Hoylman_Squadron_084)

Development should not proceed unless a comprehensive approach is taken to improve traffic and transportation conditions in the area.

While DOT recognizes the problems, it has applied piecemeal remedies at individual intersections that don't function together holistically.

The current ULURP represents a unique opportunity to develop a comprehensive response to the area's ever-increasing growth.

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For this project to proceed responsibly, DOT needs to complete, concurrently with this ULURP, a comprehensive study providing recommendations for improving baseline conditions prior to the start of work on the proposed project. (CB2_002)

Response: The analysis in Chapter 14, “Transportation,” was prepared in accordance with requirements prescribed in the *CEQR Technical Manual* and addressed potential impacts from the incremental trips generated by the proposed project. A comprehensive plan for this area’s traffic and transportation issues is outside of the scope for this EIS.

Comment 147: Although the DEIS recognizes adverse impacts at 18 intersections, it says all but two can be “fully mitigated with standard mitigation methods” such as restriping, signal timing, and “daylighting”.

By looking exclusively at the incremental changes created by the proposed project versus as-of-right development at the site, the DEIS misses the already unsustainable baseline conditions in the area, and fails to recognize the harm that will be caused if the development proceeds without a commitment to extensive improvement by the city administration. (CB2_002)

Response: The DEIS studied potential traffic impacts at 18 intersections, of which significant adverse impacts were identified at nine intersections for the proposed project and at 11 intersections for the proposed project with big box retail, with two of the impacted intersections under the proposed project unmitigated and five of the impacted intersections under the proposed project with big box retail unmitigated. Between the DEIS and FEIS, additional measures were explored to address the unmitigated impacts. The evaluation of potential impacts from the proposed project is consistent with the guidance of the *CEQR Technical Manual*.

Comment 148: CB2 would like to see more planned improvements including permanent lane separations, neck downs and other curb extensions, medians, turning changes, parking changes, and special signage. Particular attention should focus on Varick Street below Bleecker Street, Houston Street, and Spring Street. (CB2_002)

Response: In accordance with the *CEQR Technical Manual*, the DEIS studied potential impacts associated with incremental changes created by the proposed project and recommended measures to mitigate projected impacts to the extent practicable. The suggested area-wide improvements are not proposed and are, therefore, outside the scope of the DEIS and ULURP.

Comment 149: The narrowing of Washington Street so the sidewalk can be widened will take away space for a bike path and other ways to go down Washington Street, which will also impact UPS and FedEx. And if anybody’s been there at 8:30 AM, they’ll realize that the street is pretty much closed off and you can’t even get

there now. Add in all the residents of this development, and narrowing the street, how do they expect to actually have a lane to pass the parked trucks? (Miller_016)

Response: As noted above, DOT has reviewed the proposed sidewalk widening and associated analyses, which concluded that all turning maneuvers including those made by UPS trucks across the street from the development site could be adequately accommodated. DOT also agreed that the existing painted buffer could be eliminated while maintaining the existing bike lane on the east side of the street. The proposed sidewalk widening and restriping of the adjacent roadbed will also help to calm traffic on Washington Street, which will make it more suitable for the new population of the development site.

NUMBER OF INTERSECTIONS

Comment 150: CB2 contends that an insufficient amount of intersections were analyzed, and that the impact of the Holland Tunnel was not taken into full consideration. (Brewer_001, Brewer_006)

The intersection at West Houston and Varick Streets is frequently a choke point for Holland Tunnel traffic. West Houston is a major westbound street, and an access to southbound West Street. The impact this development and its construction will have on this intersection must be reviewed. (Glick_085)

Response: In accordance with the *CEQR Technical Manual*, the intersections studied in the DEIS were determined based on a review of the projected incremental trips from the proposed project and discussions between the lead agency (DCP) and DOT. The October 2015 Draft Scope of Work had identified 16 intersections for study. Two additional intersections (for a total of 18) were identified for study during the DEIS preparation process. These intersections include all intersections along West Houston Street between Avenue of the Americas and West Street.

PARKING

Comment 151: The DEIS analysis identifies an adverse impact in regard to parking, but goes on to state that all of the significant adverse impacts identified could be fully mitigated with standard mitigation measures, except for two intersections closest to the project of West Houston and Varick Street; and the intersection of Canal Street and Hudson Street. (Brewer_001, Brewer_006)

Response: The comment is incorrect in that the DEIS concluded that the proposed project would not result in the potential for a parking shortfall or a significant adverse parking impact. With respect to traffic impacts under the proposed project, the comment is correct in its characterization. However, between the DEIS and FEIS, additional measures were explored to address the unmitigated impacts at the two intersections stated in the comment. As presented in the FEIS, the impacts at these two intersections would no longer be unmitigated.

Comment 152: The proposed development includes 772 new parking spaces, of which they expect 239 local residents to find monthly spaces. A rebuilt Pier 40 would bring back 2,275 parking spaces, an increase of 600 spaces to this community. And when taken together with the parking that is proposed, this is an over-capacity issue. (Kramer_PIM_033)

Response: While the EIS analysis indicates that there would be an excess in parking supply (based on representative car ownership level from the U.S. census data) that can be used by local residents, based on market needs, the private applicant expects the demand for parking spaces by future occupants of the proposed residential units on the development site would be higher than what has been depicted in the EIS, such that this excess supply would likely not materialize. With regard to parking at Pier 40, the current parking capacity is approximately 1,900 spaces. It is unclear how the commenter arrived at the 2,275 spaces referenced or how there would be an “over-capacity” issue with regard to parking.

AUTOMOBILE TRAFFIC

Comment 153: The application findings fail to adequately consider the impact of encouraging vehicle access to the site on the increasingly untenable traffic baseline conditions related to the Holland Tunnel and lower Manhattan growth. (CB2_002)

Response: Based on recent travel trends in the area, standard references and sources, and review conducted by the lead agency (DCP) with DOT, the DEIS provided, in accordance with *CEQR Technical Manual* guidelines, a conservative analysis of potential traffic impacts that took into account background conditions and future growth anticipated in the area. Where significant adverse impacts were identified, measures were explored to mitigate them to the extent practicable.

Comment 154: Any excess parking spaces will encourage inappropriate destination retail, especially at the North Site where it would increase congestion in the Holland Tunnel Impact Area. Also, because of the proximity of the Holland Tunnel, excess spaces are likely to result in an increase of detrimental commuter use. The DEIS fails to consider the impact of the proposed parking garages based on these unintended but likely uses. (CB2_002)

Response: As stated previously, the private applicant expects the number of proposed parking spaces to be suitable for the future residential population at the development site, thereby not leaving any measurable supply for other activities. However, the EIS analyses made use of standard metrics, in accordance with *CEQR Technical Manual* guidelines, to provide a conservative analysis of potential traffic impacts, including consideration of additional transient trips and more car-oriented trips made to/from the proposed project’s destination retail uses. Also, see Responses to Comments 66 and 67.

Comment 155: Significantly, the site plan exposes the essential UPS facility to pressures created by new uses. The proposal to narrow the street bed of Washington Street will increase the traffic disruptions that occur when trucks are entering and leaving the UPS site. Widening the sidewalks to the east will move them into an unpleasant and unsafe conflict zone with the trucking facility, rendering the trucking use disruptive to the proposed residential uses on the site. (CB2_002)

Response: The proposed sidewalk widening on Washington Street and UPS activities were assessed as part of the review with DOT. That review concluded that the proposed sidewalk widening and associated striping changes would not adversely affect UPS's operations or result in unsafe travel along Washington Street.

