**250 Water Street**
**~~Draft~~ Final Scope of Work for an**
**Environmental Impact Statement**
**CEQR No. 21DCP084M**
**ULURP Nos. 210439ZRM, 210441ZAM, M130053BZSM, 210445ZAM, 210438ZSM ~~[Pending]~~**
**~~November 16, 2020~~May 17, 2021**

# A. PROJECT DESCRIPTION

## INTRODUCTION

The A~~a~~pplicant, 250 Seaport District, LLC, proposes the construction of an approximately 680,500~~912,762~~ gsf, up to 395-foot tall mixed-use building containing market-rate and affordable housing, retail, office, and community facility spaces as well as parking (the P~~p~~roposed P~~p~~roject) at 250 Water Street (the D~~d~~evelopment S~~s~~ite) in the South Street Seaport neighborhood of Manhattan, Community District 1.[1] The P~~p~~roposed P~~p~~roject would also facilitate the restoration, reopening, and potential expansion of the South Street Seaport Museum (the M~~m~~useum). The Proposed Project would additionally include operational changes to facilitate passenger drop off on the Pier 17 access drive as well as minor improvements to the Pier 17 access drive area and building, and may include streetscape, open space, or other improvements (e.g., planters) under the Proposed Actions within the Project Area. ~~The development site and museum are~~Project Area is located in ~~located within~~ the South Street Seaport ~~Subdistrict~~ of ~~the Special~~ Lower Manhattan ~~District~~.

The design of the Proposed Project as presented in the Draft Scope of Work (DSOW) has been revised since the public scoping meeting as a result of feedback from the New York City Landmarks Preservation Commission (LPC) and the community. The Reasonable Worst Case Development Scenario (RWCDS) that will be evaluated in the DEIS, as detailed above, will include the development of an up to 395-foot tall, approximately 680,500-gross-square-foot (gsf) mixed-use building on the Development Site that would include approximately 394,400 gsf of residential uses (394 dwelling units [DUs], including up to 99 affordable DUs), 267,747 gsf of office uses, 13,353 gsf of retail uses, 5,000 gsf of community facility uses, and 108 parking spaces. After modifications, the program for the Development Site is smaller than, and is within the bounds of, the approximately 912,762-gsf program for the Development Site presented in the

[1] On May 4, 2021, the Landmarks Preservation Commission voted to issue Certificates of Appropriateness for development on the Development Site and the potential expansion of the Museum on the Museum Site. The program and bulk of the approved designs for the Development Site and the potential expansion of the Museum are within the RWCDS (defined below) that is analyzed as the Proposed Project for purposes of the DEIS.

DSOW. The program for the building on the Development Site in the future without the Proposed Project (the No Action condition) and the program for the restored, reopened, and potentially expanded South Street Seaport Museum on the Museum Site (89-93 South Street, 2-4 Fulton Street, 167-175 John Street) remains unchanged from the DSOW.

To facilitate the Ppproposed Ppproject, the applicant is requesting the following actions (the Ppproposed Aactions): (i) a special permit pursuant to Zoning Resolution (ZR) Section 74-743(a) to allow for bulk modifications within a large-scale general development (LSGD) to allow the ~~on the development site, a development rights~~ distribution of total allowable floor area without regard to zoning lot lines or district boundaries, the location of buildings without regard to applicable height, setback, or street wall regulations, ~~from an area generally corresponding to the Pier 17 Large-Scale General Development to the development site, and potential streetscape, site plan and district improvements in the affected area~~; (ii) modifications to the South Street Seaport/Pier 17 LSGD site plan, zoning calculations, and boundaries; (iii)~~possible zoning~~ text amendments to the ~~special permit and special purpose district text~~South Street Seaport Subdistrict regulations; and (iv~~ii~~) ~~and an~~ authorizations to allow for a curb cut on Pearl Street (ZR Section 13-441) and security bollards within a pedestrian circulation path of a waterfront public access area (ZR Section 62-822(b)). In addition, the Applicant seeks a certification to transfer development rights pursuant to Zoning Resolution (ZR) 91-65 to transfer development rights and pursuant to ZR Section 62-12(c) for design changes to the previously approved Pier 17 waterfront site plan. In conjunction with these actions, the Applicant is seeking a modification to the LSGD restrictive declaration to update the previously approved site plan and zoning calculations and to modify the Pier 17 Traffic Management Plan. Finally, the New York City Department of Small Business Services (SBS) is filing an application seeking approval of the disposition of leasehold and easement interests with respect to various city-owned properties located within the South Street Seaport area, which would allow for the renewal and extension of the term of an existing lease for 99 years, until 2120.[2] Collectively, these actions would~~to~~ enable a mixed-use development at the ~~d~~Development ~~s~~Site with affordable units and improvements to the existing South Street Seaport/Pier 17 LSGD ~~under MIH parameters~~.

Additional actions to facilitate the Proposed Project and effectuate other changes to the affected area may include, disposition actions relating to the Museum Site and the distribution of floor area to the Development Site, funding decisions and grant of an Article XI Tax Incentive by the Department of Housing Preservation and Development. ~~In addition, other actions may include, as necessary, disposition actions authorizing the sale of development rights and funding decisions, if needed, to effectuate other changes to the affected area.~~

The Ppproject Aarea includes the Ddevelopment Ss~~s~~ite at 250 Water Street (Block 98, Lot 1), the M~~m~~useum Ssite occupying a ~~the southern~~ portion of the block located between John Street, South Street, Front Street, and Fulton Street (a portion of Block 74, Lot 1), existing museum spaces located outside the boundaries of the Museum Site, as well as~~and~~ several additional areas that may include streetscape, open space or other improvements (e.g. planters) ~~pursuant to the special permit~~under the Proposed Actions. ~~(see **Figure 1**). These include Titanic Park (Block 95, Lot 101), Pier 16 (Block 73, Lot 8), Peck Slip between Pearl Street and Water Street, Water Street between Fulton Street and Peck Slip, Front Street between John Street and Beekman Street, and Fulton Street between Water Street and South Street. In addition, t~~The Ppproject Aarea also includes the area ~~sites~~ of the Pier 17 LSGD, containing Pier 17 ~~(Block 73, Lot 10)~~ and the "Tin Building"

[2] The renewal and extension of the lease is a Type II action pursuant to 6 NYCRR Part 617.5(c)(32).

~~(Block 73, Lot 11) for the distribution of development rights to the development site at 250 Water Street and site plan improvements for that location~~ (see **Figure 1**).

The New York City Department of City Planning (DCP), acting on behalf of CPC, will be the lead agency for environmental review. Based on the Environmental Assessment Statement (EAS) that has been prepared, the lead agency has determined that the Pproposed Aactions have the potential to result in significant adverse environmental impacts, requiring that an Environmental Impact Statement (EIS) be prepared. Scoping is the first step in the preparation of the EIS and provides an early opportunity for the public and other agencies to be involved in the EIS process. It is intended to determine the range of issues and considerations to be evaluated in the EIS. This ~~Draft~~Final Scope of Work (~~D~~FSOW) includes a description of the ~~p~~Proposed ~~p~~Project and the actions necessary for its implementation, presents the proposed framework for the EIS analysis, and discusses the procedures to be followed in the preparation of the Draft EIS (DEIS). The ~~2014~~ 2020 *City Environmental Quality Review (CEQR) Technical Manual* will serve as a general guide on the methodologies and impact criteria for evaluating the Pproposed Aactions' effects on the various areas of environmental analysis.

## B. REQUIRED APPROVALS AND REVIEW PROCEDURES

### PROPOSED ACTIONS

To realize the Pproposed Pproject, a number of approvals are required, including discretionary actions that are subject to the New York State Environmental Quality Review Act (SEQRA) and New York City Environmental Quality Review (CEQR). The Pproposed Pproject is also subject to the City's Uniform Land Use Review Procedure (ULURP). The lead agency for the environmental review is the Department of City Planning (DCP). The Pproposed Aactions consist of the following: (i) a special permit pursuant to Zoning Resolution (ZR) Section 74-743(a) to allow for bulk modifications ~~on the development site, a development rights~~ within a LSGD to allow the distribution ~~from an area generally corresponding to the~~ of total allowable floor area without regard to zoning lot lines or district boundaries, the location of buildings without regard to applicable height, setback, or streetwall regulations~~Pier 17 Large Scale General Development to the development site, and potential streetscape, site plan and district improvements in the affected area~~; (ii) modifications to the site plan and restrictive declaration for the South Street Seaport/Pier 17 LSGD site plan, zoning calculations, and boundaries; (iii) ~~possible zoning~~ text amendments to the ~~special permit and special purpose district text~~South Street Seaport Subdistrict zoning regulations; and (iv~~ii~~) ~~and an~~ authorizations to allow for for a curb cut on Pearl Street (ZR Section 13-441) and security bollards within a pedestrian circulation path of a waterfront public access area (ZR Section 62-822(b)). In addition, the Applicant seeks certifications pursuant to ZR Section 91-95 to transfer development rights and pursuant to ZR Section 62-12(c) for design changes to the previously approved Pier 17 waterfront site plan. In conjunction with these actions, the Applicant is seeking a modification to the LSGD restrictive declaration to update the previously approved site plan and zoning calculations and to modify the Pier 17 Traffic Management Plan. Finally, the New York City Department of Small Business Services (SBS) is filing an application seeking approval of the disposition of leasehold and easement interests with respect to various city-owned properties located within the South Street Seaport area, which would allow for the renewal and extension of the term of an existing lease for 99 years, until 2120. Collectively, these actions would~~to~~ enable a mixed-use development at the D~~d~~evelopment S~~s~~ite with affordable units and improvements to the existing South Street Seaport/Pier 17 LSGD ~~under MIH parameters~~.

*Note: This figure has been updated for the Final Scope*

5.14.21




0 500 FEET

*Project Area*

*1/4-mile perimeter*

*Development Site*

*Museum Site*




Project Location

**250 WATER STREET**

**Figure 1**

Additional actions to facilitate the Proposed Project and effectuate other changes to the affected area may include, disposition actions relating to the Museum Site and the distribution of floor area to the Development Site, funding decisions and grant of an Article XI Tax Incentive by the Department of Housing Preservation and Development. ~~In addition, other actions may include, as necessary, disposition actions authorizing the sale of development rights and funding decisions, if needed, to effectuate other changes to the affected area.~~

As the Pproject Aarea is located within the South Street Seaport Historic District, Certificates of Appropriateness would also be required from the Landmarks Preservation Commission (LPC) for the designs of the new building at 250 Water Street and the renovation and potential Mmuseum expansion on the Museum Site~~at the John Street Lot~~. The Pproject Aarea is also located within the City's Coastal Zone and will require review by the CPC, in its capacity as the City Coastal Commission, to determine if they are consistent with the relevant Waterfront Revitalization Program (WRP) policies.

## CITY ENVIRONMENTAL QUALITY REVIEW AND SCOPING

The EAS ~~published on November 12, 2020~~ and Lead Agency Letter published on November 16, 2020 determined that the Pproposed Aactions are classified as ~~Unlisted~~Type I, as defined under 6 NYCRR 617.4 and NYC Executive Order 91 or 1977, as amended, and is subject to environmental review in accordance with CEQR guidelines. ~~An EAS was completed on November 16, 2020.~~ The EAS analyzes the Pproposed Aactions' potential to generate significant adverse environmental impacts. A Positive Declaration, issued on November 16, 2020, established that the Pproposed Aactions may have a significant adverse impact on the environment, thus warranting the preparation of an EIS.

The CEQR scoping process is intended to focus the EIS on those issues that are most pertinent to the Pproposed Aactions. The process allows other agencies and the public a voice in framing the scope of the EIS. The scoping document sets forth the analyses and methodologies that will be utilized to prepare the EIS. During the period for scoping, those interested in reviewing the Draft Scope may do so and give their comments to the lead agency. The public, interested agencies, Manhattan Community District 1, and elected officials ~~are~~ were invited to comment on the Draft Scope, either in writing or orally, at a public scoping meeting ~~to be~~ held on December 17, 2020 at 2:00 PM. In support of the City's efforts to contain the spread of COVID-19, DCP ~~will hold~~held the public scoping meeting remotely. To join the meeting and comment, please visit NYC Engage page: http://nyc.gov/engage. Comments received during the Draft Scope's public meeting and written comments received by January 11, 2021 ~~will be~~were considered and incorporated as appropriate into this~~e~~ Final Scope of Work (the Scope). The lead agency ~~will oversee~~oversaw preparation of the Final Scope, which ~~will~~ incorporates all relevant comments on the Draft Scope and revises the extent or methodologies of the studies, as appropriate, in response to comments made during scoping. The DEIS will be prepared in accordance with the Scope.

Once the lead agency is satisfied that the DEIS is complete, the document will be made available for public review and comment. A public hearing will be held on the DEIS in conjunction with the CPC hearing on the land use applications to afford all interested parties the opportunity to submit oral and written comments. The record will remain open for 10 days after the public hearing to allow additional written comments on the DEIS. At the close of the public review period, a Final EIS (FEIS) will be prepared that will respond to all substantive comments on the DEIS, along with any revisions to the technical analyses necessary to respond to those comments. The FEIS will then be used by decision makers to evaluate CEQR findings, which will address project

impacts and proposed mitigation measures in deciding whether to approve the requested discretionary actions with or without modifications.

## C. AREA AFFECTED BY THE PROPOSED ACTIONS

The Pproject ~~a~~Area ~~is composed of~~ includes the D~~d~~evelopment S~~s~~ite, the M~~m~~useum S~~s~~ite, existing museum spaces located outside boundaries of the Museum Site, as well as several additional areas that may include streetscape, open space or other improvements (e.g. planters) under the ~~proposed special permit~~Proposed Actions. ~~These additional areas include Titanic Park, Pier 16, Peck Slip between Pearl Street and Water Street, Water Street between Fulton Street and Peck Slip, Front Street between John Street and Beekman Street, and Fulton Street between Water Street and South Street~~. The Pproject Aarea also includes the area of the Pier 17 ~~Large Scale General Development~~LSGD, containing Pier 17 and the Tin Building.

The D~~d~~evelopment S~~s~~ite, on which the P~~p~~roposed P~~p~~roject would be constructed, is located at 250 Water Street (Block 98, Lot 1). The approximately 48,000-square foot (sf) D~~d~~evelopment S~~s~~ite is owned by the Applicant and currently contains a surface parking lot with approximately 400 spaces that occupies the full block bounded by Pearl Street, Water Street, Beekman Street, and Peck Slip. Low- and mid-rise buildings similar to the existing structures to the south and east were previously located on the Development Site, before being razed in the 1950s–1970s.

The M~~m~~useum S~~s~~ite occupies a portion of the block located between John Street, South Street, Front Street, and Fulton Street (a portion of Block 74, Lot 1). The future renovation, reopening, and potential expansion of the Museum on the approximately 16,340~~21,500~~-sf ~~m~~Museum ~~s~~Site ~~includes the current museum space midblock on Fulton Street~~would be facilitated as a result of the Proposed Project. This includes~~,~~ the M~~m~~useum's "C~~c~~ollections" spaces for which no work is proposed but which would reopen, located in the historic, approximately 170-year old ~~building (the~~ AA Low Building~~)~~ ~~midblock~~ on John Street (167-171 John Street), existing ~~museum~~ spaces ~~in the Fulton Ferry Building at the corner of Fulton Street and South Street~~ that would be renovated in the historic, approximately 200-yaer old Schermerhorn Row buildings at the corner of Fulton and South Streets (91-93 South Street and 2-4 Fulton Street)~~to contain museum space in the future~~, and a vacant lot (the "John Street Lot") currently used for parking and storage at the corner of John Street and South Street (89 South Street/175 John Street) that would be the site of a potential expansion to the M~~m~~useum in the future. The ~~current~~ existing museum spaces and space to be renovated in the future, both located on Fulton Street, are part of the landmarked Schermerhorn Row. The AA Low "C~~c~~ollections" building is also a landmark.

The remainder of the Project Area consists of existing Museum spaces outside the boundaries of the Museum Site that would be vacated in the future as well additional areas that may include streetscape, open space, or other improvements (e.g., planters) under the Proposed Project. The Project Area also includes the area of the Pier 17 LSGD, containing Pier 17 and the Tin Building.

## D. DESCRIPTION OF THE PROPOSED PROJECT

The P~~p~~roposed P~~p~~roject is an approximately 680,500~~912,762~~-gsf mixed-use building that would include approximately 394,400~~640,186~~ gsf of residential uses~~. The applicant intends to construct approximately 360 dwelling units, of which 25 percent (90) would be affordable~~, 267,747~~257,886~~ gsf of office uses, 13,353~~9,690~~ gsf of retail uses, 5,000 gsf of community facility uses, and 108~~128~~ parking spaces. The Proposed Project would include up to 394 units (DUs), of which

approximately 25 percent (up to 99 DUs) would be affordable.[3] The building would consist of a seven-story, full-block base with mixed uses (up to approximately 105~~0~~ feet tall) on which a tower~~s~~ would be set. The ~~North and south~~ tower~~s~~, ~~each~~ containing residential uses, would rise from the base to ~~37 and 38 stories respectively, with both towers reaching~~ a total height of up to approximately 395~~470~~ feet (see **Figure 2**). The Applicant intends to pursue a Leadership in Energy and Environmental Design (LEED) as well as other sustainability and resiliency measures.

