

A. INTRODUCTION

This chapter of the Final Environmental Impact Statement (FEIS) summarizes and responds to substantive comments received during the public comment period for the Draft Environmental Impact Statement (DEIS), issued on May 17th, 2021, for the 250 Water Street project.¹

City Environmental Quality Review (CEQR) requires a public hearing on the DEIS as part of the environmental review process. A public hearing was held on the DEIS in conjunction with the CPC hearing on the land use applications on September 1, 2021, to afford all interested parties the opportunity to submit oral and written comments. The public hearing also considered a modification to the Proposed Actions (Application Number C 210438(A) ZSM; the “A-Application”). The comment period remained open through September 13, 2021.

Section B includes a list of organizations and individuals who commented on the DEIS. Section C contains a summary of relevant comments on the DEIS and a response to each.² These summaries convey the substance of the comments made, but do not necessarily quote the comments verbatim. Comments are organized by subject matter and generally parallel the chapter structure of the EIS. Where more than one commenter expressed similar views, those comments have been grouped and addressed together. Commenters who expressed general support or general opposition but did not provide substantive comments on the DEIS are listed at the end of Section C. All written comments and a transcript of the public hearing are included in Appendix F, “Comments Received on the Draft Environmental Impact Statement.”

B. LIST OF ORGANIZATIONS AND INDIVIDUALS WHO COMMENTED ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT³**ELECTED OFFICIALS**

1. Yuh-Line Niou, Assemblymember, New York State Assembly (65th District), written comments received on September 1, 2021 and oral comments delivered on September 1, 2021 (Niou_65A_005, Niou_65A_098)

¹ Since the publication of the DEIS, the Applicant has withdrawn the application for the previously proposed project and submitted a modified application (Application Number C 210438(A) ZSM; the “A-Application”) reflecting changes to the project that result from the LPC approval—this modified version of the project is considered in this FEIS as the Reduced Impact Alternative, as outlined in Chapter 18, “Alternatives.”

² Comments on the land use application, such as comments regarding special permit findings and conditions, are not comments on the DEIS and are not summarized herein.

³ Citations in parentheses refer to internal comment tracking annotations.

2. Gale Brewer, Manhattan Borough President, written comments received on September 1, 2021 and oral comments delivered on September 1, 2021 (Brewer_061, Brewer_062)
3. Christopher Marte, State Committee Member, New York State Assembly (65th District); City Council Democratic nominee, oral comments delivered on September 1, 2021 (Marte_65A_113)
4. Daisy Paez, District Leader New York State Assembly (65th District), oral comments delivered on September 1, 2021 (Paez_65A_154)
5. Jonathan Gardenhire, District Leader New York State Assembly (65th District), oral comments delivered on September 1, 2021 (Gardenhire_65A_155)

COMMUNITY BOARD

6. Diana Switaj, Director of Planning and Land Use, Manhattan Community Board 1, oral comments delivered and written comments received on September 1, 2021 (Switaj_CB1_070, Switaj_CB1_156)
7. Amelia Josephson, Manhattan Community Board 1, oral comments delivered on September 1, 2021 (Josephson_CB1_076)
8. Tammy Meltzer, Chair, Manhattan Community Board 1, oral comments delivered and written comments received on September 1, 2021 (Meltzer_CB1_111, Meltzer_CB1_157)
9. Community Board 1, Community Board Resolution on the Proposed Actions, written comments received on July 27, 2021 (CB1_174)

ORGANIZATIONS AND BUSINESSES

10. Association for a Better New York, written comments received on September 1, 2021 (ABNY_001)
11. Mitchell Grubler, Bowery Alliance of Neighbors, written comments received on August 27, 2021 (Grubler_BAN_006)
12. Carolyn Ratcliffe, Lower East Side Preservation Initiative, written comments received on August 31, 2021 and oral comments delivered on September 1, 2021 (Ratcliffe_LESPI_009, Ratcliffe_LESPI_123)
13. Denise Courter, Founder, FiDi Families, written comments received on August 31, 2021 and September 13, 2021, and oral comments delivered on September 1, 2021 (Courter_FF_012, Courter_FF_108, Courter_FF_162)
14. Emily Hellstrom, Co-President, Peck Slip PTA; founding member, Children First, written comments received on September 1, 2021 and oral comments delivered on September 1, 2021 (Hellstrom_PSPTA_CF_013, Hellstrom_PSPTA_CF_073)
15. Veronica Ryan-Silverberg, Friends of DeLury Park, written comments received on September 1, 2021 (Ryan-Silverberg_FDP_016)
16. Sam Rivera, Executive Director, New York Harm Reduction Educators and Washington Heights Corner Project, written comments received on September 1, 2021 and oral comments delivered by Jill Proclm on behalf of Sam Rivera on September 1, 2021 (Rivera_NYHRE_WHCP_018, Rivera_NYHRE_WHCP_083)
17. Veronica Imas, Waterfront Alliance, Inc., written comments received on September 1, 2021 and oral comments delivered on September 1, 2021 (Imas_WA_020, Imas_WA_068)
18. Katherine O’Sullivan, Inwood Preservation, written comments received on August 27, 2021 (O’Sullivan_IP_021)

Chapter 23: Response to Comments on Draft Environmental Impact Statement

19. Richard D. Moses, President, Lower East Side Preservation Initiative, written comments received on August 30, 2021 and oral comments delivered on September 1, 2021 (Moses_LESPI_025, Moses_LESPI_103)
20. New York Building Congress, written comments received on September 1, 2021 (NYBC_028)
21. Jessica Lappin, President, Downtown Alliance, written comments received on September 1, 2021 and oral comments delivered by Taino Prado on behalf of Jessica Lappin on September 1, 2021 (Lappin_DA_030, Lappin_DA_092)
22. Elaine Kennedy, Board Member, Southbridge Towers, oral comments delivered on September 1, 2021 and written comments received on September 13, 2021 (Kennedy_ST_096, Kennedy_ST_183)
23. Patrick Quinn, Vice President of Real Estate, IPIC Theaters, written comments received on September 1, 2021 and oral comments delivered on September 1, 2021 (Quinn_IPIC_032, Quinn_IPIC_110)
24. Sandy Reiburn, Preserve Our Brooklyn Neighborhoods, written comments received on August 31, 2021 (Reiburn_POBN_038)
25. Madeleine McGrory, Senior Policy and Planning Analyst, Real Estate Board of New York, written comments received on September 1, 2021 (McGrory_REBNY_039)
26. Scott Dwyer, Sons of the Revolution, written comments received on September 1, 2021 and oral comments delivered on September 1, 2021 (Dwyer_SotR_041, Dwyer_SotR_150)
27. Southbridge Towers Board of Directors, written comments received on August 9, 2021 (Southbridge_043)
28. Joanne Gorman, Co-Founder, Friends of South Street Seaport, written comments received on September 1, 2021 and oral comments delivered on September 1, 2021 (Gorman_FoSSS_047, Gorman_FoSSS_090)
29. Susan Harder, International Dark Sky Association, written comments received on September 6, 2021 (Harder_IDSA_049 and attached IDSA_050)
30. J. Sandy Eames, Seaport Coalition, written comments received on September 1, 2021 (Eames_SC_051)
31. Mellonee Walker, Ahsas Interiors, written comments received on September 3, 2021 (Walker_AI_056)
32. Colleen Robertson, PTA Co-President, Peck Slip PTA, oral comments delivered on September 1, 2021 (Robertson_PSPTA_063)
33. Alia Soomro, Ralph C. Menapace Fellow in Urban Land Use Law, Municipal Arts Society of New York, oral comments delivered on September 1, 2021 (Soomro_MASNY_064)
34. Michael Kramer, President, South Street Seaport Coalition, oral comments delivered on September 1, 2021 and written comments received on September 11, 2021 and September 13, 2021 (Kramer_SSSC_066, Kramer_SSSC_176, Kramer_SSSC_187)
35. Megan Malvern, Co-Vice President, Peck Slip PTA; Co-Founder, Children First, Seaport Coalition, oral comments delivered on September 1, 2021 and written comments received September 13, 2021 (Malvern_CF_067, Malvern_CF_175)
36. James Kaplan, Co-Founder and Past President, Lower Manhattan Historic Association, oral comments delivered on September 1, 2021 (Kaplan_LMHA_075)
37. Stacie George, Senior Vice President, Live Nation Entertainment, oral comments delivered on September 1, 2021 (George_LNE_084)

38. Joshua Pickard, Partner, NoHo Hospitality Group, oral comments delivered on September 1, 2021 and written comments received on September 7, 2021 (Pickard_NHG_057), Pickard_NHG_085)
39. Jessica Ortiz, SEIU 32BJ, oral comments delivered on September 1, 2021 (Ortiz_SEIU_32BJ_097)
40. Nelson Chan, Director of Affordable Housing, AAFE Downtown Manhattan Community Development Corporation, oral comments delivered on September 1, 2021 (Chan_AAFE_101)
41. Raymond Pepi, President, Building Conservation Associates, oral comments delivered by Alex Ray on behalf of Raymond Pepi on September 1, 2021 (Pepi_BCA_102)
42. Alex Liscio, Brookfield Properties, oral comments delivered on September 1, 2021 (Liscio_BP_107)
43. Will Thomas, Executive Director, Open New York, oral comments delivered on September 1, 2021 (Thomas_ONY_117)
44. Bob Ghassemieh, Mr. C. Seaport Hotel, oral comments delivered on September 1, 2021 (Ghassemieh_MSH_118)
45. Laura Sewell, Vice President, Lower East Side Preservation Initiative, oral comments delivered on September 1, 2021 (Sewell_LESPI_122)
46. Donald Ranshte, Executive Vice President, Building Trades and Employers Association, oral comments delivered on September 1, 2021 (Ranshte_BTEA_126)
47. Todd Haiman, Co-Owner, Captain Rose House, oral comments delivered on September 1, 2021 (Haiman_CRH_129)
48. Kamau Ware, Founder, Black Gotham Experience, oral comments delivered on September 1, 2021 (Ware_BGE_135)
49. Brendan Sexton, Chair of the Board, South Street Seaport Museum, oral comments delivered on September 1, 2021 (Sexton_SSSM_136)
50. Jonathan Boulware, President, South Street Seaport Museum, oral comments delivered on September 1, 2021 (Boulware_SSSM_140)
51. Jeremy Moss, Executive Vice President, Silverstein Properties, oral comments delivered on September 1, 2021 (Moss_SP_142)
52. Frank Sciamè, Chief Executive Officer, Sciamè Construction, oral comments delivered on September 1, 2021 (Sciamè_SC_144)
53. Maria Ho-Burge, Owner, Primp NYC Salon, oral comments delivered on September 1, 2021 (Ho-Burge_PNS_145)
54. Robert Becker, Senior Vice President, Durst Organization, oral comments delivered on September 1, 2021 (Becker_DU_148)
55. George M. Janes, George M. Janes and Associates, written comments received on September 13, 2021 (Janes_165)
56. South Street Seaport Coalition, petition received on September 13, 2021 (SSSC_182)
57. Municipal Arts Society of New York, written comments received on September 8, 2021 (MASNY_184)

GENERAL PUBLIC

58. Adira Siman, written comments received on September 1, 2021 (Siman_002)
59. Adrienne Sosin, written comments received on September 1, 2021 and September 13, 2021, and oral comments delivered on September 1, 2021 (Sosin_003, Sosin_069, Sosin_158)
60. Andrea Wasserman, written comments received on September 1, 2021 (Wasserman_004)

Chapter 23: Response to Comments on Draft Environmental Impact Statement

61. Buddy Mantia, written comments received on August 31, 2021 (Mantia_007)
62. Carl Feinman, written comments received on August 31, 2021 (Feinman_008)
63. Catherine McVay Hughes, Board Member, South Street Seaport Museum (but speaking for self), written comments received on September 1, 2021 (McVay-Hughes_010)
64. Daniel Bartolomeo, written comments received on September 1, 2021 (Bartolomeo_011)
65. Eric Kovar, written comments received on September 1, 2021 and oral comments delivered on September 1, 2021 (Kovar_014, Kovar_074)
66. Franco Granello, written comments received on September 1, 2021 (Granello_015)
67. George Brieger, written comments received on September 1, 2021 and oral comments delivered on September 1, 2021 (Brieger_017, Brieger_152)
68. Jared Brown, written comments received on September 1, 2021 (Brown_019)
69. Kenny Grant, written comments received on September 1, 2021 (Grant_022)
70. Landy Pheloung, written comments received on August 31, 2021 (Pheloung_023)
71. Linnea Sage, written comments received on August 30, 2021 (Sage_024)
72. Matt Reininger, written comments received on September 1, 2021 (Reininger_026)
73. Melissa Silverwood, written comments received on September 1, 2021 (Silverwood_027)
74. Nicole Bode, written comments received on September 1, 2021 and September 13, 2021 (Bode_029, Bode_177)
75. Patricia Sullivan, written comments received on August 30, 2021 (Sullivan_031)
76. Paul Goldstein, written comments received on September 1, 2021 and oral comments delivered on September 1, 2021 (Goldstein_033, Goldstein_072)
77. Paul Hovitz, written comments received on September 1, 2021 and oral comments delivered on September 1, 2021 (Hovitz_034, Hovitz_153)
78. Paul Kefer, written comments received on August 30, 2021 (Kefer_035)
79. Paul Lehrman, written comments received on August 30, 2021 (Lehrman_036)
80. Peter Davies, written comments received on September 1, 2021 (Davies_037)
81. Silvestro Spilabotte, written comments received on September 1, 2021 (Spilabotte_040)
82. Timur Galen, written comments received on September 1, 2021 (Galen_042)
83. Wendy Cassidy, written comments received on August 31, 2021 and oral comments delivered on September 1, 2021 (Cassidy_044, Cassidy_121)
84. Barbara Mensch, written comments received on September 7, 2021 (Mensch_045)
85. Dr. Eileen Ain, written comments received on September 1, 2021 (Ain_046)
86. Grant Muller, written comments received on September 3, 2021 (Muller_048)
87. Lisa Arnone, written comments received on September 4, 2021 (Arnone_052)
88. Lisa Wong, written comments received on September 1, 2021 and oral comments delivered on September 1, 2021 (Wong_053, Wong_109)
89. Marc-Alain Galeazzi, written comments received on September 1, 2021 (Galeazzi_054)
90. Matthew Goldfeder, written comments received on September 2, 2021 (Goldfeder_055)
91. Robin Warshay, written comments received on September 7, 2021 (Warshay_058)
92. Rona Kluger, two sets of written comments received on September 5, 2021 (Kluger_059, Kluger_060)
93. Tiffany Winbush, oral comments delivered on September 1, 2021 (Winbush_065)
94. Linda Hellstrom, oral comments delivered on September 1, 2021 and written comments received on September 13, 2021 (Hellstrom_071, Hellstrom_170)
95. Mark Bozek, oral comments delivered on September 1, 2021 (Bozek_077)
96. Darbie Sokolow, oral comments delivered on September 1, 2021 (Sokolow_078)
97. Leslie Gruss, oral comments delivered on September 1, 2021 (Gruss_079)
98. Grace Lee, oral comments delivered on September 1, 2021 (Lee_080)

99. Betsy Nebel-Schainholz, oral comments delivered on September 1, 2021 (Nebel-Schainholz_081)
100. Adrienne Melon-Ramstack, oral comments delivered on September 1, 2021 (Melon-Ramstack_082)
101. Richard Dykema, oral comments delivered on September 1, 2021 (Dykema_086)
102. Jay Hellstrom, oral comments delivered on September 1, 2021 (Hellstrom_087)
103. Joel Sosinsky, oral comments delivered on September 1, 2021 and written comments received September 10, 2021 (Sosinsky_088, Sosinsky_167)
104. Eddie Travers, oral comments delivered on September 1, 2021 (Travers_089)
105. Danny Solis, oral comments delivered on September 1, 2021 (Solis_091)
106. Michelle Koppersmith, oral comments delivered on September 1, 2021 (Koppersmith_093)
107. Austin Celestin, oral comments delivered on September 1, 2021 (Celestin_094)
108. Linda Roche, oral comments delivered on September 1, 2021 (Roche_095)
109. Patrick Jones, oral comments delivered on September 1, 2021 (Jones_099)
110. Nick Ramphal, oral comments delivered on September 1, 2021 (Ramphal_100)
111. Deron Charkoudian, oral comments delivered on September 1, 2021 (Charkoudian_104)
112. Angela Terrilli, oral comments delivered on September 1, 2021 (Terrilli_105)
113. Stacey Shub, oral comments delivered on September 1, 2021 (Shub_106)
114. David Sheldon, oral comments delivered on September 1, 2021 (Sheldon_112)
115. Diane Brown, oral comments delivered on September 1, 2021 (Brown_114)
116. Belmont Freeman, oral comments delivered on September 1, 2021 (Freeman_115)
117. Kimberly Busi, oral comments delivered on September 1, 2021 (Busi_116)
118. Jaren Brown, oral comments delivered on September 1, 2021 (Brown_119)
119. Victoria Hillstom, oral comments delivered on September 1, 2021 (Hillstom_120)
120. Shyaporn Theerakulstit, oral comments delivered on September 1, 2021 (Theerakulstit_124)
121. Todd Fine, oral comments delivered on September 1, 2021 (Fine_125)
122. Sam Zimmerman, oral comments delivered on September 1, 2021 (Zimmerman_127)
123. Keith Durst, oral comments delivered on September 1, 2021 (Durst_128)
124. Nancy Linden, oral comments delivered on September 1, 2021 (Linden_130)
125. William Meehan, oral comments delivered on September 1, 2021 (Meehan_131)
126. Daniel Del Vecchio, oral comments delivered on September 1, 2021 (Del Vecchio_132)
127. Allen Milman, oral comments delivered on September 1, 2021 (Milman_133)
128. Neil Flaherty, oral comments delivered on September 1, 2021 (Flaherty_134)
129. Susan Murray, oral comments delivered on September 1, 2021 (Murray_137)
130. Roland Lewis, oral comments delivered on September 1, 2021 (Lewis_138)
131. Seth Pinsky, oral comments delivered on September 1, 2021 (Pinsky_139)
132. Walter Mehl, oral comments delivered on September 1, 2021 (Mehl_141)
133. Adam Brodheim, oral comments delivered on September 1, 2021 (Brodheim_143)
134. David Barker, oral comments delivered on September 1, 2021 (Barker_146)
135. Robert Sosin, oral comments delivered on September 1, 2021 (Sosin_147)
136. Terry Brady, oral comments delivered on September 1, 2021 (Brady_149)
137. Daniel Robertson, oral comments delivered on September 1, 2021 (Robertson_151)
138. Christine Roccas, oral comments delivered on September 1, 2021 (Roccas_186)
139. Amy Greenhouse, written comments received on September 13, 2021 (Greenhouse_159)
140. Caroline Miller, written comments received on September 11, 2021 (Miller_160)
141. Chance Pryor, written comments received on September 8, 2021 (Pryor_161)

Chapter 23: Response to Comments on Draft Environmental Impact Statement

142. Emily Moss, written comments received on September 13, 2021 (Moss_163)
143. Ilana Fischer, written comments received on September 13, 2021 (Fischer_166)
144. John Hellstrom, written comments received on September 13, 2021 (Hellstrom_168)
145. Joshua Schapiro, written comments received on September 13, 2021 (Schapiro_169)
146. Margaret Othrow, written comments received on September 10, 2021 (Othrow_171)
147. Mauro Rossi, written comments received on September 8, 2021 (Rossi_172)
148. May Park, written comments received on September 13, 2021(Park_173)
149. Nicole Rossi, written comments received on September 8, 2021 (Rossi_178)
150. Robert Guazzo written comments received on September 8, 2021 (Guazzo_179)
151. Roberta Belulovich, written comments received on September 13, 2021 (Belulovich_180)
152. Rosemary Birardi, written comments received on September 13, 2021 (Birardi_181)
153. Warren Green, written comments received on September 10, 2021 (Green_185)

C. COMMENTS AND RESPONSES

PROJECT DESCRIPTION AND ANALYTICAL FRAMEWORK

Comment 1: The Applicant proposes purchasing the air rights of the public school (P.S. 343) building from the City for this mega-tower. (Brieger_017, Greenhouse_159)

Response: As described in Chapter 1, “Project Description and Analytical Framework,” the Proposed Actions do not include the purchasing or transfer of any development rights from the Peck Slip School.

Comment 2: There is no guarantee that the project would include affordable housing. What are the terms and levels of affordable housing to be provided and what regulatory mechanism guarantees its inclusion? What is the breakdown of bedroom sizes for the affordable units? (Gorman_FoSSS_047, Goldfeder_055, Brieger_152, Paez_065A_154, Greenhouse_159, Hellstrom_168, MASNY_184)

Response: Affordable housing requirements consistent with the Mandatory Inclusionary Housing (MIH) program will apply to the site as a condition of the sale of unused development rights from the Pier 17/Tin Building zoning lot, without which the project cannot proceed as planned. The affordable housing would follow the “deep affordability” option under MIH, providing an amount of affordable floor area that is equal to at least 20 percent of the residential floor area with a weighted average of income bands that does not exceed 40 percent of AMI, and with no income bands exceeding 130 percent of the income index.

Comment 3: The proposal would be inconsistent with City policy to move unused Seaport development rights outside the historic district, and instead proposes to move these development rights to a site within the district. (Goldstein_033, Gorman_FoSSS_047, Kramer_SSSC_187)

Response: There is no legal restriction on the ability to redistribute development rights to a building within the Seaport historic district, and the existing Seaport Subdistrict zoning regulations designate multiple ‘receiving’ sites within the historic district to which unused development rights can be transferred.