Comment 156: The proposed development in its current form would generate huge amounts of traffic with the two to three hundred thousand square feet of big box and destination retail, which would draw an enormous number of vehicles to this already traffic-clogged area from around the metropolitan area. (Berman_GVSHP_020)

Response: The reasonable worst-case development scenarios analyzed in the DEIS (Table 14-1 of Chapter 14, "Transportation") contains less total retail square footage (160,000 sf under the proposed project and 255,000 sf under the proposed project with big box retail) than what was assumed in the No Action condition (322,000 sf). In addition, the amount of big box that can feasibly be programmed on the development site is only approximately 105,000 sf. As noted above, the private applicant's intent is to provide mostly neighborhood-oriented retail uses to serve the new population that will occupy the development site and the existing residents and workers in the surrounding area. For the DEIS, however, reasonable worst-case development assumptions were used to provide for a conservative assessment of potential impacts.

Comment 157: The St. John's terminal site, which this developer proposes to turn into a big box and destination retail hub, is three long avenue blocks from a single local subway line. It is surrounded by streets and tunnels which eventually lead to every corner of the New York metropolitan area. And while these are some of the most congested and overburdened streets in the entire city, it is no doubt that shoppers will come to this new shopping hub by car if this developer is granted the approvals being sought. This would be devastating for the surrounding areas of the West Village, the South Village, Hudson Square and West SoHo. (Stephens_GVSHP_050)

Response: As noted above, the private applicant's intent is not to create a "shopping hub" but to create a mixed-use development with retail spaces that are mostly neighborhood-oriented to serve the new population that will occupy the development site and the existing residents and workers in the surrounding area.

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For the DEIS, reasonable worst-case development assumptions were used to provide for a conservative assessment of potential impacts.

Comment 158: Currently, traffic and pedestrian safety measures in the area are severely lacking. The creation of the proposed development of 550 Washington Street will bring increased vehicular traffic to the neighborhood, which threatens to exacerbate these problems. (Johnson_008)

Response: The analyses in Chapter 14, “Transportation,” which were prepared in accordance with *CEQR Technical Manual* guidelines, identified potential traffic impacts and provided recommendations on measures that could mitigate those impacts to the extent practicable. These analyses also considered vehicular and pedestrian safety in the area by studying three years of crash data and concluded that there is only one study area intersection—Varick Street and West Houston Street that would be classified as a high accident location. DOT has, as recently as this August, made safety improvements at this intersection. The DEIS also provided some additional safety recommendations at this location and concluded overall that the proposed project would not have the potential to result in any safety impacts.

Comment 159: The traffic the current plan would generate would overwhelm the surrounding neighborhoods. (Dowell_GVSHP_025)

Response: The DEIS assessed the potential traffic impacts from the proposed project in accordance with *CEQR Technical Manual* guidelines and provided recommendations on measures that could mitigate those impacts to the extent practicable.

Comment 160: What kind of planning is it to allow a development that will bring an extremely noticeable amount of additional traffic to an area that is already in gridlock. (Eisinger_057)

Response: As summarized in Table 14-1 of Chapter 14, “Transportation,” the development site can be redeveloped as-of-right under the site’s current zoning with over 1.1 million sf of commercial uses and accessory parking. Compared to this No Action condition, the proposed project would result in an overall reduction in commercial square footage and introduce new residential uses, including affordable and senior housing, which would otherwise not be permitted as-of-right. The DEIS studied the incremental impacts associated with the proposed actions and recommended measures to mitigate identified impacts to the extent practicable.

Comment 161: The change from manufacturing to dense residential and commercial uses, including destination retail, will greatly increase vehicular traffic in an already congested area. The east–west streets that run through the Soho-Cast Iron Historic District to and from the proposed development site are beset with

Holland Tunnel traffic, and the north–south thoroughfares of Seventh Avenue South, Varick, and Hudson Streets in Greenwich Village and Tribeca are already parking lots. An increase in traffic in these locations is unimaginable. (Regier_VSNY_040)

Response: The DEIS assessed the potential traffic impacts from the proposed project in accordance with *CEQR Technical Manual* guidelines and provided recommendations on measures that could mitigate those impacts to the extent practicable. As concluded in the DEIS, all significant adverse traffic impacts identified for the proposed project could be fully mitigated except at two intersections. For the proposed project with big box retail scenario, all but impacts at five intersections could be fully mitigated. Between the DEIS and FEIS, additional measures were explored to address the unmitigated impacts. As presented in the FEIS, due to the reduction in the number of parking spaces considered in the analysis, the impacts at the two intersections under the proposed project would no longer be unmitigatable. As described in Chapter 21, “Alternatives to the Proposed Actions,” alternatives are considered that would not include big box retail.

Comment 162: The impact on traffic is a concern as is reclaiming the previous street grid prior to the creation of a superblock. (Glick_005)

Response: Comment noted.

TRANSIT

Comment 163: CPC should work with the Metropolitan Transportation Authority (MTA) to increase frequency of the M20 bus. (Brewer_001, Brewer_006)

The impact on the M21 bus needs to be fully assessed before anything is approved. While the DEIS did not show a significant mitigation need for public transportation, with the inclusion of residential apartments and commercial retail establishments, it is clear that more people will make use of the Houston Street station and the M21 or M20 buses. (Glick_085)

The M21 route should be reevaluated to provide better service to the new development area and its frequency increased. The M8 route must continue to operate as well and at frequent intervals to keep providing the important access that its many users depend upon, while serving seniors and other residents. At least one of these routes should be extended to cross West Street and provide safe and convenient access to Pier 40 and increase ridership. (CB2_002)

Response: It is correct that the DEIS did not identify a significant adverse impact on nearby bus routes, and therefore no mitigation is required. Nonetheless, the MTA routinely monitors bus ridership and makes necessary adjustments to their headways and routing, subject to MTA’s fiscal and operational constraints. These adjustments could occur before and/or after the proposed project is

constructed and occupied, but they are not subject to consideration as part of this ULURP process.

Comment 164: Affordable housing units for seniors are welcome, but the current public transit system does not support this use with the nearest wheelchair access to subways more than a half-mile away. Currently, there is no viable connection to the #1 subway, and the trip from Washington Street to the subway on Sixth Avenue takes passengers through the heart of Holland Tunnel traffic on Spring Street. Without improvements to bus routes and service, the location will isolate seniors and other residents from other residential and commercial areas. (CB2_002)

CPC should work with DOT to include a pull off area adjacent to the senior housing on Washington Street. (Brewer_001, Brewer_006)

Response: In consideration of the condition stated in the comment, the private applicant is currently exploring potential locations in front of and within the North Site building where loading/unloading for seniors via private vehicles and/or shuttles can be designated. In addition, although the DEIS did not identify a need to recommend an increase in nearby bus service, the MTA routinely monitors bus ridership and makes necessary adjustments to their headways and routing, subject to MTA's fiscal and operational constraints.

Comment 165: Mass transit needs to be improved so that the proposed project is less car-dependent and more appropriate for the Manhattan Core. (CB2_002)

Response: The private applicant is in support of any mass transit improvements that the MTA may undertake to better serve the surrounding area and future residents and workers of the proposed project.