The P~~p~~roposed P~~p~~roject would also facilitate the restoration, reopening, and potential expansion of the existing ~~South Street Seaport~~ Museum on the M~~m~~useum S~~s~~ite. Funding provided to the M~~m~~useum would stabilize and strengthen its finances, setting the stage for its potential expansion. The restoration and reopening of the museum would include approximately 27,996 gsf of renovated space for the M~~m~~useum in ~~the Fulton Ferry Building~~ several of the Schermerhorn Row buildings at the corner of Fulton Street and South Street (91-93 South Street and 2-4 Fulton Street). The potential expansion of the museum would result in a seven-story (approximately 62-foot tall), 32,383-gsf building to be constructed on the vacant John Street ~~I~~Lot at the corner of ~~Burling Slip~~/John Street and South Street (89 South Street/175 John Street). The expansion would contain additional exhibit and back office spaces for the museum. The existing M~~m~~useum's 26,312-gsf "C~~c~~ollections" building (167-171 John Street~~26,312 gsf~~) would not be modified ~~by~~ under the P~~p~~roposed P~~p~~roject, but would be reopened as a result.

As part of the site plan modifications to the previously-approved South Street Seaport/Pier 17 LSGD site plan, three guard booths would be installed, the Pier 17 access drive would be slightly realigned, and a new skylight would be added to the top of the building on Pier 17. The Proposed Project would also include operational changes to facilitate passenger drop off on the Pier 17 access drive, and may include streetscape, open space, or other improvements (e.g., planters) under the Proposed Actions within the Project Area.

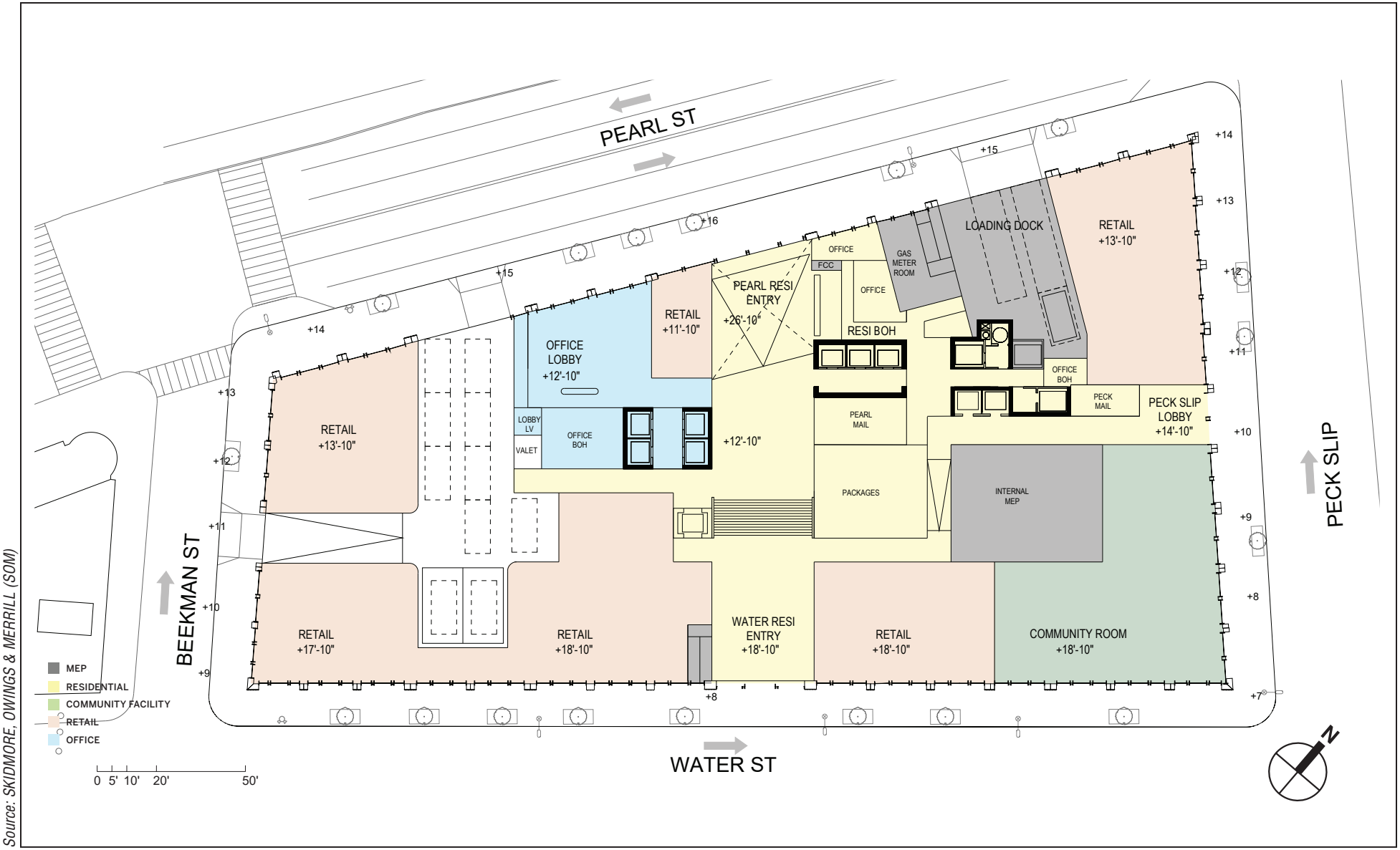
## E. PURPOSE AND NEED

The P~~p~~roposed A~~a~~ctions would distribute unused floor area from the waterfront, helping to preserve and maintain its low-scale character, and facilitate the development of the P~~p~~roposed P~~p~~roject on the currently underutilized D~~d~~evelopment S~~s~~ite, introducing new mixed-uses and affordable housing ~~(the first affordable units under Mandatory Inclusionary Housing in Manhattan Community District 1)~~ on a previously contaminated site that is undergoing remediation.

The distribution of development rights from the Pier 17/Tin Building zoning lot~~s~~ to the D~~d~~evelopment S~~s~~ite at 250 Water Street would ~~facilitate the creation of new uses created on the development site which would~~ support ongoing efforts to revitalize and activate the South Street Seaport area. The distribution of unused floor area away from the waterfront would help maintain the low-scale of the area's waterfront by moving new development inland near more similarly scaled buildings. The proposed bulk modifications sought in connection with the Special Permit would allow for a building massing and design consistent with a Certificate of Appropriateness under consideration by LPC. The new mixed-use development would be consistent with existing commercial and residential towers to the south and west of the D~~d~~evelopment S~~s~~ite and would increase the amount of residential (including affordable units), office, retail, and community facility space in the South Street Seaport neighborhood. The introduction of new affordable units

[3] In order to ensure a conservative analysis, the environmental review of the P~~p~~roposed P~~p~~roject will consider up to 394~~640~~ DU, including 99~~160~~ affordable DU (25 percent), assuming 1,000 gsf per unit.

*Note: This figure has been updated for the Final Scope*




*Source: SKIDMORE, OWINGS & MERRILL (SOM)*

NOTE: FOR ILLUSTRATIVE PURPOSES ONLY

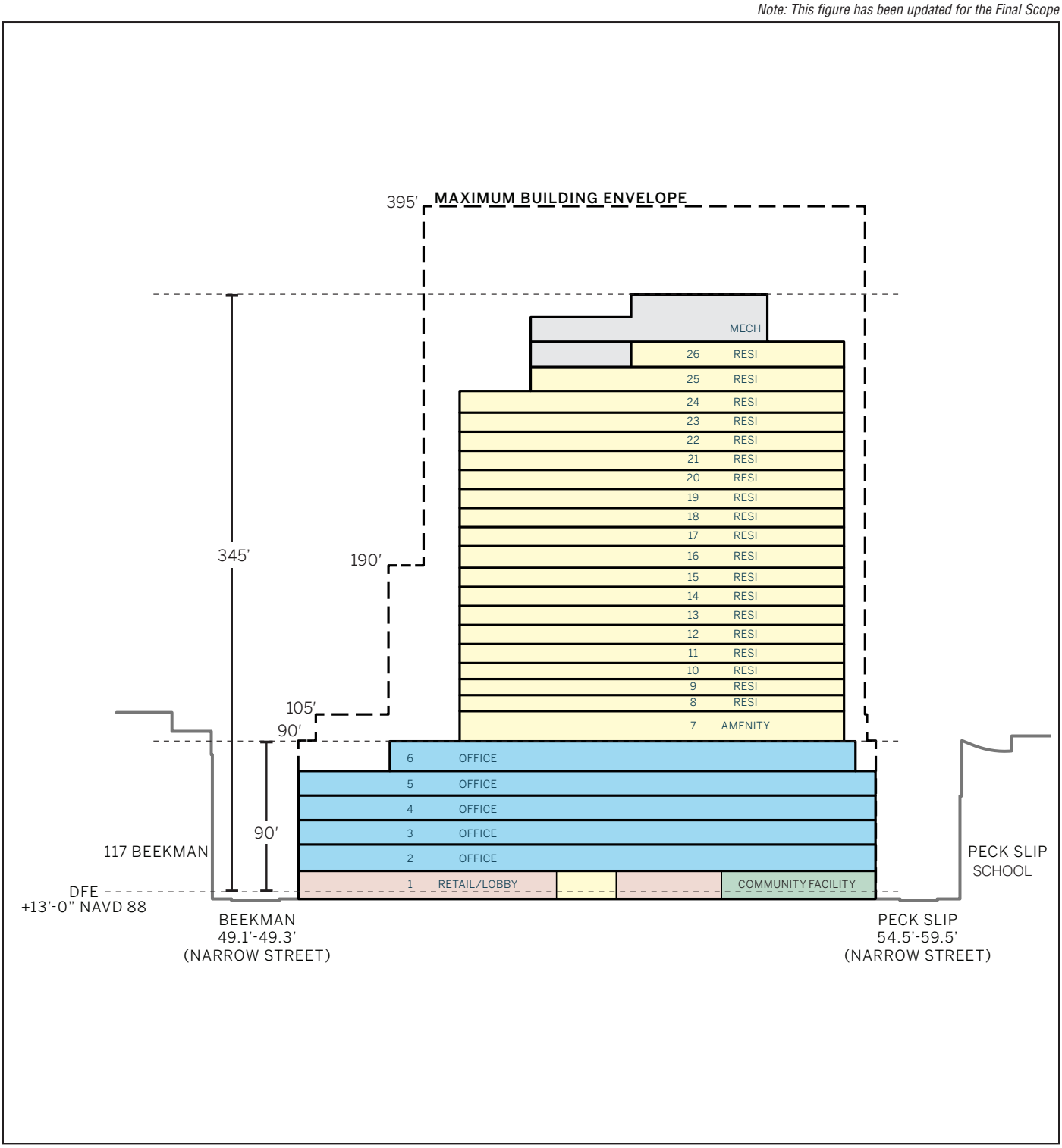
Proposed Development Ground Floor Plan

**250 WATER STREET**

**Figure 2a**

*Note: This figure has been updated for the Final Scope*

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*Source: SKIDMORE, OWINGS & MERRILL (SOM)*

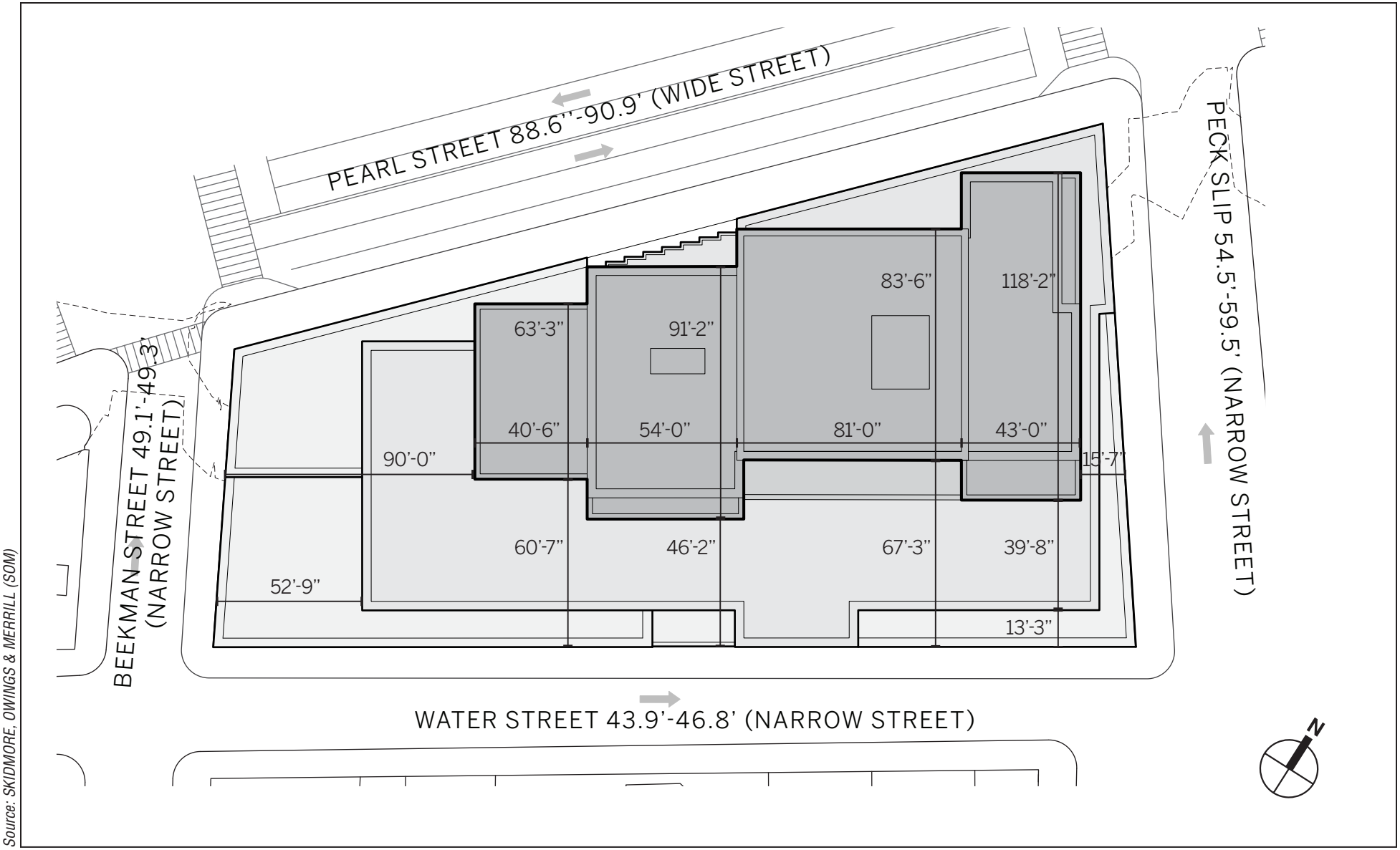
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Proposed Development Section

**250 WATER STREET**

**Figure 2b**

*Note: This figure has been updated for the Final Scope*




*Source: SKIDMORE, OWINGS & MERRILL (SOM)*

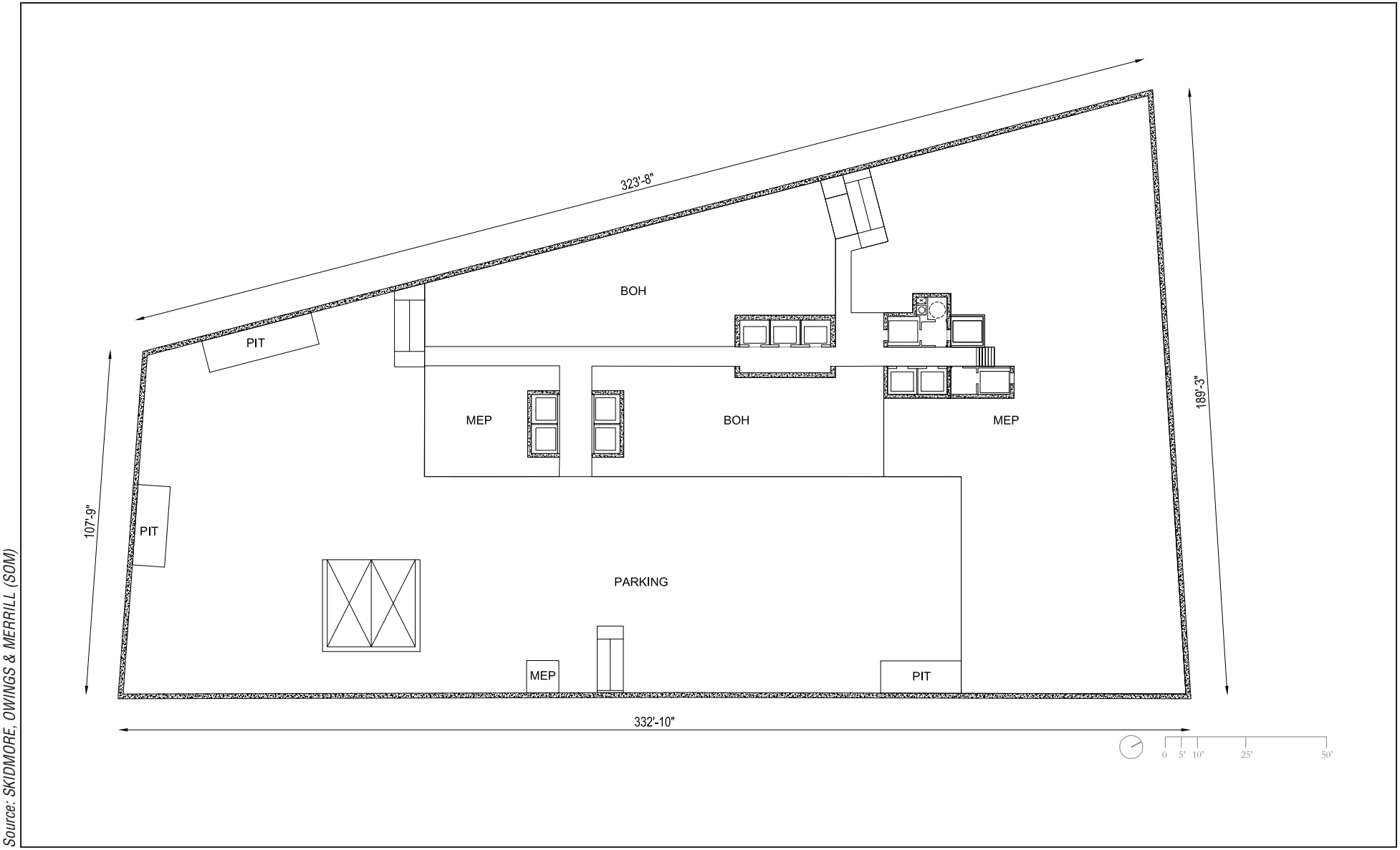
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Proposed Development Site Plan

**250 WATER STREET**

**Figure 2c**

*Note: This figure has been updated for the Final Scope*




*Source: SKIDMORE, OWINGS & MERRILL (SOM)*

NOTE: FOR ILLUSTRATIVE PURPOSES ONLY

Proposed Development Cellar Plan

would create a more diverse mix of residents within the area and allow less affluent New Yorkers to live closer to job centers such as the nearby Financial District, furthering the De Blasio Administration's affordable housing goals detailed in *Housing New York* and *Housing New York 2.0*. Development of the Proposed Project would involve remediation of any contaminants on the Development Site, ensuring that any contaminants are safely addressed and allowing for future use of the site.