Moreover, the proposed distribution of floor area to 250 Water Street would facilitate the redevelopment of a large, vacant site that has been used for surface parking for decades with a building that the New York City Landmarks Preservation Commission (LPC) determined would be appropriate within the district.

Comment 4: The expansion of the Pier 17 Large Scale General Development (LSGD) is a gerrymandered construction solely meant to connect 250 Water Street and the waterfront sites to allow the transference of development rights, setting a terrible precedent. (Moses_LESPI_025, Goldstein_033, Gorman_FoSSS_047, Kramer_SSSC_066, Goldstein_072, Hellstrom_PSPTA_CF_073, Nebel-

Chapter 23: Response to Comments on Draft Environmental Impact Statement

Schainholz_081, Moses_LESPI_103, Haiman_CRH_129, Janes_165, Belulovich_180)

Response: The LSGD is a zoning tool that allows for the distribution of floor area across zoning lot boundaries so as to facilitate better site planning. Consistent with this purpose, the proposed LSGD expansion would allow for the distribution of unused floor area away from the lower density waterfront area to the higher density upland area as described in Chapter 1, “Project Description and Analytical Framework.”

Comment 5: Howard Hughes Corporation (HHC) is asking to demap streets, creating private acquisition of public property and turning our streets over to a private developer. (Sosin_003, Kefer_035)

Response: As described in Chapter 1, “Project Description and Analytical Framework,” the Proposed Actions do not include the demapping of streets. The proposed LSGD would include areas that were demapped as streets several decades ago. These demapped streets are owned by the City and there would be no change in ownership under the Proposed Actions.

Comment 6: The proposed design is too tall and out of scale. (Niou_005, Ratcliffe_LESPI_009, O’Sullivan_IP_021, Pheloung_023, Bode_029, Eames_SC_051, Kluger_060, Winbush_065, Roche_095, Moses_LESPI_103, Charkoudian_104, Meltzer_CB1_111, Sewell_LESPI_122, Moss_163, CB1_174, Ratcliffe_LESPI_123)

Response: For over 100 years, the lower height buildings within the South Street Seaport have been coupled with the taller skyscrapers in the surrounding area. The streetwall height of the building base was lowered under the Reduced Impact Alternative described in Chapter 18, “Alternatives,” in order to correspond to the adjacent streetwall heights of each block, and the overall height of the building was also reduced to be consistent with the Pearl Street context. The design of the Reduced Impact Alternative was approved by LPC and is appropriate for its context. The massing fits into the general scale of the district and steps down to more specifically match the adjacent blocks.

Comment 7: There is concern that the financial mechanism for approval and delivery of funding for the Seaport Museum, as well as the specific amounts and timing of funding, have not yet been established. What is EDC’s involvement in relation to the HHC promise of funding for the Museum? (Gorman_FoSSS_047, Eames_SC_051, Brewer_061, Soomro_MASNY_064, Meltzer_CB1_111, Meltzer_CB1_157, CB1_174, MASNY_184)

Response: The City, Manhattan Borough President Gale Brewer, Council Member Margaret Chin, as well as the New York City Economic Development Corporation (EDC) and the South Street Seaport Museum are working to develop a funding mechanism to support the operations of the South Street Seaport Museum through the creation of an endowment. The funding of this endowment would be a

condition of the transfer of Pier 17/Tin Building zoning lot development rights to HHC.

Comment 8: Allocate the space in the Trans-Lux Building to the Fulton Stall Market and/or other greenmarkets that feature locally grown goods and products. (Brewer_061)

Response: This comment is beyond the scope of environmental review. However, it should be noted that HHC has set aside space in the Trans-Lux Building for the Fulton Stall Market or another similar public market operator.

Comment 9: The project fails to address the needed environmental benefits, affordable housing needs, and density issues that our community needs. (Niou_005)

Response: As described in Chapter 13, “Greenhouse Gas Emissions and Climate Change,” the project is designed to meet sustainability guidelines, including a commitment to meet LEED Silver standards, and will deliver permanently affordable housing units, generate funding for the South Street Seaport Museum, and create new jobs. The project will transform the Development Site at 250 Water Street from an underutilized parking lot contaminated with hazardous materials into an active and environmentally responsible development, remediated under New York State’s Brownfield Cleanup Program (BCP).

Comment 10: The approval by LPC of this building due to a promise to fund the Seaport Museum sets a very dangerous precedent that potentially puts all other landmarked districts in New York City at similar risk. (Eames_SC_051)

Response: The LPC determined that the proposed development at 250 Water Street is appropriate based on its application of the Landmarks Preservation Law. The statement that the LPC determination was premised on a promise to fund the South Street Seaport Museum is erroneous.

Comment 11: Extension of HHC’s amended 2013 Marketplace Lease beyond a final expiration date of 2072 (SBS application 210444PPM)—in conjunction with its 250 Water proposed expansion of the Pier 17/Tin LSGD—would place a major portion of the South Street Seaport Historic District in the hands of a sole private developer. (Gorman_FoSSS_047)

Response: Under the amended 2013 Marketplace Lease, HHC has a leasehold interest in Pier 17, the Tin Building and other City-owned property until 2072. It is also the fee owner of 250 Water Street. The proposed extension of the amended 2013 Marketplace Lease would not expand the leasehold premises.

Comment 12: Use of the access road was the subject of discussion during the Pier 17 project and the Tin Building project back in 2015–2016 (the South Street Seaport – Pier 17 project; see CEQR# 12DME007M and ULURP #s M 130053(A) ZSM, M 130054(A) ZSM, M 130055(A) ZSM, N 170054 ZAM, and N 170055 ZCM). After consideration of the pedestrian concerns, it was settled that only delivery vehicles within controlled access hours, and emergency vehicles would use the access drive on a routine basis, and a layover area along the marginal street area

in front of the Tin Building would be available for other dropoffs. If anything has changed, it is that more pedestrians are now using the waterfront, and there is no justification to change the type of use or access hours. (Gorman_FoSSS_047, CB1_174)

Response: The Applicant believes that the requested change is critical to the success of Pier 17. Pier 17 is several hundred feet from the closest street (South Street) necessitating that patrons walk approximately one city block to access the building. Currently, restaurant business and other activities at Pier 17 decline dramatically during inclement weather. To provide better access to the pier in all seasons and weather conditions, and to ensure the continued success of Pier 17, the Applicant is proposing that vehicles be permitted to enter the access drive and drop off passengers. As such, the land use application proposes to permit passenger drop offs. Unlike at other crossing points, the Applicant is already required to staff the access drive with three flaggers, so the safety of pedestrians and cyclists would be assured.

Comment 13: How would the process of redistributing unused floor from the current Pier17/Tin LSGD area to the 250 Water St Development site under an expanded LSGD differ from the 1972 Transfer process in execution, and what role would EDC, CPC or other city agencies have in it? (Gorman_FoSSS_047)

Response: The redistribution of floor area from the current Pier 17/Tin Building LSGD to 250 Water Street is being proposed to be made by means of an expansion of the LSGD to include the 250 Water Street zoning lot and pursuant to an LSGD special permit that would allow for the distribution of floor area within the expanded LSGD to facilitate development of the new building; these actions are subject to ULURP.

The 1972 Seaport Transfer mechanism allows for the transfer of unused development rights from designated granting sites to designated receiving sites pursuant to a non-discretionary certification process. To do so, the Pier 17/Tin Building zoning lot would be designated a granting site, and 250 Water Street designated a receiving site, pursuant to a zoning text amendment that would also allow for an increase in FAR at 250 Water Street. A certification would then be granted by the City Planning Commission (CPC) to permit the transfer. Unlike under the LSGD, the 1972 Seaport Transfer mechanism does not include any provision that would allow for modification of height and setback regulations in order to facilitate the building determined by LPC as appropriate. CPC and City Council approval would be required for the text amendment to add the Pier 17/Tin Building zoning lot as a granting site, and 250 Water Street as a receiving site. CPC approval would be required for the certification of transfer. As is the case under the LSGD, EDC would be involved in the transaction for disposition of the development rights to HHC.

Comment 14: Would unused development rights still have to be alienated from HHC's lease? (Gorman_FoSSS_047)

Response: Please see response to Comment #13.

Comment 15: Would redistribution under an expanded LSGD eliminate a public procurement process in favor of a sole developer's private purchase? (Gorman_FoSSS_047)

Response: The LSGD is a zoning tool which allows for the distribution of floor area across zoning lot boundaries, in this case facilitating the distribution of unused floor area from the Pier 17/Tin Building zoning lot to the 250 Water Street zoning lot. The LSGD is unrelated to public procurement method.

Comment 16: How would unused floor area not involved in a public bidding process be valued? (Gorman_FoSSS_047)

Response: The City's sale of any unused floor area would be made subsequent and pursuant to an appraisal.

Comment 17: How would an expanded LSGD incorporating city-owned properties affect what HHC currently pays under its lease arrangements? (Gorman_FoSSS_047)

Response: HHC will be required to pay the City for its purchase of unused development rights on the Pier 17/Tin Building zoning lot. It is not expected that the lease terms would be affected.

Comment 18: Nothing has changed since the December 2020 scoping hearing for the project and HHC's latest design does little to address the significant adverse impacts that this project poses to the environment. (Gorman_FoSSS_047)

Response: The Draft Scope of Work that was the subject of the December 2020 scoping hearing identified the areas of environmental review and the methodologies proposed to be undertaken. Since then, the DEIS was published in May 2021, the purpose of which was to identify the potential environmental impacts of the project and to propose potential mitigation where feasible. The analyses presented in the DEIS identified the potential for significant adverse environmental impacts in the technical areas of open space, shadows, historic and cultural resources, transportation, and construction, and mitigations were outlined in Chapter 19, "Mitigation," of the DEIS. A new alternative proposed by the Applicant, the "Reduced Impact Alternative" presented in Chapter 18, "Alternatives," has been added to the FEIS that further reduces or eliminates the significant adverse impacts identified in the DEIS and FEIS.

Comment 19: I disagree with the following draft scope statement (p. 8): "As per the EAS, three technical areas have been screened out based on the guidance of the 2020 *CEQR Technical Manual* and do not require further analysis in the EIS. These are community facilities, solid waste and sanitation services, and energy. (Gorman_FoSSS_047)

Response: The *CEQR Technical Manual*, the provisions of which the DEIS and FEIS follow, provides guidance as to whether a technical area must be analyzed to determine the potential for significant adverse impacts. Consistent with the *CEQR Technical*

Chapter 23: Response to Comments on Draft Environmental Impact Statement

Manual, the technical areas of community facilities, solid waste and sanitation services, and energy were analyzed in the EAS (see Sections C, K, and L of the “Additional Technical Information for EAS Part II” portion of the EAS). It was determined that with respect to these technical areas the project would not exceed the thresholds established by the *CEQR Technical Manual* for further analysis and therefore would not have the potential to result in significant adverse impacts in these areas. This conclusion, as presented in the EAS and Positive Declaration, would not change under the revised RWCDs that was evaluated in the DEIS and FEIS.

Comment 20: Resilient below ground features that aid in flood control and help provide backup support to the existing city infrastructure should be promoted in any new development. (Gorman_FoSSS_047)

Response: As described in Chapter 13, “Greenhouse Gas Emissions and Climate Change” as well as in Appendix B, “Waterfront Revitalization Program Consistency Assessment,” the project is employing flood mitigation measures including elevating critical infrastructure, and the using flood barriers, flood resistant glazing and flood walls through a strategy of wet and dry flood-proofing. Additionally, a reduction in stormwater peak flows to the combined sewer system would be achieved through the incorporation of stormwater source control best management practices (BMPs), specifically on-site detention, that would be required as part of the New York City Department of Environmental Protection (DEP) site connection approval process.

Comment 21: CB1 opposes the proposal to make 250 Water Street a receiving site. The applicants claimed that there are no proposed receiving sites outside of the historic district or alternate developers are patently false. (Meltzer_CB1_111, Meltzer_CB1_157)

Response: The Applicant has withdrawn the previously proposed zoning text amendment, which would have designated 250 Water Street as a receiving site. However, it is notable that the Theater Subdistrict of the Special Midtown District, the East Midtown Subdistrict of the Special Midtown District, and the Seaport Subdistrict of the Special Lower Manhattan District are all examples of areas that allow for development rights transfer. In each case, development rights may only be transferred from a location within the Subdistrict to other locations also within the Subdistrict; transfers outside the Subdistrict boundaries are not permitted, reflecting a consistent City zoning policy that there must be a geographic and planning nexus between the ‘granting’ site and the ‘receiving’ site. There is no planning rationale for transferring Seaport development rights around portions of Lower Manhattan outside the Seaport Subdistrict.

Comment 22: The use of public air rights should benefit the public, not just the Howard Hughes Corporation. (Grubler_BAN_006)

Response: It is the Applicant's opinion that this proposal will provide significant economic benefits for the Seaport Historic District, Lower Manhattan and New York City at a time when there is urgency for private investment in its long-term future. In addition to creating new affordable housing and providing funding for the future of the South Street Seaport Museum, it will create construction jobs and permanent jobs in the commercial, retail, and non-profit sectors, as well as affordable housing. Further, the sale of development rights to HHC will make possible substantial funding support for the operations of the South Street Seaport Museum.

Comment 23: Please observe recommendations for outdoor lighting that conform to the Illuminating Engineering Society and the International Dark Sky Association. Use Zero Uplight fixtures: do not exceed recommended light levels to conserve energy; utilize shut off controls for lighting that is no longer needed; limit light trespass to adjacent properties and waterways by requiring a lighting plan executed by a Lighting Certified Lighting Designer. (Harder_IDSA_049)

Response: The building exterior lighting level and lighting control will comply with the 2020 New York City Energy Conservation Code (NYCECC 2020), which references IES standards. Lighting and energy conservation engineering will be executed by reputable professionals.

Comment 24: The City must also be transparent regarding the future transfer of the John Street lot, which appears to be a separate ULURP action at this point. (Soomro_MASNY_064)

Response: Comment noted. A transfer of the John Street Lot is not presently proposed with the current actions. Any public review required in conjunction with a future disposition will be undertaken at the time of the proposal.

Comment 25: The project will have major environmental impacts, including on shadows, health, increased congestion, sewer and sanitation capacity, and more. In particular the environmental impacts from this project will affect the children and families of this community, who should be represented and considered in the DEIS. (Malvern_CF_067, Hellstrom_PSPTA_CF_073, Lee_080, Roche_095, Kennedy_ST_183)

Response: Following the *CEQR Technical Manual's* guidance, the technical areas of shadows, water and sewer infrastructure, transportation, public health, and others were analyzed in the FEIS to determine the potential for the Proposed Actions to result in significant adverse impacts. In certain technical areas, such as air quality, noise, and construction, sensitive receptors such as the Peck Slip School and Blue School were specifically considered.

Comment 26: City-owned air rights are meant to be used to preserve Seaport assets. The air rights and street demappings will benefit a private developer. (Gorman_FoSSS_090)

Chapter 23: Response to Comments on Draft Environmental Impact Statement

Response: The Proposed Actions would distribute unused floor area from the waterfront, helping to preserve and maintain its low-scale character, and facilitate the development further inland on the currently underutilized Development Site, introducing new mixed-uses and affordable housing. Additionally, the Proposed Actions would facilitate the restoration, reopening, and potential expansion of the South Street Seaport Museum on the Museum Site.

Comment 27: This project would add hundreds of new dwelling units resulting in a substantial population increase without the necessary services such as schools, daycare, hospitals, and added public transportation. (Paez_65A_154)

Response: Following the *CEQR Technical Manual's* guidance, a project has the potential to impact community facilities, including schools, daycare, hospitals, and libraries, when the project would directly displace or alter a community facility, or would introduce a level of development such that indirect impacts may result. The FEIS concluded that the Proposed Actions would not result in the direct displacement of, or alteration to, any existing community facilities (i.e., educational facilities, libraries, health care facilities, day care centers, police stations, or fire stations), nor would the previously proposed project exceed the thresholds requiring analysis of the indirect effects on schools, libraries, and daycare. Therefore, consistent with the *CEQR Technical Manual*, the Proposed Actions do not have the potential to result in significant adverse impacts to community facilities. Public transportation was evaluated in Chapter 11, "Transportation," and it was determined that the Proposed Actions would not have the potential to result in significant adverse impacts on public transit. These determinations would be the same under the Reduced Impact Alternative as discussed in Chapter 18, "Alternatives."

Comment 28: CB1 believes that the proposed actions to expand the LSGD and incorporate the de-mapped portions of Fulton Street to allow for the transfer of development rights from Pier 17 to 250 Water Street is a particularly egregious means of skirting the long-standing 1972 Seaport Transfer Mechanism. (CB1_174)

Response: The LSGD is a well-established zoning tool that allows for the distribution of floor area as well as the modification of height and setback regulations in order to facilitate a building which the LPC has found to be appropriate.

Comment 29: There are several inconsistencies or missing data in the drawings the DEIS uses to describe the action. These should be corrected. The Lead Agency should ensure that all drawings are correct and fully and accurately dimensioned.

The dimension labels on the sectional drawing shows a base height of 90 feet, a building height of 345 feet, and the maximum building envelope is 395 feet. But if the base height is 90 feet, the building shown is actually larger than what the labels show. My office brought this image into CAD and scaled it according to the 90-foot base height. If the base height is 90 feet, the section drawing shows a building that is 356.65 feet, not one that is 345 feet. The maximum building height

as shown in the drawing is 409.2 feet, not 395 feet. Simply, the dimensions shown in Figure 1.3b do not match the building shown in the same drawing. If the base height is correct, then the building needs to be 345 feet, and not just labeled as such. Either the dimension labels need to change, or the drawing needs to change. The difference, which is about 1 story of height, is material and the drawing should be corrected so that it is internally consistent. (Janes_165)

Response: As noted on Figure 1-3 and Figure 1-4 of Chapter 1, “Project Description and Analytical Framework,” these images are provided for illustrative purposes only and are not design plans. All heights provided are taken from the site Design Flood Elevation (DFE) (13 feet NAVD88) to meet code when defining the building height. From the DFE the total height of the maximum building envelope was 395’-0” as stated with a maximum base height of 105’-0”. As the site is a sloping site, the building height and maximum zoning height is measured from the DFE per code.

Comment 30: What are the overall dimensions of the proposed project? How tall is the building? How many stories? How long is the street wall along Pearl Street? This site plan has limited information, much less than is typically shown, and less than required by the *CEQR Technical Manual*. Further, what are the small rectangles under 91’2” and 83’6” labels? They look like they may be bulkheads, but there is nothing in the section that suggests bulkheads are planned on top of the mechanical floors, nor does the massing shown in Figure 7-32. The development should be described consistently through the DEIS; the bulkheads in plan should be removed or they should be added to the other drawings. (Janes_165)

Response: Chapter 1, “Project Description and Analytical Framework,” describes the previously proposed project analyzed which would have maximum building envelope of 395 feet, with a base height of 105 feet. An illustrative design within this maximum envelope was evaluated in certain technical areas such as urban design, and as noted in the chapter, would be 345 feet tall with a base height of 90 feet. As described and depicted in the FEIS, the street wall would extend the full length of the Development Site along Pearl Street. This is a length of approximately 324 feet. Chapter 18, “Alternatives,” also includes similar information and drawings for the Reduced Impact Alternative.

As noted above, the site plans shown are for illustrative purposes only, as noted on the figures cited in the comment, and the level of detail is consistent with the requirements of the *CEQR Technical Manual*, Chapter 10, Section 330, as well as illustrative plans depicted in other completed environmental reviews. The rectangles described in the comment have been removed, and any bulkheads included with the final design of the building would be within the maximum building envelope conservatively evaluated for potential significant adverse impacts in the FEIS.

Comment 31: The No Action site plan (Figure 1-4c) only has setback distances dimensioned. The No Action site plan has an area labeled “open to below.” What does that

Chapter 23: Response to Comments on Draft Environmental Impact Statement

mean? Figure 1-4a shows that the No Action Alternative does, indeed, have a ground floor, so open to below does not mean that it is open to the street level. Since there is nothing indicated height or stories on this plan, it is not clear what it means. (Janes_165)

Response: As noted on Figure 1-4c, the No Action site plan is intended for illustrative purposes only; please see Comment #29. The setbacks are dimensioned to illustrate that the No Action building would be compatible with bulk rules governing setbacks under the existing zoning. The space labeled “open to below” is labeled as such to differentiate it to the viewer from the other, much taller, roof areas of the No Action building, and the relative difference in heights can be seen in Figure 1-4b. The label has been revised for clarity.

Comment 32: The description of the Museum Site and the proposed development on it are of a lesser level than the descriptions of the Development Site and proposed development there. (Janes_165)

Response: The description of the Museum Site and Development Site in Chapter 1, “Project Description and Analytical Framework,” are consistent in their level of detail with regard to the location, size, current uses, and relevant site history. It should be noted that the potential expansion of the South Street Seaport Museum has been included for consideration in the environmental review to provide a conservative analysis of future conditions as one of the Proposed Actions relate to the Museum Site.

Comment 33: The purpose of expanding the LSGD is simply to move floor area from Block 73 to Block 98, which does not make the existing buildings integral to the new one. (Janes_165)

Response: Please see response to Comment #4.

Comment 34: If approved, this would set the stage for more zoning-busting building in this tiny district. (Kramer_SSSC_176)

Response: As described in Chapter 1, “Project Description and Analytical Framework,” the Proposed Actions would affect only the Project Area and would not have the potential to result in increased development outside of the Project Area. Any future development projects that are not as-of-right in the South Street Seaport Historic District would be subject to environmental review under CEQR as well as LPC review.