PEDESTRIAN SAFETY

Comment 166: The DEIS looks backward when it comes to pedestrian impacts under the transportation category, assuming that since there have not been serious accidents in a three-year look back that will continue to be the trend. (Brewer_001, Brewer_006)

Response: The methodology noted in the comment is consistent with the guidelines of the *CEQR Technical Manual*. However, the analysis also considered projected future conditions, potential impacts, and recommended mitigation measures, etc. to arrive at a finding on the potential safety impacts.

Comment 167: No project design has been instituted to increase visibility or walkability along Washington Street. (Brewer_001, Brewer_006)

Response: The proposed project has incorporated widened sidewalks along Washington Street, which have been reviewed and approved by DOT. These widened sidewalks will accommodate existing and future pedestrians in this corridor and

offer an opportunity for sidewalk amenities, such as planters and bike racks, which would not be possible with the existing narrow five-foot sidewalk.

Comment 168: The largest contributor to public open space in the community district is Hudson River Park, but access across West Street is dangerous and isolates the park from the community. The crossing at Houston Street, the main area access point for pedestrians and cyclists has become increasingly hazardous as park use grows. Many vehicles turn north onto West Street from Houston Street and from Pier 40, creating a confusing and dangerous 8-lane crossing terminating on the west side at a busy bike lane. (CB2_002)

Response: Comment noted. The private applicant has investigated a potential West Street crossing at the new through-block driveway between the proposed project's Center and South Sites, and initiated outreach to HRPT and NYSDOT for their feedback.

Comment 169: It is of the utmost importance that the neighborhood streets, sidewalks and crossings are equipped to safely accommodate the existing needs of the area's commercial tenants, as well as the influx of additional pedestrians, bicycles and vehicles that will rely on these passages to access 550 Washington, Hudson River Park, including the sure to be popular renovated Pier 40, and the many new retail spaces that will be created in and around the area. These needs are not currently addressed, and it is essential that these critical off-site improvements be strongly considered by CPC. (McNally_HSC_036)

Response: The proposed project would result in a substantial reduction in the length of curb cuts on the development site. The many long and continuous curb cuts bordering the development site that were put in place to facilitate truck access to the former rail terminal will be replaced with fewer and shorter curb cuts at specific locations. In addition, more inviting buildings with active retail frontages and the widened sidewalks on Washington Street will create a different pedestrian experience for existing and future residents and workers in the neighborhood. Because the DEIS did not identify the potential for any significant adverse pedestrian impacts, including along the crossing of West Street to Pier 40, no mitigation or additional improvement measures were recommended. The private applicant has also investigated a potential West Street crossing at the new through-block driveway between the proposed project's Center and South Sites, and initiated outreach to HRPT and NYSDOT for their feedback.

SENIOR ACCESSIBILITY

Comment 170: With the provision of senior housing and no dedicated drop-off for Access-A-Ride, ambulettes, or any other vehicle catering to or often needed by senior residents, unfortunately it would actually be safer to assume an increase in

pedestrian impact. (Brewer_001, Brewer_006, Glick_085, Nadler_Hoylman_Squadron_084)

The ground-floor entrance to the senior affordable component does not include a dedicated drop-off area or pull-over lane for seniors entering the building. (Glick_085)

Response: In consideration of the unique needs of seniors, the private applicant is currently exploring potential locations in front of and within the North Site building where loading/unloading for seniors via private vehicles and/or shuttles can be designated. The DEIS analyses concluded that the proposed project would not have the potential to result in any significant adverse pedestrian impacts.

AIR QUALITY

Comment 171: The air quality issue is very serious, in particular from the trucking that would service big box stores. (Arlen_053)

Response: As presented in Chapter 15, “Air Quality,” an analysis of air quality impacts from the proposed project’s mobile sources of emissions was performed. This analysis, which was based on the proposed project with big box retail scenario, determined that the proposed actions would not result in any significant adverse air quality impacts.

GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

Comment 172: New construction would be in the number one hurricane evacuation zone, and Superstorm Sandy has shown us how dangerous that is. (Gabel_B_029)

Response: Current and future severe storm conditions, including hurricanes, are discussed in Chapter 16, “Greenhouse Gas Emissions and Climate Change.” As described in detail in that chapter, the proposed project and its infrastructure are designed not only to meet the current building code requirements in that regard, but also to be resilient under potential future conditions.

Comment 173: I don’t recommend having parking lots in the basement. We lost our car in a storm. I would definitely suggest that they think about some other place for 720 cars. (Gabel_D_059)

Response: The proposed project would be dry-flood proofed to accommodate flooding up to the 2050-projected flood levels (14.5 and 15.5 feet NAVD88) such that the subgrade levels would be fully protected from flooding to that level.

Comment 174: I think it would be incumbent upon CPC to bear in mind the events that are taking place today, weather connected, climate connected events that are a reality. The authors of the development seem to lack an awareness of the time that we live in and the things that we have to be aware of. (Frogel_SC_028)

Response: Chapter 16, “Greenhouse Gas Emissions and Climate Change,” provides a detailed review of New York City area climate conditions as they affect the project location and design, and the approach to the proposed project’s resiliency in the face of the changing climate conditions.

Comment 175: The building rooftops should have solar panels and we need to start a committee on getting solar all over the waterfront. West facing is really good because when the peak time for using electricity is in the afternoon, and that’s when west facing panels produce very strongly. (Hawk_VCB_030)

Response: Comment noted.

Comment 176: If CPC facilitates rebuilding Pier 40 for offices, soccer fields, and other non-water dependent uses on Pier 40, it will be firefighters and police officers from all over the City who will have to rescue people out on Pier 40 when the next big hurricane hits. (Benstock_CAC_019)

Response: The proposed actions would not facilitate the rebuilding of Pier 40 for such uses.

NEIGHBORHOOD CHARACTER

Comment 177: I have a long familiarity with the neighborhood where St. John’s Terminal is, where this is all taking place. It’s been a neighborhood. It has a character. This development is far too large. It’s in a flood zone, as others have pointed out. It will worsen already terrible traffic. It will rob the City of one more of its neighborhoods, one more of its vital parts, because it will turn it into every other part of the City, which is also like Houston, Texas, which is also like, you know, some random part of southern California without the beauty. (Rapaport_060)

The community expressed concerns about a wide variety of negative impacts from the development of the St. John’s site: The mammoth scale of the proposal in relation to the neighborhood, the enormous value of the development rights that the developer is receiving, the degradation of active open space per capita in the community with the addition of so many new residents, the potential loss of affordable parking on Pier 40, the long distance of the project from the nearest subway, and the fear that the development will produce pressure to curtail access to free boating from Pier 40. (CB2_002)

Response: As described in the DEIS, the neighborhood character of the study area is defined by a few key components, including its mix of land uses and ongoing trend towards residential use, its location in a busy urban area with major roadways including Route 9A and arterial streets connecting to the Holland Tunnel, and its proximity to Hudson River Park and the waterfront. Since the neighborhood character of the study area is partly defined by existing relatively high traffic volumes, the increased traffic resulting from the proposed project would not represent a significant change to the existing neighborhood character.