In addition, the Pproposed Pproject would also facilitate the restoration, reopening, and potential expansion of the South Street Seaport Museum on the Mmuseum Ssite. The Museum, a key part of the South Street Seaport neighborhood, first opened in 1967. The Museum has experienced recent financial hardships, including several closures (in 2001 due to 9/11, in 2012 due to flooding from Hurricane Sandy, and in 2020 due to the COVID-19 pandemic). The Proposed Project would facilitate its restoration, reopening, and potential expansion, and ensuring its continued role as a key part of the neighborhood and draw for tourists, furthering the preservation and revitalization of the neighborhood.

## F. ANALYSIS FRAMEWORK

The Proposed Actions would change the regulatory controls governing development within the Project Area. The 2020 *CEQR Technical Manual* will serve as the general guide on the methodologies and impact criteria for evaluating the Proposed Actions' potential impacts to the environment. The lead agency is required to take a "hard look" at the environmental impacts of proposed actions and, to the maximum extent practicable, avoid or mitigate potentially significant adverse impacts on the environment, consistent with social, economic, and other essential considerations. An EIS is a comprehensive document used to systematically consider environmental effects, evaluate reasonable alternatives, and identify and mitigate, to the maximum extent practicable, any potentially significant adverse environmental impacts. The EIS provides a means for the lead and involved agencies to consider environmental factors and choose among alternatives in their decision-making processes related to a proposed action.

This section outlines the conditions to be examined in the DEIS.

### ANALYSIS YEAR

The Proposed Project would be constructed on the Development Site in a single phase and is anticipated to begin construction in early 2022. Construction is anticipated to be completed by 2026. Construction would consist of the following stages: excavation and foundation (approximately 13 months), superstructure (approximately 11 months), exteriors (approximately 12 months), interiors and finishing (approximately 18 months), and site work (approximately 4 months). The total anticipated construction duration is approximately 36 months.

The restoration, reopening, and potential expansion of the Museum is also expected to be completed by the 2026 analysis year, and would occur in two phases. The first phase would consist of the renovation of existing Schermerhorn Row buildings to contain Museum uses (11 months). Although no work would occur on them, Museum's "Collections" spaces would also be assumed to reopen upon completion of the renovations. The second phase, the potential expansion of the Museum, would include the following stages: excavation and foundation (approximately 3 months), superstructure (approximately 4 months), exteriors (approximately 6 months) and interiors and finishing (approximately 12 months). The total anticipated construction duration for the renovation and potential expansion of the Museum is approximately 31 months.

As the Proposed Project would be complete and operational in 2026, the environmental setting for analysis is not the current environment, but the future environment. Therefore, the technical analyses and consideration of alternatives assess the current conditions and forecast these conditions to the 2026 Analysis Year for the purposes of determining potential impacts. Each chapter of the DEIS will provide a description of the Existing Condition and assessment of conditions in the No Action condition and the future with the Proposed Actions (the With Action condition).

## REASONABLE WORST CASE DEVELOPMENT SCENARIO (RWCDS)

In order to assess the possible effects of the Pproposed Aactions, a Reasonable Worst Case Development Scenario (RWCDS) was developed to compare the future without the Proposed Projectaccount for existing conditions, the future without the proposed actions (the No Action condition) toand the future with the Pproposed actions Project (the With Action condition). The incremental difference between the future No Action and future With Action conditions serves as the basis for the impact analysis of the environmental review, as described below. The requested Special Permit would require the submission of drawings reflecting the Proposed Project's development program to the CPC. Therefore, the Proposed Project would represent the upper bounds of potential development and the impact of the Proposed Actions would be no worse than those assessed in the DEIS.

*DEVELOPMENT ASSUMPTIONS*

The RWCDS assumes that no new development is anticipated to occur outside of the Ddevelopment Ssite and, potentially, the Mmuseum Ssite; no sites within the Project Area meet the *CEQR Technical Manual's* criteria for soft sites (i.e., substantially underbuilt buildings and lots larger than 5,000 sf). While the future of the South Street Seaport Museum remains uncertain, for purposes of analysis, it is conservatively assumed that absent the Pproposed Aactions, the Mmuseum would be forced to closed in the future. The proposed program for the Ddevelopment Ssite in the No Action condition is assumed to maximize the potential development program that can be constructed as-of-right on the Ddevelopment Ssite. An average unit size of 1,000 gsf of residential space per DU was assumed in both the With Action condition and No Action condition. The Pproposed Pproject would include affordable DUs, and, for the purposes of environmental review, it is assumed that up to 99 DUs would be affordable, approximately 25 percent of the 394 DUs being evaluated.[4] be subject to the MIH program and for purposes of environmental review, it is assumed that 160 DUs would be affordable, 25 percent of the 640 DU being evaluated. The applicant however intends to construct larger units and thus a lower unit count of approximately 360 DU, of which 25 percent would likely be affordable (90 DU). No affordable units would be provided in the No Action condition.

[4] While the Applicant intends to construct larger DUs resulting in a lower DU count, a higher DU count is being conservatively analyzed for the purposes of environmental review in order to most fully assess the potential impacts of a larger residential population. The analysis of socioeconomics will assess a lower number of affordable DU count than under the RWCDS, in order to conservatively assess the potential impacts of a larger residential population living in market-rate DUs that may impose new burdens through indirect residential displacement.

~~**BUILD YEAR**~~

~~The proposed project is anticipated to commence ULURP review in 2021 upon certification of the DEIS and to complete this process within the year, after which construction would begin. Construction of the proposed project would proceed in a single phase and is anticipated to take approximately five years, with completion and occupancy expected in 2026. The renovation, reopening, and potential expansion of the South Street Seaport Museum are also expected to be completed and open by 2026. Based on these assumptions, 2026 has been identified as the analysis year for the proposed project.~~

## THE FUTURE WITHOUT THE PROPOSED PROJECT (NO ACTION CONDITION)

In the No Action condition, the Dd~~d~~evelopment Ss~~s~~ite is anticipated to be redeveloped with a new as-of-right building that would not require any discretionary approvals requiring environmental review.[5] Development under the No Action condition would be a 120-foot tall, approximately 327,400-gsf building containing approximately 302,670 gsf of residential uses (approximately 302~~3~~ DU, all market-rate), 19,730 gsf of retail uses, 5,000 gsf of community facility uses, and 65 parking spaces (see **Figure 3**).

While the future of the South Street Seaport Museum remains uncertain, for purposes of analysis, it is conservatively assumed that absent the Pp~~p~~roposed Pp~~p~~roject, the Mm~~m~~useum would permanently close ~~permanently~~. As such, there would be no renovated spaces for the Mm~~m~~useum nor would there be a potential expansion ~~to~~ of the Mm~~m~~useum.

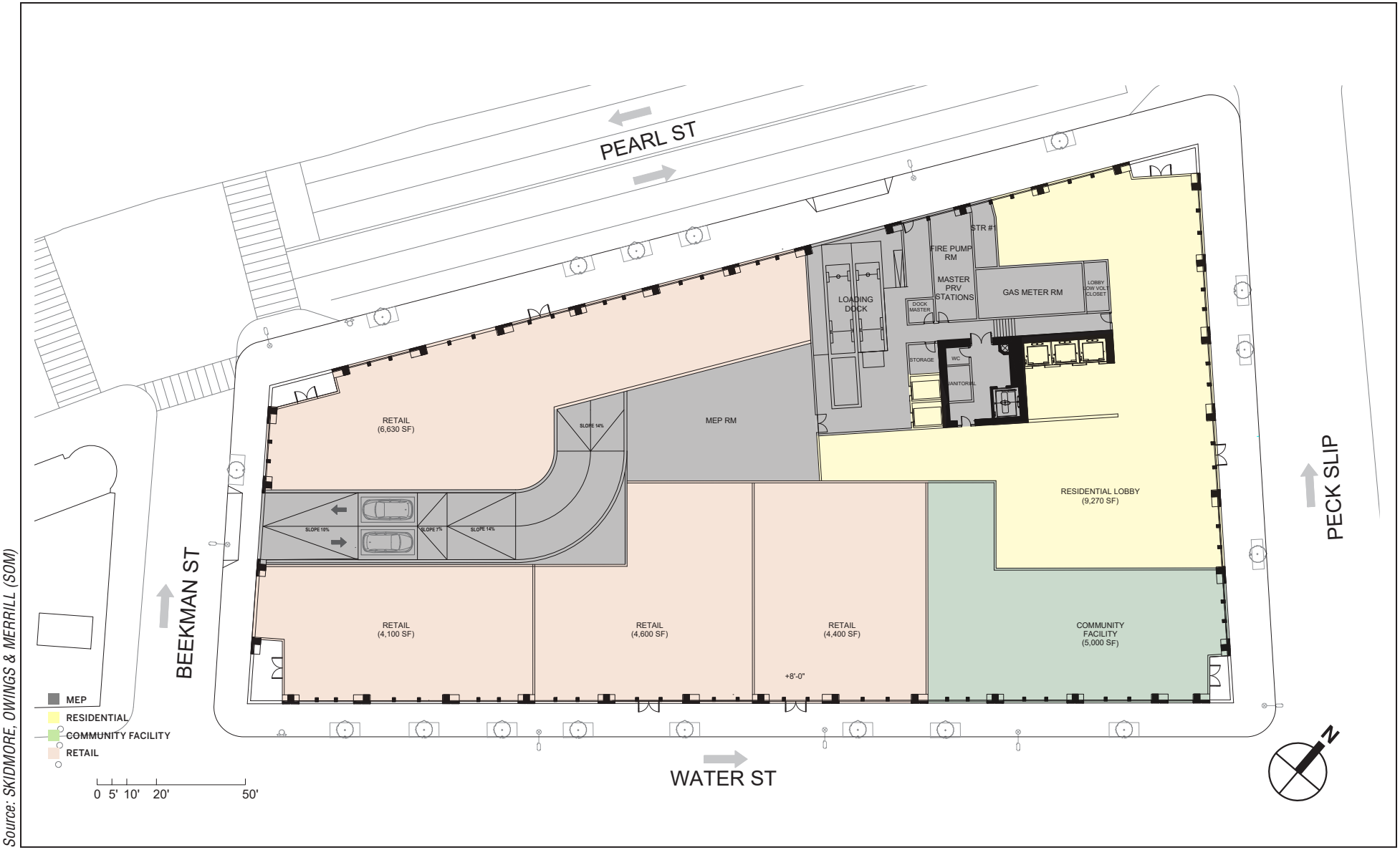
## THE FUTURE WITH THE PROPOSED PROJECT (WITH ACTION CONDITION)

The With Action condition would see the construction of the Pp~~p~~roposed Pp~~p~~roject on the Dd~~d~~evelopment Ss~~s~~ite. As described above, the Pp~~p~~roposed Pp~~p~~roject would consist of an approximately ~~912,762~~680,500-gsf building including approximately 394,400~~640,186~~ gsf of residential uses (in order to ensure a conservative analysis, the environmental review assumes approximately 394~~640~~ total DU, of which approximately 25 percent, or 99~~160~~ DU, are assumed to be affordable ~~housing under Mandatory Inclusionary Housing~~), 267,747~~257,886~~ gsf of office uses, 13,353~~9,690~~ gsf of retail uses, 5,000 gsf of community facility uses, and 108~~128~~ parking spaces. The building would consist of a seven-story, full-block base with mixed-uses (up to approximately ~~100~~ 105 feet tall) on which a tower~~s~~ would be set. The ~~North and south~~ tower~~s~~, ~~each~~ containing residential uses, would rise from the base to ~~37 and 38 stories, respectively, with each tower~~ reach~~ing~~ a total height of up to approximately 395~~470~~ feet (see **Figure 2**).

The With Action condition would also include the restoration and reopening of existing South Street Seaport Museum ~~space~~on the Museum Site, ~~and~~ as well as the potential development of a new Mm~~m~~useum expansion ~~on the museum site~~. The restoration and reopening of the Mm~~m~~useum would consolidate its spaces within ~~include~~ approximately 27,996 gsf of renovated space ~~for the museum in the Fulton Ferry Building~~ at the corner of Fulton Street and South Street (91-93 South Street and 2-4 Fulton Street) and provide a new, more prominent entrance at the street corner. No work would occur in the approximately 26,312-gsf AA Low Building at 167-171 John Street, but the Museum's "Collections" spaces located within would also reopen in the With Action

[5] Although the Landmarks Preservation Commission issued a Certificate of Appropriateness for a ten-story office building in 1992 (LPC 91-2481), a modified or new Certificate of Appropriateness may be required for the No Action project.