Comment 35: We urge the City to disclose details about the museum’s current financial outlook, its current budget for the proposed expansion on the John Street lot, and what purposes the funds will be put to by the museum or others to benefit the museum (whether the funds will go towards a capital campaign or the museum’s endowment). (MASNY_184)

Response: The museum’s budget and funding mechanisms are not environmental considerations within the scope of CEQR.

Comment 36: The City must disclose how the assumed 2026 build year for the Museum expansion was calculated. (MASNY_184)

Response: The section titled “Analysis Year” of Chapter 1, “Project Description and Analytical Framework,” includes three paragraphs explaining the 2026 build year. The potential expansion of the Museum is anticipated to be constructed over a period of approximately three years. Accordingly, the potential expansion is not specifically proposed by the Applicant, but has been assumed to be completed at the same time as the development at 250 Water Street to account for the maximum level of development within the analyzed timeframe, thereby providing a conservative environmental review.

Comment 37: We recommend that the FEIS include a detailed site plan showing the proposed layout and amenities of the public open space, particularly at Peck Slip between Water Street and Pearl Street. (MASNY_184)

Response: Although the FEIS considered potential streetscape or open space improvements in technical areas that may be affected such as archaeology, none have been proposed as part of the previously proposed project or the studied alternatives.

Comment 38: The DEIS fails to meet the requirements of SEQRA and CEQR—it is inadequate and deficient. It should be resubmitted before proceeding to an FEIS, and the public comment period to review the corrected DEIS should be extended. (Kramer_SSSC_187)

Response: The environmental review for the proposed project is being conducted in accordance with all applicable laws and regulations. As noted on page 1-11 of the FEIS in Chapter 1, “Project Description and Analysis Framework,” the DEIS and FEIS have been prepared in accordance with the Final Scope and in conformance with SEQRA (Article 8 of the New York State Environmental Conservation Law) and its implementing regulations found at 6 NYCRR Part 617, New York City Executive Order No. 91 of 1977, as amended, and the Rules of Procedure for CEQR, found at Title 62, Chapter 5 of the Rules of the City of New York.

Comment 39: The DEIS’s description of the project and its purpose and need is fundamentally flawed. If an EIS understates environmental impacts or overstates the public benefits and need of a proposed project (both of which have occurred here), the lead agency will lack a sound basis on which make the required findings. (Kramer_SSSC_187)

Response: The FEIS, including Chapter 1, “Project Description and Analytical Framework,” presents an accurate and complete description of the project, the actions necessary to facilitate development, and the purpose and need. The EIS is a comprehensive document that considers the environmental effects of the project, evaluates reasonable alternatives, and identifies and mitigates, to the maximum extent practicable, any potentially significant adverse environmental impacts. As noted above, the FEIS is a disclosure document that was prepared in accordance with SEQRA and CEQR to allow decision-makers to consider the benefits and impacts

of the Proposed Actions. Consistent with the *CEQR Technical Manual*, the published Scope of Work for the project that was reviewed and commented on by the public, and taking into consideration comments made on the DEIS, the FEIS includes assessments of the potential for significant adverse impacts in the technical areas of land use, zoning, and public policy, socioeconomic conditions, open space, shadows, historic and cultural resources, urban design and visual resources, natural resources, hazardous materials, water and sewer infrastructure, transportation, air quality, greenhouse gas emissions and climate change, noise, public health, neighborhood character, and construction. Mitigation measures to reduce or eliminate impacts are considered in Chapter 19, “Mitigation,” and any impacts that could not be fully eliminated through mitigation are identified in Chapter 20, “Unavoidable Significant Adverse Impacts.” Chapter 18, “Alternatives,” also evaluates alternatives to the previously proposed project, by considering their potential effects and their ability to accomplish stated goals and objectives.

Comment 40: The DEIS does not explain how the Museum funding would work or why those benefits would not accrue from the No Action Alternative. The mechanism for providing funding to the Museum and the amount of any such finding (sic) is left entirely unexplained in the DEIS. Therefore, the DEIS fails to comply with SEQRA’s requirement to describe the project’s “purpose, public need and benefits, including social and economic considerations.” (Kramer_SSSC_187)

Response: Please see responses to Comment #7 and Comment #22. Absent the previously proposed project, funding for the museum endowment would not be generated by the transfer of development rights from Pier 17. Therefore, the funding would not be available to the museum in the No Action scenario. While the Applicant has publicly discussed the anticipated funding amount and the FEIS analyzes aspects of the project that would be facilitated by the funding (i.e., the restoration, reopening and potential expansion of the museum), the funding amount and mechanism are business terms that are not subject to environmental review.

Comment 41: The public benefits that the DEIS purports will result are illusory and will not occur. They cannot be given any consideration by the CPC because they will not come to fruition and/or would not provide any public benefit, due to insurmountable legal obstacles. Museum funding through HHC’s purchase of development rights is infeasible and will not occur because it violates the City Charter, which prohibits payments to the Museum and requires funds to be paid into the General Fund. (Kramer_SSSC_187)

Response: Please see responses to Comment #7 and Comment #22.

Comment 42: None of the other purported public benefits are legitimate, including distributing unused floor area from the waterfront to help preserve and maintain its low-scale character, and facilitating mixed-use development with new and affordable housing (the first affordable units under Mandatory Inclusionary Housing in Manhattan Community District 1) on a site that is undergoing remediation.

The “unused floor area” on Pier 17 is not “unused floor area” and could not be used at the waterfront anyway; there are no currently eligible “transmitting sites” from the waterfront.

This would not be the “first” affordable units in CB1. 7 Dey Street is a current example of such housing that has already been constructed. The DEIS does not explain why affordable units could not be included in an as-of-right development.

Since the size of the project has changed, has the amount of affordable housing been reduced proportionately? (Kramer_SSSC_187)

Response: The benefits of the previously proposed project are presented in the FEIS so that decision makers, including the CPC, can weigh and balance the benefits of the project while also considering the significant adverse impacts identified and disclosed in the FEIS. The project would introduce the first affordable units consistent with MIH to CB1. Under the No Action condition, new residential units developed on the site as-of-right would be offered at market rates, as is typical for the New York City real estate market. The Applicant would have no obligation to develop affordable units, whereas this commitment would be required as a condition of the development rights transaction with the Proposed Actions. The project will be required to provide affordable housing consistent with MIH parameters. Given that MIH requires the dedication of 20 percent of residential floor area as affordable (the “deep affordability” option), reductions in the size of the project have reduced the amount of affordable housing proportionately. With respect to the unused floor area, the Pier 17/Tin Building zoning lot generates 775,111.6 square feet of zoning floor area, of which 302,179 square feet is currently utilized and under development. Accordingly, 472,932.6 square feet of zoning floor area appurtenant to the zoning lot remains unused.

Comment 43: The DEIS Scope of Work, DEIS, and Technical Memorandum 001 use different numbers to describe the project, which demonstrates that the size and public benefits of the proposed development remain unclear and in flux. This should have been settled before rushing through the approvals process. (Kramer_SSSC_187)

Response: It is appropriate for a project’s development program (including square footage, unit counts, and proportionate mix of proposed uses) and building form (including height and setbacks) to evolve over time as it progresses through the design and review processes, which are informed by input from the lead and reviewing agencies and, in the case of the proposed project, approvals granted by LPC. The Applicant has continued to modify the project design to provide for the best possible development.

Comment 44: The DEIS lacks a basis for its assumption that the Museum would close but for the project. With respect to environmental impacts, the DEIS (and the Response to Comments on the Draft Scope) states that assuming closure of the Museum is a conservative assumption which results in a larger increment of environmental

Chapter 23: Response to Comments on Draft Environmental Impact Statement

impacts from Museum expansion being analyzed. However, that is not a proper assumption when it comes to assessing public benefits. There is no record basis to support a finding by the CPC that the Museum would close but for the Proposed Project. (Kramer_SSSC_187)

Response: As noted on Page 1-8 of Chapter 1, “Project Description and Analytical Framework,” because “the future of the South Street Seaport Museum remains uncertain, *for purposes of analysis* it is conservatively assumed that absent the Proposed Project, the Museum would close permanently” (emphasis added). This assumption is conservative in that the FEIS considers a larger increment between the No Action and With Action development programs and therefore identifies the potential effects and impacts of the previously proposed project. In terms of benefits, the funding that would be made available to the Museum under the Proposed Actions simply would not be realized with the as-of-right scenario that forms the No Action condition. With as-of-right development under the No Action condition, the Applicant would be under no commitment to provide any funding through an established mechanism, and the finances of an as-of-right development would not support such funding.

Comment 45: The amended and restated lease is not a Type II Action, and the project has been improperly segmented. And despite including the lease amendment/extension as part of the discretionary approvals needed for and sought in connection with the Proposed Project, the 250 Water Street DEIS does not explain the relevance of the amended lease and which aspects of the Proposed Project it would facilitate. (Kramer_SSSC_187)

Response: The pending Disposition of Seaport Properties application was filed by a different applicant—the NYC Department of Small Business Services—and is subject to a separate approval process. As noted on DCP’s Zoning Application Portal and in the filed application, the proposed lease extension is designated as Type II because there would be no material change in conditions or of the scope of permitted activities under the lease. Given that the proposed lease extension would cover the same geographic area and permit the same activities as the existing lease, the lease renewal does not affect the previously proposed project and the analysis of the previously proposed project in this FEIS is no less protective of the environment.

Comment 46: The DEIS’s discussion, analysis, and conclusions regarding the adverse impacts of approving a development nearly triple the height and with nearly twice as much zoning floor area as permitted at 250 Water Street is wholly inadequate. The project would have significant adverse environmental impacts with respect to land use, zoning, public policy, historic and cultural resources, urban design, visual resources, and neighborhood character that have not been analyzed and mitigated as required by SEQRA. (Kramer_SSSC_187)

Response: The potential for the Proposed Actions to result in significant adverse impacts in the technical areas of land use, zoning, and public policy, historic and cultural

resources, urban design and visual resources, and neighborhood character (among others) was evaluated in the FEIS consistent with the guidance of the *CEQR Technical Manual*; see Chapter 2, “Land Use, Zoning, and Public Policy,” Chapter 6, “Historic and Cultural Resources,” Chapter 7, “Urban Design and Visual Resources,” and Chapter 16, “Neighborhood Character.” A potential impact from the previously proposed project was identified for historic and cultural resources. The Reduced Impact Alternative, discussed in Chapter 18, “Alternatives,” would eliminate this identified impact.

Comment 47: The Certificate of Appropriateness the Landmarks Preservation Commission voted to approve on May 4, 2021, is invalid and is subject to being invalidated in the pending Article 78 Proceeding. If the Certificate of Appropriateness is invalidated in that case or any other case, on those or any other grounds, HHC would not be permitted to proceed with its applications before the CPC in light of NYC Admin. Code §25-305(b)(1). (Kramer_SSSC_187)

Response: Comment noted. The pending Article 78 challenging LPC’s approval of the Certificate of Appropriateness was dismissed, by decision dated October 4, 2021.

LAND USE, ZONING, AND PUBLIC POLICY

Comment 48: The DEIS states that the building will be “of comparable scale to other buildings in the area” and “respects” nearby buildings’ character. This massive, tall structure will dwarf every surrounding building and is not of comparable scale or respectful. (Brieger_017, Gorman_FoSSS_047, Sosin_069)

Response: As described in Chapter 2, “Land Use, Zoning, and Public Policy,” the building would be located at the periphery of the South Street Seaport neighborhood, and its height is consistent with other nearby buildings such as the 35-story 199 Water Street and 30-story 175 Water Street, while its full-block base would be respectful of the smaller-scale buildings of the neighborhood to the south and east.

Comment 49: The DEIS states the project “would not result in significant adverse impacts on land use, zoning, or public policy.” This is almost laughable in its disingenuousness. This is a project that deals with zoning by plowing through the zoning laws currently in place. I’d say that makes it “adverse.” As the Proposed Project has direct bearing on and relevance to the roles of City Planning and other city agencies in a very controversial proposal that will directly impact land use, zoning, and public policy, I strongly disagree with the above statement. (Gorman_FoSSS_047, Kluger_060)

Response: The proposed zoning actions were evaluated in the FEIS consistent with the *CEQR Technical Manual’s* guidance. As described in Chapter 2, “Land Use, Zoning, and Public Policy,” the Proposed Actions would distribute unused floor area from the waterfront, which the Applicant believes would help to preserve and maintain its low-scale character and facilitate the development of the previously proposed project on the currently underutilized Development Site,

Chapter 23: Response to Comments on Draft Environmental Impact Statement

introducing new mixed-uses and affordable housing on a previously contaminated site that is undergoing remediation. The Applicant believes that the new uses facilitated by the Proposed Actions on the Development Site would support ongoing efforts to revitalize and activate the South Street Seaport area and the previously proposed project would facilitate the restoration, reopening, and potential expansion of the Museum. The analysis concludes that the Proposed Actions would not result in a significant adverse impact on land use, zoning or public policy.

Comment 50: The applicant is proposing changes to how LSGDs are defined and applied, including, for the first time, defining public streets as a part of an LSGD. The impacts of this major proposed change to New York City’s Zoning Resolution were not evaluated in the Land Use, Zoning and Public Policy chapter. (Janes_165)

Response: The Proposed Project would not define public streets as part of the LSGD. Rather, it would include former streets that were demapped and removed from the City Map several decades ago.

Comment 51: By moving new development inland near more similarly scaled buildings, the DEIS justifies the distribution of the development rights from Pier 17 to 250 Water Street by preserving the low-scale character of the waterfront. In fact, this rationale actually undermines the original intent of the Special South Street Seaport District (MASNY_184)

Response: The development rights that would be moved to the Development Site under the Proposed Actions are currently located directly on the waterfront at Pier 17. By moving these rights to the Development Site, they would be permanently unavailable for future development on the waterfront. This is consistent with the goal of the Special South Street Seaport Subdistrict to protect the scale and character of 18th and 19th century mercantile buildings associated with the former waterfront uses, as no large structures could be developed on the waterfront using the development rights in question after they have been moved.

Comment 52: The FEIS must include the existing LSGD plan, proposed LSGD plan, and visuals of Pier 17 with the modifications proposed. (MASNY_184)

Response: Chapter 7, “Urban Design and Visual Resources,” includes a description of the proposed changes to Pier 17 and an assessment of whether such changes would have the potential to result in significant adverse environmental impacts. LSGD plans and details are available as part of the land use application at <https://zap.planning.nyc.gov/projects/2021M0224>.

Comment 53: The DEIS does not take a hard look at impacts in that it fails to analyze the significant conflicts between the Proposed Project and the Contextual C6-2A Zoning enacted in 2003. (Kramer_SSSC_187)

Response: Chapter 2 of the FEIS, “Land Use, Zoning, and Public Policy,” considers the potential for the Proposed Actions to result in significant adverse impacts to land use, zoning, and public policy. The existing C6-2A zoning on the Development Site forms the baseline for comparison and identification of the project’s impacts, since the No Action condition is based on a project built per the C6-2A zoning. The FEIS clearly discloses the development types and densities that would be built in either the No Action condition, With Action condition, or alternatives to the Proposed Project. The FEIS also considers potential contextual effects on the study area surrounding the site (some of which is zoned C6-2A) and concludes that there would not be a significant adverse impact on land use, zoning, or public policy.

SOCIOECONOMIC CONDITIONS

Comment 54: I would like to discuss the socioeconomic impact of the development on 250 Water Street. The waterfront area is already overcrowded and overdeveloped. A new high-rise luxury building in the area will only raise rents further, displacing residents in Southbridge Towers and the surrounding area. (Goldfeder_055, Paez_65A_154)

Response: Chapter 3, “Socioeconomic Conditions,” describes the socioeconomic changes that could result from the previously proposed project, and Chapter 18, “Alternatives,” describes the socioeconomic changes that could result from project alternatives. The analyses follow the Scope of Work and *CEQR Technical Manual* guidelines and find that the previously proposed project and its alternatives would not result in significant adverse impacts due to indirect residential displacement. The previously proposed project and its alternatives would not introduce a population that could substantively alter local real estate market conditions. The project’s incremental population would represent less than one percent of the future study area population, and the incomes of the project population would be similar to and less than the study area’s existing average household income. The average household income in the study area is very high (\$182,313 in 2018); the previously proposed project’s market rate units would rent to households whose incomes are similar to this study area average. The previously proposed project would also introduce affordable units that would be available to families with incomes well below the study area average. In the aggregate, the previously proposed project would introduce an average household income below the average for the study area, and in providing permanently affordable housing, would serve to maintain a broader demographic in an area that has experienced increasing incomes and rents over time. This determination would remain the same under the Reduced Impact Alternative, as discussed in Chapter 18, “Alternatives.”

Comment 55: By imposing costs on Southbridge Towers, this development will have a net negative effect on affordable housing. (Southbridge_043)

Chapter 23: Response to Comments on Draft Environmental Impact Statement

- Response:** Please see response to Comment #54.
- Comment 56:** Where will existing residents, including seniors, move to when their homes are demolished to make way for affordable housing? Many elderly residents in the area are at risk of displacement. (Ain_046, Shub_106)
- Response:** As noted in Chapter 3, “Socioeconomic Conditions,” and Chapter 18, “Alternatives,” there would be no demolition or direct displacement of existing housing. Please see response to Comment #54 regarding indirect residential displacement.
- Comment 57:** Page 8 of the Notice of Completion states that: “...the incomes of the project population would be similar to and less than the study area’s existing average household income.”
- This statement begs the question: What is the source of this data and what study area was actually considered. (Gorman_FoSSS_047)
- Response:** Chapter 3, “Socioeconomic Conditions,” of the FEIS describes the methodology and data sources that are used to estimate the incomes of the project population (in the “Incomes of Market-Rate Unit Households” and “Incomes for Permanently Affordable Unit Households” sections), as well as the study area of analysis (in the “Study Area Definition” section).
- Comment 58:** Small businesses along Front Street inside the Seaport, and along Fulton Street outside may be faced with competing upscale retail in a new luxury tower. (Gorman_FoSSS_047)
- Response:** Chapter 3, “Socioeconomic Conditions,” and Chapter 18, “Alternatives,” of the FEIS include a consideration of potential indirect business displacement. The previously proposed project and the studied alternatives would introduce less retail space than anticipated in the No Action condition, and the amount would be well below the 200,000-sf CEQR threshold for assessment of potential adverse impacts due to retail market saturation (i.e., competition).
- Comment 59:** Who will reimburse SBT for this pending budget shortfall and resident displacement? (Southbridge_043)
- Response:** The potential for budget shortfalls is outside the scope of CEQR analysis. With regard to potential residential displacement, please see the response to Comment #56.
- Comment 60:** This project will cause a rapid increase in the gentrification of the neighborhood. (Southbridge_043, Pryor_161)
- Response:** Chapter 3, “Socioeconomic Conditions,” describes the socioeconomic changes that could result from the previously proposed project, and Chapter 18, “Alternatives,” describes the socioeconomic changes that could result from project alternatives. The analyses follow the Scope of Work and *CEQR Technical Manual* guidelines and find that the Proposed Actions would not result in

significant adverse socioeconomic effects. Please also see the response to Comment #56.

OPEN SPACE

Comment 61: The project will place our few neighborhood greenspaces in jeopardy. (Kefer_035)

Response: An analysis of potential direct and indirect effects on public open space resources was conducted both quantitatively and qualitatively consistent with the *CEQR Technical Manual*. The Project Area is located in an area of Manhattan that is not considered by the *CEQR Technical Manual* to be underserved for purposes of environmental review. The analysis concluded that there would be no significant adverse indirect impacts on area public open space resources and only one significant adverse direct impact, from new shadow on the Southbridge Towers complex open space areas. This impact would be partially mitigated as described in Chapter 19, “Mitigation.” It should also be noted that the Southbridge Towers complex open spaces resource, while publicly accessible, are composed of the grounds of a private residential development. It is not a public open space resource operated by the New York City Department of Parks and Recreation (NYC Parks) or another governmental entity, nor is it listed as a privately owned public space. Furthermore, the Reduced Impact Alternative would cast a noticeably smaller shadow compared with the previously approved project, as discussed in Chapter 18, “Alternatives,” and would eliminate the direct open space impact.

Comment 62: The influx of new residents and workers will definitely affect the limited open spaces in the area. (Gorman_FoSSS_047)

Response: An analysis of the indirect effects on open space resulting from new residents and workers was conducted consistent with the guidance of the *CEQR Technical Manual*. The analysis of indirect effects is intended to determine the effects that the introduction of new residential and non-residential populations would have on surrounding publicly accessible open space resources. This analysis determined the open space ratio (active, passive, and total acres of publicly accessible open space resources per 1,000 residents and workers) for a residential and non-residential study area under existing conditions, the No Action condition, and the With Action condition. According to the *CEQR Technical Manual*, in an area that is neither well-served or underserved by open space such as the area the Project Area is located in, a decrease in an open space ratio of more than five percent would constitute a significant adverse impact. Open space ratios would decline in the study area by 0.32–1.19 percent, and therefore no significant adverse indirect open space impacts would result from the Proposed Actions.

Comment 63: How will HHC compensate SBT and our children for the loss of their precious and very limited play areas? (Southbridge_043)

Response: Neither the previously proposed project nor the Reduced Impact Alternative would eliminate any publicly accessible open space resources. See Comment #61 regarding the direct impact to the Southbridge Towers complex open space areas from new shadow.