While the proposed project would result in a significant adverse open space impact due to quantitative factors, the proposed project would also support a defining feature of the character of the neighborhood—Hudson River Park—through the transfer of floor area from Pier 40 to the development site under the Special Hudson River Park District, which would provide critical funding for repairs to Pier 40. The proposed project would also create new publicly accessible open space, which would complement and enhance the existing character of the neighborhood. Overall, the proposed project would be consistent with the study area’s mixed-use neighborhood character and would enliven the development site by bringing a 24-hour population to this location.

ALTERNATIVES TO THE PROPOSED ACTIONS

Comment 178: No alternative was focused on just drastically reducing the amount of parking requested under the special permits. Eliminating all three special permits or reducing the amount requested would surely aid in mitigating the impacts this proposal creates. (Brewer_001, Brewer_006)

Response: In keeping with the guidance of the *CEQR Technical Manual*, the EIS includes consideration of alternatives that would reduce or eliminate significant adverse impacts from the proposed project. As shown in the FEIS, the alternatives analysis contains multiple alternatives with less parking than the proposed project, including the Revised Proposed Project with Reduced Parking Alternative. The private applicant believes that a significant reduction in parking or its elimination is not feasible. The parking in the project is primarily intended to serve the residential uses in the project, and, in the opinion of the private applicant, is critical to the marketability of the market-rate apartments, both as condos and rental. The private applicant anticipates that virtually all of the buyers and renters of the market rate units in the project will own cars and expect to have on-site parking available. Therefore, the private applicant believes that parking will be an important amenity for these residents and is a critical consideration in the project’s financing and marketability.

MITIGATION

Comment 179: CB2 supports the transfer exclusively to 550 Washington Street and also supports future redevelopment of Pier 40 if the development pressures on nearby neighborhoods are mitigated as follows:

1. The final phase of South Village Historic District is implemented concurrently during the ULURP process;
2. No additional development rights will be transferred from the Park to any area in Community District 2, whether from Pier 40 or from any other potential granting site at any time in the future. (CB2_002)

Response: The EIS does not identify, nor does the proposed set of actions assume, any direct relationship between the proposed project and the South Village

neighborhood. The current proposal would only enable the transfer floor area from Pier 40 to the development site. Any future proposal to transfer floor area from Pier 40 or any other commercial pier will require a full ULURP and full public review.

Comment 180: CB2 cannot support a project that fails to mitigate a significant adverse impact on active open space. Unless suitable outdoor space within the study area is identified and secured, qualified and adequate indoor space within the study area, such as new gyms and swimming pool within the project sites, will be the only sufficient way to mitigate significant adverse impacts of the project on active open space opportunities in the district.

There are other opportunities to create new public open space within the district, but these are not suitable for active recreation.

CB2 supports the creation of a permanent park at Elizabeth Street Garden and supports new open space at two sites where DEP has completed construction of water distribution projects on East 4th Street and at the corner of Grand and Lafayette Streets. (CB2_002)

The unmitigated lack of open space as linked to this project is a concern. (Glick_005)

Response: See Response to Comment 120. Following completion of the DEIS, mitigation measures for the identified significant adverse open space impact were determined in consultation with DCP, NYC Parks, and HRPT, and incorporated into Chapter 22, "Mitigation." These measures would partially mitigate the significant adverse open space impact. As discussed above, FEIS Chapter 21, "Alternatives to the Proposed Actions," has been updated to include consideration of a multi-purpose indoor active recreation space at either the ground level or the cellar level of the Center Site to partially mitigate the significant adverse impact on active open space anticipated with the proposed project.

Comment 181: The City must make a firm commitment at the outset of this project to improve traffic conditions by implementing many tools in the City's existing repertoire, such as planted medians, special signage and curb extensions, among others. (Johnson_003)

Response: To mitigate the identified significant adverse impacts, the EIS includes mitigation measures reviewed by DOT and determined to be feasible. Other measures beyond those identified in the EIS are not proposed at this time.

Comment 182: The developers should work with DOT to address the traffic-related problems that will be experienced in this community. (Glick_085)

Response: As noted above, the EIS includes mitigation measures reviewed by DOT and determined to be feasible that would mitigate the significant adverse impacts of the proposed project.

GROWTH-INDUCING ASPECTS OF THE PROPOSED ACTIONS

Comment 183: Additional demand will be created on the already threatened low-rise districts in the surrounding area. (Glick_085)

The proposed development and rezoning would increase development pressure upon the nearby historic, unlandmarked portion of the South Village, while the creation of the Special Hudson River Park District has the potential to unleash a million and a half square feet of air rights upon west side communities. (Berman_GVSHP_020)

The proposed St. John's rezoning will only increase the likelihood of overdevelopment of the South Village happening sooner and more frequently. (Morowitz_GVSHP_037)

The historic low-rise South Village would face vastly increased developmental pressure. And the entire Greenwich Village and Meat Packing District waterfront would be one step closer to further overdevelopment from the air rights transfer framework which these approvals would establish. (Dowell_GVSHP_025, Duchesne_056, Gabel_D_059, Stotz_GVSHP_049)

The transfer of air rights would be allowed from most of the so-called Park area, 490 acres of the Hudson River. If this is approved, we will see more air rights transfers from water to land, and more towers blocking the beautiful river and inland residential buildings' views. And the money HRPT gets from the air rights transfers will be used to litter our piers and river, and ruin a priceless aquatic habitat. (Gabel_B_029)

Clean Air Campaign and its Open Rivers Project and many longtime supporters are convinced that if Pier 40 is redeveloped as proposed, dozens and dozens of other sites in the Hudson River below West 59th Street will be more likely to be misused in the same way. Besides putting literally thousands of people in harm's way unnecessarily, this ruinous public policy would doom the environmentally critical habitat; deplete the coastal fisheries and other living marine resources that the irreplaceable habitat in the River sustains; destroy views as far east as Fifth Avenue; threaten neighborhood character; and misallocate City budget funds and other public resources. (Benstock_CAC_076)

Response: As stated in the DEIS, the proposed actions would only affect the Pier 40 granting site and the 550 Washington Street development site and would not affect development on other sites. No new development would occur at Pier 40 as a result of the transfer; as mandated by the Act, revenue from the sale would be used to address pier infrastructure conditions, principally the existing piles. The Hudson River Park Act limits the area from which development rights

could potentially be transferred from Hudson River Park to the area within one block inland from the Park and further limits the piers which could potentially transfer development rights. Moreover, the proposed Special Hudson River Park District would limit the geographic area of any future expansion of the Special District. Specifically, under the proposed action, the granting site, improvement to the park and receiving site must all be within either the same community district or within one half-mile of each other. Also, any future use of the Special Hudson River Park District for other granting sites in Hudson River Park or other receiving sites in the blocks fronting Hudson River Park would require a zoning text and map amendment that would be subject to both ULURP and CEQR. It would be speculative to analyze future transfers at this time. See also Response to Comment 151.

In addition, as described in Chapter 24, “Growth Inducing Aspects of the Proposed Actions,” it is anticipated that the consumer needs of the new residential and worker populations would largely be satisfied by a combination of the new retail uses provided by the proposed project and the existing retail stores in the surrounding area. In addition, while the residential and commercial uses facilitated by the proposed actions are expected to introduce new populations to the rezoning area, as stated in Chapter 4, “Socioeconomic Conditions,” the proposed actions are not expected to significantly alter existing economic patterns in the study area. The socioeconomic analysis in the EIS includes a consideration of the potential for the proposed project to result in indirect residential displacement. The analysis determined that the area has already experienced a readily observable trend toward increasing rents and new market rate development, the estimated income of the project-generated population is expected to be less than the current local average, and planned residential development is expected to continue trends of increasing incomes in the area. In addition, the affordable housing added by the proposed project would maintain a more diverse demographic composition within the study area. Overall, as stated in Chapter 24, “Growth Inducing Aspects of the Proposed Actions,” and Chapter 4, “Socioeconomic Conditions,” the proposed actions are not expected to induce any significant additional growth beyond that identified and analyzed in the EIS and would not result in any significant adverse impacts due to indirect residential displacement.