*Note: This figure has been updated for the Final Scope*




*Source: SKIDMORE, OWINGS & MERRILL (SOM)*

NOTE: FOR ILLUSTRATIVE PURPOSES ONLY

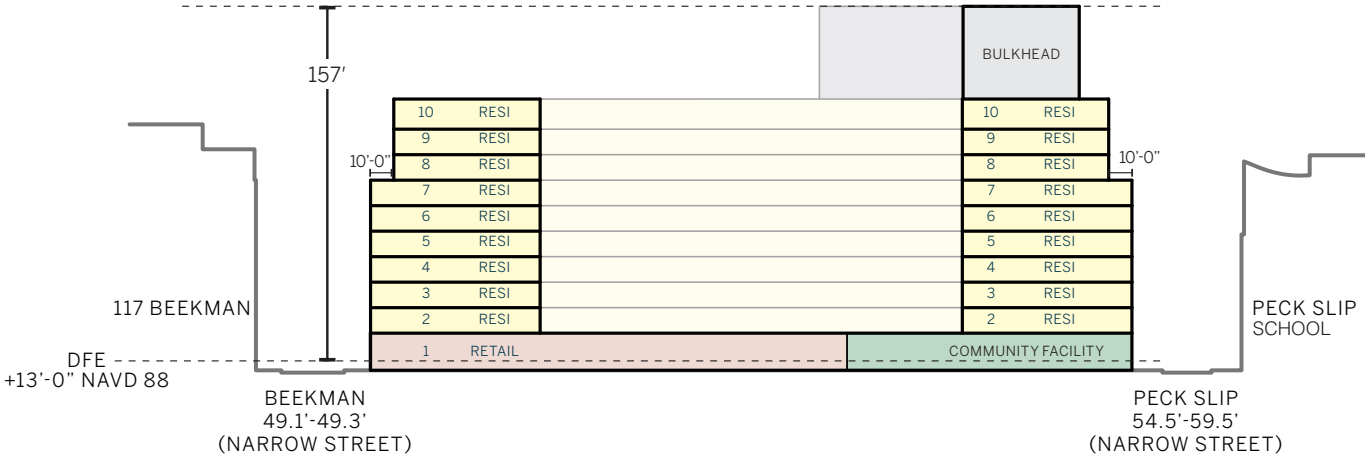
No Action Development Ground Floor Plan

**250 WATER STREET**

**Figure 3a**

*Note: This figure has been updated for the Final Scope*

5.14.21




*Source: SKIDMORE, OWINGS & MERRILL (SOM)*

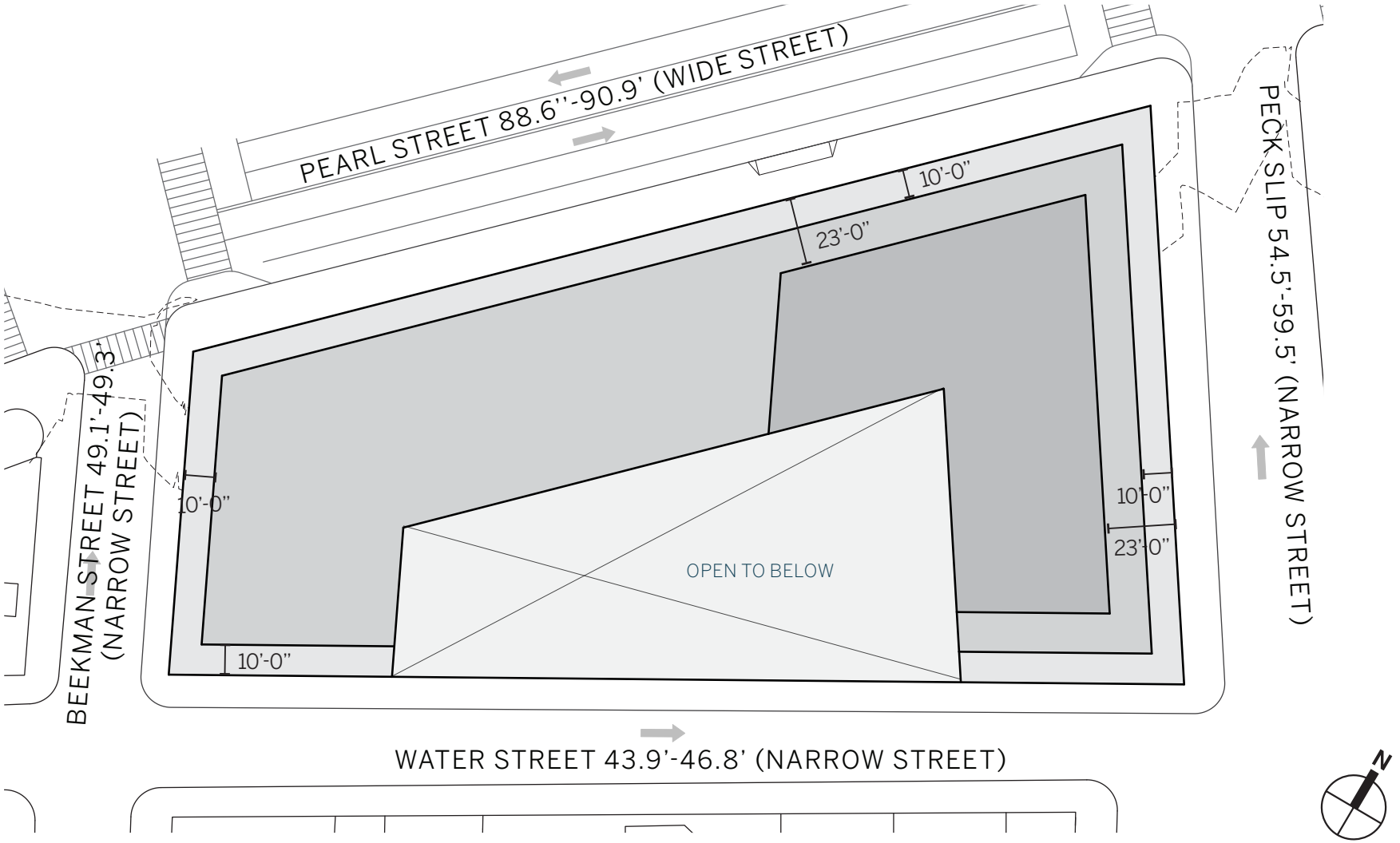
NOTE: FOR ILLUSTRATIVE PURPOSES ONLY

No Action Development Section

**250 WATER STREET**

**Figure 3b**

*Note: This figure has been updated for the Final Scope*




*Source: SKIDMORE, OWINGS & MERRILL (SOM)*

NOTE: FOR ILLUSTRATIVE PURPOSES ONLY

No Action Development Site Plan

**250 WATER STREET**

**Figure 3c**

condition. The potential expansion of the M~~m~~useum would result in a seven-story (approximately 62-foot tall), 32,383-gsf building to be constructed on the vacant John Street Lot (89 South Street/175 John Street) at the corner of John Street and South Street that would be integrated with other museum areas and include gallery spaces and a multi-use auditorium space on the ground level. The South Street Seaport Museum is an important part of the neighborhood, and its continued operation educating the public about the City's maritime history would be of great benefit to the neighborhood, City, and region.

As part of the site plan modifications to the previously approved South Street Seaport/Pier 17 LSGD site plan, three guard booths would be installed, the Pier 17 access drive would be slightly realigned, and a new skylight would be added to the top of the building on Pier 17. Operational changes would be made to the Pier 17 access drive to facilitate passenger drop off in the With Action condition, and additional streetscape, open space, or other improvements (e.g., planters) may also occur in the remainder of the Project Area under the With Action condition. ~~The expansion would contain additional exhibit and back-office spaces for the museum. The existing museum "collections" building would not be modified by the proposed project in the With Action condition aside from interior building connections, but would be reopened as museum space as a result of the proposed project.~~

**Table 1**
**Reasonable Worst Case Development Scenario**

| Use | Existing Condition ~~(DU/gsf)~~ | No Action Condition ~~(DU/gsf)~~ | With Action Condition ~~(DU/gsf)~~ | Increment ~~(DU/gsf)~~ |
|---|---|---|---|---|
| **Development Site** | | | | |
| Residential (gsf) | 0 | 302,670 | ~~640,184~~394,400 | + 91,730~~337,516~~ |
| DU | 0 | 303 | ~~640~~394 | + 92~~338~~ |
| Affordable DU | 0 | 0 | ~~160~~99 | + 99~~160~~ |
| Office (gsf) | 0 | 0 | ~~257,886~~267,747 | + 267,747~~257,886~~ |
| Retail (gsf) | 0 | 19,730 | ~~9,690~~13,353 | - 6,377~~10,040~~ |
| Community Facility (gsf) | 0 | 5,000 | 5,000 | 0 |
| Parking Spaces | 400 | 65 | ~~128~~108 | + 43~~63~~ |
| *Development Site Totals (gsf)* | *0* | *327,400* | *~~912,762~~680,500* | + *353,100~~585,362~~* |
| **Museum Site** | | | | |
| Potential Museum Expansion (gsf) | 0 | 0 | 32,383 | + 32,383 |
| Existing/Renovated Space for Museum (gsf) | 44,231 | 0[1] | 27,996 | + 27,996 |
| "Collections" Space (gsf) | 26,312 | 0[1] | 26,312 | + 26,312 |
| *Museum Site Totals (gsf)* | *66,543* | *0[1]* | *86,691* | *+86,691* |

**Note:**
[1] ~~1~~While the existing M~~m~~useum building would remain in the No Action condition, it is conservatively assumed that the M~~m~~useum spaces themselves would be closed in the No Action condition.
[2] Large mechanical spaces (e.g., bulkheads and mechanical rooms) are not included in the total GSF provided above.
[3] In both the No Action and With Action conditions, the cellar of the Development Site building would include 46,895 gsf of accessory residential space and 1,025 gsf of accessory commercial space.
**Source:** Skidmore, Owings, & Merrill (SOM)

## G. SCOPE OF WORK FOR THE DEIS

The DEIS will be prepared in conformance with all applicable laws and regulations, including 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. The DEIS will follow the guidance of the *CEQR Technical Manual*.

The DEIS will contain the following:

- A description of the P~~p~~roposed P~~p~~roject and its environmental setting;

- A statement of the environmental impacts of the Pproposed Pproject, including its short- and long-term effects and typical associated environmental effects;
- An identification of any adverse environmental effects that cannot be avoided if the Proposed Pproject is implemented;
- A discussion of reasonable alternatives to the Pproposed Pproject, including a No Action alternative;
- An identification of irreversible and irretrievable commitments of resources that would be involved in the Pproposed Pproject should it be implemented; and
- A description of mitigation proposed to minimize to the greatest extent practical any significant adverse environmental impacts.

The DEIS will describe the existing conditions of the Pproject Aarea and the surrounding area and will predict the conditions of the Pproject Aarea and surrounding area in 2026, the year in which the project is expected to be complete and operational. The DEIS will also consider other future development projects and changes to the surrounding area that are anticipated to occur in the future without the Pproposed Pproject. The potential impacts of the Pproposed Pproject on the Pproject Aarea and the surrounding area will be determined through a comparison of predicted conditions in the future without the Pproposed Pproject (the No Action condition) to conditions in the future with the Pproposed Pproject (the With Action condition).

As per the EAS, three technical areas have been screened out based on the guidance of the *CEQR Technical Manual* and do not require further analysis in the DEIS. These are community facilities, solid waste and sanitation services, and energy.

The DEIS will contain the following chapters:

## PROJECT DESCRIPTION AND ANALYTICAL FRAMEWORK

As the first chapter of the DEIS, the Project Description and Analytical Framework will introduce the reader to the Pproposed Aactions and the Pproposed Pproject and set the context in which to assess impacts. The chapter will identify the Pproposed Aactions and provide the following:

- An introduction describing background, the Pproject Aarea and other size to be affected, the Pproposed Pproject, and the Pproposed Aactions;
- A statement of the public purpose and need for the Pproposed Aactions, and key planning considerations that have shaped the proposal;
- A description of the analysis framework for the environmental review, including a discussion of the No Action condition and the build year for analysis;
- A detailed description of the Pproposed Aactions, including both the No Action program and the With Action program;
- A description of the design of the Pproposed Pproject with supporting figures; and
- A discussion of the approvals required, procedures to be followed, the role of the DEIS in the process, and its relationship to any other approvals.

## LAND USE, ZONING, AND PUBLIC POLICY

According to the *CEQR Technical Manual*, a detailed assessment of land use, zoning, and public policy is appropriate if an action would be expected to result in a significant change in land use.

The Pproposed Pproject would require several discretionary actions, including zoning text amendments and a zoning special permit, and the Pproposed Pproject would redevelop the Ddevelopment Ssite with approximately 680,500912,762 gsf of new spaces, and would also facilitate the restoration, reopening, and potential expansion of the museum on the Mmuseum Ssite. These actions and the anticipated development would result in a change in land use within the Pproject Aarea, and therefore warrant a detailed assessment. The DEIS will do the following:

- Describe conditions on the Ddevelopment Ssite and Mmuseum Ssite, including existing conditions and the underlying zoning.
- For the purpose of environmental analysis, the land use study area will extend approximately ¼-mile from the borders of the Pproject Aarea.
- Describe predominant land use patterns, including a description of recent development trends. Existing land use patterns will be highlighted.
- Describe the existing zoning and recent zoning actions in the study area.
- Describe other public policies that apply to the Pproject Aarea and the study area, including the City's coastal zone policies.
- Prepare a list of other projects expected to be built in the study area that would be completed before or concurrent with the project. Describe the effects of these projects on land use patterns and development trends. Also, describe any pending zoning actions or other public policy actions that could affect land use patterns and trends in the study area.
- Describe the Pproposed Aactions and provide an assessment of the impacts of the Pproposed Pproject on land use and land use trends, zoning, and public policy. Consider the effects related to issues of compatibility with surrounding land uses, compatibility of the proposed mix of uses within the South Street Seaport area, consistency with zoning and other public policy initiatives, and the effect of the Pproposed Pproject on development trends and conditions in the area. The Pproject Aarea is located within the City's Coastal Zone; therefore, an assessment of the Pproposed Pproject's consistency with the City's Waterfront Revitalization Program (WRP) will also be included in this section.

## SOCIOECONOMIC CONDITIONS

The socioeconomic character of an area includes its population, housing, and economic activity. Socioeconomic changes may occur when a project directly or indirectly changes any of these elements. Although socioeconomic changes may not result in impacts under CEQR, they are disclosed if they would affect land use patterns, low-income populations, the availability of goods and services, or economic investment in a way that changes the socioeconomic character of the area. This chapter will assess the Pproposed Project'sactions' potential effects on the socioeconomic character of the study area as required by CEQR.

The socioeconomic study area boundaries will be similar to those of the land use study area, pursuant to Section 310 of Chapter 5 of the *CEQR Technical Manual*. A socioeconomic assessment seeks to assess the potential to change socioeconomic character relative to the study area population. The Pproposed actions Project isare expected to generate a net increase of approximately 92338 DU and 261,370247,846 gsf of commercial space.

The five principal issues of concern with respect to socioeconomic conditions are whether a proposed action would result in significant adverse impacts due to: (1) direct residential displacement; (2) direct business displacement; (3) indirect residential displacement; (4) indirect

business displacement; and (5) adverse effects on specific industries. The Pproposed ~~actions~~ Project would not result in the direct displacement of any residents or businesses. As detailed below, the Pproposed ~~actions~~ Project warrant an assessment of socioeconomic conditions with respect to three of these principal issues of concern—indirect residential displacement, indirect business displacement, and adverse effects on specific industries. The assessment of these three areas of concern will begin with a preliminary assessment to determine whether a detailed analysis is necessary, in conformance with the *CEQR Technical Manual* guidelines. Detailed analyses will be conducted for those areas in which the preliminary assessment cannot definitively rule out the potential for significant adverse impacts. The detailed assessments, if determined to be necessary, will be framed in the context of existing conditions and evaluations of the No Action and With Action conditions in 2026, including any population and employment changes anticipated to take place by the analysis year for the Pproposed ~~actions~~Project.

*INDIRECT RESIDENTIAL DISPLACEMENT*

The Proposed Project would not result in an increase of more than 200 DU, however, a~~A~~ preliminary assessment of indirect residential displacement will be conducted~~ as the proposed project would result in an increase of more than 200 DU~~ for informational purposes. Indirect residential displacement is the involuntary displacement of residents that results from a change in socioeconomic conditions created by a proposed action. As detailed in the *CEQR Technical Manual*, indirect residential displacement can occur if a project either introduces a trend or accelerates a trend of changing socioeconomic conditions that may potentially displace a vulnerable population to the extent that the socioeconomic character of the neighborhood would change. To assess this potential impact, the analysis will address a series of threshold questions in terms of whether the project substantially alters the demographic character of an area through population change or introduction of more costly housing.

The indirect residential displacement analysis will use the most recent available U.S. Census data, New York City Department of Finance's Real Property Assessment Data (RPAD) database, as well as current real estate market data, to present demographic and residential market trends and conditions for the study area. The presentation of study area characteristics will include population estimates, housing tenure and vacancy status, median value and rent, estimates of the number of housing units not subject to rent protection, and median household income. The preliminary assessment will carry out the following the step-by-step evaluation, pursuant to *CEQR Technical Manual* guidelines:

- **Step 1:** Determine if the proposed actions would add substantial new population with different income as compared with the income of the study area population. If the expected average incomes of the new population would be similar to the average incomes of the study area populations, no further analysis is necessary. If the expected average incomes of the new population would exceed the average incomes of the study area populations, then Step 2 of the analysis will be conducted.
- **Step 2:** Determine if the proposed actions' population is large enough to affect real estate market conditions in the study area. If the population increase may potentially affect real estate market conditions, then Step 3 will be conducted.
- **Step 3:** Determine whether the study area has already experienced a readily observable trend toward increasing rents and the likely effect of the action on such trends and whether the study area potentially contains a population at risk of indirect displacement resulting from rent increases due to changes in the real estate market caused by the new population.

A detailed analysis, if warranted, would utilize more in-depth demographic analysis and field surveys to characterize existing conditions of residents and housing, identify populations at risk of displacement, assess current and future socioeconomic trends that may affect these populations, and examine the effects of the Pproposed ~~actions~~ Project on prevailing socioeconomic trends and, thus, impacts on the identified populations at risk.

*INDIRECT BUSINESS DISPLACEMENT*

A preliminary assessment of indirect business displacement will be conducted as the Pproposed Pproject would result in an increase of more than 200,000 gsf of commercial uses (office and retail uses). The assessment will determine whether the Pproposed ~~actions~~ Project may introduce trends that make it difficult for those businesses that provide products or services essential to the local economy, or those subject to regulations or publicly adopted plans to preserve, enhance, or otherwise protect them, to remain in the area. The purpose of the preliminary assessment is to determine whether a proposed action has potential to introduce such a trend. The preliminary assessment will entail the following tasks:

- Identify and characterize conditions and trends in employment and businesses within the study area. This analysis will be based on field surveys, employment data from the New York State Department of Labor and/or Census and current real estate market data; and
- Determine whether the Pproposed ~~actions~~ Project would indirectly displace residents, workers, or visitors who form the customer base of existing businesses in the area.

If the preliminary assessment determines that the Pproposed ~~actions~~ Project could introduce trends that make it difficult for businesses that are essential to the local economy to remain in the area, a detailed analysis will be conducted. Following the *CEQR Technical Manual* guidelines, the detailed analysis would identify businesses that are potentially vulnerable to indirect displacement, determine whether the Pproposed ~~actions~~ Project could create conditions leading to their displacement, and evaluate whether relocation opportunities exist for those businesses.

*ADVERSE EFFECTS ON SPECIFIC INDUSTRIES*

A preliminary assessment will be conducted to determine if the Pproposed Pproject's potential indirect effects could significantly affect business conditions in any industry or category of businesses within or outside the study area, or whether the Pproposed Pproject would substantially reduce employment or impair viability in a specific industry or category of business. The analysis will determine the following:

- Whether the Pproposed ~~actions~~ Project would significantly affect business conditions in any industry or category of businesses within or outside the study areas; and
- Whether the Pproposed ~~actions~~ Project would substantially reduce employment or impair viability in a specific industry or category of businesses.