SHADOWS

Comment 64: The project will cast large shadows. (Feinman_008, Grant_022, Sage_024, Kefer_035, Sosin_069, Haiman_CRH_129, Moss_163)

Response: The shadow study presented in Chapter 5, “Shadows,” provides a comprehensive analysis, following *CEQR Technical Manual* methodology, of the additional shadows that would be cast by the previously proposed project. The project’s shadow would, like all shadows, move clockwise over the course each day, falling generally west in the morning, north in midday, and east in the afternoon. In the spring and fall, and particularly the summer, shadows are short from mid-morning to mid-afternoon, and the project’s shadow would be limited to the immediate vicinity west, north, or east of the project site during these times, as shown in the figures associated with Chapter 5, “Shadows.” Further, the project’s shadow would overlap substantially with those of surrounding buildings, limiting the size and duration of additional shadow resulting from the project on the parks, plazas, and other publicly accessible sunlight-sensitive resources in the area. With the incremental shadow from the project, shadows in the project area would continue to be typical for densely developed urban areas. Furthermore, the Reduced Impact Alternative would cast a noticeably smaller shadow compared with the previously approved project, as discussed in Chapter 18, “Alternatives.”

Comment 65: Southbridge Towers has beautiful flowers, bushes, trees. Is anyone addressing what would happen due to shadows from this project? (Sullivan_031)

Response: As noted in Comment #61, an analysis of direct and indirect effects on open space resources consistent with the *CEQR Technical Manual* was conducted. This analysis determined that there would be no indirect significant adverse impacts to publicly owned open space resources in the area, but there would be a direct significant adverse impact to a portion of the Southbridge Towers complex open space as a result of the new shadows cast by the project. While primarily an impact to the open space users’ experience and opportunity to enjoy passive recreational activities such as sitting and sunning, the study also identified a potential impact to the health of the trees and plantings in the area near Pearl Street directly north of the Development Site. As described in Chapter 19, “Mitigation,” this impact would be partially mitigated through monitoring of the open spaces’ vegetation by the Applicant and the replacement of vegetation with more shade-tolerant species, as necessary. Furthermore, the Reduced Impact Alternative would cast a noticeably smaller shadow compared with the previously approved project, as discussed in Chapter 18, “Alternatives.”

Comment 66: The project will cast shadow on gardens and plantings in the Southbridge Plaza; shadows from 250 Water would reach over the Brooklyn Bridge as far north as the Smith Houses. (Sosin_003, Sosin_069, Moss_163)

Response: As noted in Comment #65, the shadow study presented in Chapter 5, “Shadows,” concluded that the project’s shadow could potentially significantly impact the health of trees and plantings in one section of the Southbridge Towers complex, located near Pearl Street directly north of the Development Site, and that as a result, mitigation efforts would be undertaken by the Applicant in response. Regarding the Brooklyn Bridge and the Smith Houses, shadow from the previously proposed project would not reach beyond the Brooklyn Bridge in the late spring and summer months represented by the May 6/August 6 and June 21 analysis days. In the fall, winter, and early spring, represented by the March 21/September 21 and December 21 analysis days, shadow from the previously proposed project would reach beyond the Brooklyn Bridge for approximately the last hour of the analysis day, potentially reaching portions of the Smith Houses property during this time. However, the project’s shadow would partially overlap with the existing late afternoon shadows from intervening structures, primarily the Brooklyn Bridge, further limiting the potential extent of additional shadow on the Smith Houses.

Comment 67: The following areas will be directly impacted, some for extended periods of time: Pearl Street Playground; Pearl Street—west side at Fulton Street and at de-mapped Beekman Street—gardens and public seating; Tree Canopies: along Pearl Street—from Fulton Street up to Dover Street, along de-mapped Beekman Street (between St. Margaret’s House- SBT); DeLury Sq Park; SBT—de-mapped Cliff Street—tree canopies, plantings; main interior plaza; Frankfort/Gold plaza; with swings; de-mapped Spruce Street (between SBT and 100 Gold Street) (City-owned); Smith Houses—tree canopy and open green spaces, play areas; Spruce Street School (Gehry)—upper east outdoor play area; Peck Slip School—roof playground; Blue School; Peck Slip Park (Water to South Streets); Seaport District: impact on residents in nearby low-lying buildings (Gorman_FoS_SSS_047)

Response: Following CEQR methodology, the shadows analysis presented in Chapter 5, “Shadows,” calculated the extent and duration of additional shadow that would fall on publicly accessible sunlight-sensitive resources as a result of the previously proposed project and evaluated the impacts of the additional shadow. As shadow patterns vary substantially by season, the extent and duration of additional shadow were calculated for four representative days as per CEQR guidelines. Sunlight-sensitive resources include, for the purposes of CEQR, public parks, plazas, playgrounds (if they are accessible to the public on a constant and regular basis, including for designated daily periods), schoolyards (if accessible to the public outside of school hours on a regular or scheduled basis), and planted medians or beds that are part of the Greenstreets program.

The FEIS concluded that Pearl Street Playground would receive negligible shadow resulting from the project in late summer, fall, winter, and spring, and limited new shadow in early summer in the early to mid-morning and would consequently not be significantly affected by the project. The gardens and public seating referred to in the comments (Pearl Street—west side at Fulton Street and at de-mapped Beekman Street) were accounted for as part of St. Margaret’s House open space, Pearl Street Playground, and as a portion of Southbridge Towers complex open spaces, respectively. The FEIS identified a significant adverse shadows impact affecting both recreational use and the trees and plantings in a portion of the Southbridge Towers complex open space located near the intersection of Pearl Street and the de-mapped Beekman Street. The referenced tree canopies, likewise, were included in the shadow assessments of St. Margaret’s House, portions of Southbridge Towers complex open spaces, and DeLury Park, because tree canopies are important sunlight-sensitive features of publicly accessible open spaces under standard CEQR methodology.

Alfred Smith Playground in the Smith Houses complex was included in the inventory of sensitive resources and analysis showed that no incremental shadow would reach it. The Spruce Street School roof playground, Peck Slip School roof playground, and Blue School roof play area are not accessible to the public and therefore outside the purview of the CEQR study.

Peck Slip Park was included in the FEIS shadow study (Resource #32 on the Chapter 5 figures) and would not be significantly impacted by the previously proposed project. Private residential buildings are not included in the resource inventory under CEQR methodology, even in historic districts and sites, if they do not have sunlight-sensitive architectural or landscape features that contribute to their historical significance. As discussed in Chapter 18, “Alternatives,” the Reduced Impact Alternative would reduce the extent and duration of these shadows.

Comment 68: The study failed to account for shadows generated on other areas of Southbridge Towers property. In particular, the playground located in the courtyard between 333 Pearl, 299 Pearl, 100 Beekman, and 90 Beekman would have shadow effects until 1pm, at least 2 hours longer than the report mentioned. (Southbridge_043)

Response: In-person site visits were conducted, as part of the research efforts contributing to the FEIS shadow study, to verify the inventory of sunlight-sensitive resources and survey new or undocumented resources throughout the study area. The play area referenced in the comment was not accessible to the public, and as such, based on the guidance of the *CEQR Technical Manual*, is not within the purview of the CEQR shadow study. All publicly accessible seating and recreation areas throughout the complex, and the trees and plantings in them, were included in the study.

Comment 69: The study only calls for the impacts from March through September. What about during the winter months when sunlight is a precious commodity? (Southbridge_043)

Response: The FEIS shadow study included the December 21 winter representative day, per CEQR guidelines, as shown in Chapter 5, “Shadows.”

Comment 70: Southbridge Towers also has plantings along Pearl Street, and we anticipate that many of those shrubs and trees will die once the new building starts casting shadows. In addition to the Southbridge maintained plants, we expect adverse effects on our shareholders’ plants. (Southbridge_043)

Response: As noted in Chapter 5, “Shadows,” included an assessment of potential impacts to the vegetation (trees and plantings) throughout the publicly accessible areas of the Southbridge Towers complex open spaces. The study identified a potentially significant adverse impact to the vegetation in one limited area directly north across Pearl Street from the Development Site, and mitigation efforts will be undertaken by the Applicant as described in Chapter 19, “Mitigation.” These mitigation measures will be codified in a Restrictive Declaration that would be executed upon approval of the Proposed Actions. It should also be noted that the Reduced Impact Alternative would cast less shadow on the Southbridge Towers complex open spaces compared with the previously proposed project. Consideration of plants in private residential apartments falls outside the scope of the CEQR shadow study, which focuses on public spaces. Please also see response to Comment #65.

Comment 71: We would like the following additional analysis added to the EIS report: (1) Analysis of Shadows on SBT Pearl Street vegetation and SBT Playground; (2) Winter Shadow Studies (Southbridge_043)

Response: Please see responses to Comments #65, #66, #69, and #70.

Comment 72: CB1 requests that the applicant reaches out to South Bridge as soon as possible to work out a mitigation plan for the open spaces at South Bridge Towers so that it can be memorialized within the project’s restrictive declaration. (Switaj_CB1_070)

Response: In coordination with South Bridge Towers, the Restrictive Declaration will require the Applicant to monitor vegetation in the South Bridge Tower open spaces, and if necessary, replace vegetation with more shade-tolerant species.

Comment 73: Though not identified within the DEIS as having a significant shadow impact, CB1 is concerned about the impact to local playgrounds and the Peck Slip Play Street. (Switaj_CB1_070)

Response: The FEIS shadow study compiled a comprehensive inventory of publicly accessible playgrounds and schoolyards in the project’s longest shadow study area, see Chapter 5, “Shadows.” Only playgrounds and schoolyards that are accessible to the public on a constant and regular basis, including for designated

periods, were included, per CEQR guidelines. The project's shadow was shown to have minimal or limited impacts to these resources, which included Pearl Street Playground and Alfred E. Smith Playground. The Peck Slip Play Street was not included in the study because when it is in use, it is for limited users only (the school children), and when not in use it is not a recreational space. However, it should be noted that additional assessment of the Reduced Impact Alternative shadow study materials showed that no incremental shadow would fall on the Play Street on the days representing fall, winter, and early spring (i.e., most of the school year). On the May 6/August 6 and June 21 analysis dates incremental shadow would shade a portion of the Play Street in the early afternoon.

Comment 74: The Peck Slip Play Street is not identified as a formal playground as part of the DEIS, but it will experience massive impacts as a result of this project and should be studied and mitigated accordingly. (Switaj_CB1_070, Switaj_CB1_156)

Response: Please see response to Comment #73.

Comment 75: Light and shadow has an impact on the attention span and health of children in the adjacent schools. The Peck Slip School's outdoor areas will also be cast into shadow. (Marte_65A_113, Cassidy_121, Haiman_CRH_129)

Response: Please see response to Comment #73 regarding the Peck Slip Play Street. Regarding the school's roof playground, as noted in the response to Comment #62, it is similarly not publicly accessible and therefore outside the scope of the shadow study required under CEQR. However, additional assessment showed that with the Reduced Impact Alternative, the project would likely cast minimal new shadow in winter, and some new shadow in the afternoon in the spring, summer, and fall, covering a portion of the roof play area but also leaving areas remaining in sun.

Comment 76: The newly developed Peck Slip Park will also be in shadow. (Haiman_CRH_129)

Response: As noted in the response to Comment #67, Peck Slip Park (Resource #32 in the figures associated with Chapter 5, "Shadows") would not be significantly impacted by the Proposed Actions. Incremental shadow would not reach this park on the fall, winter, and early spring analysis days. A small incremental shadow would fall on the park in the late afternoons of the late spring and summer months, and sunlit areas would remain in the park during the affected period.

Comment 77: The development as proposed will block sunlight and close in open space that exists. (Birardi_181)

Response: As described in Chapter 5, "Shadows," and shown in the associated figures, shadows move clockwise across the landscape over the course of each day and are not permanent or perpetual at any given location. In the late spring and summer, shadows are smaller from mid-morning to mid-afternoon. Shadows from the project as well as existing shadows would move across the study area, falling to the west in the morning, north at mid-day and east in the afternoon, and would

generally fall on portions of certain nearby open spaces while leaving other parts in sun as they move. The focus of the shadow analysis is the effect of new shadows on use and users of public open spaces and the health of the vegetation in the open spaces. The FEIS analysis concluded that the project would cast incremental shadows on 14 sunlight-sensitive open spaces in one or more seasons, but in most cases the new shadow would be limited in extent and duration and would not substantially affect the use of the spaces or the health of trees and plantings. Only one significant adverse shadow impact was identified, affecting the Southbridge Towers complex open spaces.

Comment 78: This project will reduce sunlight for the entire South Street Historic Neighborhood. (Sosinsky_167)

Response: As shown in the figures associated with Chapter 5, “Shadows,” and Chapter 6, “Historic and Cultural Resources,” the majority of the South Street Seaport Historic District is located south of the Development Site and would be unaffected or minimally affected by project shadow. In the spring, summer, and fall, the block west of the Development Site, containing Titanic Park, would receive minimal new shadow in the early mornings. In the spring, summer, and fall afternoons project shadow would pass across portions of the blocks between Peck Slip and the Brooklyn Bridge, falling on different areas at different times as it moves clockwise. No significant adverse impacts to any elements associated with the historic district were identified.

Comment 79: The FEIS should correct the Tier 3 shadow assessments that are missing the time labels for the shadow sweeps by adding those labels. (Janes_165)

Response: The Tier 3 diagrams shown in Chapter 5, “Shadows,” follow CEQR methodology and display all required information. Just like the example images in the *CEQR Technical Manual*, they show the full range of the project’s shadow on each representative day by showing the shadow at the start of the day’s timeframe window of analysis (90 minutes after sunrise), the end of the day (90 minutes before sunset), and at one-hour intervals in between, throughout the day. This is explicitly stated on each figure’s legend as well as in the chapter.

HISTORIC AND CULTURAL RESOURCES

Comment 80: I object to the construction of an inappropriately large high-rise in a community whose low-rise architecture is appropriately sized to reflect the history of the seaport. This project is not compatible with and will impact the South Street Seaport Historic District; respect the historic landmark status of this district. (Sosin_003, Niou_005, Feinman_008, Ratcliffe_LESPI_009, Kefer_035, Hellstrom_PSPTA_013, Moses_LESPI_025, Goldstein_033, Lehrman_036, Eames_SC_051, Arnone_052, Galeazzi_054, Winbush_065, Switaj_CB1_070, Hellstrom_071, Goldstein_072, Hellstrom_PSPTA_CF_073, Lee_080, Sosinsky_088, Roche_095, Niou_065A_098, Marte_065A_113, Rossi_178, Sewell_LESPI_122, Ratcliffe_LESPI_123, Theerakulstit_124, Fine_125,

Linden_130, Solinsky_167, Hellstrom_168, Othrow_171, Rossi_172, Park_173, Belulovich_180, Birardi_181, Kennedy_ST_183, Green_185)

Response: As described in Chapter 1, “Project Description and Analytical Framework,” of this FEIS, on May 4, 2021, the LPC voted to issue Certificates of Appropriateness for a modified design of the previously proposed building on the Development Site (Docket#: LPC-21-03235; Document #: COFA-21-03235) and the potential expansion of the Museum on the Museum Site (Docket #: LPC-21-04480; Document #: SUL-21-04480). On May 13, 2021, LPC issued a Certificate of Appropriateness (Design Approval) with respect to the modified design of the previously proposed building on the Development Site. The program and bulk of the approved designs are within the RWCDs that is analyzed as the proposed development on the Development Site and potential expansion of the Museum on the Museum Site for purposes of this FEIS. Since the publication of the DEIS, the Applicant has withdrawn the application for the previously proposed building and submitted a modified application (Application Number C 210438[A] ZSM; the “A-Application”) reflecting changes to the project that result from the LPC approval—this modified version of the project is considered in this FEIS as the Reduced Impact Alternative, as outlined in Chapter 18, “Alternatives.”

LPC has determined that the height, proportion, and massing of the building on the Development Site under the Reduced Impact Alternative is appropriate to the South Street Seaport Historic District, whereas those elements of the previously proposed project were not. Further, as described in Chapter 6, “Historic and Cultural Resources,” the LPC-approved design would be similar in height to a number of study area buildings such as the 35-story building at 199 Water Street, the 31-story building at 127 John Street, and the 30-story building at 175 Water Street. Overall, unlike the previously proposed project, the Reduced Impact Alternative would not result in adverse impacts on the historic character of the South Street Seaport Historic District.

Comment 81: The DEIS (p. S-14) acknowledges that the development will cause “significant adverse contextual impacts to historic resources.” Then it goes on state that it is “anticipated” that Applicant “intends” to refine its proposed design so that these impacts will be “eliminated.” How does the DEIS “anticipate” this with a massive building that features a huge tower that dwarfs every other building in its surroundings? This issue should be revisited after Applicant submits its “refined” proposal. A revised EIS must then address this. (Brieger_017)

Response: As described in the response to Comment #80, LPC voted on May 4, 2021 to issue Certificates of Appropriateness for a modified design of the previously proposed building on the Development Site and issued a Certificate of Appropriateness (Design Approval) on May 13, 2021 with respect to the modified design. Further, since the publication of the DEIS, the Applicant has withdrawn the application for the previously proposed building and submitted a modified application that

reflects the LPC-approved design, which is considered in this FEIS as the Reduced Impact Alternative.

As noted in the comment, Chapter 6, “Historic and Cultural Resources,” of the FEIS acknowledged that the previously proposed project would have the potential to result in significant adverse contextual impacts to historic resources. However, the application for that project has been withdrawn, and the maximum building envelope of the modified application is significantly smaller. As LPC in their approvals determined the height, proportion, and massing of the building on the Development Site under the modified application to be appropriate, the Reduced Impact Alternative, unlike the previously proposed project, would not result in adverse impacts on the historic character of the South Street Seaport Historic District.

Comment 82: The proposal doesn’t comply with the historic district regulations. (Pheloung_023)

Response: The design of the Reduced Impact Alternative was the subject of LPC review and approval, and LPC issued a Certificate of Appropriateness with respect to the modified design of the proposed building, determining that the modified design was appropriate to the South Street Seaport Historic District.

Comment 83: The cobblestones and small old buildings in that area need to be preserved for history and tourism. (Sage_024)

Response: Both the previously proposed project and the Reduced Impact Alternative would preserve historic buildings. As noted in Chapter 6, “Historic and Cultural Resources,” several existing buildings on the Museum Site, which is located within the New York City Landmark South Street Seaport Historic District and New York City Landmark Schermerhorn Row Block, would undergo exterior restoration subject to approval by LPC. Further, any additional streetscape, open space, or other improvements (e.g., planters) that may also occur under the Reduced Impact Alternative would be subject to LPC review and approval. Please see response to Comment #80 regarding the Development Site at 250 Water Street.

Comment 84: It is important to ensure that policies put in place to protect the Seaport are not undermined. (Gorman_FoSSS_047)

Response: In accordance with the New York City Landmarks Law, the Applicant applied to LPC for work in the South Street Seaport Historic District, and the modified application was subject to LPC review and approval. Please see response to Comment #80.

Comment 85: It poses a dangerous precedent to all historic buildings and districts in the city. (Ratcliffe_LESPI_009, O’Sullivan_IP_021)

Response: Under the New York City Landmarks Law, private applicants and City agencies must apply to LPC for any work on designated structures, designated sites, or

Chapter 23: Response to Comments on Draft Environmental Impact Statement

structures within historic districts. No work on these protected resources may proceed prior to the issuance of an LPC permit or report. The modified application considered in this FEIS as the Reduced Impact Alternative in Chapter 18, “Alternatives,” which was subject to LPC review and approval, would not affect the application of the New York City Landmarks Law to any future new construction, alteration, reconstruction, or demolition proposed for New York City landmarks, landmark sites, or within designated New York City historic districts.

Comment 86: We are in unanimous agreement that there are serious questions as to the failure of the LPC to follow the Landmarks Law. In flouting its mandate to protect and preserve our treasured places, by giving a rather sketchy ‘go-ahead’ to the Howard Hughes Corporation, that agency defied both their legal mandate and the spirit of their avowed stewardship. (Reiburn_POBN_038)

Response: This comment is outside the scope of environmental review. The LPC determined that the proposed development at 250 Water Street, considered in this FEIS as the Reduced Impact Alternative in Chapter 18, “Alternatives,” is appropriate based on application of the Landmarks Preservation Law.

Comment 87: Demapping the streets will also diminish the historic nature of the District. (Green_185)

Response: As described in Chapter 1, “Project Description and Analytical Framework” and Chapter 18, “Alternatives,” neither the previously proposed project nor the Reduced Impact Alternative would demap streets. Under the Reduced Impact Alternative, as under the previously proposed project, the Pier 17 access drive would be slightly realigned, and operational changes would be made to the access drive to facilitate passenger drop off. However, these changes would not affect the historic street pattern within the South Street Seaport Historic District.

Comment 88: The FEIS must provide a detailed conservation plan for Schermerhorn Row. (MASNY_184)

Response: LPC reviewed and approved a limited scope of work on the existing buildings on the Museum Site at the corner of Fulton Street and South Street (91-93 South Street and 2-4 Fulton Street) in connection with its review of the potential museum building at 89 John Street (Docket #: LPC-21-04480; Document #: SUL-21-04480). The approved work included signage at the new corner entrance to the Museum as well as the new circulation enclosure at the rear of the buildings. In connection with the presentation of this work to LPC, there was a discussion of the proposed approach to materials conservation. However, at this time, the exact scope of the restorative work and the specifications for this work have not been finalized. Accordingly, the restorative work is subject to future review and approval by LPC. No work is proposed or planned for the remainder of Schermerhorn Row under the Proposed Actions.