GENERAL SUPPORT

Comment 184: We support the proposed actions. (Astrachan_DUSC_018, Bialosky_DSL_021, Dorak_ABNY_024, FitzGerald_096, Flynn_100, Hawk_VCB_030, Johnson_VCS_098, Juracich_FHRP_069, Lewis_MWA_035, Lodhi_REBNY_034, McNally_HSC_036, Michael_099, Miller_016, Reynald_SEIU_041, Rodriguez_BTC_042, Salyi_095, Schneider_GVLL_065, Schneider_GVLL_097, Schulte_074, Scruton_DUSC_043, Sewell_073, Sewell_101, Simone_FHRP_044)

Response: Comment noted.

D. COMMENTS MADE BY THE CITY PLANNING COMMISSION AND RESPONSES

SEPTEMBER 2, 2016 RESPONSE LETTER

PARKING DEMAND

Comment 185: CPC asked about the need for and expected use of the proposed parking in the project. CPC also expressed a concern that the parking would facilitate car-oriented retail uses, and so would lead to increased traffic.

Response: The parking in the project is primarily intended to serve the residential uses in the project, and, in the opinion of the private applicant, is critical to the marketability of the market-rate apartments, both as condos and rental. The private applicant anticipates that virtually all of the buyers and renters of the market rate units in the project will own cars and demand parking, and parking will therefore be an important amenity for these residents. The proposed parking is not expected to be used in connection with the retail uses in the project, except to a minor degree. The retail spaces in the proposed project² are expected to be occupied primarily by a mix of local retail and retail oriented to the nearby Hudson River Park, such that the retail patrons are expected to be the project's residents, nearby office workers from Hudson Square office buildings, and visitors to Hudson River Park, all of whom are expected to travel to the project on foot. The DEIS for the project estimates that, even for the "destination retail" uses in the project, less than 10 percent of visitors to such retail would travel by car. The "auto share" is only two percent for local retail uses.

It is the private applicant's opinion that the expectation of a high demand for residential accessory parking is supported by census data on car ownership. While average auto ownership in Manhattan, as noted at the hearing, was 23 percent in 2009, according to U.S. Census data, the same data indicate that car ownership is highly correlated with income, homeownership, and the presence of children in a family. DCP's "Manhattan Core Public Parking Study" in 2011 states that 36 percent of families with incomes of \$130,000 or more owned a car, that nearly 50 percent of families with incomes over \$500,000 owned a car, and among families with children, the rate of car ownership was twice the rate for families without children.³

Similarly, the DEIS indicates that 48 percent of all owner-occupied households own a car in the census tracts surrounding the project site. This 48 percent figure reflects all households, not controlling for income or the presence of children.

² The EIS also considers a proposed project with big box retail, which has only 412 parking spaces that would need to serve the full residential population of the project, as well as the retail uses.

³ DCP, *Manhattan Core Public Parking Study*, December 2011.

The number of proposed parking spaces analyzed in the FEIS (772) is equal to 49 percent of the assumed maximum of 1,586 residential units. This ratio is appropriate for the expected residential demand from the project, given the census statistics above that correlate car ownership with home ownership, income, and the presence of children. This ratio is also similar to or less than the ratio approved in recent projects approved by CPC pursuant to Section 13-451.

In addition, while the Manhattan Core ratio proposed here—20 percent—is also greater than in these previous approvals pursuant to Section 13-451, this amount of parking is justified by the unmet demand for parking in the surrounding area, which is what the Manhattan Core ratio measures. The Manhattan Core analysis, pursuant to ZR Section 13-451, compares (1) the growth in residential units in the 1/3-mile radius around the development site over the prior 10 years (the “lookback period”), and (2) the gain or loss in available parking spaces in this same 1/3-mile radius, during the lookback period. DCP’s guidelines for Section 13-451 special permits provide that the ratio of new parking spaces to new residential units should not exceed 20 percent. This guidance recognizes that accessory parking in a particular garage may serve residential parking needs in surrounding buildings, where buildings have been built without parking or parking in the area has been lost over the last 10 years. The Manhattan Core parking study prepared for the proposed project indicates that parking has been lost in the study area during the lookback period, while residential units have been added, such that the Manhattan Core ratio would be negative (-7.7 percent) without the 772 parking spaces added by the proposed project.

PARKING SUPPLY

Comment 186: CPC asked whether available parking in the area, including the parking at Pier 40, was included in the environmental analysis of the project, and also in the Manhattan Core parking study, pursuant to ZR Section 13-451.

Response: The DEIS for the project, in the “Transportation” chapter, includes an analysis of the project’s impact on parking capacity in the area. In accordance with the guidance of the *CEQR Technical Manual*, the DEIS accounted for all available public parking spaces within 1/4-mile of the project site, including the available parking at Pier 40, and concluded that the proposed project would not negatively impact the supply of parking.

As described above, the Manhattan Core analysis considers only parking spaces gained or lost in the 1/3-mile radius of the project over the prior 10-year “lookback period,” to gauge trends in residential development and parking supply. In the case of the proposed project, the area surrounding the project site has seen a net loss in parking capacity due to garages and parking lots undergoing redevelopment in the last ten years, combined with a high amount of residential development with comparatively little new parking capacity. Parking

spaces have not been added or lost at Pier 40 over this period, so it is not included in the analysis.

It should also be noted that parking at Pier 40 is predominantly for monthly users. The parking in the proposed project, in contrast, will be accessory to the residential, retail, and office or hotel uses, and will meet the demand from these on-site uses.

RETAIL PROGRAM

Comment 187: CPC asked for more information about the expected program, sizes, and configuration of the retail spaces in the project.

Response: Retail in the project will be located principally along West Houston and Clarkson Streets, to enhance these existing east-west connector streets as the primary pedestrian streets in the area. As described above, FEIS Chapter 21, “Alternatives to the Proposed Actions,” has been updated to include consideration of a requirement that there be a minimum of four retail establishments at the ground-floor level on each of the north and south sides of West Houston Street and three retail establishments at the ground-floor level on Clarkson Street. (Additional space on the South Site is expected to be used as an event space, consistent with its current use.) The private applicant intends for the retail in the project to be a combination of local retail that would serve the new residential population and the nearby office population in Hudson Square, and retail that is designed to take advantage of location next to the Hudson River Park, such as a sporting goods store. The private applicant expects demand for local retail services from the new residential population in the buildings—up to 1,586 households—and also from both the on-site and nearby office population. Although the DEIS assumes that 75 percent of the retail in the project would be destination retail, this assumption was designed to ensure the most conservative traffic assumptions for the purposes of the analysis.