**OPEN SPACE**

According to the *CEQR Technical Manual*, an open space assessment may be necessary if a project potentially has a direct or indirect effect on open space. The Pproposed Pproject could potentially have a direct adverse effect on public open spaces and residents and workers in the area. ~~that would be introduced by~~ Tthe Pproposed Pproject would exceed the *CEQR Technical Manual* thresholds for the area of ~~200 residents and~~ 500 employees ~~respectively~~ requiring a

nonresidential open space analysis, but would not exceed the threshold of 200 resident requiring a residential open space analysis. ~~Therefore~~However, a preliminary assessment of the potential indirect effects from the Pproposed Pproject's residential population will be conducted for information purposes, and, consistent with the *CEQR Technical Manual*, a preliminary assessment of the ~~and~~ indirect effects of the new ~~residential and~~ worker population will be conducted as well. A preliminary assessment of the direct effects from the Proposed Project will also be conducted.

According to the *CEQR Technical Manual*, a project would directly affect open space conditions if it causes the loss of publicly accessible open space, changes the use of an open space so that it no longer serves the same user population, limits public access to an open space, or results in increased noise or air pollutant emissions, odor, or shadows that would temporarily or permanently affect the usefulness of publicly accessible open space. While the Proposed Project is not expected to eliminate or change the use or access of public open spaces, there is the potential for project-generated noise, air pollution or shadows to affect open spaces. Therefore, the open space analysis will include a consideration of direct effects, consistent with the guidance of the *CEQR Technical Manual.*

For indirect effects, the methodology set forth in the *CEQR Technical Manual* consists of establishing study areas for analysis, calculating the total residential and business population in the study areas, and creating an inventory of publicly accessible open spaces within the study areas. The study area for the residential open space assessment will comprise all Census Tracts with at least 50 percent of their area within a ½-mile of the Pproject A~~a~~rea; the study area for the non-residential open space assessment will comprise all Census Tracts with at least 50 percent of their area within a ¼-mile of the Pproject Aarea. The inventory of publicly accessible open spaces will include examining these spaces for their facilities (active vs. passive use), condition, and level of use. The analysis will include a projection of conditions in the No Action condition and assess impacts of the Pproposed Pproject based on quantified ratios and qualitative factors.

**SHADOWS**

In accordance with the *CEQR Technical Manual* a shadows assessment will be prepared for the Pproposed Pproject because it would result in a new structure greater than 50 feet in height and would be located adjacent to publicly accessible sunlight-sensitive resources, including the Pearl Street Playground and Peck Slip. Under CEQR, sunlight-sensitive resources include publicly accessible parks and plazas, historic resources with sunlight-sensitive features, and natural resources. Shadows falling on streets and sidewalks or other buildings generally are not considered significant, nor are shadows occurring within an hour-and-one-half of sunrise or sunset. The DEIS will prepare a shadow study that will assess the Pproposed Pproject's potential to cause significant adverse shadow impacts and will disclose the range of shadow impacts, if any, which are likely to result from the Pproposed ~~actions~~Project. The shadows analysis in the DEIS will include the following tasks:

- A preliminary shadows screening assessment will be prepared to ascertain whether the Pproposed Pproject's shadows may potentially reach any sunlight-sensitive resources at any time of year.
  - A Tier 1 Screening Assessment will be conducted to determine the longest shadow study area for the Pproposed Pproject, which is determined by delineating a perimeter around ~~the project area~~the Development Site and the Museum Site respectively with a radius of 4.3 times the height of ~~a~~ the structure (the longest shadow that would occur 90 minutes

after sunrise on December 21, the winter solstice). A base map that illustrates the locations of Pproposed Pproject in relation to the sunlight-sensitive resources will be developed.

- A Tier 2 Screening Assessment will be conducted if any portion of a sunlight-sensitive resource lies within the Tier 1 longest shadow study area. The Tier 2 assessment will eliminate from consideration the triangular area south of ~~the project area~~the Development Site and Museum Site respectively that cannot be shaded by the proposed ~~project~~ structures at the latitude of New York City, which is the area that lies between -108 and +108 degrees from true north.
- If any portion of a sunlight-sensitive resource is within the remaining area that could be potentially shaded by the Pproposed Pproject, a Tier 3 Screening Assessment will be conducted. The Tier 3 Screening Assessment uses three-dimensional computer modeling software with the capacity to accurately calculate shadow patterns to further refine the area that could be reached by shadow from the Pproposed Pproject, by looking at specific representative days in each season and determining the maximum extent of shadow over the course of each representative day (without accounting for existing intervening buildings).

- If the screening analysis does not rule out the possibility that action-generated shadows would reach any sunlight-sensitive resources, a detailed analysis of potential shadow impacts on publicly accessible open spaces or sunlight-sensitive historic resources resulting from the Pproposed Pproject will be provided in the DEIS. The detailed shadow analysis will establish a baseline condition (No Action), which will be compared to the With Action condition to illustrate the shadows cast by existing or future buildings and distinguish the additional (incremental) shadow cast by the Pproposed Pproject. The detailed analysis will calculate the extent and duration of new project-generated shadows, taking into consideration existing (and future No Action) buildings, and will include the following tasks:
  - The analysis will be documented with graphics comparing shadows resulting from the No Action condition with shadows resulting from the Pproposed ~~actions~~Project, with incremental shadow highlighted in a contrasting color.
  - A summary table listing the entry and exit times and total duration of incremental shadow on each applicable representative day for each affected resource will be provided.
  - The significance of any shadow impacts on sunlight-sensitive resources will be assessed.
  - As appropriate, mitigation measures to avoid or reduce potential significant adverse shadow impacts will be considered.

## HISTORIC AND CULTURAL RESOURCES

The *CEQR Technical Manual* identifies historic resources as districts, buildings, structures, sites, and objects of historical, aesthetic, cultural, and archaeological importance. Historic resources include designated New York City Landmarks (NYCLs) and Historic Districts (NYCHDs); properties calendared for consideration as NYCLs by the LPC or determined eligible for NYCL designation; properties listed on the State and National Register of Historic Places (S/NR) or formally determined eligible for S/NR listing, or properties contained within a S/NR listed or eligible district; properties recommended by the New York State Board for listing on the S/NR; and National Historic Landmarks (NHLs).

According to the *CEQR Technical Manual,* a historic and cultural resources assessment is required if there is the potential for a project to affect either archaeological or architectural resources. The

Ddevelopment Ssite and Mmuseum Ssite are within the South Street Seaport Historic District and Extension (S/NR-listed, NYCHD). Therefore, it will be necessary to analyze the potential impacts of the Pproposed Pproject on historic and cultural resources. Consistent with the *CEQR Technical Manual,* the historic and cultural resources analysis will include the following tasks:

- Consult with LPC regarding the potential archaeological sensitivity of any portions of the Ddevelopment Ssite and Mmuseum Ssite expected to experience subsurface disturbance in the future with the Pproposed Pproject. In a letter dated November 13, 2020, LPC determined that there is the potential for potentially significant archaeological resources to be located on the Ddevelopment Ssite, the Mmuseum Ssite, and within other portions of the Pproject Aarea that may have in-ground work associated with the Pproposed Pproject. As recommended by LPC, an intensive documentary study for all areas that may involve in-ground work will be undertaken, and the study will be summarized in the DEIS chapter.
- Identify any known architectural resources on or within a 400-foot study area surrounding the ~~development site and the museum site~~Project Area. Conduct a field survey to identify any potential architectural resources that could be affected by the Pproposed ~~actions~~Project. Potential architectural resources comprise properties that appear to meet the eligibility criteria for NYCL designation and/or S/NR listing. Determinations of eligibility from LPC will be requested for any potential architectural resources. Map and briefly describe any identified architectural resources.
- Evaluate the potential for the Pproposed ~~actions~~ Project to result in direct, physical effects on archaeological and architectural resources. Assess the potential for the Pproposed ~~actions~~ Project to result in visual or contextual impacts on architectural resources. Potential effects will be evaluated through a comparison of the future No Action condition and the future With Action condition.
- If necessary, mitigation measures to avoid or reduce potential significant adverse impacts on historic and cultural resources will be identified, in consultation with LPC.

## URBAN DESIGN AND VISUAL RESOURCES

According to the methodologies of the *CEQR Technical Manual,* if a project requires actions that would result in physical changes to a project area beyond those allowable by existing zoning and which could be observed by a pedestrian from street level, a preliminary assessment of urban design and visual resources should be prepared.

The Pproposed ~~actions~~ Project would result in physical changes to the Ddevelopment Ssite beyond those allowable by existing zoning. Therefore, a preliminary assessment of urban design and visual resources will be prepared as part of the DEIS. The preliminary assessment will determine whether the Pproposed Pproject, in comparison to the No Action condition, would create a change to the pedestrian experience that is sufficiently significant to require greater explanation and further study. The study area for the preliminary assessment of urban design and visual resources will be consistent with that of the study area for the analysis of land use, zoning and public policy. The preliminary assessment would include a concise narrative of the existing Ddevelopment Ssite, the No Action condition, and the With Action condition. The analysis will draw on information from field visits to the study area and will present photographs, zoning and floor area calculations, building heights, project drawings and site plans, and view corridor assessments.

A detailed analysis will be prepared if warranted based on the preliminary assessment. As described in the *CEQR Technical Manual*, examples of projects that may require a detailed

analysis are those that would make substantial alterations to the streetscape of a neighborhood by noticeably changing the scale of buildings, potentially obstruct view corridors, or compete with icons in the skyline. The detailed analysis would describe the urban design and visual resources of the Ddevelopment Ssite and the surrounding area. The analysis would describe the potential changes that could occur to urban design and visual resources in the With Action condition, in comparison to the No Action condition, focusing on the changes that could potentially adversely affect a pedestrian's experience of the area. If necessary, mitigation measures to avoid or reduce potential significant adverse impacts will be identified.

As per Section 230 of the CEQR Technical Manual, an analysis of pedestrian wind conditions may be warranted for projects involving multiple, tall buildings at or in close proximity to waterfront sites that may result in an exacerbation of wind conditions due to 'channelization' or 'downwash' effects that may affect pedestrian comfort and safety. The Proposed Project would not involve the construction of multiple tall buildings at locations or in proximity to the waterfront that experience high wind conditions, as the Proposed Project involves construction of a single building more than 500 feet from the shoreline, and is not along an exposed west or northwest facing waterfront. Moreover, the Proposed Project would include deep setbacks above the waterfront-facing side of the building's base. Given these factors, the Proposed Project does not warrant a pedestrian wind study.

**NATURAL RESOURCES**

Under CEQR, a natural resource is defined as the City's biodiversity (plants, wildlife, and other organisms); any aquatic or terrestrial areas capable of providing suitable habitat to sustain the life processes of plants, wildlife, and other organisms; and any areas capable of functioning in support of the ecological systems that maintain the City's environmental stability. Such resources include ground water, soils and geologic features; numerous types of natural and human-created aquatic and terrestrial habitats (including wetlands, dunes, beaches, grasslands, woodlands, landscaped areas, gardens, parks, and built structures); as well as any areas used by wildlife.

The Ddevelopment Ssite is a surface parking lot and the Mmuseum Ssite is composed of existing buildings and a fenced lot used for vehicle parking and storage. As such, vegetation is limited and there is minimal habitat to support native wildlife. The Mmuseum Ssite and the southern portion of the Ddevelopment Ssite is within the 1 percent annual chance (100-Year) floodplain as indicated on the Federal Emergency Management Agency (FEMA) Revised Preliminary Flood Insurance Rate Maps (PFIRMs). The northeast and northwest corners of the Ddevelopment Ssite are within the FEMA 0.2 percent annual chance (500-Year) floodplain. As such, the DEIS will assess the potential for the Pproposed Pproject to affect flood risk within and in the vicinity of the Pproject Aarea.

The New York City Council enacted legislation on January 10, 2020 amending Article 103, Section 36, of Title 28 the administrative code of the City of New York and Sections 1402.1 and 1403 of the New York City building code in relation to bird friendly materials. Section 1402.1 of the New York City Building Code adds new definitions of "bird friendly material," "bird hazard installations," and "fly-through conditions." Sections 1403.8.1 through 1403.8.4 of the New York City Building Code specify bird friendly design and construction. Therefore, the DEIS will assess the potential for the Pproposed Pproject to affect wildlife, including long-term effects such as the potential for bird strikes with the proposed buildings.

The natural resources assessment will characterize existing natural resources within or in the vicinity of the Pproject Aarea including terrestrial natural resources (plants and wildlife, and

threatened or endangered species), groundwater resources and floodplains and assess the potential for the Pproposed Pproject to affect these resources, including short-term construction effects, long-term effects such as the potential for bird strikes and beneficial impacts to wildlife from any landscaping and establishment of street trees that would be implemented as part of the Pproposed Pproject. The Pproposed Pproject would be required to comply with Local Law 3 of 2010 and NYC Park's Tree Protection Protocol to minimize potential adverse impacts related to construction work within 50 feet of trees under City jurisdiction. The natural resources assessment will discuss any related permits that may be required for the Pproposed Pproject.

The analysis will include the following tasks:

- On the basis of existing information and site reconnaissance, characterize the existing natural resources (terrestrial plants, wildlife, threatened or endangered species and groundwater resources), within and adjacent to the Pproject Aarea;
- Assess potential effects to natural resources in the future without the Pproposed Pproject, accounting for any changes in the study area that may affect terrestrial natural resources in the vicinity of the Pproject Aarea; and
- Assess potential impacts to natural resources from the Pproposed Pproject. Potential impacts to terrestrial resources will be assessed by considering visual and noise disturbances to wildlife in the vicinity of the Pproject Aarea, potential impacts due to bird strikes, and benefits of landscaping and planting of street trees that would occur as part of the Pproposed Pproject. The need for any state or federal approvals will be identified.

The future No Action condition for the natural resources within the Pproject Aarea and study area for the Pproposed Pproject will be described in the DEIS as the baseline condition. The DEIS will assess the potential effects of the Pproposed Pproject on natural resources, in comparison to the No Action condition, considering short-term and long-term impacts and will include recommended measures to minimize adverse impacts to existing natural resources and to enhance resources with the Pproposed Pproject.

## HAZARDOUS MATERIALS

The Ddevelopment Ssite is enrolled in the New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) (Site #C231127). A Brownfield site is one where subsurface contamination is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by NYSDEC that are applicable based on the reasonably anticipated use of the site. The existing conditions portion of the DEIS Chapter will summarize available hazardous material information regarding the site (such as Phase I Environmental Site Assessments (ESAs) and Phase II (subsurface) investigations) submitted as part of the BCP Application. The chapter will then address how any required remediation under the BCP would occur (and its scope to the extent that it has been approved by the NYSDEC) prior to, during, and/or after construction of the Pproposed Pproject (and what would happen in the future without the Pproposed Pproject). It would also set out how remediation would be ensured for the Pproposed Pproject were development to occur absent the BCP (as the BCP is a voluntary program). To the extent warranted by the analysis, the site ~~would~~ could receive an (E) Designation for hazardous materials. An (E) Designation requires that, as seeking condition to issuance of a permit for construction involving subsurface disturbance, testing and, if necessary, remediation be conducted in conformance with requirements of the NYC Office of Environmental Remediation.

The potential expansion of the South Street Seaport Museum on the Mmuseum Ssite is anticipated to require excavation. Therefore, a Phase I Environmental Site Assessment (ESA) will be prepared for the site. Its results, including the potential presence of Recognized Environmental Conditions (RECs), i.e., "the presence or likely presence of hazardous substances or petroleum products in, on, or at a property," will be summarized in the DEIS as would the need for additional investigation and, if necessary, remediation or other measures/procedures that would need to be incorporated into the expansion project.

To the extent that there would be in-ground disturbance within other portions of the Pproject Aarea, e.g., for streetscape and open space improvements, the potential presence of hazardous materials will be considered in the DEIS, in conformance with the CEQR Technical Manual, including Phase I ESAs as necessary.

## WATER AND SEWER INFRASTRUCTURE

The *CEQR Technical Manual* outlines thresholds for analysis of a project's water demand and its generation of wastewater and stormwater. The Pproposed Pproject is not expected to result in a demand for water of more than 1 million gallons per day (gpd) and therefore an analysis of water supply is not warranted. For areas in Manhattan served by combined sewer systems, such as the Pproject Aarea, the CEQR thresholds for an analysis of sewer infrastructure are 1,000 DU or 250,000 gsf of commercial, public facility, institutional and/or community facility development. While the Pproposed Pproject would not result in an increase of more than 1,000 DU, it would result in more than 250,000 gsf of commercial and community facility development, and, therefore, an analysis of sewer infrastructure will be provided in the DEIS, consistent with *the CEQR Technical Manual*.

## TRANSPORTATION

In accordance with guidance prescribed in the *CEQR Technical Manual*, the evaluation of potential transportation-related impacts associated with a proposed development begins with screening assessments, which encompass the preparation of travel demand estimates (Level-1 screening analysis) and/or trip assignments (Level-2 screening analysis), to determine if detailed analyses would be warranted to address the potential impacts project-generated trips may have on the transportation system. If the Level-1 screening analysis results show that the Proposed Projecta proposed actions would result in 50 or more peak hour vehicle trips, 200 or more peak hour transit trips (200 or more peak hour transit riders at any given subway station or 50 or more peak hour bus trips on a particular route in one direction), and/or 200 or more peak hour pedestrian trips, a Level-2 screening analysis would be undertaken. If the results of the Level-2 screening analysis show that the Pproposed actions Project would generate 50 or more peak hour vehicle trips through an intersection, 50 or more peak hour bus riders on a bus route in a single direction, 200 or more peak hour subway passengers at any given station, or 200 or more peak hour pedestrian trips per pedestrian element, further quantified analyses may be warranted to evaluate the potential for significant transportation impacts. The transportation scope of services is outlined below.