Comment 89: We also recommend transparency in archaeological monitoring and testing where possible during excavation of the development site and the area identified for the potential museum expansion. Lastly, we recommend coordination with LPC concerning any Construction Protection Plan (CPP) prepared. (MASNY_184)

Response: As outlined in Chapter 6, “Historic and Cultural Resources,” Pursuant to CEQR, all archaeological analysis (including testing or monitoring) must be completed in coordination with LPC. A Work Plan must be submitted to LPC for review and approval prior to the completion of each phase of work (where required), and a final technical report must be submitted to LPC for review and approval following the completion of each phase. Pursuant to LPC’s Guidelines for Archaeological Work in New York City as issued in 2018, all Archaeological Work Plans must include information regarding how data collected during all phases of archaeological analysis will be shared with the public. Furthermore, all archaeological reports submitted to and accepted by LPC will be publicly available via LPC’s archaeological report database.

As noted in the Chapter 6, “Historic and Cultural Resources,” a CPP would be prepared and implemented in consultation with LPC. The CPP would be prepared as set forth in Section 523 of the *CEQR Technical Manual* and in compliance with LPC’s Guidelines for Construction Adjacent to a Historic Landmark and Protection Programs for Landmark Buildings, Building Code Chapter 3309.4.4, which requires that “historic structures that are contiguous to or within a lateral distance of 90 feet...from the edge of the lot where an excavation is occurring” be monitored during the course of excavation work, and with the New York City Department of Building’s (DOB’s) *Technical Policy and Procedure Notice (TPPN) #10/88*, which “requires a monitoring program to reduce the likelihood of construction damages to adjacent historic structures and to detect at an early stage the beginnings of damage so that construction procedures can be changed.”

URBAN DESIGN AND VISUAL RESOURCES

Comment 90: It will change the street views of the Manhattan and the Brooklyn Bridge, by placing a modern building in the forefront, it diminishes the historic sentiments engendered by current views. It would also cut off sight lines to the skyline of buildings including the Municipal Building and the Federal Courthouse, currently visible from the vantage point of Seaport Piers 15, 16, and 17. (Kefer_035)

Response: Within the study area, the Brooklyn Bridge is prominently visible from Piers 15, 16, and 17, and the previously proposed building would not block those views of the bridge, as a new building on the Development Site would be behind or to the side of the viewer and not in the foreground of the Brooklyn Bridge. For the same reason, the previously proposed building would not affect views of the Brooklyn Bridge along South Street, where the elevated FDR Drive partially obstructs views of the visual resource. From most other locations within the study area, there are no views of the main span of the Brooklyn Bridge due to intervening

buildings. However, there are some limited views of the upper portions of the bridge's stone towers from Pearl Street at Peck Slip over the Development Site. While the previously proposed building would block those views, it would not result in a significant adverse visual impact, because those views are not within a significant view corridor but are across a privately owned parking lot. Further, the No Action building would block those views of the bridge.

The Manhattan Bridge is not visible from within the study area, except from the waterfront on Piers, 15, 16, and 17 and along the esplanade where it is seen in the distance to the north; therefore, the FEIS did not identify the Manhattan Bridge as a visual resource. In any case, the previously proposed building would not affect views of that bridge. The Municipal Building and Thurgood Marshall Courthouse were not identified in the FEIS as visual resources, as their visibility is variable and constrained in the study area and they are only partially visible as background buildings of the Civic Center behind the existing Southbridge Towers. As noted in the comment, there are limited views of the Municipal Building and the Thurgood Marshall United States Courthouse from Piers 15, 16, and 17 where they are seen with the surrounding context of tall buildings in the Financial District and Civic Center, but those views differ between vantage points. For example, from Pier 16, there are views of the Municipal Building between the buildings of Southbridge Towers, but views of the courthouse are largely obscured by those existing buildings, and in views from Pier 17, the Southbridge Towers block views of the Municipal Building, except for the cupola, while the Thurgood Marshall United States Courthouse is visible. While the previously proposed building would obscure views of the Municipal Building and Thurgood Marshall United States Courthouse from Piers 15, 16, and 17, it is expected that the No Action building would similarly obscure those views. In addition, the visual relationship of the previously proposed building in the foreground to those distant buildings would vary between waterfront vantage points.

Comment 91: This building, if and when completed, will render the Bridge view invisible to the public at large from Fulton Street. (Kluger_060)

Response: On Fulton Street to the west of Water Street, where a new building on the Development Site could conceivably block views of the Brooklyn Bridge, the main span of the Brooklyn Bridge is not visible from Fulton Street. The bridge's approach span is visible from Fulton Street in views north on Pearl and Water Streets, which border the Development Site, but the proposed building would not block views of the span over those streets as it would be constructed on an existing block and lot and not with those view corridors.

Comment 92: A tower would confuse the Historic District geographic boundaries and affect: the pedestrian experience walking north from Fulton Street and south from the Brooklyn Bridge along Pearl Street; views from the Brooklyn Bridge pedestrian

path, views of the district from Peck Slip Park, views of the open sky. (Gorman_FoSSS_047)

Response: As noted in the response to Comment #80, LPC issued a Certificate of Appropriateness with respect to the modified design of the proposed building, determining that the modified design was appropriate to the South Street Seaport Historic District. This modified design is considered in this FEIS as the “Reduced Impact Alternative,” see Chapter 18, “Alternatives.” From within the historic district on Fulton Street and from Peck Slip Park, the Reduced Impact Alternative would be seen in the background of buildings composing the historic district along with existing tall buildings north of Pearl Street that include Southbridge Towers. From Brooklyn Bridge, the Reduced Impact Alternative would be seen in the background of the low-rise buildings comprising the South Street Seaport neighborhood, and it would fit in with the surrounding context of tall buildings in the Financial District and Civic Center.

Comment 93: The base of the building will block off the district from Pearl Street, which is meant to be the entry to the low-rise areas. (Sosin_069)

Response: The Reduced Impact Alternative, like the previously proposed building, would block views from Pearl Street of historic district buildings on Water Street, Beekman Street, and Peck Slip; however, as noted in Chapter 7, “Urban Design and Visual Resources,” the No Action building will block those same views. Further, those views are not within a significant view corridor but are across a privately owned paved parking lot.

Comment 94: The picture shows that the supposedly appropriate base is visible only to a few surrounding streets. From every other part of the district, people will only see a massive block-long 345-foot building, overshadowing neighboring 60-foot-tall buildings. (Switaj_CB1_070, Hellstrom_071)

Response: As noted in the response to Comment #80, LPC in its approvals determined that the modified design, which is assessed in this FEIS as the Reduced Impact Alternative in Chapter 18, “Alternatives,” was appropriate to the South Street Seaport Historic District. Further, the Reduced Impact Alternative would be smaller than the previously proposed project, both in terms of square footage and massing.

Comment 95: I object to the proposed building for its inability to negotiate between the very low-rise seaport neighborhood in which it is embedded and the mixed height Southbridge Towers and other adjacent buildings. (Moss_163)

Response: Like the design of the previously proposed building described in Chapter 7, “Urban Design and Visual Resources,” the design of the Reduced Impact Alternative would place it contextually within the South Street Seaport Historic District. The overall height of the base would be compatible with the heights of buildings within the historic district and the use of setbacks on the base along Water Street would create a varied streetwall height to reference the varied

roofline of the buildings directly across Water Street. Further, the tower of the Reduced Impact Alternative, like that of the previously proposed building, would be pulled away from the historic district buildings along Water and Beekman Streets and positioned on Pearl Street, a wide street developed with large buildings that include the Southbridge Towers complex directly across from the Development Site. This massing, which would be smaller than that of the previously proposed building, would transition the Reduced Impact Alternative, like the previously proposed building, from the low-rise buildings within the South Street Seaport Historic District to the larger-scaled buildings of the Civic Center and Financial District.

Comment 96: Although the building is not located directly on the shoreline, the applicant should consider studying the potential effects of increased wind speeds on pedestrians. (Courter_FF_162)

Response: The project does not meet the *CEQR* criteria requiring an analysis of the effects of wind on pedestrian conditions, as it is not proposing to construct multiple tall buildings at locations or in proximity to the waterfront that experience high wind conditions. However, it should be noted that the Applicant undertook a wind tunnel study to evaluate pedestrian-level wind conditions at the Development Site to determine whether pedestrian-level winds could potentially exceed safety criteria under the Reduced Impact Alternative; please see Attachment 1 of Appendix F, “Comments Received on the Draft Environmental Impact Statement.”

Comment 97: There are serious problems with the quality of the images showing No Action and With Action conditions in this chapter. Simply, they are not accurate. (Janes_165)

Response: As noted in the response to Comment #29, the images shown on Figures 7-32 through 7-37 in Chapter 7, “Urban Design and Visual Resources,” are provided for illustrative purposes only. The maximum building envelope and all heights provided on Figure 7-32 are taken from the site DFE, which is 13 feet NAVD88, to meet code when defining the building height. From the DFE, the illustrative image shows a 395-foot-tall maximum zoning envelope. As the project site is a sloping site, the building height and maximum zoning height are measured from the DFE per code.

Comment 98: New visual materials should be accompanied by a key map showing the location of the viewpoints being studied. The DEIS has a key map showing existing conditions photographs, but no key map showing studied viewpoints. (Janes_165)

Response: A key map showing the locations of the illustrative views has been prepared and included in Chapter 7, “Urban Design and Visual Resources,” of this FEIS as Figure 7-33.

Comment 99: Nowhere in the DEIS does the applicant provide an inventory of visual resources within the study area. It only tells us that there are four visual resources in the project area. (Janes_165)

Response: This comment is incorrect. In addition to the four visual resources located in the Project Area, Chapter 7, “Urban Design and Visual Resources,” identifies the following visual resources in the study area: the Brooklyn Bridge, views of the East River from certain locations, the historic buildings and streetscapes of the South Street Historic District, 66 Pine Street, and New York by Gehry (8 Spruce Street), as well as One World Trade Center, which is located outside the study area.

Comment 100: The DEIS does not inventory all visual resources that have the potential to be impacted. (Janes_165)

Response: Unlike designated, listed, and eligible historic resources, which can be found in inventories maintained by LPC and the New York State Historic Preservation Office, there is no official inventory of visual resources in New York City. Rather, it is left to the CEQR lead agency, following the guidance of the *CEQR Technical Manual* to identify view corridors from which a connection from the public realm to significant natural or built features is publicly viewable, to identify visual resources in a project study area. For this project, visual resources that were reasonably anticipated to be affected by the Proposed Actions were identified and reviewed by the lead agency, and as noted in the response to Comment #99, Chapter 7, “Urban Design and Visual Resources,” identified a number of visual resources located within both the Project Area and study area.

Comment 101: The context buildings, particularly those on the left side, Figure 7-35, are not accurately depicted and are smaller than what is shown in the rendering. When the 3D models match the context model on the left, then the proposed building is in the wrong place, and its base height would appear much taller. (Janes_165)

Response: As noted on the figures,” the contextual renderings in question are intended for illustrative purposes only. In order to create the context of the conceptual renderings, the image stitched together the City’s publicly accessible 3D model as well as Google aerial photography and on-site photographs.

The render camera for the project uses two-point perspective. In addition, the photographs used for the rendering were taken using a wide-angle lens. The 30mm camera used to create the outline comparison is using a three-point perspective. These are two different methods that can be used when creating an illustrative architectural style rendering.

NATURAL RESOURCES

Comment 102: Impacts that are barely touched on: (1) effects below ground: on surrounding landfill, seaport area water table; 100-Year floodplain concerns; (2) effects of a 250 Water St massive walled-off tower foundation, and ground and below grade flood proofing on the surrounding land filled spaces; (3) potential redirection of water to surrounding properties; (4) above ground: direct sunlight, overall light. (Gorman_FoSSS_047)

Response: The FEIS addressed the potential for the previously proposed project to affect groundwater resources and floodplains at a level of detail appropriate for the potential for the previously proposed project to affect these resources. Chapter 8, “Natural Resources,” evaluated the potential for the previously proposed project to affect groundwater resources, including the potential redirection of groundwater flow around the below-grade building foundations before continuing toward the East River. Additionally, as described in Chapter 9, “Hazardous Materials,” a Remedial Action Work Plan (RAWP) would be developed and would include a site-specific Construction Health and Safety Plan (CHASP) to address any required soil and groundwater remediation as well as contingency measures should unanticipated underground petroleum storage tanks or soil/groundwater contamination be encountered, and any required post-remedial monitoring of groundwater and engineering controls.

Chapter 8, “Natural Resources,” addressed the potential for the previously proposed project to affect floodplains. As stated in the FEIS, New York City is affected by local flooding (e.g., flooding of inland portions of the City from short-term, high-intensity rain events in areas with poor drainage), and coastal flooding (e.g., long- and short-wave surges that affect the City’s shorelines along the Atlantic Ocean and tidally influenced rivers and straights such as the Hudson River, Harlem River, and East River). Because these floodplains are affected by coastal flooding rather than local or fluvial flooding, the construction and operation of the previously proposed project would not exacerbate flooding conditions on or near the Project Area. Additionally, the previously proposed development would comply with applicable New York City Building Code requirements regarding structures in floodplains and would incorporate sea level rise resilience measures into the design as described in Chapter 13, “Greenhouse Gas Emissions and Climate Change,” and Appendix B, “Waterfront Revitalization Program Consistency Assessment.” As detailed in Chapter 18, “Alternatives,” the Reduced Impact Alternative, like the previously proposed project, would not impact floodplains and would incorporate resiliency measures into the design.

Chapter 5, “Shadows,” presented a detailed analysis on the potential for the previously proposed project to cast new shadows that would adversely impact nearby sunlight-sensitive resources, including trees and other vegetation and the East River. It was concluded that the previously proposed project would cast incremental shadows on 14 sunlight-sensitive open spaces and one sunlight-sensitive natural resource (the East River), in one or more seasons. In most cases the new shadow would be limited in extent and duration and would not substantially affect the use of the spaces or the health of their trees and plantings. Additionally, the incremental shadow that would fall on the East River near the Upper New York Bay and the confluence of the Hudson and East Rivers, would not be expected to affect primary productivity and is therefore unlikely to significantly affect aquatic resources in these areas of the river. The Reduced

Impact Alternative would reduce the extent and duration of shadow on the East River.

The FEIS did conclude that the previously proposed project would result in a significant adverse shadow impact to the Southbridge Towers complex open spaces, which contain trees and other plantings. The previously proposed project's shadow would pass across portions of these spaces from early to late morning in the spring, summer, and fall, covering large areas at times, and significantly altering the use of the spaces for users seeking sun, and potentially adversely impacting the health of the trees and plantings in one limited area. Chapter 19, "Mitigation," of this FEIS provides the mitigation measures that have been developed to partially offset this significant adverse impact. The Applicant will monitor the open spaces' vegetation and replace vegetation with more shade-tolerant species, as necessary. The Reduced Impact Alternative would reduce the extent and duration of new shadow on the Southbridge Towers complex open spaces, but the identified impact would remain, and the same mitigation measures would be provided.

HAZARDOUS MATERIALS

Comment 103: The BCP remediation would impose significant other environmental impacts on the community relating to noise, vibration, dust, odors, construction traffic, and other impacts in addition to those resulting from the building construction itself. The DEIS fails to address and analyze these issues sufficiently as the BCP is not yet complete. (Niou_005)

Response: Chapter 9, "Hazardous Materials," of the FEIS addresses the potential for adverse effects related to hazardous materials while Chapter 17, "Construction," addresses a broader set of technical areas that have the potential to be impacted during excavation/construction. As discussed in Chapter 9, "Hazardous Materials," the subsurface of the 250 Water Street development Site will be cleaned up under the regulatory oversight of the New York State Department of Environmental Conservation (NYSDEC) and the New York State Department of Health (NYSDOH) under the rigorous BCP. However, should the developer not perform the remediation under the BCP (due to program withdrawal or other reasons), comparable clean up would be required under the oversight of the DEP and/or OER and, to ensure that this would occur an (E) Designation (E-621) for hazardous materials would be placed on the Development Site. Under the BCP (and the [E] Designation), a CHASP with Community Air Monitoring will be implemented during all soil intrusive activities at the site. The plan will include stringent air monitoring and mitigation measures to control dust, vapors and nuisance odors that may result from soil disturbance activities. Together, the rigorous monitoring and mitigation measures will control unacceptable exposures to the community surrounding the site. The broader range of issues (such as noise, vibration, dust odors) related to implementing the excavation and construction on the site, including that associated with remediation, are addressed, and shown

Chapter 23: Response to Comments on Draft Environmental Impact Statement

(with the exception of noise) not to result in significant adverse impacts, in Chapter 17, “Construction.” The identified noise impacts are addressed in Chapter 19 “Mitigation” and Chapter 20 “Unavoidable Impacts.”

Comment 104: There would be an increased risk due to the chemicals underground, such as elemental mercury, which is concerning. (Reininger_026, Bode_029, Fischer_166, Hellstrom_168, Birardi_181)

Response: As discussed in Chapter 9, “Hazardous Materials,” extensive subsurface testing at the site was conducted, under the BCP, including numerous samples analyzed for mercury. The NYSDEC and NYSDOH determined that the Remedial Investigation of the site was sufficient (i.e., all areas of contamination, including mercury contamination were delineated) to allow preparation of a RAWP and CHASP to address the identified contamination and any unanticipated contamination. During construction, monitoring and control are required of any odor, vapor or dust emissions that may result during ground intrusive activities. These agencies will need to approve these plans including measures to prevent direct contact (and other exposure scenarios) before remediation or excavation can begin. As with the similar plans that would be required through the (E) Designation, implementation of these plans with the required agency oversight would avoid the potential for significant adverse impacts.

Comment 105: Please protect our children from toxins; the site is located next to two schools. (Feinman_008, Cassidy_044, Davies_037, Cassidy_121, Switaj_CB1_156, Schapiro_169, Rossi_178)

Response: As discussed in the response to Comment #104, the RAWP and CHASP that will be implemented during project construction will account for the potential for adverse effects on not only on the construction workers, but also on the nearby schools and on the wider community. These plans will require oversight and regular reporting to the agencies during excavation/construction to ensure the plans are being complied with.

Comment 106: The DEIS must include a provision that demands HHC wait to start remediation until there is an uncontested, fully approved, non-provisional approval from each and every required City department before any work, remediation or construction, starts. (Wasserman_004, Grant_022, Davies_037)

Response: The evaluation in Chapter 9, “Hazardous Materials,” indicates that sufficient information was obtained from the extensive subsurface testing already conducted to determine that remediation can occur prior to and during excavation/construction without resulting in significant adverse effects. Remediation cannot occur until the NYSDEC and the NYSDOH (or DEP or the Office of Environmental Remediation [OER] if the work is done under the (E) Designation) have approved the RAWP and CHASP. Additionally, construction of the project cannot start until the CEQR process is complete.

Comment 107: The concurrent and dangerous BCP and its impacts must be considered. (Grant_022, Kluger_060, Niou_65A_098)

Response: Chapter 9, “Hazardous Materials,” evaluated the potential for adverse impacts during excavation/construction based on the subsurface data obtained to date. This data was collected under the BCP, and the resulting Remedial Investigation Report was determined to have collected sufficient data and was approved by the NYSDEC and NYSDOH. With or without the previously proposed project, the site will be cleaned up under the regulatory oversight of the NYSDEC and the NYSDOH under the rigorous BCP or the DEP or OER under the (E) Designation program. In both cases the agencies are required to consider the future uses of the site (following remediation) as a part of their approval process. Please see response to Comments #103 and #104.

Comment 108: During construction, residents and visitors will be endangered by the Brownfield cleanup. (Kefer_035)

Response: The subsurface cleanup is an integral part of construction. Chapter 9, “Hazardous Materials,” indicates that sufficient information was obtained from the extensive subsurface testing already conducted to determine that remediation can occur prior to and during excavation/construction without resulting in significant adverse effects. The RAWP and CHASP that will be implemented during this work will ensure that there is no potential for adverse effects on the community and visitors. There will also be requirements for ensuring that the RAWP/CHASP procedures are being followed.

Comment 109: I feel the uncertainty surrounding the mercury at the site, and the lack of proposed measures to prevent contact contamination, is very troubling. (Silverwood_027)

Response: Please see response to Comment #104.

Comment 110: Once the asphalt is removed for remediation and development, there is a significant risk of exposure and harm. (Wasserman_004, Niou_005, Niou_65A_098, Bode_177)

Response: The Remedial Investigation of the site included extensive sampling for mercury and other hazardous substances (both volatile and non-volatile). As discussed in Chapter 9, “Hazardous Materials,” sufficient sampling was conducted to develop a RAWP and CHASP to properly address identified volatile contamination and non-volatile contaminants that could otherwise result in unacceptable exposure to workers or the community before the asphalt is removed. These plans will need to be approved by the state agencies (and DEP or OER under the [E] Designation program) before the asphalt removal and excavation can begin.

Comment 111: The CPC should not allow the State’s BCP to be used as an argument against the CPC’s own responsibilities to address toxic conditions at 250 Water Street. (Wasserman_004)

Chapter 23: Response to Comments on Draft Environmental Impact Statement

Response: Chapter 9, “Hazardous Materials,” primarily uses the data and reports generated during the applicant’s enrollment in the BCP to evaluate the potential for significant adverse impacts. The CEQR evaluation concurs with that of the NYSDEC/NYSDOH that sufficient data has been generated to proceed to development of a RAWP/CHASP (the draft of which is outlined in Chapter 9, “Hazardous Materials”). These plans will need to be approved by the state agencies (and DEP or OER under the [E] Designation program) before construction of the project can begin. The conclusion of the CEQR evaluation is that implementation of these approved plans will be sufficient to avoid a potential for significant adverse effects.