The project design architects believe that the opportunities for large retail spaces in the project are limited. Expected retail spaces have been sited according to the arrangement of the buildings and residential entrances. The spaces range from 2,100 square feet, about the size of a coffee shop, to 40,000 square feet. This largest retail space, which could be used for a supermarket, is planned on the second floor, with an accessible street-level entrance, while smaller retail spaces are planned for the ground floor to reflect the small retail environment of the West Village. Retail spaces are envisioned for each corner of the buildings, as well as along West Houston Street, to enliven intersections and the busiest pedestrian corridors. The largest single space, not including the 40,000-square-foot space on the second floor, is 29,500 square feet, which includes a 15,300-square-foot space on the ground floor and a potential 14,200-square-foot mezzanine. The larger retail spaces may also be subdivided as market demand dictates. The applicant believes that maintaining flexibility in the retail

programming of the buildings is critical to the viability of the retail. Nevertheless, the retail spaces as laid out cannot get larger, horizontally, because of the divisions among buildings, the location of building cores, and the location of residential entrances.

Notwithstanding the private applicant's current expectations for the retail program, this project is large and would be built out over several years, as described in Chapter 20, "Construction." The private applicant has retained the option of locating a larger retail store in the cellar level of the Center Site, in order to be able to adapt the retail layouts to meet future market trends and market demand. This option is analyzed in the DEIS as the "proposed project with big box retail." To build this large retail space, however, would require eliminating much of the parking in the Center Site, which, as discussed above, is, in the opinion of the applicant, important to the marketability of the residential units in the project. The decision to pursue large-format retail would therefore require a choice between larger retail or more parking. With less parking available in the project, there would be limited parking available to any such retail use, which would preclude the development of any heavily auto-dependent use in this cellar space.

In addition, as described above, FEIS Chapter 21, "Alternatives to the Proposed Actions," has been updated to include consideration of a requirement that there be a minimum of four retail establishments at the ground-floor level on each of the north and south sides of West Houston Street and three retail establishments at the ground-floor level on Clarkson Street

WEST HOUSTON STREET

Comment 188: There has been considerable attention in the ULURP process on the pedestrian experience along West Houston Street, and how it will be affected by the elevated open space on the rail beds to be retained over the street.

Response: As described above, Chapter 21, "Alternatives to the Proposed Actions" in the FEIS has been updated to include consideration of: eliminating the elevated open space over West Houston Street; providing at-grade public open space in the through-block driveway, as well as some combination of open space in the Center Site courtyard and/or the South Site; and providing a multi-purpose indoor active recreation space at either the ground level or the cellar level of the Center Site to partially mitigate the significant adverse impact on active open space anticipated with the proposed project.

With the proposed project as analyzed elsewhere in the EIS, the publicly accessible open space would open the area above West Houston Street. As described in Chapter 9, "Urban Design and Visual Resources," with the existing building spanning West Houston Street removed, daylight will once again reach the street through the wide openings between the rail beds. To enhance the pedestrian experience along West Houston Street, the project will provide street-

wall transparency and lighting both outside and within the storefronts to ensure a well-lit streetscape. In the opinion of the private applicant, these improvements would provide the public with a dramatically improved pedestrian pathway to Hudson River Park. It should also be noted that it is in the private applicant's interest to ensure that the retail spaces on Houston Street are viable. Without bringing light and openness to the street, the private applicant believes the retail would not be successful, which undermines the public experience, and also impacts the economic viability of these retail spaces.

CELLAR USES

Comment 189: CPC asked about the potential use of the cellar level of the Center Site for recreational uses.

Response: As described above, FEIS Chapter 21, "Alternatives to the Proposed Actions" has been updated to include consideration of providing a multi-purpose indoor active recreation space at either the ground level or the cellar level of the Center Site. The space would be fitted out for recreation uses and would be suitable for activities such as various ball sports, martial arts, or fitness classes. In addition to the main space, support space would include toilets and storage areas for a total of approximately 10,000 sf. This shared amenity space would be used by building tenants and would also be available to the public for 50 percent of its operating hours.

CENTER SITE COURTYARD

Comment 190: CPC asked at the hearing why the private applicant has decided not to allow public access to the courtyard between the Center Site residential buildings, and instead provide an open space above Houston Street.

Response: As described above, FEIS Chapter 21, "Alternatives to the Proposed Actions" has been updated to include consideration of eliminating the elevated open space over West Houston Street and providing at-grade public open space in the through-block driveway, as well as some combination of open space in the Center Site courtyard and/or the South Site.

AFFORDABLE HOUSING PROGRAM

Comment 191: CPC had questions about how the affordable housing program was selected, and how the arrangement of buildings was determined.

Response: The affordable housing in the project is designed to provide housing opportunities for a variety of income levels and household types, including low-income, moderate-income, and senior households. This affordable housing program was determined in consultation with HPD, to meet a range of neighborhood housing needs. The project will include a total of 328,700 square feet of floor area dedicated to affordable housing, equal to 25 percent of the residential floor area in the project and 30 percent of the residential units,

divided among households at 60 percent, 80 percent, and 130 percent of AMI. While the proposed blend of AMI levels differs from the affordability options prescribed by the Mandatory Inclusionary Housing Program, Section 23-934 of the ZR allows CPC to modify these affordability options for developments that receive transferred floor area from the Hudson River Park.

The affordable housing will be provided in two of the project's four residential buildings. The senior housing in the North-East building will be configured as a separate, stand-alone building to allow for the unique programmatic needs of the senior housing. This building will be managed by a specialized senior housing operator to be selected by the private applicant. The building will also contain a program of amenities for the senior residents, which will be designed in coordination with the selected operator. The senior housing units will qualify as "affordable independent housing needs of seniors would be met through a unique type of housing. CPC Report N 160049 ZRY states "[a]ffordable senior housing is designed specifically to meet the needs of seniors, with smaller individual units with more common areas and amenities for residents." The Report also notes that in the "Housing New York" plan, Mayor de Blasio has set a goal of building 5,000 such senior housing units in the next decade. The operator may also have a program of services delivered to the senior residents. Given the unique physical and programmatic requirements of the senior housing, the applicant believes it would be impractical to have these units distributed throughout another building, and the private applicant believes it is appropriate to locate them in a stand-alone building.

The second affordable building will be the Center-East building, which will be a mixed-income building with 50 percent affordable units and 50 percent market-rate units. Both the North-East (senior) and Center-East (mixed-income) buildings will have entrances on Washington Street, just north and south, respectively, of West Houston Street. These buildings will therefore have their entrances at the most prominent and visible locations in the project. These locations are also the most convenient locations, closest to the primary east-west pedestrian corridor to the site, and closest to bus and subway lines. Both buildings will have desirable, open City views to the east.

SEPTEMBER 16, 2016 RESPONSE LETTER

PARKING DEMAND

Comment 192: CPC asked about the need for and expected use of the proposed parking in the project. CPC also expressed a concern that the parking would facilitate car-oriented retail uses, and so would lead to increased traffic. (See Comment 207)

Response: In the private applicant's letter to CPC dated September 2, 2016, it was noted that the 772 proposed parking spaces would be equal to 49 percent of the maximum permitted 1,586 residential units in the project, which is less than the amount of parking approved by CPC, as a percentage of residential units, in

other special permit applications pursuant to Section 13-561: CPC has approved parking in an amount equal to 66.7 percent to 120.5 percent of the residential units in those projects. CPC has approved similarly large garages for large projects adjacent to the West Side Highway, specifically for the Riverside Center project in 2012 (C 100289-100293 ZSM) and the 606 West 57th Street project in 2014 (C 130339 ZSM). The Riverside Center project included 1,500 parking spaces and 3,000 total residential units, and therefore parking was provided for 50 percent of the units. The 606 West 57th Street project included up to 500 parking spaces and 1,189 residential units, and therefore parking was provided for 42 percent of the units. Both projects also included 20 percent of their floor area as affordable housing, within the maximum unit totals above. For both projects CPC made the finding that the garages would not draw traffic through local residential streets due to their proximity to Route 9A, a major arterial highway.