### *TRAVEL DEMAND PROJECTIONS AND SCREENING ASSESSMENTS*

The transportation analysis for the DEIS will compare the With Action condition to the No Action condition, to determine the trip-making increments that could occur as a result of the Pproposed actionsProject. Travel demand estimates and trip assignments will be prepared for both the No Action as-of-right building and the Pproposed actionsProject. The screening assessments entail

evaluating the results of these trip estimates to identify the appropriate study areas for detailed analyses and summarize the findings in a Travel Demand Factors (TDF) memorandum for review and concurrence by the DCP, and/or the New York City Department of Transportation (DOT) and New York City Transit (NYCT). For technical areas determined to require further detailed analyses, which could include traffic, parking, transit, pedestrians, and/or vehicular/pedestrian safety, those analyses will be prepared in accordance with *CEQR Technical Manual* procedures.

Where detailed analyses are necessary to assess potential operational and/or construction-related transportation impacts, close coordination with DCP, DOT, and NYCT would be needed to ensure the associated data collection and analysis processes are appropriately carried out to reflect representative travel patterns. Even though the COVID-related data collection moratorium has recently been lifted by DOT, travel patterns in New York City are unlikely to fully return to normal for an extended period of time. Hence, a comparison with historical data will likely be needed to calibrate newly collected data for analysis.

*TRAFFIC*

~~If required based on the results of the Level-2 screening analysis, a~~A quantified traffic analysis will be prepared for intersections expected to incur incremental vehicle trips exceeding the CEQR analysis threshold~~of up to six intersections would be analyzed~~ for the weekday AM, midday, and PM peak periods. These analysis locations are expected to include primarily those along the Development Site's Pearl Street frontage, The analyses would be conducted in accordance with 2000 *Highway Capacity Manual* (HCM) procedures, using software approved by the lead agency and DOT.

*TRANSIT*

If required based on the results of the Level-2 screening analysis, a quantified analysis of the adjacent Fulton Center (No. 2/3/4/5 and A/C/J/Z trains) ~~or Wall Street (No. 2/3 trains)~~ stations, as well as the Brooklyn Bridge-City Hall station, and area bus routes would be analyzed for the weekday AM and PM peak periods.

*PEDESTRIANS*

A q~~Q~~uantified pedestrian analysis will be conducted for the ~~the equivalent of up to one intersection in the study area consisting of~~ nearby sidewalks, corners, and crosswalks that are expected to incur incremental pedestrian trips exceeding the CEQR analysis threshold for the weekday AM, midday, and PM peak periods. These analysis locations are expected to include primarily those along the Development Site's Pearl Street frontage and pedestrian paths along Fulton Street en route to the Fulton Street and Brooklyn Bridge-City Hall subway stations.

*VEHICULAR/PEDESTRIAN SAFETY*

In connection with the above traffic and pedestrian analyses, a study of recent crash history would be prepared for intersections where detailed traffic and/or pedestrian analyses are performed.

*PARKING*

The proposed ~~250 Water Street project site~~building on the Development Site will provide parking on-site. A parking demand projection will be prepared based on the travel demand estimates described above to determine if additional off-site resources would be needed to accommodate the

projected demand. Due to COVID conditions, a survey of nearbyIf a detailed traffic study is warranted, an assessment of on- and off-site parking supply and utilization is not feasible. However, an inventory of these resources will be prepared to qualitatively assess the extent of how they are expected to accommodate the overflow parking demand from the Development Site as well as that from the Museum Sitefor a ¼ mile area surrounding the development site may also be conducted to determine how the future demand could be accommodated on-site or at the surrounding parking resources.

## AIR QUALITY

The number of project-generated vehicle trips may exceed the *CEQR Technical Manual* carbon monoxide (CO) and particulate matter (PM) analysis screening thresholds referenced in the *CEQR Technical Manual*. Therefore, a screening analysis of the Pproposed Pproject will be performed based on the number of project-generated vehicles at intersection in the study area, the vehicle classification breakdown and DOT's functional classification for area roadways, to determine if a microscale mobile source analysis is required.

An assessment of the potential CO and PM impacts associated with the proposed parking facility at the Ddevelopment Ssite will be required. The potential museum expansion would also introduce sensitive uses within 200 feet of the elevated section of the FDR Drive; therefore, the effects of this existing roadway on the proposed uses need to be analyzed, as recommended in the *CEQR Technical Manual*.

The stationary source air quality impact analysis will determine the effects of emissions from the Pproposed Pproject's fossil-fuel fired heating and hot water systems to significantly impact air quality at existing land uses, or on the Pproposed Pproject itself (i.e., project-on-project impacts).

Large and major sources of emissions within 1,000 feet of the Pproject Aarea will also be examined, as described in the *CEQR Technical Manual*. A description of the specific tasks follows.

*MOBILE SOURCES*

- *Gather existing air quality data.* Collect and summarize existing ambient air quality data for the study area. Specifically, ambient air quality monitoring data published by the New York State Department of Environmental Conservation (NYSDEC) will be compiled for the analysis of existing and future conditions.
- Conduct a mobile source screening analysis to determine if the number of project-generated vehicle trips exceeds the *CEQR Technical Manual* CO or $PM_{2.5}$ analysis screening thresholds in the *CEQR Technical Manual*. If necessary, perform a microscale dispersion analysis at the critical intersection location(s).
- *Emission calculation methodology and "worst-case" meteorological conditions.* Vehicular cruise and idle emissions for the dispersion modeling will be computed using the U.S. Environmental Protection Agency (EPA)'s MOVES model. Compute re-suspended road dust emission factors based on CEQR guidance and the EPA procedure defined in AP-42.
- Prepare an analysis of CO and PM emissions for the proposed parking facility. The analysis will apply the procedures outlined in the *CEQR Technical Manual* for assessing potential impacts from proposed parking facilities. Cumulative impacts from on-street sources and emissions from parking garage will be calculated, where appropriate.

- Analyze potential air quality effects on the potential museum expansion from the elevated FDR Drive. The EPA MOVES and AERMOD air quality models will be used to assess the CO and PM levels at the Mmuseum Ssite from the traffic along the elevated portion of the FDR Drive near the Pproposed Pproject. Information regarding the traffic will be based on existing studies regarding traffic volumes along the highway, and projections of traffic growth for the project build year. For PM modeling, five years of recent meteorological data from the LaGuardia Airport National Weather Service (NWS) Station will be used with concurrent upper air data from Brookhaven, New York.
- Evaluate results. For the intersection analysis, future pollutant levels with and without the Pproposed Pproject will be compared with the National Ambient Air Quality Standards (NAAQS), and the increase in concentrations between the No Action and With Action condition will be compared with the City's CO and $PM_{2.5}$ *de minimis* guidance criteria, to determine the impacts of the Pproposed Pproject. For the FDR Drive analysis, concentrations with the Pproposed Pproject will be compared with the NAAQS.

*STATIONARY SOURCES*

- A screening analysis will be prepared to determine whether emissions from any on-site fuel-fired equipment (e.g., boilers/hot water heaters) could cause significant adverse air quality impacts. The screening analysis will use the procedures outlined in the *CEQR Technical Manual*. The procedure involves determining the distance from the exhaust point within which potential significant impacts may occur, on elevated receptors (such as open windows, air intake vents, etc.) that are of similar or greater height when compared with the height of the Pproposed Pproject's heating and hot water equipment exhaust stack(s). The distance within which a significant impact may occur is dependent on a number of factors, including the height of the discharge, type(s) of fuel combusted, and development size or estimated emissions. A screening analysis will also be prepared, using EPA's AERSCREEN screening dispersion model, to determine whether the Pproposed Pproject could potentially cause any significant adverse impacts with respect to the 1-hour average nitrogen dioxide ($NO_2$) ambient air quality standard and fine particulate matter ($PM_{2.5}$) *de minimis* criteria, and, if fuel oil is proposed to be used, the 1-hour sulfur dioxide ($SO_2$) ambient air quality standard. ~~Project on project and p~~Potential impacts from the Prosed Project ~~on~~ existing and No Build developments ~~impacts~~ will be determined. If the analysis determines the potential for a significant adverse air quality impact, a refined modeling analysis would be performed.
- A review of air permit information will be performed to determine whether there are any permitted industrial sources of emissions within a 400-foot study area around the Ddevelopment Ssite and Mmuseum Ssite. If any permitted industrial sources are identified, an analysis will be performed. If required, EPA's the AERMOD dispersion model database referenced in the *CEQR Technical Manual* would be used to estimate the maximum short-term and annual concentrations of critical pollutants at sensitive receptor locations. Predicted values will be compared with the short-term guideline concentrations (SGC) and annual guideline concentrations (AGC) reported in DEC's DAR-1 AGC/SGC Tables guidance document to determine the potential for significant impacts. Potential cumulative effects of air toxic compounds will be evaluated, if required.
- An analysis of existing large and major sources of emissions (such as sources having federal and state permits) identified within 1,000 feet of the Ddevelopment Ssite, per the *CEQR Technical Manual*. Five years of meteorological data, consisting of surface data from the LaGuardia Airport NWS Station, and concurrent upper air data from Brookhaven, New York,

will be used for the analysis. Concentrations of the air contaminants of concern (i.e., PM, $SO_2$, and $NO_2$) will be determined at ground level receptors as well as elevated receptors representing floors on the proposed building. Predicted values will be compared with NAAQS, and if required, the City's $PM_{2.5}$ *de minimis* criteria.

## GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

Increased greenhouse gas (GHG) emissions are changing the global climate, which is predicted to lead to wide-ranging effects on the environment, including rising sea levels, increases in temperature, and changes in precipitation levels. Although this is occurring on a global scale, the environmental effects of climate change are also likely to be felt at the local level. As the Pproposed Pproject exceeds the 350,000-gsf development threshold, GHG emissions generated by the Pproposed ~~actions~~ Project will be ~~quantified~~ discussed and an assessment of consistency with the City's established GHG reduction goal will be performed as part of the DEIS. The assessment will examine GHG emissions from the proposed action's operations, mobile sources, and construction, as outlined below.

- Sources of GHG from the development projected as part of the Proposed ~~Actions~~ Project will be identified. The pollutants for analysis will be discussed, as well as various city, state, and federal goals, policies, regulations, standards, and benchmarks for GHG emissions.
- Direct Emissions—GHG emissions from on-site boilers used for heating and hot water, natural gas used for cooking, and fuel used for on-site electricity generation, if any, will be ~~quantified~~discussed. Emissions will be based on available information regarding the expected fuel use under the Pproposed Pproject or the carbon intensity factors specified in the *CEQR Technical Manual* for components where such information is not available.
- Indirect Emissions—GHG emissions from purchased electricity and/or steam generated off-site and consumed on-site during the operation of development pursuant to the Pproposed Pproject will be estimated.
- Indirect Mobile Source Emissions—GHG emissions associated with the action-related traffic will be estimated for the Pproposed ~~actions~~ Project using vehicle emission factors provided in the *CEQR Technical Manual* and data from the transportation analysis. A calculation of vehicle miles traveled (VMT) will be prepared using trip distances also provided in the *CEQR Technical Manual.*
- The types of construction materials and equipment proposed will be discussed along with opportunities for alternative approaches that may serve to reduce GHG emissions associated with construction.
- Design features and operational measures to reduce energy use and GHG emissions from development pursuant to the Proposed Project will be discussed ~~and quantified~~ to the extent that information is available.
- A qualitative discussion of stationary and mobile sources of GHG emissions will be provided in conjunction with a discussion of goals for reducing GHG emissions to determine if the Pproposed ~~actions~~ Project are consistent with the City's overall goal to reduce GHG emissions by 30 percent below 2005 levels by 2025 and net zero emissions by 2050. Individual project consistency is evaluated using the GHG reduction goals as specified in the *CEQR Technical Manual*, including building efficient buildings, using clean power, transit-oriented development and sustainable transportation, reducing construction operations emissions, and using building materials with low carbon intensity.

- Consistency with recently passed New York City and New York State climate legislation will be assessed. New York City's Climate Mobilization Act and New York State's Climate Leadership and Community Protection Act have established additional GHG reduction goals along with required GHG reduction measures (i.e., building emission intensities, and requirements for rooftop solar photovoltaic installation where practicable) and emissions will be ~~quantified~~ discussed with implementation of these measures.

Portions of the Pproject Aarea are located within the federally mapped 100- and 500-Year floodplains and may be susceptible to storm surge and coastal flooding. This chapter of the DEIS will include a qualitative discussion of potential effects of climate change and potential design measures that could be incorporated into new development projected to occur in the Pproject Aarea.

**NOISE**

The noise analysis will examine impacts of existing noise sources (e.g., vehicular traffic from adjacent at-grade and elevated roadways and surrounding playgrounds) on the proposed noise-sensitive residential and community facility uses and the impacts of project-generated traffic on noise-sensitive land uses nearby. This will include noise monitoring to determine existing ambient noise levels. For CEQR purposes, it is assumed that a detailed analysis of the proposed development's mechanical equipment will not be required, because any heating, ventilation, and air conditioning (HVAC) equipment would be designed to meet applicable regulations. Consequently, the noise analysis will examine existing noise levels in the Pproject Aarea and the window/wall attenuation that would be required to provide acceptable interior noise levels at the Pproposed Pproject. The subtasks are as follows:

- *Select appropriate noise descriptors.* Based upon CEQR criteria, the noise analysis will examine the 1-hour equivalent ($L_{eq}$) and the $L_{10}$ noise levels.
- *Select receptor locations.* Receptor sites analyzed will include locations where high existing ambient noise levels could adversely affect new residential and other sensitive uses associated with the Proposed Project.
- *Screening Analysis.* Perform a screening analysis to determine whether there are any locations where there is the potential for the Pproposed ~~actions~~ Project to result in significant noise impacts (e.g., doubling of traffic volume) due to project-generated traffic. If the results of the traffic study indicate that a doubling of traffic would occur, a mobile source noise analysis would be performed.
- ~~*Select receptor locations.* Receptor sites analyzed will include locations where high existing ambient noise levels could adversely affect new residential and other sensitive uses associated with the Pproposed Pproject.~~
- *Determine existing noise levels.* At each of the receptor sites identified above, 20-minute measurements will be performed during typical weekday AM, midday, and PM peak periods~~, as well as during the Saturday peak period~~. Hourly $L_{eq}$, $L_1$, $L_{10}$, $L_{50}$, and $L_{90}$ values will be recorded.
- *Determine future noise levels without the Pproposed ~~actions~~Project.* At each of the receptor locations identified above, determine noise levels without the Pproposed ~~actions~~ Project using existing noise levels, acoustical fundamentals, and mathematical models.
- *Determine future noise levels with the Pproposed ~~actions~~Project.* At all of the receptor locations identified above, determine noise levels with the Pproposed ~~actions~~Project,

including adjacent stationary sources such as any playground adjacent to the Ddevelopment Ssite and Museum Sites, using existing noise levels, acoustical fundamentals, and mathematical models. Playground noise will be calculated per CEQR TM 2014, Chapter 19, Section 333, and helicopter noise will be assessed, as needed, in consultation with DCP.

- *Determine amount of building attenuation required.* The level of building attenuation necessary to satisfy CEQR requirements is a function of the exterior noise levels, and will be determined. Projected future noise levels will be compared to appropriate standards and guideline levels. As necessary, general noise attenuation measures needed for the project building to achieve compliance with standards and guideline levels will be recommended.

**PUBLIC HEALTH**

Public health is the organized effort of society to protect and improve the health and well-being of the population through monitoring; assessment and surveillance; health promotion; prevention of disease, injury, disorder, disability, and premature death; and reducing inequalities in health status. The goal of CEQR with respect to public health is to determine whether adverse impacts on public health may occur as a result of a Pproposed Pproject, and, if so, to identify measures to mitigate such effects.

A public health assessment may be warranted if an unmitigated significant adverse impact is identified in other CEQR analysis areas, such as air quality, hazardous materials, or noise. If unmitigated significant adverse impacts are identified for the Pproposed ~~actions~~ Project in any of these technical areas and DCP determines that a public health assessment is warranted, an analysis will be provided for the specific technical area or areas.

**NEIGHBORHOOD CHARACTER**

The character of a neighborhood is established by numerous factors, including land use patterns, the scale of its development, the design of its buildings, the presence of notable landmarks, and a variety of other physical features that include traffic and pedestrian patterns, noise, etc. The Pproposed ~~actions~~ Project ~~have~~ has the potential to alter certain elements contributing to the affected area's neighborhood character. Therefore, a neighborhood character analysis will be provided in the DEIS.

A preliminary assessment of neighborhood character will be provided in the DEIS to determine whether changes expected in other technical analysis areas—land use, zoning, and public policy; socioeconomic conditions; open space; historic and cultural resources; urban design and visual resources; transportation; and noise—may affect a defining feature of neighborhood character. The preliminary assessment will:

- Identify the defining features of the existing neighborhood character.
- Summarize changes in the character of the neighborhood that can be expected in the With Action condition and compare to the No Action condition.
- Evaluate whether the Pproposed ~~actions~~ Project ~~have~~ has the potential to affect these defining features, either through the potential for a significant adverse impact or a combination of moderate effects in the relevant technical areas.