Comment 112: It is essential that remediation of the site take place through Brownfield Treatment Program, and this must happen in coordination with the needs of the local schools, the daycare centers because they are at the most risk by any contaminants. I urge that the Applicant maintain transparent and open communication with that contracted environmental consultant, Excel Environmental Resources, Inc., and that contaminants and hazardous materials be removed or maintained at safe levels in consideration of the two schools and several day care centers in the vicinity of the site. (Brewer_061)

Response: The remediation is anticipated to take place through the State’s BCP. However, because the BCP is a voluntary program, should the developer not perform the remediation under the BCP (due to program withdrawal or other reasons), remediation would occur under the oversight of the DEP and/or OER. To ensure that this would occur an (E) Designation for hazardous materials would be placed on the site. The Applicant will be required to follow established citizen participation requirements, including open and transparent communication consistent with the requirements of the BCP and/or (E) Designation. Under the BCP, a Citizen Participation Plan must be implemented. Please also see the responses to Comments #103 and #104.

Comment 113: Lower Manhattan is already a “built” environment and would require a complex plan to perform the remediation within a densely populated area surrounded by numerous schools, landmarked low-scale residential buildings, commercial space with substantial tourism, and a large residential building complex steps away. (Niou_005)

Response: Approximately 25 sites in Manhattan (and 50 more in the Outer Boroughs) have been remediated or are in the process of being remediated under the State’s BCP. Numerous additional sites have been remediated under other State Programs or in programs overseen by DEP or OER. Collectively these sites have many of the characteristics noted in the comments. The RAWP and CHASP that will be implemented during project construction will account for the potential for adverse effects on the schools and the wider community.

Comment 114: My office helped to get an environmental engineer and provide an analysis of the design and implication of the cleanup, and that commitment to that engineer and to that work must continue. (Brewer_062)

Response: The Applicant has voluntarily funded the work of the engineer noted in the comment and is committed to open and transparent review of the proposed remediation consistent with the requirements of the BCP.

Comment 115: We went to the archives and discovered that the site had been a thermometer factory and that it presented more danger than Howard Hughes initially wanted to acknowledge. (Lee_080)

Response: As discussed in Chapter 9, “Hazardous Materials,” the Remedial Investigation of the site included extensive sampling for mercury as the site was in fact known to have included mercury thermometer production (the earliest environmental studies performed at the site identified historical thermometer factory use and this was disclosed to the public in the site’s application to the BCP). The results of this sampling were used to develop the draft RAWP and CHASP to safely remediate impacts related to historical site use, the final versions of which will be implemented during project construction.

Comment 116: I do not have confidence that the 250 Water St. developer will be able to protect us from the toxic materials they will expose during excavation. (Sosin_158)

Response: Please see response to Comment #104.

Comment 117: The City and the applicant must inform the public about ongoing remediation work, including, but not limited to, mercury delineation, soil borings, well monitoring, and groundwater sampling. We recommend the FEIS include the link to the State’s website specific to the cleanup at 250 Water Street. (MASNY_184)

Response: The State’s BCP has extensive Citizen Participation requirements per DER-23 https://www.dec.ny.gov/docs/remediation_hudson_pdf/der23.pdf. A link to the NYSDEC documents for the site <https://www.dec.ny.gov/data/DecDocs/C231127/> has been added to the FEIS.

Comment 118: The DEIS fails to take a hard look at impacts from hazardous materials, and the CPC violates SEQRA by delegating its responsibilities to other agencies to address through future reports and plans. (Kramer_SSSC_187)

Response: Please see responses to Comment #103, Comment #104, and Comment #107.

Comment 119: The DEIS improperly assumes that compliance with the brownfield cleanup program will necessarily avoid all significant adverse environmental impacts related to disturbance of contaminated soils during construction. (Kramer_SSSC_187)

Response: The DEIS does not make this assumption. The potential for significant adverse environmental impacts related to disturbance of contaminated soils during construction was independently studied in Chapter 9 “Hazardous Materials,” of

Chapter 23: Response to Comments on Draft Environmental Impact Statement

the FEIS. Further, should the developer not perform the remediation under the BCP (due to program withdrawal or other reasons), comparable clean up would be required under the oversight of the DEP and/or OER and, to ensure that this would occur an (E) Designation (E-621) for hazardous materials would be placed on the Development Site.

Comment 120: The DEIS cuts and pastes a bullet-pointed list of “Conceptual Remedial Elements” from a Draft BCP Plan that remains very much in flux. (Kramer_SSSC_187)

Response: The DEIS provides anticipated measures that would be implemented regardless of whether the site enters the BCP. Please see responses to Comment #104 and Comment #107.

Comment 121: The BCP cleanup plans and reports are incomplete and inaccurate. While, as lead agency, the CPC may consider and utilize expertise of other agencies to assist it in its analysis, the various plans and reports, and the investigation of hazardous materials on the site, and the selection and design of a remedy remains inchoate and insufficiently developed for the CPC to rely on for its own analysis. (Kramer_SSSC_187)

Response: Please see response to Comment #119.

Comment 122: The DEIS failed to disclose and analyze critical facts from the Remedial Investigation, including PM10 and mercury. (Kramer_SSSC_187)

Response: Please see responses to Comment #109, Comment #110, and Comment #115.

Comment 123: The DEIS improperly defers and excludes long-term monitoring plans from the SEQRA process. By failing to describe in detail and analyze the adequacy of the entire Brownfield remedy, including the long-term monitoring plans, the DEIS fails to comply with SEQRA. (Kramer_SSSC_187)

Response: Please see responses to Comment #103, Comment #104, Comment #106, and Comment #107.

Comment 124: The DEIS merely assumes that compliance with whatever Brownfield cleanup plan NYSDEC ultimately arrives at will necessarily avoid all significant adverse environmental impacts related to hazardous materials and excavation of contaminated soils during remediation and construction. CPC should mandate the following mitigation measures as enforceable requirements of the project: test pit excavations must be done before any other work is done on the site and before the Remedial Action Work Plan and Remedial Design are approved; all remedial work, particularly excavation of mercury-impacted soils, must be conducted under a tent with negative air pressure; investigation/remediation should be scheduled only when school is not in session; and there should be no stockpiling of contaminated soil on or near the site. (Kramer_SSSC_187)

Response: Please see responses to Comment #103, Comment #104, Comment #106, and Comment #107.

WATER AND SEWER INFRASTRUCTURE

Comment 125: The EIS for the proposed 250 Water St project should be part of a process to provide up-to-date data on the cumulative impacts to infrastructure resources and city services of both recent and planned developments. This would include updated data for both water and sewer—and for both NCWWTP capacity and its tie in to increased CSO events. (Gorman_FoSSS_047)

Response: An analysis of potential impacts on the City’s water supply and wastewater and stormwater conveyance, management, and treatment infrastructure was conducted in Chapter 10, “Water and Sewer Infrastructure,” consistent with the guidance of the *CEQR Technical Manual* and in consultation with DEP. Following the guidance of the *CEQR Technical Manual*, this analysis focuses on the potential impact of the previously proposed project on the City’s water and sewer infrastructure. This analysis determined that the previously proposed project would not have the potential to result in a significant adverse impact at the Newton Creek Wastewater Treatment Plant or on the City’s water and sewer infrastructure.

Comment 126: The project would generate additional sewage that the old sewage system in the Seaport will be unable to handle. Sewers and drains, particularly on Water Street are already inadequate. (Kefer_035, Kluger_060)

Response: Please see response to Comment #125.

SOLID WASTE AND SANITATION SERVICES

Comment 127: With so many new residents in the area the potential for mountains of garbage and recycling is unavoidable. (Birardi_181)

Response: Consistent with the *CEQR Technical Manual*, the technical area of solid waste and sanitation services was considered in the Environmental Assessment Statement (EAS) for the previously proposed project, see Section K of the “Additional Technical Information for EAS Part II” portion of the EAS. It was determined that with respect to solid waste and sanitation services, the previously proposed project would not exceed the thresholds established by the *CEQR Technical Manual* for analysis and therefore would not have the potential to result in significant adverse impacts to solid waste and sanitation services.

TRANSPORTATION

Comment 128: The project will cause increased traffic to an already dense area of downtown, potentially bringing new safety hazards. (Feinman_008, Sullivan_031, Kefer_035, Goldfeder_055, Marte_65A_113)

Response: Consistent with procedures prescribed in the *CEQR Technical Manual* and in coordination with the New York City Department of Transportation (DOT), the FEIS analyzed the previously proposed project’s potential effects on area roadways, transit services, pedestrian facilities, and vehicular-pedestrian safety in Chapter 11, “Transportation.” The potential effects of the Reduced Impact Alternative’s on these analyses are described in Chapter 18, Alternatives.” Where impacts were identified, potential improvement measures (i.e., signal timing changes, parking regulation changes, corner curb extension) were recommended to mitigate those impacts to the extent practicable. The FEIS further concluded that none of the studied locations, where notable project-generated trips are expected to traverse, are “high-crash” locations and where there would be a potential for safety impacts. Please see Chapter 11, “Transportation.”

Comment 129: Construction and ongoing density thereafter will increase already high road traffic and likely create sanitation pickup and deliveries traffic. (Sosin_003, Gorman_FoSSS_047, Sosin_069)

Response: The land uses planned for the previously proposed project and the studied alternatives are in character with those in the surrounding area, which are served by established sanitation pick up and goods delivery services. As described above, the project’s potential transportation impacts were studied pursuant to *CEQR Technical Manual* procedures. Accordingly, incremental truck traffic from the previously proposed project was also estimated and incorporated into the FEIS analyses. The FEIS also provides estimates of the level of construction traffic anticipated during the build-out of the previously proposed project. Even though the potential effects attributed to construction worker travel and construction truck trips would be temporary in nature, the FEIS has incorporated a detailed analysis of these potential effects. Please see Chapter 11, “Transportation,” and Chapter 17, “Construction.”

Comment 130: Draft scope states that the current surface parking lot has “approximately 400 spaces.” How will the loss of this parking affect the side streets? Where will the cars park? The DEIS response is inadequate. Saying they will find places elsewhere is not a constructive response. (Southbridge_043, Gorman_FoSSS_047)

Response: According to the *CEQR Technical Manual*, the displacement of public parking in various parts of New York City, including the Manhattan Central Business District, is not considered a potential transportation impact due to the magnitude of available alternative modes of transportation.

Comment 131: Once the project is complete, we expect increased foot traffic walking through Southbridge Towers property on their way to the Fulton Street Subway station since the most direct path is up Beekman Street and through the complex between 55 and 77 Fulton Street, a common pathway already. This will create noise, pollution, greater wear and tear, and increase Southbridge’s liability insurance premiums. (Southbridge_043)

Response: The referenced area is a privately owned publicly accessible area maintained by Southbridge Towers, and as stated in the comment, already accommodates substantial background pedestrian traffic. While the previously proposed project would increase foot traffic in the area surrounding the Development Site at 250 Water Street, the incremental pedestrian volumes would be distributed across many pedestrian elements. The FEIS analyses in Chapter 11, “Transportation,” concluded that the previously proposed project would not result in significant adverse pedestrian impacts at sidewalks, corners, and crosswalks adjacent to this public area. It is therefore unclear how outcomes stated in the comment could be attributed to the previously proposed project.

Comment 132: We are concerned about safety from increased traffic on Pearl Street during construction. One of SBT’s parking garages is on 299 Pearl Street, directly across from the lot where the vast majority of cars exiting make left turns. We expect those turning vehicles to be at increased risk and have great difficulty safely navigating this turn, but the DEIS traffic analysis makes no mention of this impact, nor does it provide potential solutions to this problem. (Southbridge_043)

Response: Currently, the Pearl Street roadway segment between Fulton Street and Peck Slip accommodates vehicular activities from both the Southbridge Tower’s parking garage and the surface parking lot on the Development Site. In the future with the previously proposed project in which the surface parking lot is eliminated, as construction commences, the level of these vehicular activities would actually reduce. As stated in the Chapter 17, “Construction,” appropriate maintenance and protection of traffic, as required by DOT, would also be implemented to ensure appropriate and safe traffic flow.

Comment 133: The intersection of Pearl/Dover/Frankfort Street, prior to Covid, during rush hours, is frequently backed up without the planned construction. (Southbridge_043)

Response: The intersection of Pearl Street and Dover Street is one of the intersections analyzed for potential traffic and pedestrian impacts (see Chapter 11, “Transportation”). Due to existing congestion, as stated by the commenter, significant adverse impacts were identified at this intersection and mitigation measures were recommended, where feasible, to address these impacts to the extent practicable, see Chapter 19, “Mitigation.”

Comment 134: There is concern that the impacted intersections identified by the DEIS will not be addressed by the spot mitigation proposed. There are likely to be residual impacts to Fulton, John, South and other nearby streets as well as other impacts from opening the Pier 17 service drive or passenger drop-offs. CB1 asks that the applicant continue to analyze traffic impacts and that additional potential mitigation measures, including for any traffic impacts within the DEIS that have been documented thus far will remain unmitigated. (Switaj_CB1_070, Switaj_CB1_156)

Chapter 23: Response to Comments on Draft Environmental Impact Statement

Response: The Applicant has held additional discussions with the City on components of the project, and the FEIS accounts for inputs provided in the comment.

Comment 135: Adding commercial space would add an additional logistical problem for pedestrian and vehicle traffic. (Paez_65A_154)

Response: As noted in Comment #128, potential effects from the previously proposed project, including those associated with commercial spaces, were analyzed in accordance with *CEQR Technical Manual* procedures and in coordination with DOT.

Comment 136: I would request that the Planning Commission make sure that the project at 250 Water Street includes sufficient parking to replace the parking that will be lost when the lot is redeveloped. (Guazzo_179)

Response: Comment noted. As described in Chapter 11, “Transportation,” there are numerous off-site parking resources nearby to accommodate the displaced and the previously proposed project’s parking demand. In the event a parking shortfall does materialize, a parking shortfall in this part of New York City would still not constitute a significant adverse impact, due to the magnitude of available alternative modes of transportation.

Comment 137: Increased traffic brought by potential development can endanger seniors and kids that currently enjoy the use of the street as a public space. (Marte_65A_113)

Response: As noted above in Comment #128, the FEIS analyzed the previously proposed project’s potential effects on area roadways, transit services, pedestrian facilities, and vehicular-pedestrian safety. Where impacts were identified, potential improvement measures (i.e., signal timing changes, parking regulation changes, corner curb extension) were recommended to mitigate those impacts to the extent practicable. The FEIS further concluded that none of the studied locations, where notable project-generated trips are expected to traverse, are “high-crash” locations and where there would be a potential for safety impacts. Please see Chapter 11, “Transportation.”

AIR QUALITY

Comment 138: Congested does not merely mean traffic delays. It includes air pollution as car and bus gases permeate the environment (and right by a grade school, no less!). (Sullivan_031)

Response: Chapter 12, “Air Quality,” considered emissions from new traffic introduced by the Proposed Actions consistent with the guidelines of the *CEQR Technical Manual*. It was concluded that the incremental traffic volumes generated by the previously proposed project would not exceed the carbon monoxide (CO) or particulate matter (PM) emissions screening threshold, and therefore the previously proposed project would not have any significant adverse impacts with respect to emissions from mobile sources. An analysis was also conducted to

evaluate potential future pollutant concentrations in the vicinity of the ventilation outlets associated with the proposed underground parking garage, and no significant adverse impacts were identified. Potential effects of the Reduced Impact Alternative on these determinations were analyzed in Chapter 18, “Alternatives,” and no new impacts were identified.

GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

Comment 139: 250 Water Street is sited in the flood plain, on landfill, which is an environmental hazard for local resilience and long-term sea-level rise. Resiliency must be considered. (Kefer_035, Hellstrom_170)

Response: The proposed development was designed with resiliency and sustainability in mind. An assessment of how the proposed buildings will be impacted by climate change is included in both Chapter 13, “Greenhouse Gas Emissions and Climate Change,” and Appendix B, “Waterfront Revitalization Program Consistency Assessment.” The potential impacts of climate change on the previously proposed project were evaluated in the FEIS based on sea-level rise and flood estimates through 2100, as specified by the New York City Panel on Climate Change and evaluated measures proposed to ensure resiliency and mitigate impacts.

As discussed in the FEIS, the proposed building on the Development Site is designed using a flood elevation of +13 feet, which is one foot above the base flood elevation, in accordance with the Flood Resistant Construction requirements outlined in Appendix G of the New York City Building Code. Most mechanical equipment would be elevated above the flood elevation, and the mechanical equipment that would be located in the cellar of the building would be dry floodproofed as per Appendix G. Flood glazing would be used for all fixed storefront windows that exist at +13 feet NAVD88 or below. Both the WRP and the New York City Climate Resilient Design Guidelines (CRDC) recommend elevating the Office and Residential program at the street level above the Sea Level Rise (SLR) adjustment for High Tide 2080 of 15.33 ft NVAD88. The project is meeting this requirement.

The Museum Site would also be designed using a flood elevation of +13 feet NAVD88, and renovations of buildings and potential construction would incorporate dry floodproofing wherever necessary within the basement and first floors, such as for electrical closets and restrooms. Other spaces, such as lobby areas, would be designed to flood and would be wet floodproofed using waterproof materials in accordance with Appendix G. Additionally, there will be proper handling of hazardous materials, including any contaminated groundwater. The previously proposed project would be required to comply with existing regulatory requirements and conform to NYSDEC BCP requirements to ensure public safety and protect against any environmental hazards.

Comment 140: The weak basements of the historic buildings surrounding the site are endangered by the design of the building, as backwash will certainly flood the neighbors. (Kefer_035)

Response: As outlined in Chapter 9, “Natural Resources,” and Chapter 13, “Greenhouse Gas Emissions and Climate Change,” the Development Site and Museum Site are primarily affected by coastal flooding, a condition controlled by astronomic tides and meteorological forces and unaffected by occupancy of the floodplain. As such, the previously proposed project will not affect the floodplain or result in increased risk of flooding of areas adjacent to the study area, such as nearby historic buildings.

New development would also be resilient to potential future precipitation events and be designed to meet the City’s stormwater requirements. Consequently, the project would result in a reduction in stormwater peak flows to the combined sewer system would be achieved with the incorporation of stormwater source control BMPs. Furthermore, the previously proposed project would include a CPP to ensure any construction related activities do not impact nearby architectural resources located within 90 feet of construction activities. The CPP would be developed and implemented in consultation with LPC.

Comment 141: It defies common sense at this time of growing awareness of the potential impact of climate change and sea level rise for a building of the size and density proposed, to be built at this location. (Gorman_FoSSS_047)

Response: The FEIS includes an evaluation of the potential effects on the previously proposed project from climate change (including coastal flooding, storm surge, and increased precipitation) in Chapter 13, “Greenhouse Gas Emissions and Climate Change,” and as part of the assessment of the previously proposed project’s consistency with the City’s WRP in Appendix B, “Waterfront Revitalization Program Consistency Assessment.” This includes projections of future sea-level rise consistent with the New York City Panel on Climate Change, how this would affect the previously proposed project, and how the previously proposed project would address any identified concerns. Appendix B also evaluated the consistency of the previously proposed project with the City’s waterfront revitalization program, and it was determined that the previously proposed project would promote several of the WRP policies.

Comment 142: The effects of climate change should be front and center in an environmental review. (Kluger_060)

Response: Climate change is one of the technical areas considered in the environmental review process, which looks at both a project’s effect on climate change as well as the effects of climate change on a project. Following the guidance of the *CEQR Technical Manual*, certain projects’ contribution of GHG emissions should be analyzed to determine their consistency with the City’s Citywide GHG reduction goal. As such, Chapter 13, “Greenhouse Gas Emissions and Climate Change,”

further details design features and operational measures to reduce energy use and quantifies GHG emissions from the development pursuant to the previously proposed project to the extent that information is available.

The project team is developing forward thinking resilience measures that are recommended in New York City Climate Resiliency Design Guidelines (CRDG), Waterfront Revitalization Program (WRP), and Zoning for Coastal Flood Resiliency (ZCFR) to further mitigate the effects of flood events and prepare for the projected worsening of flooding. This includes designing for the Sea Level Rise recommendation for 2080.

Comment 143: CB1 is disappointed by its unclear plan and encourages the applicant to prioritize the level of environmental innovation that will be incorporated into this project. (Switaj_CB1_070)

Response: The proposed development was designed with resiliency and sustainability in mind. The Applicant is currently evaluating the specific energy efficiency measures and design elements that may be implemented and is committed to achieving at least a LEED Silver-level certification for the Development Site. The Applicant is committed at a minimum to achieve the prerequisite energy efficiency requirements under LEED and would likely exceed them. Chapter 13, “Greenhouse Gas Emissions and Climate Change,” includes energy modeling in which it was determined that the features included for previously proposed project would reduce energy consumption by approximately 18 percent compared to the baseline condition of meeting the NYCECC energy requirements. The chapter provides greater detail as to how the Applicant expects to reduce emissions and create a more energy-efficient building.

NOISE

Comment 144: The DEIS fails to address, or even to mention, the impact of the noise given pandemic conditions. DEIS must be revised to address this. (Brieger_017)

Response: The methodology for the noise analysis is consistent with the guidance of the *CEQR Technical Manual* and was developed and reviewed with the lead agency. Chapter 14, “Noise,” evaluates the future noise levels with and without the project compared to the existing conditions. Noise levels were assessed at the Development Site and Museum Site, including an elevated measurement to document noise levels from the nearby FDR Drive (the dominant noise source in the Project Area), and current traffic volumes were collected on the FDR Drive for comparison to 2018 pre-COVID volumes. At each receptor site, current and pre-COVID traffic data were evaluated to determine adjustments to the noise data to adjust for differences in traffic due to the COVID-19 pandemic. This approach was outlined in Noise Methodology Memo included in the Final Scope of Work Appendix C. Additionally, in Chapter 14, “Noise,” Table 14-8 indicates inclusion of the pandemic-related adjustment as a footnote (#1). Also see Table 14-10, which includes a footnote (#4) indicating the 0.9 dBA adjustment to the maximum

measured L10(1) value to account for potentially reduced level of traffic during the noise measurements due to the COVID-19 pandemic.