CPC also asked what percentage of the units the parking would constitute, excluding the affordable units. The DEIS assumed that of the 1,586 total potential units in the project, 478 units (30 percent) would be affordable, and therefore 1,108 units would be market-rate. The 772 spaces would equal 70 percent of these market-rate units, which is still on the low end of the range that has been approved for prior Section 13-451 special permit applications.

All parking within the project would be accessory parking, meaning that it will be available for use by the occupants and users of the buildings on the zoning lot: the residents and their guests, the office workers and visitors, hotel guests and employees, and shoppers. Pursuant to the Manhattan Core parking regulations, accessory parking is permitted to be made available for public use—effectively as public parking—when not in use by users of the development. ZR Section 13-21. However, both the ZR and the New York Multiple Dwelling Law (§60) require that residential accessory parking spaces must be made available to residents of the building within 30 days, if the residents request them.

As noted in the September 2, 2016 letter, for the proposed project (without big box retail) very little parking demand is expected from the retail uses, since most of the retail is expected to be local retail that serves the needs of the building residents and nearby office workers. The EIS also analyzes a proposed project with big box retail scenario; to build this large retail space, however, would require eliminating much of the parking in the Center Site. The analysis of the big box retail scenario in the EIS found that parking utilization levels would be within the area's parking capacity. The DEIS for the project analyses expected parking demand from the different proposed uses, and estimates that the highest demand from the local retail uses is only one car in the weekday peak hour, and four cars in the Saturday peak hour. The parking demand from destination retail is higher—the DEIS estimates a peak-hour for 18 spaces in the weekday peak hour and 47 spaces in the Saturday peak hour—but it is doubtful

that any of the retail uses in the project will be true, auto-dependent destination retail, given the limited size of the retail spaces (as noted in the private applicant's September 2nd letter, the largest retail space, in Center Site cellar, would only be possible by eliminating parking). Destination retail was assumed to make up 75 percent of the retail space in the project for the purposes of the DEIS, to ensure a more conservative traffic analysis. Additional parking demand is ascribed to the hotel uses, equal to 24 spaces in the peak hour. The parking analysis in the DEIS assumes that the South Site is developed as a hotel, rather than an office building, because a hotel has a greater parking demand.

CPC also asked about available parking in the vicinity of the project. The DEIS indicates (see DEIS Table 14-52) that there are 11 publicly accessible off-street parking facilities within ¼-mile of the project site. In total, these 11 parking facilities have a combined capacity of 3,244 spaces. Among these facilities, Pier 40 currently operates with 1,909 spaces. Based on data provided by the Hudson River Park Trust in 2015, its utilization was approximately 60 percent overnight and nearly 75 percent during weekday midday hours. Weekend parking utilization levels were generally about half of those on weekdays. These levels are also comparable with the overall average for the ¼-mile parking study area (i.e., 46 percent overnight, 73 percent peak midday, and 32 percent Saturday). The DEIS analyzes this information on available parking in the area to assess whether the proposed project will result in a parking shortfall. The Manhattan Core parking analysis, in contrast, considers the change in parking supply over a 10-year period, relative to a change in housing units, to assess the trend in parking availability.

WEST STREET PARKING AND LOADING ENTRANCES

Comment 193: CPC raised certain questions regarding the North Site parking garage entrance and loading dock entrance on West Street, between West Houston and Clarkson Streets, and the impact of these entrances on pedestrian safety along this block.

Response: The distance from the curb cuts north to Clarkson Street and south to West Houston is approximately 89 feet north to Clarkson Street and 85 feet south to West Houston Street. The street frontage north and south of the curb cuts will be occupied by retail uses, although these retail spaces are expected to have their primary entrances on West Houston Street and Clarkson Street.

As discussed by the representative of AKRF at the public hearing on August 24th, very little pedestrian activity is expected on this block in the north-south direction. West Houston and Clarkson Streets are the primary east-west connector streets to the waterfront. People traveling to or from the waterfront east or west are expected to continue their path of travel, rather than detouring north or south along West Street. In addition, the proposed project has located most of the residential and retail entrances along West Houston Street and Clarkson Streets, strengthening these existing pedestrian corridors.

The DEIS analysis bears out these expectations about pedestrian volumes. The DEIS indicates that the proposed project is expected to add only approximately 160 pedestrians to the West Street sidewalk between West Houston and Clarkson Streets during the weekday peak hour (5 PM to 6 PM) and approximately 180 pedestrians during the Saturday peak hour (1 PM to 2 PM). Existing pedestrian volumes on this block are also quite low: fewer than 50 pedestrians in the weekday peak hour and approximately 70 in the Saturday peak hour. Thus there are 250 persons expected on this block in the Saturday peak hour, or approximately four people per minute. In contrast, the project is expected to add 1,500 new pedestrians to the West Houston Street block during the peak hour. Pedestrian volumes crossing West Street at West Houston Street are also much higher than the volumes on West Street. The DEIS indicates that the proposed project will add approximately 270 people to this crossing during the weekday peak hour and 230 people during the Saturday peak hour, in addition to the current volumes of approximately 340 people on weekdays and 290 people on Saturdays. Thus, the total expected volume crossing West Street at West Houston Street is expected to be 610 people in the weekday peak hour and 620 people in the Saturday peak hour.

The DEIS projected total peak-hour entry/exit volumes from the North Site garage of only 70 vehicles, or just over one vehicle every minute. The garage will contain 164 parking spaces, and will include the ten required reservoir spaces, to prevent congestion at the garage entry. The DEIS also estimates that expected delivery traffic to the North Site building will be very light: no more than four deliveries (four in/four out) during any peak hour. According to the private applicant's traffic consultants, delivery activity in New York City, particularly food deliveries associated with grocery stores and restaurants, is concentrated in the morning hours, and tapers off by midday. As noted above, the peak pedestrian volumes for this block of West Street, between West Houston and Clarkson Street, are expected in the late afternoon during the week and early afternoon on Saturdays, which are times of lessened delivery activity.

The operation of expected delivery traffic along West Street was reviewed by NYSDOT and NYCDOT during the environmental review process. AutoTurn drawings were prepared and reviewed by these agencies, and specific operational characteristics of delivery traffic were discussed. Some of the stipulations agreed to by the private applicant include: (1) access to the loading docks along West Street will be limited to single-unit trucks (approximately 35-foot long), to minimize disruption of West Street traffic during back-in maneuvers; (2) all loading dock entry/exit maneuvers will be navigated by certified flag persons provided by the private applicant, or by the store operator or building management; (3) trucks are not permitted to extend onto the adjacent sidewalk; and (4) larger trucks are required to conduct loading/unloading operations along the existing curb lane, with curbside regulation changes to be

coordinated with DOT, as necessary. These operational requirements will help to prevent any conflict between delivery trucks and pedestrians on this block.