If the preliminary assessment determines that the Pproposed ~~actions~~ Project could affect the defining features of neighborhood character, a detailed analysis will be conducted.

## CONSTRUCTION

Construction impacts, though temporary, can have a disruptive and noticeable effect on the adjacent community, as well as people passing through the area. The construction impact assessment will evaluate the duration and severity of the disruption and inconvenience to nearby area and will be based on a conceptual construction schedule for the Pproposed ~~actions~~Project. This assessment will also describe the anticipated construction schedule and logistics, discuss on-site activities, and provide estimates of construction workers and truck deliveries.

Technical areas to be assessed include the following:

- ***Transportation Systems.*** This assessment will consider the Pproposed ~~actions'~~ Project's anticipated effects on the surrounding roadways, transit services, and pedestrian facilities during construction, and identify the increase in vehicle trips from construction workers and trucks. Issues concerning construction worker parking and truck staging will also be addressed. Based on the trip projections of activities associated with peak construction under the Pproposed ~~actions~~Project, Level 1 and Level 2 screening assessments will be prepared, as warranted. If these assessments identify the need for a separate detailed analysis, such analysis will be prepared.
- ***Air Quality.*** A detailed dispersion analysis of construction sources will be performed to determine the potential for air quality impacts on nearby sensitive receptor locations (i.e., residences). Air pollutant sources would include combustion exhaust associated with non-road construction engines (e.g., cranes, excavators) and trucks operating on-site, construction-generated traffic on local roadways, as well as onsite activities (e.g., excavation, demolition) that generate dust. The pollutants of concern include carbon monoxide (CO), particulate matter (PM), and nitrogen dioxide ($NO_2$). The potential for significant impacts will be determined by a comparison of the model predicted concentrations to the National Ambient Air Quality Standards (NAAQS), or by comparison of the predicted increase in concentrations to applicable interim guidance thresholds. The air quality analysis will also include a discussion of the strategies to reduce project related air pollutant emissions associated with construction activities.
- ***Noise.*** This section will contain a quantitative analysis of noise from the Pproposed ~~actions'~~ Project's construction activity. Appropriate recommendations will be made to comply with DEP Rules for Citywide Construction Noise Mitigation and the New York City Noise Control Code. The detailed analysis will estimate construction noise levels based on projected activity and equipment usage for various phases of construction. The projected construction noise levels will be compared to existing condition noise levels as determined based on the operational noise analysis augmented by mathematical models and projections as necessary. The noise analysis will identify potential construction noise impacts based on the intensity, duration, and location of emissions relative to nearby sensitive locations. As necessary, feasible and practicable project-specific control measures to further reduce construction noise disruption to the surrounding community will be considered.
- ***Other Technical Areas.*** As appropriate, this section will discuss other areas of environmental assessment for potential construction-related impacts, such as historic and cultural resources, hazardous materials, open space, socioeconomic conditions, land use and neighborhood character, and vibration.

## MITIGATION

Where significant adverse impacts have been identified in the above technical areas, measures to mitigate those impacts will be described. The chapter will also consider when mitigation measures will need to be implemented. These measures will be developed and coordinated with the responsible government agencies, as appropriate. Where impacts cannot be fully mitigated, they will be described as unavoidable adverse impacts.

## ALTERNATIVES

The purpose of an alternatives chapter in an DEIS is to examine development options that would tend to reduce action-related impacts. The alternatives will be better defined once the full extent of the Pproposed Pproject's impacts have been identified. Typically for actions such as the Pproposed Aactions, the alternatives will include a No Action Alternative, and a no impact or no unmitigated significant adverse impact alternative. The alternatives analysis will be qualitative, except in those technical areas where significant adverse impacts for the Proposed ~~Actions~~ Project have been identified. The level of analysis provided will depend on an assessment of project impacts determined by the analysis connected with the appropriate tasks.

## DEIS SUMMARY CHAPTERS

The DEIS will include the following three summary chapters, where appropriate for the Pproposed ~~actions~~Project:

- Unavoidable Adverse Impacts: which summarizes any significant adverse impacts that are unavoidable if the Pproposed ~~actions~~ Project ~~are~~ is ~~implemented~~ completed regardless of the mitigation employed (or if mitigation is not feasible);
- Growth-Inducing Aspects of the Pproposed ~~actions~~Project: which generally refer to "secondary" impacts of the Pproposed ~~actions~~ Project that trigger further development; and
- Irreversible and Irretrievable Commitments of Resources: which summarizes the Pproposed ~~actions~~ Project and ~~their~~ its impact in terms of the loss of environmental resources (loss of vegetation, use of fossil fuels and materials for construction, etc.), both in the immediate future and over the long term.

## EXECUTIVE SUMMARY

The executive summary will utilize relevant material from the body of the DEIS to describe the Pproposed Pproject, its environmental impacts, measures to mitigate those impacts, and alternatives to the Pproposed Pproject. The executive summary will be written in enough detail to facilitate drafting of a notice of completion by the lead agency. ✶

# Appendix A: Response to Comments on the Draft Scope of Work

## A. INTRODUCTION

This appendix to the Final Scope of Work (FSOW) summarizes and responds to substantive comments received during the public comment period for the Draft Scope of Work (DSOW), issued on November 16, 2020, for the Draft Environmental Impact Statement (DEIS) for the proposed 250 Water Street project.

City Environmental Quality Review (CEQR) requires a public scoping meeting as part of the environmental review process. A public scoping meeting was held virtually on December 17, 2020 at 2PM remotely due to COVID-19 via videoconference and phone. The comment period remained open until the close of business on January 11, 2021.

The design of the Proposed Project as presented in the DSOW has been revised since the public scoping meeting as a result of feedback from the New York City Landmarks Preservation Commission (LPC) and the community. The Reasonable Worst Case Development Scenario (RWCDS) that will be evaluated in the DEIS, as detailed in the FSOW, will include the development of an up to 395-foot tall, approximately 680,500-gross-square-foot (gsf) mixed-use building on the Development Site at 250 Water Street (Block 98, Lot 1) that would include approximately 394,400 gsf of residential uses (394 dwelling units [DUs], including up to 99 affordable DUs), 267,747 gsf of office uses, 13,353 gsf of retail uses, 5,000 gsf of community facility uses, and 108 parking spaces. After modifications, the program for the Development Site is smaller than, and is within the bounds of, the approximately 912,762-gsf program for the Development Site presented in the DSOW. The program for the building on the Development Site in the future without the Proposed Project (the No Action condition) and the program for the restored, reopened, and potentially expanded South Street Seaport Museum on the Museum Site (89-93 South Street, 2-4 Fulton Street, 167-175 John Street) remains unchanged from the DSOW.

Section B lists the organizations and individuals that provided comments relevant to the DSOW. Section C contains a summary of these relevant comments and a response to each. These summaries convey the substance of the comments made, but do not necessarily quote the comments verbatim. Comments are organized by subject matter and generally parallel the chapter structure of the DSOW. Where more than one commenter expressed similar views, those comments have been grouped and addressed together. All written comments are included in Appendix B, "Written Comments Received on the Draft Scope of Work."

Where relevant, in response to comments on the DSOW, changes have been made and are shown with double underlines in the FSOW.

# B. LIST OF ORGANIZATIONS AND INDIVIDUALS WHO COMMENTED ON THE DRAFT SCOPE OF WORK[1]

## ELECTED OFFICIALS

1. Gale A. Brewer, Manhattan Borough President, letter dated January 11, 2021 (Brewer_038)
2. Margaret S. Chin, Councilmember, Manhattan's 1st District, letter dated January 11, 2021 (Chin_039)
3. Yuh-Line Niou, Assemblymember, Manhattan's 65th District, letter dated January 11, 2021 (Niou_040)

## COMMUNITY BOARDS

4. Tammy Meltzer, Representative, Community Board 1, oral testimony delivered December 17, 2020 (Meltzer_CB1_007), and letter dated January 11, 2021 (Meltzer_CB1_036)

## ORGANIZATIONS AND BUSINESSES

5. Eddie McWilliams, Executive Director, NYC District Council of Carpenters, letter dated December 18, 2020 (McWilliams_DCC_001)
6. Joanne Gorman, Friends of South Street Seaport, letter dated December 18, 2020 (Gorman_FOSSS_004), and oral testimony delivered December 17, 2020 (Gorman_FOSSS_014)
7. Jonathan Boulware, President and CEO, South Street Seaport Museum, oral testimony delivered December 17, 2020 (Boulware_008)
8. Brendan Sexton, Former Board Member, South Street Seaport Museum, oral testimony delivered December 17, 2020 (Sexton_009)
9. Laura Norwitz, Senior Director of Programs and Education, South Street Seaport Museum, oral testimony delivered December 17, 2020 (Norwitz_010)
10. Maggie Flanagan, Relief Crew, South Street Seaport Museum, oral testimony delivered December 17, 2020 (Flanagan_011)
11. Captain Jonathan Kabek, CEO, Oliver Hazard Perry Rhode Island, Operator of Ocean State, oral testimony delivered December 17, 2020 (Kabek_012)
12. Captain Stefan Edick, Executive Director, National Historic Landmark, Schooner Adventure, oral testimony delivered December 17, 2020 (Edick_013)
13. Michael Kramer, The Seaport Coalition, oral testimony delivered December 17, 2020 (Kramer_015)
14. Emily Hellstrom, Founding Member, Children First, oral testimony delivered December 17, 2020 (Hellstrom_018)
15. J. Sandy Eames and Jay Hellstrom, Members, The Seaport Coalition, letter dated January 11, 2021 (SOS_032)
16. The Municipal Art Society of New York, letter dated January 11, 2021 (MASNYC_034)
17. Children First, letter dated January 11, 2021 (Children_First_035)
18. Iliberth Popovits, Manager of Information and Planning Support, MTA and New York City Transit, letter dated January 11, 2021 (Popovits_MTA_037)

[1] Citations in parentheses refer to internal comment tracking annotations.

**GENERAL PUBLIC**

19. Judy Friedman, letter dated December 18, 2020 (Friedman_002)
20. Paul Goldstein, letter dated December 18, 2020 (Goldstein_003)
21. David Sheldon, letter dated December 18, 2020 (Sheldon_005), and oral testimony delivered December 17, 2020 (Sheldon_026)
22. Sandra Guinand, Scholar, Journal of Urban Affairs, letter dated January 5, 2021 (Guinand_006)
23. Stacey Shub, oral testimony delivered December 17, 2020 (Shub_016)
24. Paul Goldstein, oral testimony delivered December 17, 2020 (Goldstein_017)
25. Caroline Miller, oral testimony delivered December 17, 2020 (Miller_019)
26. Tiffany Winbush, oral testimony delivered December 17, 2020 (Winbush_020)
27. Megan Malvern, oral testimony delivered December 17, 2020 (Malvern_021)
28. Linda Hellstrom, oral testimony delivered December 17, 2020 (Hellstrom_022)
29. Linda Roche, oral testimony delivered December 17, 2020 (Roche_023)
30. Adrienne Sosin, oral testimony delivered December 17, 2020 (Sosin_024), and letter dated January 11, 2021 (Sosin_031)
31. Grace Lee, oral testimony delivered December 17, 2020 (Lee_025)
32. Julie Finch, oral testimony delivered December 17, 2020 (Finch_027)
33. Michael Yaeman, oral testimony delivered December 17, 2020 (Yaeman_028)
34. Tamara Glaser, oral testimony delivered December 17, 2020 (Glaser_029)
35. J. Sosinsky, letter dated January 11, 2021 (Sosinsky_030)
36. Barbara Burrell, letter dated January 11, 2021 (Burrell_033)

## C. COMMENTS AND RESPONSES

**PROJECT DESCRIPTION AND ANALYTICAL FRAMEWORK**

**Comment 1:** A citywide zoning text amendment, Zoning for Coastal Flood resiliency (ZCFR) is currently in the ULURP process (ULURP No. N210095ZRY, CEQR No. 19DCP192Y). The Project Area falls within the catchment area for ZCFR, and the DEIS should consider its effects and if/how the applicant intends to apply the amendment to the project if passed. The DEIS must also include analysis of a scenario assuming that ZCFR is adopted and consider how this zoning changes will affect the proposed design and alter impacts. (Malvern_021, NYCMAS_034, Meltzer_CB1_036, Brewer_038, Chin_039)

**Response:** ZCFR was approved with modifications on May 12, 2021. While ZCFR allows for new zoning floor area (zsf) deductions and/or additional permitted height for affected properties in coastal zones throughout the City, the maximum height and bulk that will be evaluated in the DEIS will not be exceeded, with the building reaching up to 395 feet in height and containing up to 680,500 gross square feet (gsf) of floor area under the Reasonable Worst Case Development Scenario (RWCDS). The maximum height of the building will be measured from the design flood elevation of the site + 13'-0" (NAVD 88) and will not increase regardless of any provision of ZCFR that may allow for measurements from a higher elevation.

In addition, regardless of any ZCFR provisions, the Proposed Project intends to provide Flood Resistant Construction (FRC) per the NYC Building Code requirements for the area below the design flood elevation. If allowable deductions are considered in future, as noted above, the overall bulk and massing of the building will not increase beyond the RWCDS that will be evaluated in the DEIS.

**Comment 2:** The Landmarks Preservation Commission ruling, which will happen next month, could likely require modifications to the design of the proposal for 250 Water Street and hence would affect the scope of its environmental review. (Meltzer_CB1_007)

**Response:** On May 4, 2021, the Landmarks Preservation Commission voted to issue a Certificate of Appropriateness for the development on the Development Site under a modified design and for the potential expansion of the Museum on the Museum Site. The program and bulk of the approved design are within the RWCDS that will be analyzed as the Proposed Project for the purposes of the DEIS.

**Comment 3:** The specific quarter mile impact zone encompasses highly susceptible and fragile "receptors" (e.g., the elderly and young children). The site is also 500 feet from the Smith House NYCHA housing, a community that has been excluded from both the Brownfield and EIS (Children_First_035)

**Response:** The study areas for the assessment of specific technical areas will be based on the guidance, criteria, and methodologies of the *CEQR Technical Manual*. The NYCHA's Smith Houses are approximately 750 feet from the Project Area on the northern side of the Brooklyn Bridge and will be considered in the DEIS as appropriate based on *CEQR Technical Manual* guidance.

**Comment 4:** Specifics details of the proposed plans and actions, including the proposed zoning amendments, special permits text changes, other variances relating to the South Street Seaport Historic District that would be required for the proposed project, are missing from both the developer input and the lead agency input. (Gorman_FOSSS_004, SOS_032)

The DEIS must disclose details concerning what other disposition actions for the sale of development rights are needed to facilitate the Proposed Project. (NYCMAS_034)

The DEIS must identify and disclose all the unused floor area from the Pier 17/Tin Building lots that are proposed to be transferred to 250 Water Street, in addition to their value and the legal process of facilitating the development rights transfer. The DEIS must disclose any other anticipated development rights transfers, including the source and amount of rights. Additionally, the DEIS must disclose

the remaining amount of air rights in the district and discuss the status and role of the New Market Building in the development rights transfer. The DEIS must disclose and explain the mapping actions that would facilitate the 250 Water Street as a receiving site and Pier 17/Tin Building as granting sites. (NYCMAS_034)

All public actions and/or funding for the project should be disclosed (including potential tax credits obtained from NYC Department of Environmental Conservation for brownfield remediation, or other Federal, State, or City payments or subsidies for housing). (SOS_032)

**Response:** Further details regarding the Proposed Actions are included in the FSOW and will be included in the DEIS. In connection with the Proposed Project, up to 256,914 zsf would be distributed from the Pier 17/Tin Building zoning lot to the Development Site pursuant to ZR 74-743 and another 30,216 zsf would be transferred by certification pursuant to ZR 91-65. The value of the development rights is not within the scope of the DEIS. The New Market Building is not within the zoning lot or proposed large-scale general development area and therefore has no role in the development rights transfer. In order to designate the project site as a receiving lot for the transfer of development rights within the Special South Street Seaport Subdistrict by certification pursuant to ZR 91-65, a zoning text amendment will be proposed. No zoning map or City map amendments are required for the Proposed Project. Following the Proposed Project, no unused development rights will remain available for transfer by certification pursuant to ZR 91-65, but 216,123.6 zsf of unused development rights will remain on the Pier 17/Tin Building zoning lot.

**Comment 5:** The DEIS must disclose financial information concerning the museum's current budget for the museum expansion (without the dedicated funds), the specific amount Howard Hughes proposes to allocate to the museum, and to what museum expense the funds will be dedicated (i.e., whether the funds will go towards a capital campaign or the museum's endowment). The DEIS must also disclose the legal mechanism by which the museum will secure the funding from Howard Hughes and when the funding will be provided. It should also disclose any vulnerabilities that might affect the disposition of the funds, i.e., are there any circumstances in which the funding would not be provided if the project is approved. Details should also be provided on exactly how the $50 million proposed for the South Street Seaport Museum would save it. (NYCMAS_034) (Shub_016)

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

**Comment 6:** We urge the scope be revised so that the mapping amendments and disposition process needed to facilitate this project become part of the proposed action;

specifically, the mapping of 250 Water Street as a receiving site and Pier 17 and the Tin Building as granting sites. (NYCMAS_034)

**Response:** A description of the Proposed Actions is included in the FSOW and will be included in the DEIS. A zoning text amendment, rather than a map amendment, is proposed in order to designate the Development Site as a receiving lot for the transfer of development rights within the Special South Street Seaport Subdistrict pursuant to ZR 91-65.