Comment 145: The project will create noise next to two existing elementary schools, impacting students. (Feinman_008, Bode_029, Sullivan_031)

Response: As described in Chapter 14, “Noise,” the noise analysis evaluated the potential for increases in noise levels due to traffic associated with the project (Chapter 17, “Construction,” assesses conditions while the project is being built). The P.S. 343 Peck Slip School is along the roadway segment represented by receptor 2 (i.e., Peck Slip between Pearl Street and Water Street) and the Blue School is along the roadway segment represented by receptor 3 (i.e., Water Street between Beekman Street and Peck Slip). The analysis showed no increase in noise levels between the No Action and With Action condition at these receptors representing the existing schools. Noise due to the project’s mechanical equipment would be required to comply with all applicable noise regulations (i.e., Subchapter 5, §24-227 of the New York City Noise Control Code (NYCNCC), the DOB Code) and would not generate noise levels that would result in any significant increase in ambient noise levels. The Proposed Actions were determined to not result in any significant adverse noise impacts at the surrounding receptors, including these schools, in the operational (i.e., completed) condition.

PUBLIC HEALTH

Comment 146: The risk is too high for the health and well-being of our community. (Cassidy_044)

Response: Public health was examined in Chapter 15, “Public Health,” consistent with the guidance of the *CEQR Technical Manual*. The chapter analyzed whether adverse impacts on human health may occur as a result of the previously proposed project and considered other technical areas related to public health including air quality, water quality, hazardous materials, and noise. With the exception of construction noise, no impacts were identified in these technical areas. Chapter 17, “Construction,” determined that construction activities would result in unmitigated significant adverse construction-period noise impacts at receptors in the vicinity of the previously proposed project’s work areas. However, construction of the previously proposed project would not result in chronic exposure to high levels of noise, prolonged exposure to noise levels above 85 dBA, or episodic and unpredictable exposure to short-term impacts of noise at high decibel levels, as per the *CEQR Technical Manual*. Consequently, construction activities would not result in a significant adverse impact to public health.

CONSTRUCTION

Comment 147: During construction, residents and visitors will be endangered by Brownfield Cleanup as well as loud noises, dust, and other concerns. (Kefer_035, Kluger_060, Melon-Ramstack_082, Brieger_152, Birardi_181)

Response: As described in Chapter 9, “Hazardous Materials,” a CHASP) and Community Air Monitoring Plan (CAMP), including air monitoring for volatile organic compounds, particulates, and mercury vapor, would be implemented for the previously proposed project for the protection of site workers, the community, and the environment during the remediation phase of development.

Chapter 17, “Construction,” includes a detailed analysis of the potential for construction-period impacts, including the potential for noise-, air quality-, and vibration-related impacts. The detailed analysis of construction noise concluded that construction pursuant to the Proposed Actions has the potential to result in construction noise levels that exceed the *CEQR Technical Manual* thresholds at receptors surrounding the proposed construction work areas. The analysis evaluated the construction periods with the potential to result in the greatest levels of construction noise; however, the predicted maximum levels would not persist throughout construction, and the noise levels would fluctuate throughout the construction period. Construction of the previously proposed project would follow the construction noise control requirements of the NYCNC and would commit to measures to control construction noise that go beyond those required by Code. However, the most noise-intensive construction activity nearest the receptors experiencing significant adverse impacts would only be partially mitigated. Significant adverse impacts that cannot be fully mitigated through reasonably practicable measures would be considered unavoidable.

An emissions reduction program including dust control measures would be implemented for the previously proposed project to minimize the effects of construction activities on the surrounding community. With the implementation of emission reduction measures, the dispersion modeling analysis of construction-related air emissions determined that construction under the Proposed Actions would not result in significant adverse air quality impacts due to construction sources. The Applicant would prepare a CPP that would include measures to protect architectural resources located close enough to project construction (within 90 feet) from inadvertent construction-related damage including ground-borne vibration, falling debris, and accidental damage from heavy machinery during project construction. Additional receptors farther away from the Development Site and Museum Site would experience less vibration than those listed above, and similarly would not be expected to cause structural or architectural damage. Consequently, there is no potential for significant adverse vibration impacts from construction under the Proposed Actions.

Comment 148: Health and safety in the area will be impacted for 4–5 years instead of 1–2 for an as of right building. (Southbridge_043, Hellstrom_168, Birardi_181)

Chapter 23: Response to Comments on Draft Environmental Impact Statement

Response: As presented in Chapter 17, “Construction,” work would occur in a single phase and is anticipated to begin in 2022 and be complete in 2025, over an approximately three-year period. The overall construction duration for the No Action building is anticipated to be approximately five months shorter. A variety of measures would be employed during construction to ensure public safety during construction, including sidewalk bridges to provide overhead protection; safety signs to alert the public about active construction work; safety barriers to ensure the safety of the public passing by construction areas; flag persons to control trucks entering and exiting the construction areas and/or to provide guidance for pedestrians and bicyclists safety; and safety nettings as the superstructure work advances upward to prevent debris from falling to the ground. All DOB safety requirements would be followed to ensure the safety of the community and the construction workers themselves.

Comment 149: The construction of such a building directly across the street from a public school will impact the students, such as effects from construction dust and noise. The EIS must consider and address these issues. (Sosin_003, Bartolomeo_011, Hellstrom_PSPTA_013, Brieger_017, Silverwood_027, Bode_029, Brewer_061, Robertson_PSPTA_063, Winbush_065, Switaj_CB1_070, Switaj_CB1_156, Hellstrom_PSPTA_CF_073, Lee_080, Melon-Ramstack_082)

Response: The FEIS includes an analysis of the effects of construction on the surrounding area, including impacts to sensitive receptors such as the Blue School and Peck Slip School. The detailed analysis considered the effects of construction on transportation, air quality, noise, vibrations, see Chapter 17, “Construction.” The analysis determined that there would be no potential significant adverse impacts to transit, pedestrians, parking, air quality (including dust), or vibration. A potential significant adverse traffic impact was identified for one intersection, which could be fully mitigated with the measures described in Chapter 19, “Mitigation.” A potential significant adverse impact from construction noise was identified by the detailed analysis at several receptors including the Peck Slip School and Blue School. At these receptors, construction could produce noise level increases that would be noticeable and potentially intrusive during the most noise-intensive nearby construction activities and would produce noticeable increases over the course of construction. The analysis evaluated the construction periods with the potential to result in the greatest levels of construction noise; however, the predicted maximum levels would not persist throughout construction, and the noise levels would fluctuate throughout the construction period. Construction noise control measures are discussed in Chapter 19, “Mitigation.”

Comment 150: Construction sites release contaminants into ground water and eventually into the river system. (Bartolomeo_011)

Response: As described in Chapter 9, “Hazardous Materials,” If dewatering is required, groundwater testing would be performed to ensure that the discharge would meet

DEP sewer discharge requirements. If necessary, pretreatment would be conducted prior to discharge to the City's sewer system, as required by DEP.

Comment 151: The remediation, construction, and development will cause significant impacts on traffic, which must be considered as compounding the actual noise from the construction and need to be seriously taken into consideration. (Southbridge_043)

Response: As described in Chapter 17, "Construction," the Proposed Actions would have the potential to result in unmitigatable significant adverse construction traffic impacts at Pearl Street and Beekman Street and Pearl Street and Frankfort Street/Dover Street. A detailed construction traffic analysis has been added to the FEIS to further assess the potential for traffic impacts during construction and based on this analysis, significant adverse traffic impacts were identified at one intersection, Pearl Street and Dover Street, during the early morning construction hour. As discussed in FEIS Chapter 19, "Mitigation," With the implementation of standard traffic mitigation measures (signal timing changes), which are subject to review and approval by DOT, this significant adverse traffic impact could be fully mitigated.

Chapter 17, "Construction," presents a detailed analysis of the potential for construction-period noise impacts generated by the operation of construction equipment on both construction sites and construction-related vehicles traveling to and from the Development Site and Museum Site on adjacent roadways. The detailed analysis of construction noise concluded that construction pursuant to the Proposed Actions has the potential to result in construction noise levels that exceed the *CEQR Technical Manual* construction noise screening threshold for an extended period of time or the additional construction noise impact criteria defined herein at receptors surrounding the proposed construction work areas. The analysis evaluated the construction periods with the potential to result in the greatest levels of construction noise; however, the predicted maximum levels would not persist throughout construction, and the noise levels would fluctuate throughout the construction period. Construction of the previously proposed project would follow the construction noise control requirements of the NYCNCC and would commit to measures to control construction noise that go beyond those required by Code. However, the most noise-intensive construction activity nearest the receptors experiencing significant adverse impacts would only be partially mitigated. Significant adverse impacts that cannot be fully mitigated through reasonably practicable measures would be considered unavoidable.

Comment 152: The remediation and the redevelopment plan must happen concurrently to achieve the best results, at the most cost-effective standard, and the least disruptive construction schedule. (Wasserman_004, Davies_037)

Response: All remediation, excavation and construction activities will be closely coordinated to minimize disruption, ensure efficiency, and protect workers and the public.

Comment 153: The project will result in years of construction, all in a small area adjacent to two schools, a large residential complex, and the Brooklyn Bridge. (Kluger_060)

Response: Chapter 17, “Construction,” includes a detailed analysis of the potential for construction-period impacts from the Proposed Actions. As is typical with most large construction projects, construction of the previously proposed project would result in temporary disruptions in the surrounding area. However, the Applicant has committed to implementing a variety of measures (e.g., environmental performance measures, community safety measures, and outreach and communication with the community) during construction to minimize impacts to the nearby community.

Comment 154: Construction will undoubtedly endanger the old and weak foundations in the landmarked buildings as well as other surrounding buildings and infrastructure. Monitoring vibrations won’t help if the damage is already done. (Sosin_003, Gorman_FoSSS_047, Eames_SC_051, Sosinsky_167)

Response: As described in Chapter 17, “Construction,” the Applicant would prepare a CPP that would include measures to protect architectural resources located close enough to project construction (within 90 feet) from inadvertent construction-related damage including ground-borne vibration, falling debris, and accidental damage from heavy machinery during project construction. Additional receptors farther away from the Development Site and Museum Site would experience less vibration than those listed above, and similarly would not be expected to cause structural or architectural damage. There is no potential for significant adverse vibration impacts from construction under the previously proposed project.

Comment 155: The Applicants must conduct outreach to all surrounding property owners, residents, and schools with detailed information concerning future and continuing construction and potential impacts and respond to the questions and concerns of these owners and residents. Regulations for engine emissions, construction waste reduction, and water and sewage infrastructure must be in effect and communicated to both construction companies as well as neighborhood residents and businesses. All efforts must go beyond baseline requirements. (Brewer_061, Brewer_062)

Response: The Applicant would establish a construction working group and would circulate regular construction “look-aheads,” including stages of work and upcoming construction activities. There would also be an email address and 24-hour project telephone hotline established for members of the community to report concerns that may arise during the project’s construction. The nature of the response would depend on the particular concern and would be referred to construction staff, the Applicant personnel, and/or appropriate public agencies.

As discussed in Chapter 17, “Construction,” all applicable local, state, and federal regulations will be adhered to during the course of construction. Infrastructure activities at the Development Site and the Museum Site would include utility

connections to existing water, sewer, electric, gas, and telecommunications. These activities would be coordinated with DEP, Con Edison, or the appropriate private utility company. The Applicant has committed to meet or exceed noise control measures, per the requirements of the NYCNCC and contractors would be required under contract specifications to implement an emissions reduction program beyond code requirements to minimize the air quality effects from construction.

Comment 156: A community construction liaison must be made available 24/7 from pre-construction through the project's completion to serve as a direct community contact via a hotline and email address to be posted prominently on the construction site and social media. (Brewer_061, Brewer_062)

Response: There would be an email address and 24-hour project telephone hotline established for members of the community to report concerns that may arise during the project's construction. The nature of the response would depend on the particular concern and would be referred to construction staff, the Applicant personnel, and/or appropriate public agencies.

Comment 157: Three plus years of construction will have major, direct impacts on the limited, open spaces in and around the Seaport, due to noise, vibration, dust, massive construction equipment, street closings and associated traffic issues. (Gorman_FoSSS_047)

Response: As described in Chapter 17, "Construction," no open space resources would be used for staging or other construction activities. The nearest open space resources are the Imagination Playground immediately west of the Museum Site and the Pearl Street Playground and Titanic Memorial Park to the west of the Development Site. Access to these open space resources and any other nearby open space resources would be maintained throughout the duration of the construction period. Measures would be implemented to control air emissions, dust, noise, and vibration on the Development Site and Museum Site during construction.

However, based on the prediction of construction noise levels up to the low 80s dBA resulting in construction noise level increments up to approximately 13 dBA and exceedances of the *CEQR Technical Manual* construction noise screening thresholds occurring over the course of up to 26 months, construction noise associated with the previously proposed project would result in a temporary significant adverse impact at the Pearl Street Playground. Construction of the previously proposed project would follow the construction noise control requirements of the NYCNCC and would commit to measures to control construction noise that go beyond those required by Code. Even with these measures in place, no additional practical and feasible mitigation measures have been identified that could be implemented to reduce noise levels at this location below threshold. However, since construction would not regularly occur during

Chapter 23: Response to Comments on Draft Environmental Impact Statement

evening or weekend hours, the playground would be free of construction noise during those times.

Comment 158: The following open spaces will be effectively closed down to the public during much, if not all, of the day during active construction due to construction noise: (1) Titanic Park seating; (2) Pearl Street Playground; (3) Pearl Street public seating; (4) Beekman de-mapped street public seating; (5) Fishbridge Gardens; (6) Fishbridge Dog Run; (7) Peck Slip. (Gorman_FoSSS_047)

Response: Please see response to Comment #157.

Comment 159: The noise from pile driving needed to support a huge tower is unnerving. It will affect the mental wellbeing of healthy as well as compromised individuals, as well as our companion animals. (Gorman_FoSSS_047)

Response: Chapter 17, “Construction,” presents a detailed analysis of the potential for construction-period noise impacts generated by the operation of construction equipment including pile drivers and construction-related vehicles traveling to and from the Development Site and Museum Site on adjacent roadways. The detailed analysis of construction noise concluded that construction pursuant to the Proposed Actions has the potential to result in construction noise levels that exceed the *CEQR Technical Manual* construction noise screening threshold for an extended period of time or the additional construction noise impact criteria defined herein at receptors surrounding the proposed construction work areas. The analysis evaluated the construction periods with the potential to result in the greatest levels of construction noise; however, the predicted maximum levels would not persist throughout construction, and the noise levels would fluctuate throughout the construction period. Construction of the previously proposed project would follow the construction noise control requirements of the NYCNCC and would commit to measures to control construction noise that go beyond those required by Code. However, the most noise-intensive construction activity nearest the receptors experiencing significant adverse impacts would only be partially mitigated. Significant adverse impacts that cannot be fully mitigated through reasonably practicable measures would be considered unavoidable.

Comment 160: The multi-year construction period will have major impact on: (1) adjacent schools; (2) use of Pearl Street as an entrance to the Seaport along Peck Slip and Beekman Street and exit from within the Seaport north of Fulton Plaza; (3) residents, businesses, and restaurants within the Seaport along Peck Slip, Water Street, and Front Street; (4) overall resident and general public use of Pearl Street; (5) access to hotel and other businesses on the northeast side of Pearl Street. (Gorman_FoSSS_047)

Response: Construction would not block or restrict access to any facilities in the area, affect the operations of any nearby businesses, or obstruct major thoroughfares used by customers or businesses. MPT plans would be developed for any required temporary sidewalk and lane narrowing and/or closures to ensure the safety of the

construction workers and the public passing through the area. Approval of these plans and implementation of the closures would be coordinated with DOT's OCMC. Measures specified in the MPT plans that are anticipated to be implemented would include parking lane closures, safety signs, safety barriers, and construction fencing.

Comment 161: A comprehensive Safety Plan would be a given to protect residents, visitors, workers, businesses. Plans need to ensure that damages to important facilities—water, sewer pipes, cables, etc.—are addressed quickly. (Gorman_FoSSS_047)

Response: As presented in Chapter 17, “Construction,” a variety of measures would be employed during construction of the previously proposed project to ensure public safety during the construction, including sidewalk bridges to provide overhead protection; safety signs to alert the public about active construction work; safety barriers to ensure the safety of the public passing by construction areas; flag persons to control trucks entering and exiting the construction areas and/or to provide guidance for pedestrians and bicyclists safety; and safety nettings as the superstructure work advances upward to prevent debris from falling to the ground. All DOB safety requirements would be followed to ensure the safety of the community and the construction workers themselves. Infrastructure activities at the Development Site and the Museum Site would include utility connections to existing water, sewer, electric, gas, and telecommunications. These activities would be coordinated with DEP, Con Edison, or the appropriate private utility company to ensure that service to customers in nearby areas is not disrupted.

Comment 162: The site is on landfill, with a high water table, which would entail heavy engineering practices to come into play to ensure that a building of the height proposed is on a stable foundation at this location. (Gorman_FoSSS_047)

Response: The Applicant will perform geotechnical surveys prior to commencing construction. Appropriate measures to comply with New York City Building Code requirements relating to building foundations and engineering will be undertaken.

Comment 163: The Peck Slip play street should remain in full use, so children have recess outside. What measures are being taken to ensure this? (Hellstrom_PSPTA_013, Robertson_PSPTA_063, Hellstrom_PSPTA_CF_073, Lee_080, Switaj_CB1_156)

Response: Currently, there are no closures contemplated for the Peck Slip Play Street. MPT plans would be developed for any required temporary sidewalk and lane narrowing and/or closures to ensure the safety of the construction workers and the public passing through the area. Approval of these plans and implementation of the closures would be coordinated with DOT's OCMC.

Comment 164: The DEIS anticipates the removal of traffic lanes along Pearl St to accommodate “staging concrete operations along Pearl Street...” and we are assuming all the heavy equipment as well to avoid or place “as far away from the Peck Slip and Blue Schools as possible.” This is a good thing for the schools but the impact on

Pearl Street will be unavoidable and significant and should be re-examined. The bus transit along Pearl Street needs to be rerouted or will be subject to interminable delays. (Southbridge_043)

Response: As is typical with New York City construction in a confined urban environment, curblanes immediately adjacent to the construction site may need to be closed or narrowed for varying periods of time during the construction period. However, it is not anticipated that any travel lanes on Pearl Street will be shut down to traffic or any bus services need to be rerouted due to project construction. MPT plans would be developed for any required temporary lane narrowing and/or closures to protect the safety of the construction workers and the public passing through the area. Approval of these plans and implementation of the closures would be coordinated with DOT's OCMC.

Comment 165: There are issues about air quality and water an electrical transmission lines, and they all have to be protected in terms of the community, and the noise and the vibration. (Brewer_062)

Response: Measures would be taken to reduce pollutant emissions during construction in accordance with all applicable laws, regulations, and building codes. In addition, contractors would be required under contract specifications to implement an emissions reduction program to minimize the air quality effects from construction. Measures would include, to the extent practicable, dust suppression measures, use of ultra-low sulfur diesel (ULSD) fuel, idling restrictions, diesel equipment reduction, the utilization of newer equipment (i.e., equipment meeting the U.S. Environmental Protection Agency's [EPA] Tier 3 emission standard), and best available tailpipe reduction technologies. Construction of the previously proposed project would include noise control measures as required by the NYCNCC. In addition, measures beyond the requirements of the NYCNCC would be employed to minimize the effects of construction noise. These measures would include the use of quieter equipment and the installation of a 12-foot-tall noise barrier along the edge of the Museum Site facing the Imagination Playground. To avoid adverse physical impacts on architectural resources located close enough to project construction (within 90 feet), a CPP would be developed and implemented in consultation with LPC. The CPP would include a requirement for monitoring to determine the amount of vibration at the subject structures during the construction period, as well as a prohibition on vibration exceeding the acceptable threshold (i.e., 0.5 in/sec). If construction were to result in vibration exceeding this threshold, the CPP would require construction means and methods to be altered to avoid producing such exceedances.

Infrastructure activities at the Development Site and the Museum Site would include utility connections to existing water, sewer, electric, gas, and telecommunications. These activities would be coordinated with DEP, Con Edison, or the appropriate private utility company to ensure that service to customers in nearby areas is not disrupted.

Comment 166: We're talking about extra ways to mitigate sound, dust, to work with a developer, to have them do construction outside of important times for the school, or when things got worse. (Malvern_CF_067)

Response: As described in EIS Chapter 17, "Construction," the Applicant has committed to implementing a variety of measures during construction to minimize impacts to the nearby community, including noise and dust control measures. To minimize the effects of construction, the project would not only include noise control measures as required by the NYCNCC, but would include additional measures such as the use of quieter equipment, and contractors would be required under contract specifications to implement an emissions reduction program, such as the use of equipment meeting at least the EPA's Tier 3 emission standard, beyond code requirements.

Comment 167: The applicant should study similar cases of major construction next to school buildings, such as P.S. 234 and P.S. 51, to understand what worked well and what did not and should utilize current best practices. (Switaj_CB1_070, Switaj_CB1_156)

Response: Comment noted.