Finally, it should be noted that the loading and parking entrances have been placed on West Street because the alternative locations West Houston, Clarkson, and Washington Streets would lead to more traffic congestion and pedestrian conflict.

RETAIL USES

Comment 194: CPC, the Borough President, and the Community Board have raised questions about the size of retail uses in the project and the potential traffic generated by such retail uses.

Response: The private applicant acknowledges these concerns, and is exploring modifications in the configuration and location of the retail spaces that would meet the shared goals of activating the surrounding streetscape and providing a variety of retail opportunities. As noted above, FEIS Chapter 21, “Alternatives to the Proposed Actions” been updated to include consideration of a requirement that there be a minimum of four retail establishments at the ground-floor level on each of the north and south sides of West Houston Street and three retail establishments at the ground-floor level on Clarkson Street. As noted in the private applicant’s September 2, 2016 letter, there are physical constraints of the project that already limit the footprint and overall size of the retail spaces, to a great degree. The private applicant is willing to consider a limitation on the size of retail establishments at the ground-floor level, similar to the restrictions applicable in the Hudson Square Special District, which imposes a 10,000-square-foot limitation on the size of retail establishment at the ground-floor level, with appropriate carve-outs for particular types of uses. The private applicant believes that the retail spaces in the project will be most suitable for retail tenants that serve both residents of the project and residents and workers in the nearby area, which are expected to include a grocery store, restaurants and cafes, and other retailers that relate to the Park, such as (for example) fitness concepts or outdoor apparel.

OPEN SPACE MITIGATION

Comment 195: CPC expressed the need for open space mitigation to be provided in the project, and has asked whether on-site, below-grade recreation space could be provided.

Response: As described above, FEIS Chapter 21, “Alternatives to the Proposed Actions” has been updated to include consideration of a multi-purpose indoor active recreation space at either the ground level or the cellar level of the Center Site to partially mitigate the significant adverse impact on active open space anticipated with the proposed project.

PHASING

Comment 196: CPC raised questions regarding the expected phasing of the different elements of the project, and how that phasing relates to the timing of payments to HRPT.

Response: The timing of development of the project is independent of the timing of payments to HRPT. The private applicant will be obligated to make payments to HRPT, in accordance with the agreements with HRPT, regardless of whether the private applicant is proceeding with development of the buildings. Until the private applicant elects to proceed with the approved special permit buildings, the existing, as-of-right zoning applicable to the property will remain. Thus, the proposed 10-year term for the special permit will have no effect on the payments to HRPT. The private applicant has requested a single 10-year term, rather than an initial four-year term with a requirement to renew for two consecutive three-year terms, because market conditions make it uncertain as to when the private applicant will elect to use the special permit, and if and when construction will commence. In addition, existing tenancies in the building prevent the private applicant from starting construction of the South and Center Site building immediately. And when construction does begin, extensive demolition work will be required to remove the existing building. These factors make it unlikely that the private applicant will achieve substantial construction during the initial four-year term. Nevertheless, the private applicant will be obligated to make the required payments to HRPT, irrespective of the progress of the development.

The private applicant has retained the flexibility to develop the buildings in the project in any order, as market conditions dictate, and the analysis in the DEIS is not predicated on any particular order of development. However, the delivery of the affordable housing in the project will be linked to the development of the other project components. With the proposed project, the open space will be constructed with either the North Site or Center Site buildings, whichever are developed first, together with the adjoining arcade on either the North or Center Site. (However, as noted above, consideration is given in FEIS Chapter 21, “Alternatives to the Proposed Actions” to eliminating the elevated open space and replacing it with at-grade open space on the Center and South Sites). The affordable housing will be built in accordance with the requirements of the MIH program, which provides that market-rate units in an “MIH development” are linked to the completion of the affordable housing in the development. The affordable housing must be completed before any certificates of occupancy for the associated market-rate housing are issued, although where a building contains both market-rate and affordable units on the same floor, certificates of occupancy for all units on such floor may be issued at the same time. In the proposed project, the completion conditions will be applied on a site-by-site basis: The North Site market-rate building will be tied to the construction of the North Site senior affordable building, and the Center Site market-rate housing will be tied to the construction of the associated Center Site affordable housing.

WEST HOUSTON STREET OPEN SPACE

Comment 197: CPC requested information regarding the design requirements for the Houston Street open space, and how those requirements will be enforced.

Response: As described above, FEIS Chapter 21, “Alternatives to the Proposed Actions,” has been updated to include consideration of eliminating the elevated open space over West Houston Street and providing at-grade public open space in the through-block driveway, as well as some combination of open space in the Center Site courtyard and/or the South Site.

The elevated open space considered elsewhere in the EIS, built on the historic railroad beds, would be composed of landscaped planting areas, seating areas, and pathways. On the north and south sides of the garden, pedestrian arcades would connect the adjacent small retail spaces and the larger space, designed for a grocery store. The retail spaces, market, and café uses would create an active and dynamic public space. The space would also be directly accessible from each of the adjacent residential buildings, including the affordable senior housing. The garden would complement the senior amenities with additional social and recreational space that provides views to the Hudson River, and direct access to the market and other retail services. The garden would be accessed from the street by visible and prominent stairs and elevators at either end of the space to allow free flow of pedestrians. The open space would also provide a variety of seating types, plantings that include a variety of trees and other greenery, lighting similar to plaza standards, adequately sized circulation paths, an arcade adjoining the open space, and other features.

The publicly accessible open space (whether elevated or at-grade) is designed as a public square that will serve the entire community—building residents, office workers, Pier 40 patrons, neighborhood residents—with a mix of uses and amenities.

WEST HOUSTON STREET IMPROVEMENTS

Comment 198: CPC questioned what design commitments have been made regarding West Houston Street.

Response: As described above, FEIS Chapter 21, “Alternatives to the Proposed Actions,” has been updated to include consideration of eliminating the elevated open space over West Houston Street and providing at-grade public open space in the through-block driveway, as well as some combination of open space in the Center Site courtyard and/or the South Site. There is also consideration of a requirement that there be a minimum of four retail establishments at the ground-floor level on each of the north and south sides of West Houston Street and three retail establishments at the ground-floor level on Clarkson Street.

THROUGH-BLOCK DRIVEWAY IMPROVEMENTS

Comment 199: The Community Board and Borough President emphasized that the through-block driveway between the Center and South Sites should be made more pedestrian-friendly.

Response: As described above, FEIS Chapter 21, “Alternatives to the Proposed Actions” has been updated to include consideration of modifications to the through-block driveway including: replacing the separated vehicle drop-off area and island in front of the South Site commercial building with a lay-by lane for vehicle drop-offs; adding requirements for seating, planting, paving, and building transparency within the through-block driveway; and requiring the driveway to be open to the public for pedestrian passage during operating hours to be established.

In addition, NYSDOT and HRPT have been engaged to explore a new crosswalk on West Street.

PROJECT DESIGN REQUIREMENTS

Comment 200: CPC has asked for specific design guidelines.

Response: There will be specific design guidelines for the proposed buildings, which will be stated on the approved plans and required as a condition of the approvals. These guidelines include: maximum building height, tower dimensions, and maximum and minimum street wall heights; maximum street wall depth; minimum street wall transparency; a requirement that bulkheads be finished in the same materials as the tops of the buildings below; and minimum sidewalk widths.

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