Comment 168: The applicants must work with the school communities as soon as possible to make commitments to specific mitigation strategies and ensure that families know what is happening. (Switaj_CB1_070, Switaj_CB1_156)

Response: The Applicant would establish a construction working group and would circulate regular construction "look-aheads," including stages of work and upcoming construction activities. Further, the Applicant has engaged in dialogues with nearby school communities, and is committed to ongoing dialogues with the school communities throughout the construction period

Comment 169: With COVID and everything else, we were told part of keeping kids safe would be to leave windows open and so air would filtrate through these rooms. Obviously, this will not be able to be done with all the construction that's going to be going on outside the Peck Slip School. (Travers_089)

Response: Measures would be taken to reduce pollutant emissions during construction in accordance with all applicable laws, regulations, and building codes. In addition, contractors would be required under contract specifications to implement an emissions reduction program to minimize the air quality effects from construction. Measures would include, to the extent practicable, dust suppression measures, use of ULSD fuel, idling restrictions, diesel equipment reduction, the utilization of newer equipment (i.e., equipment meeting the EPA's Tier 3 emission standard), and best available tailpipe reduction technologies. With the implementation of these emission reduction measures, the dispersion modeling analysis of construction-related air emissions determined that construction under the Proposed Actions would not result in significant adverse air quality impacts due to construction sources.

Chapter 23: Response to Comments on Draft Environmental Impact Statement

Comment 170: The project fails to address the environmental impacts set forth by the building's construction and Brownfields Cleaning Project. (Niou_65A_098)

Response: Chapter 17, "Construction," includes a detailed analysis of the potential for construction-period impacts from the Proposed Actions. The analysis concluded that the previously proposed project's construction activities could result in significant adverse noise, open space, and traffic impacts. For all other technical areas, construction activities associated with the previously proposed project would not result in significant adverse impacts. As discussed in Chapter 9, "Hazardous Materials," the potential for significant adverse impacts related to hazardous materials resulting from the previously proposed project would be avoided through compliance with existing regulatory requirements and conforming to NYSDEC BCP requirements: in particular the already completed Remedial Investigation (RI) and the implementation of an approved RAWP and CHASP during project construction.

Comment 171: The environmental impact statement is deficient, it fails to entirely address this issue of noise. (Brieger_152)

Response: Chapter 17, "Construction," includes a detailed analysis of the potential for construction-period impacts from the Proposed Actions, including the potential for noise-related impacts. The detailed analysis of construction noise concluded that construction pursuant to the Proposed Actions has the potential to result in construction noise levels that exceed the *CEQR Technical Manual* construction noise screening threshold for an extended period of time or the additional construction noise impact criteria defined herein at receptors surrounding the proposed construction work areas. The analysis evaluated the construction periods with the potential to result in the greatest levels of construction noise; however, the predicted maximum levels would not persist throughout construction, and the noise levels would fluctuate throughout the construction period. Construction of the previously proposed project would follow the construction noise control requirements of the NYCNCC and would commit to measures to control construction noise that go beyond those required by Code. However, the most noise-intensive construction activity nearest the receptors experiencing significant adverse impacts would only be partially mitigated. Significant adverse impacts that cannot be fully mitigated through reasonably practicable measures would be considered unavoidable.

Comment 172: There have been no subsurface hydrological impact studies done throughout the Seaport as to the effect of construction and excavation of a building this massive on the foundations of our 18th and 19th century historic Seaport buildings that could be severely tested. (Hellstrom_168)

Response: Below-ground design and construction methods for proposed excavation and foundations are being evaluated with the intent to cause no impacts on other buildings in the area. The subsurface conditions at the Development Site and the immediately surrounding area will be taken into consideration. Monitoring of the

behavior of the installed system, yet to be determined, and the adjacent buildings during construction will be performed. Proposed design plans and mitigation of potential impacts will be reviewed by multiple agencies, including LPC.

Comment 173: The Peck Slip School’s entrance to the street will be closed to traffic directly in front of it. (Haiman_CRH_129)

Response: Construction of the previously proposed project would not block or restrict access to the Peck Slip School’s entrance. MPT plans would be developed for any required temporary sidewalk and lane narrowing and/or closures to ensure the safety of the construction workers and the public passing through the area. Approval of these plans and implementation of the closures would be coordinated with DOT’s OCMC. Measures specified in the MPT plans that are anticipated to be implemented would include parking lane closures, safety signs, safety barriers, and construction fencing.

PUBLIC HEALTH

Comment 174: This proposal fails to consider, or even to mention the impact that the COVID epidemic has on the situation, given that schools and residents need to keep their windows open. (Brieger_017, Brieger_152, Sosin_158, Malvern_CF_175)

Response: Comment noted. Potential effects on public health from the Proposed Actions are described in Chapter 15, “Public Health.” Please also see the response to Comment #169.

Comment 175: The DEIS Fails to undertake a public health assessment of hazardous materials impacts. The DEIS did not conduct a public health assessment for hazardous materials based on its improper assumption that significant adverse impacts related to hazardous materials would be avoided through compliance BCP requirements. (Kramer_SSSC_187)

Response: Please see responses to Comment #103, Comment #104, Comment #106, Comment #107, and Comment #175.

ALTERNATIVES

Comment 176: HHC chose not to present even one of any number of designs that would respect the Seaport’s scale so as to not imperil its vision. (Gorman_FoSSS_047)

Response: The DEIS analyzed two alternative designs, the No Action Alternative, which consisted of an as-of-right building that could be constructed under the existing zoning, and a No Unmitigated Significant Adverse Impacts Alternative, which consisted of a building reduced so as to eliminate all potential significant adverse impacts. It was determined that these alternatives would not accomplish the goals and objectives of the Proposed Actions, or, in the case of construction noise, eliminate the potential significant adverse impact. A further alternative, the “Reduced Impact Alternative” described in Chapter 18, “Alternatives,” has been added to the FEIS and would eliminate the potential significant adverse impact to

Chapter 23: Response to Comments on Draft Environmental Impact Statement

historic and cultural resources identified for the previously proposed project while accomplishing the goals and objectives of the Proposed Actions.

Comment 177: A 120-foot-tall building conforming to existing zoning and including affordable housing would better suit the historic district and would not require the complicated series of proposed actions. (Grubler_BAN_006, Sosin_147, CB1_174, Gorman_FoSSS_047, Goldfeder_055, Roche_095, Park_173, Haiman_CRH_129, Sosin_147, Roberston_151, Meltzer_CB1_157, Schapiro_169)

Response: The FEIS considers an alternative that conforms to existing zoning. As noted in Chapter 18, “Alternatives,” the No Action Alternative would include an approximately 327,400-gsf mixed-use as-of-right building that would not involve any discretionary approvals. However, this option would not meet key goals and objectives of the project, including the creation of affordable housing and the facilitation of the restoration, reopening, and potential expansion of the South Street Seaport Museum.

Comment 178: The current proposal ignores good faith efforts by the Community Board and community to suggest alternative ways to help fund the Seaport Museum and to build affordable housing that can be done without approving a building three times the height of what is permitted. (Goldstein_033, Goldstein_072)

Response: The Museum funding alternatives that were recommended by the Community Board (e.g., restoration of operating funding, creation of a museum reserve fund, utilization of FEMA money and other federal grants programs) are beyond the scope of the previously proposed project, and in any event, would not provide the affordable housing associated with the proposal.

Comment 179: One alternative would include a Lower Manhattan storm water resiliency station with space for appropriate retail or residential development and the ability to create a rooftop public space, all within the 120 ft. height limitation which continues to be in place. (Sosinsky_167)

Response: This type of development would not meet the goals and objectives of the project, in that it would not distribute unused floor area, provide new affordable housing, or facilitate the restoration, reopening, and potential expansion of the South Street Seaport Museum.

Comment 180: There is no attempt to analyze the current economic environment that might prove that an as-of-right build may be even more appropriate today, post-COVID. (Hellstrom_170)

Response: Market feasibility is not part of the environmental review process. The FEIS does look at the relevant considerations outlined in the guidance provided by the *CEQR Technical Manual*. As discussed in Chapter 3, “Socioeconomic Conditions,” these include direct and indirect residential displacement, direct and indirect business displacement, and adverse effects on specific industries. The analyses

included in Chapter 3, “Socioeconomic Conditions,” and in Chapter 18, “Alternatives,” conclude that neither the previously proposed project nor the Reduced Impact Alternative would result in significant adverse socioeconomic impacts.

Comment 181: A map change to a commercial district with an R10 residential equivalent district would have allowed a mixed-use building on this site at the proposed size with the same uses. (Janes_165)

Response: Comment noted.

Comment 182: As noted in the DEIS – the impact on Open Space is not mitigated by the 324 ft approved tower. This is not limited to Southbridge Towers. (Gorman_FoSSS_047)

Response: The LPC-approved 324-foot-tall building was considered in the FEIS as the “Reduced Impact Alternative,” see Chapter 18, “Alternatives.” While the identified shadows impact on the Southbridge Towers complex open space areas would not be eliminated, the length and duration of shadows from Reduced Impact Alternative would be reduced. No potential significant adverse shadows impacts to any other resources were identified for either the previously proposed project or the Reduced Impact Alternative.

Comment 183: The FEIS should evaluate potential design changes, including different massing and decreases in building height, and alternatives that mitigate shadow impacts on the Southbridge Towers complex open spaces, while still achieving the intended goals of bringing affordable housing to the area. (MASNY_184)

Response: The FEIS considers three alternatives to the previously proposed project that include reduced height and massing. These are: the No Action Alternative, with a 120-foot tall, approximately 327,400-gsf building; the No Unmitigated Significant Adverse Impact Alternative with a 170-foot tall, approximately 204,000-gsf building; and a Reduced Impact Alternative with a height of up to approximately 324 feet and 616,483 gsf. While all three would reduce the shadows from a new building on the Development Site, only the Reduced Impact Alternative—which represents the Applicant’s current proposal for the site—would meet the goals and objectives of the project.

Comment 184: The lack of comprehensively evaluated alternatives for this proposal leaves the public and decision-makers with a dearth of information they should have a right to expect. This project was revised a great many times in dialogue with LPC. There is every reason to believe that a robust evaluation of alternatives could have found compromises that would achieve the developer’s goals and worthy public benefits. (MASNY_184)

Response: As noted in Chapter 23 of the *CEQR Technical Manual*, “Alternatives,” SEQRA requires that an EIS include a description and evaluation of the range of reasonable alternatives to the proposed action(s) that are feasible, considering the

objectives and capabilities of the project sponsor. The range of alternatives must include the No Action alternative. However, while the *CEQR Technical Manual* suggests other types of alternatives that may be considered (e.g., alternative sites, design, use, scale), none are required under SEQRA or CEQR. In addition to analyzing a No Action Alternative, Chapter 18, “Alternatives,” of the EIS also considers a No Unmitigated Significant Adverse Impact Alternative to assess the bulk and program reductions that would be needed to avoid those impacts—as noted above and in Chapter 18, “Alternatives,” this would result in a 170-foot tall, approximately 204,000-gsf building. A reduction of that scale would not allow the Applicant to meet its programmatic needs or the goals of the project and would thus not be feasible. A third alternative, the Reduced Impact Alternative, has also been added to the FEIS that may address some of the commentor’s intent. This alternative, which represents the modified “A-Application” submitted by the Applicant, would reduce or eliminate some of the impacts associated with the previously proposed project while still meeting the goals and objectives of the project.

MITIGATION

Comment 185: I remain concerned that the Applicant has yet to address the ongoing environmental concerns of the Peck Slip School and the Blue School, and Southbridge Towers. (Brewer_061)

Response: The FEIS considered a range of environmental concerns including potential impacts in the technical areas of hazardous materials, transportation, air quality, noise, and construction that have been of the greatest concern in relation to the schools. As described in the FEIS, no potential significant adverse impacts were identified in the technical areas of open space, hazardous materials, air quality, and noise. Potential significant adverse impacts in the technical areas of transportation and construction noise. Mitigations for potential environmental impacts identified in the FEIS are described in Chapter 19, “Mitigation,” and those impacts that could not be fully mitigated are described in Chapter 20, “Unavoidable Adverse Impacts.” The Applicant is committed to working with the community, including the Peck Slip School and Blue School, to minimize the effects of the proposed development.

Comment 186: The proposed traffic changes don’t seem likely to do much if any good even to correct existing problems, no less what a tower will introduce, and one impact remains unmitigated. (Gorman_FoSSS_047)

Response: The recommended mitigation measures were developed in accordance with *CEQR Technical Manual* guidance and reviewed with DOT regarding their feasibility and appropriateness to mitigate the projected impacts to the extent practicable, see Chapter 19, “Mitigation.”

Comment 187: No attempt is made to mitigate the AM and PM rush hour or the Dover/Frankfort/Pearl intersection which is the most congested with hundreds of

vehicles entering or exiting the Brooklyn Bridge and FDR hourly either during construction or after development. Why? (Southbridge_043)

Response: In coordination with DOT, no feasible mitigation measures can be identified for this location. As such, the unmitigatable impact was disclosed in the FEIS, see Chapter 20, “Unavoidable Adverse Impacts.”

Comment 188: The DEIS also says, “the remaining identified impacts would remain unmitigated with the Proposed Project.” Why? And why does this study fail to recommend other mitigation measures such as hiring additional TEAs for some of these intersections? (Southbridge_043)

Response: The deployment of traffic enforcement agents is often done at congested locations based on need as determined by DOT in coordination with the New York City Police Department (NYPD).

Comment 189: How is a six-foot curb extension going to help the traffic or the pedestrians entering what may be the most dangerous crossing in the downtown area? (Southbridge_043)

Response: As described in Chapter 19, “Mitigation,” the proposed curb extension would mitigate the projected pedestrian impacts at that intersection while not resulting in any additional traffic impacts. Although this intersection was not found to be a “high-crash” location, the curb extension, if implemented, would also enhance the safety of crossing pedestrians by providing added refuge area and shortening connecting crosswalk distance.

Comment 190: Would the proposed signal timing adjustments cause increased delays, horn honking and pollution on the streets running east/west such as Frankfort, Beekman, Fulton etc.? (Southbridge_043)

Response: Horn honking, per the comment, was not a consideration but the proposed signal timing adjustments were determined to improve traffic conditions at the impacted locations while not causing new significant environmental impacts elsewhere. Potential effects of emissions from mobile sources was considered in Chapter 12, “Air Quality,” and no potential for a significant adverse impact was identified.

Comment 191: Every effort to mitigate the impacts of noise from the actual construction itself to the inevitable consequences of that construction must be included in the construction noise plan and made available to the community in advance of the proposed project. (Southbridge_043)

Response: Measures to reduce construction noise and partially mitigate the identified impact are discussed in Chapter 17, “Construction.”

Comment 192: This document fails to adequately identify mitigation measures needed to address the projected impacts and other impacts that this study minimizes. SBT is also entitled to and expects to receive full compensation from HHC for the costs they will incur replacing plants and trees. (Southbridge_043)

Chapter 23: Response to Comments on Draft Environmental Impact Statement

Response: Mitigation measures for the identified impacts are described in Chapter 19, “Mitigation,” and those impacts that could not be fully mitigated are described in Chapter 20, “Unavoidable Adverse Impact.” As stated in Chapter 19, “Mitigation,” to address the impact on the Southbridge Towers complex open space areas, the Applicant will monitor the open spaces’ vegetation and replace any vegetation with more shade-tolerant species, as necessary.

Comment 193: In addition, SBT needs to be compensated for diminished sales which will create a hole in our budget. (Southbridge_043)

Response: Effects on private residential real estate values are beyond the scope of environmental review.

Comment 194: I would like to recommend to Howard Hughes think about what they can do for our schools and for our children. (Melon-Ramstack_082)

Response: Comment noted.

Comment 195: CB1 requests that the applicant reach out to the Board and/or ownership of Southbridge Towers as soon as possible to work out a mitigation plan for the open spaces at Southbridge Towers so that it can be memorialized within the project’s Restrictive Declaration. (Switaj_CB1_156)

Response: Please see response to Comment #72.

MISCELLANEOUS

Comment 196: The City has elected to continue the ULURP process while a Brownfield Cleanup Project is ongoing at the site. (Niou_005)

Response: Completion of remediation pursuant to the Brownfields Cleanup Program is not a prerequisite to ULURP. Chapter 9, “Hazardous Materials,” details the measures that would be implemented to ensure that the project will not result in significant adverse environmental impacts due to hazardous materials.

Comment 197: Does the project avoid a public procurement process, and eliminate fair competition for public air rights? (Gorman_FoSSS_047)

Response: HHC currently has a leasehold interest in the unused development rights until 2072, and as such they are not available for use by any other party, including the City, until that time. EDC has determined that a public procurement process under which other parties would only be offered use of the development rights in 2073 would be neither fruitful nor practical.

Comment 198: Would this expanded LSGD pave the way for yet another HHC expanded version to incorporate the waterfront New Market site, and the unfettered movement of additional public air rights by HHC down the line? (Gorman_FoSSS_047)

Response: The future of the New Market site will be determined by the City.

Comment 199: Would the proposed actions be viewed as a new precedent advancing other developers' interests? (Gorman_FoSSS_047)

Response: As discussed in Chapter 1, "Project Description and Analytical Framework," the Proposed Actions would result in development in the Project Area only.

Comment 200: HHC had access [to the City and public officials,] as an applicant, that the general public would not be afforded. (Gorman_FoSSS_047)

Response: This is not a comment on the environmental impact statement. However, as described on the Department of City Planning's (DCP) website (see <https://www1.nyc.gov/site/planning/applicants/overview.page>), preparation of a land use application and environmental review documents requires that any applicant meet and coordinate with DCP and other City agencies.

Comment 201: The 1977 South Street Seaport Historic District Designation specifically included the 250 Water lot in the Seaport Historic District. (Gorman_FoSSS_047)

Response: Comment noted.

Comment 202: Is EDC negotiating new options with HHC on additional Seaport public assets, out of public view, with yet another HHC expanded LSGD on the horizon? (Gorman_FoSSS_047)

Response: No.

Comment 203: MAS maintains that the City must disclose the development rights value, the legal process for facilitating the development rights transfer in addition to any other anticipated disposition actions. (Soomro_MASNY_064)

Response: Any sale of the development rights would be based on an appraisal. The development rights transfer will be pursuant to agreement between HHC and the City/EDC.

Comment 204: This development is being done sort of with blinders on and ignoring the fact there is a brownfield toxic remediation process happening outside of the ULURP process. Allowing that to happen outside of the ULURP process is a complete undermining of what the ULURP was meant to do for communities and meant to do for the people who live in these communities. (Malvern_CF_067)

Response: Please see responses to Comments #103 to 117, and to Comment #196.

Comment 205: We respectfully urge you to recommend that the developer commit to providing good union jobs and don't undermine community standards. (Ortiz_SEIU_32BJ_097)

Response: This comment is outside the scope of environmental review.

Comment 206: The City should postpone review of all of these related applications until CB1 and the community have full information on all HHC, EDC, and SBS Seaport applications that City Planning is aware of, so we have a full understanding and sufficient opportunity to review. It puts the community at an inherent

Chapter 23: Response to Comments on Draft Environmental Impact Statement

disadvantage to review segmented, piecemeal applications in a vacuum without the contextual understanding of broader plans for the area. (Meltzer_CB1_157, CB1_174)

Response: Both ULURP applications that are pending with respect to the South Street Seaport area, including the application for the Proposed Actions and the application for the Disposition of Seaport Properties (C 210444 PPM), have been referred to the Community Board for review.

MISCELLANEOUS – GENERAL OPPOSITION

Comment 207: I am in opposition to this project. (Brown_019, Kluger_059, Mensch_045, Warshay_058, Ryan-Silverberg_FDP_016, Gruss_079, Hellstrom_087, Kennedy_ST_096, Terrilli_105, Sheldon_112, Brown_114, Brown_119, Hillstom_120, Gardenhire_65A_155, Miller_160, SSSC_182)

Response: Comment noted.

MISCELLANEOUS – GENERAL SUPPORT

Comment 208: I support this project. (Galen_042, Granello_015, Hovitz_034, Kovar_014, Mantia_007, McVay-Hughes_010, Muller_048, Pickard_NHG_057, Siman_002, Spilabotte_040, Wong_053, ABNY_001, Courter_FF_012, Dwyer_SotR_041, Imas_WA_020, Lappen_DA_030, McGrory_REBNY_039, NYBC_028, Quinn_IPIC_032, Rivera_NYHRE_WHCP_018, Walker_AI_056, Imas_WA_068, Kovar_074, Kaplan_LMHA_075, Josephson_CB1_076, Bozek_077, Sokolow_078, Rivera_NYHRE_WHCP_083, George_LNE_084, Pickard_NHG_085, Dykema_086, Solis_091, Lappin_DA_092, Koppersmith_093, Celestin_094, Jones_099, Ramphal_100, Chan_AAFE_101, Pepi_BCA_102, Liscio_BP_107, Courter_FF_108, Wong_109, Quinn_IPIC_110, Freeman_115, Busi_116, Thomas_ONY_117, Ghassemieh_MSH_118, Ranshte_BTEA_126, Zimmerman_127, Durst_128, Meehan_131, Del Vecchio_132, Milman_133, Flaherty_134, Ware_BGE_135, Sexton_SSSM_136, Murray_137, Lewis_138, Pinsky_139, Boulware_SSSM_140, Mehl_141, Moss_SP_142, Brodheim_143, Sciamé_SC_144, Ho-Burge_PNS_145, Barker_146, Becker_DU_148, Brady_149, Dwyer_SotR_150, Roccas_186, Hovitz_153)

Response: Comment noted.