**Comment 7:** Is the height inclusive of both the pedestal base height and the height of the twin-towers above the base, or is this just the towers height? Does the stated 470 feet include the height of rooftop HVAC or other planned rooftop equipment/uses? Would the project be able to calculate height using the new ZCFR measure of 10 feet above grade? What is the actual height of the building being reviewed by DCP? (Gorman_FOSSS_004)

**Response:** The proposed design of the building at 250 Water Street previously included two towers reaching up to 470 feet in height, but the modified design now under consideration would feature one tower reaching up to 395 feet in height, please see Section A, "Introduction" above. Height is measured from the design flood elevation to the top of the rooftop screen wall, which includes all bulkheads and rooftop mechanical equipment. Please see response to Comment #1 regarding ZCFR.

**Comment 8:** When the HHC application refers to affordable units, what AMI is it using—the HUD AMI values or higher values tied to a wealthy neighborhood such as FIDI—which would push values up for a greater return on the affordable units proposed? The DEIS should disclose and evaluate the affordability levels being considered under MIH. (Gorman_FOSSS_004, NYCMAS_034)

**Response:** When referring to Area Median Income, these are income levels defined by the U.S. Department of Housing and Urban Development. Although the Applicant has proposed to provide affordable housing to households with incomes averaging 40 percent AMI, the site is not proposed to be mapped as an MIH-designated area and the level of affordability has not yet been determined. Accordingly, to provide a conservative analysis of socioeconomic conditions, the DEIS will assume that 20 percent of the total DUs would be permanently affordable units that would be available to households with incomes averaging up to 80 percent of AMI.

**Comment 9:** The DEIS must disclose how market-rate and MIH units will be distributed throughout the tower towers. Additionally, the DEIS must disclose the breakdown of the number of bedrooms being proposed for both market-rate and affordable units. (NYCMAS_034)

**Response:** The distribution of market-rate and affordable units and breakdown of bedroom sizes is outside the scope of analysis under CEQR

**Comment 10:** For purposes of environmental review, although a reasonable worse case is to assume that 160 DUs would be affordable, 25 percent of the 640 DU being evaluated. This is disingenuous, as the Applicant has noted that they prefer larger units resulting in less affordable units really being proposed. (SOS_032)

**Response:** The RWCDS provides the upper range of development that could reasonably be anticipated as a result of the Proposed Actions. This provides conservative assumptions for technical analyses where impacts result from greater density (e.g., traffic). The effects of developing the Proposed Project with fewer affordable units will be analyzed in the socioeconomic analysis, because fewer affordable units would result in a more conservative projection of socioeconomic conditions.

**Comment 11:** 250 Water St is not outside the Historic District and is not an appropriate receiving site and is not designated as such, nor are Pier 17/the Tin Building designated as development rights granting sites. A transfer between these sites goes against the intent of the original mechanism set up to protect the district: to sell air rights for use outside the district to support public –not private – benefits within the district. (Gorman_FOSSS_004, NYCMAS_034)

**Response:** As noted the Draft Scope of Work, Chapter 2, "Land Use, Zoning, and Public Policy," in the DEIS will include an assessment of effects of the Proposed Actions, including the proposed zoning text amendment to designate the Development Site as a receiving lot, on land use, zoning and public policies. However, the Pier 17/Tin Building zoning lot is not proposed to be designated as a granting site for purposes of the Special South Street Seaport Subdistrict regulations, since the distribution of floor area from that site will be made pursuant to ZR 74-743(a).

**Comment 12:** The linking of the two applications coming before LPC and CPC is a forced joining at best. Any discussion of the potential Museum expansion does not belong in this application. All references to the South Street Seaport Museum should be removed and included in a separate future application. (Gorman_FOSSS_004, Kramer_015, SOS_032)

**Response:** One of the primary goals and objectives of the Proposed Actions is to facilitate the restoration, reopening, and potential expansion of the South Street Seaport Museum, and therefore the potential environmental impacts that would result from the museum work will appropriately be considered in conjunction with the Proposed Project.

**Comment 13:** How can the public or the city examine a project component, the potential Museum expansion, that is on such shaky ground – a 'building construct' that is not even on a direct path to realization? (Gorman_FOSSS_004)

**Response:** Consistent with the *CEQR Technical Manual*, the DEIS will consider the potential expansion of the Museum as part of the Reasonable Worst Case Development Scenario (RWCDS) being analyzed in order to evaluate the full range of potential effects and impacts that may result from the Proposed Actions. This includes possible impacts and effects from the expansion of the Museum.

**Comment 14:** The Development Assumption that "absent the proposed project, the museum would close permanently" is unfounded, and dismissive of alternative options. We question the reliability of this statement and the DEIS must disclose backup financial material that supports it. (Gorman_FOSSS_004, Kramer_015, SOS_032, NYCMAS_034)

**Response:** As more fully stated in the Draft Scope of Work, 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 DEIS will then analyze a larger increment between the No Action and With Action programs and will attribute any potential effects and impacts to the Proposed Project. Please see response to Comment #13. The finances of the South Street Seaport Museum are outside the CEQR scope of work for the DEIS.

**Comment 15:** The streets are included as part of the project without any indication of acknowledgment by the City of an improvement agreement with the developer. Absent this agreement, any reference to the de-mapped city streets should be deleted from the application, including removal from the "Affected Area" shown in Figure 1. These undefined "streetscape improvements" are being used as a way to form one unified, physically connected project improvement area. (Gorman_FOSSS_004)

**Response:** The demapped portions of Water Street, Fulton Street and Front Street have been included within the Project Area as they are within the area of the proposed expansion to the Pier 17 Large-Scale General Development and to account for the potential environmental effects of any streetscape improvements (e.g., planters) that may be proposed in these areas. CEQR requires a review of any potential project effects prior to the government approval, and therefore, the demapped streets are appropriately included in the analysis prior to execution of any related agreement.

**Comment 16:** Will the 128 parking spaces accommodate any public parking or be for building residents only? (Gorman_FOSSS_004)

**Response:** The 108 parking spaces now proposed on the Development Site at 250 Water Street will be for use by building residents and office tenants, and a portion of the parking may potentially be made available to the public.

**Comment 17:** The DEIS must disclose information about how the assumed 2026 build year for the museum expansion was calculated. (NYCMAS_034)

**Response:** The 2026 analysis year is the anticipated completion year for the Proposed Project as a whole, not just the potential expansion of the South Street Seaport Museum. The projected timelines for construction will be provided in the DEIS.

**Comment 18:** The Draft Scope of Work fails to identify a purpose or need for the project or the proposed actions. The DEIS should also state how the purpose and need is consistent with public benefits intended by the creation of the South Street Seaport Historic District, or other benefits to the City of New York or its taxpayers. (SOS_032)

**Response:** The purpose and need for the Proposed Actions has been described in Section E, "Purpose and Need," in the DSOW and FSOW, and will be included in Chapter 1, "Project Description," in the DEIS. As a private application, the project does not need to demonstrate benefits to the City's taxpayers. The project would, however, include public benefits including the provision of affordable housing and the restoration, reopening, and potential expansion of the South Street Seaport Museum.

**Comment 19:** There is concern for several potential impacts, including to land use and zoning, neighborhood character, historic and cultural resources, and the pedestrian experience. The Scope of Work for this EIS must include review of the construction, but also the full impact loading from every component of its operation and maintenance, including regular and repeated use of the full complement of the City's land, air, water, and physical infrastructure systems accepting load from this construction, operation, and maintenance through its useful life. (Miller_019, SOS_032)

**Response:** Potential effects and impacts on land use and zoning, neighborhood character, historic and cultural resources, urban design and architecture, construction, and other technical areas will be considered in the DEIS consistent with the *CEQR Technical Manual*.

**Comment 20:** This full complement of City system components extends well beyond the immediate blocks in and around the Pier 17 LSGD, and the failure to evaluate and analyze this full spectrum use would constitute improper segmentation. The specific requirements of the ZR 78-311 and 312 procedures related to the issuance of "Findings" under section 78-313 has been obfuscated—at best—by both the

Lead Agency and the Applicant in the Draft Scope of Work, the EAS, and all other documents and assessments prepared for these projects. The Final Scope of Work should be updated to make clear that the ZR affirmative standards are applicable and must be met. (SOS_032)

**Response:** As described in the DSOW (e.g., Transportation), the study areas for the DEIS in accordance with the *CEQR Technical Manual* guidelines for each of the impact categories will include areas and infrastructure beyond the Project Area that could be impacted by the Proposed Project. Also, support for requisite findings will be provided by the applicant in the land use application and the City Planning Commission will consider whether the findings have been met at the time of its vote. However, the Proposed Project does not involve a "large-scale residential development," and therefore, the referenced zoning sections are inapplicable.

**Comment 21:** The Applicant claims that there are sixty-seven (67) employees of the South Street Seaport Museum as of the date for submission of this EAS. To the best of our knowledge the Seaport Coalition has been told that there are only six (6) paid staffers. (SOS_032)

**Response:** The number of existing employees at the South Street Seaport Museum provided in the EAS was estimated using standard CEQR employment ratios, specifically an assumption of one employee per 1,000 gsf of community facility uses (such as a museum use). The increment for analysis in the DEIS will be the comparison of conditions in the future without the Proposed Project (in which no museum employees are assumed) to the future with the Proposed Project (in which 87 museum employees are assumed consistent with CEQR employment multipliers).

Prior to the COVID-19 pandemic, the Museum had 26 full-time staff and more than 100 employees when considering both full-time and part-time staff. This has decreased to 13 full-time and 10 part-time staff as a result of the pandemic.

**Comment 22:** The Applicant claims that there are no "students, visitors, concert-goers, etc." to be impacted by this proposal. (Kramer_015, SOS_032)

**Response:** The commenter is referencing an assumption in the DSOW about new populations that would be generated by the Proposed Project. While the Proposed Project is not expected to result in new students or concert-goers, as noted in the Draft Scope of Work, the DEIS analyses will account for incremental museum visitorship (as well as retail shoppers and other project-generated user populations) as appropriate, following the guidance of the *CEQR Technical Manual* for the relevant technical areas.

**Comment 23:** The DSOW fails to include legally required cumulative impact analysis. (SOS_032)

**Response:** As noted in the DSOW, Chapter 3, "Land Use, Zoning, and Public Policy," in the DEIS will include a list of study area projects that are reasonably anticipated to be completed by the 2026 analysis year. The DEIS will appropriately analyze the cumulative effects of those projects in conjunction with the Proposed Project.

**Comment 24:** We recommend that the DEIS 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, which is part of the project area. (NYCMAS_034)

**Response:** Peck Slip between Water Street and Pearl Street is not proposed to be a permanent public open space as part of the Proposed Project. Any information on the design of the Proposed Project's layout and amenities will be included in the DEIS as appropriate.

**Comment 25:** The following agencies must be involved in the DCP evaluation of the impacts of this and related projects: Department of Housing and Urban Development (HUD); USEPA; NYSDEC; NYCDEP; FEMA. (SOS_032)

**Response:** All appropriate governmental agencies and regulatory bodies will be consulted as appropriate in as part of the environmental review process consistent with the guidance of the *CEQR Technical Manual*.

**Comment 26:** The Draft Scope of Work (DSOW) states that three areas do not require further analysis in the DEIS based on the guidance of the *CEQR Technical Manual* including: community facilities, solid waste and sanitation services, and energy. It is absolutely crucial that all of these areas of study be included in the DEIS; this is a major high-density project and no area of study should be omitted. (Meltzer_CB1_036)

**Response:** Consistent with the *CEQR Technical Manual*, the technical areas of community facilities, solid waste and sanitation services, and energy were considered in the EAS and the DSOW (see Sections C, K, and L of the "Additional Technical Information for EAS Part II" portion of the EAS and Section G, "Scope of Work for the EIS" in the DSOW). It was determined that with respect to these technical areas the Proposed Project would not have the potential to result in significant adverse impacts and would not exceed the thresholds established by the *CEQR Technical Manual* for further analysis. This conclusion, as presented in the EAS and Positive Declaration, would not change under the revised RWCDS that will be evaluated in the DEIS.

**Comment 27:** The DEIS must include an energy analysis and, at a minimum, provide the projected amount of energy consumption of the project during long-term operation. Design features to reduce energy use should be discussed and quantified to the extent that information is available. The DEIS must also include

all relevant information including a list of all building systems and materials intended to be used. This analysis should be integrated with the air quality analysis of building emissions and consider the ability of infrastructure systems to provide the required energy capacities, future system capacities, effects of applicable regulations. (Gorman_FOSSS_004, SOS_032, Meltzer_CB1_036)

**Response:** As determined in the EAS and DSOW, the Proposed Project would not exceed the CEQR threshold requiring an analysis of the potential to result in significant impacts on energy systems; see response to Comment #26. Any specific design elements related to the production or consumption of energy will be described in the DEIS, if available, and estimates of the Proposed Project's energy usage will be discussed in Chapter 13, "Greenhouse Gas Emissions and Climate Change," in the DEIS.

Under the revised RWCDS as detailed in the FSOW that will be considered in the DEIS, total energy consumption with the Proposed Project would be 133,759,344 thousand BTUs per year, an increment of 89,889,956 thousand BTUs per year. Compared with the approximately 388 trillion BTUs of energy consumed annually within Con Edison's New York City and Westchester County service area, this increase would be considered a negligible change (approximately 0.02 percent of Con Edison's annual consumption). Therefore, the Proposed Project would not have any significant adverse impacts on energy, and no further analysis is required for the DEIS.

**Comment 28:** Solid waste and service demand generated by the project must be disclosed in the DEIS and an analysis included. (Meltzer_CB1_036)

**Response:** As the Proposed Project is not anticipated to generate a substantial amount of solid waste (50 tons or more per week), no analysis of solid waste conditions is necessary consistent with the guidance of the *CEQR Technical Manual*. Anticipated solid waste generation from the Proposed Project was disclosed in the project EAS. Under the revised RWCDS as detailed in the FSOW that will be analyzed in the DEIS, the total solid waste generation for the Proposed Project would be approximately 16.94 tons per week, representing an increment of 8.78 tons per week. Solid waste generated by the residential uses would be handled by the New York City Department of Sanitation (DSNY). Solid waste generated by the retail, office, community facility, and museum uses would be collected by private commercial carters, and the Proposed Project would be subject to mandatory recycling requirements. Therefore, solid waste generated by the Proposed Project would not overburden the City's solid waste handling systems, and the Proposed Project would not have the potential to result in a significant adverse impact on the City's solid waste and sanitation services; please see response to Comment #26.

**Comment 29:** The proposal's specific sanitation and recycling plans must be provided in order to proceed with an accurate environmental assessment of this aspect of the project. Who will handle the trash? How much will be generated? Where will trash be placed for pickup? (Gorman_FOSSS_004, Sosin_030, Meltzer_CB1_036)

**Response:** Please also see response to Comment #28 regarding the quantity of solid waste anticipated. The Proposed Project will comply with all applicable regulations on the handling of solid waste and recycling.

**Comment 30:** The EAS does not accurately report potential indirect effects on childcare centers, libraries, public schools, health care facilities and fire and police protection Potential impacts to public schools, childcare centers, and healthcare facilities due to the increased residential population should be evaluated. (Gorman_FOSSS_004, Children_First_035, Meltzer_CB1_036)

**Response:** The technical area of community facilities, including childcare centers, libraries, public schools, health care facilities, and fire and protection services, was considered in the EAS. Consistent with the *CEQR Technical Manual*, it was determined that the Proposed Project does not have the potential to result in significant adverse environmental impacts and no further analysis is required in the DEIS; please see response to Comment #26.

**Comment 31:** This project will affect nearby schools; public school families have no choice but to send their children to zoned schools and there is inherent inequity for those without means who cannot afford to send their children elsewhere. (Meltzer_CB1_036)

**Response:** The affordability of public school commutes is outside the scope of analysis under CEQR. See response to Comment #26.

**Comment 32:** An analysis for emergency and security concerns, including emergency evacuation plans, must be included. (Gorman_FOSSS_004, Meltzer_CB1_036)

**Response:** Emergency services, including police, fire, and EMS services have been considered in the EAS consistent with the *CEQR Technical Manual*; please see response to Comment #26.

**LAND USE, ZONING, AND PUBLIC POLICY**

**Comment 33:** Density is not considered in this application; this area has many tower buildings outside the historic district. (Sosin_031)

**Response:** The DEIS assessment, as stated in the DSOW, will consider the effects of the Proposed Project and the resulting increase in density within the study area surrounding the proposed Project Area including in Chapter 2, "Land Use,

Zoning, and Public Policy," Chapter 3, "Socioeconomic Conditions," Chapter 4, "Open Space," Chapter 5, "Shadows," Chapter 7, "Urban Design and Visual Resources," Chapter 10, "Water and Sewer Infrastructure," Chapter 11, "Transportation," and Chapter 16, "Neighborhood Character."

**Comment 34:** The DEIS must include a fully completed NYC Waterfront Revitalization Program Consistency Assessment Form (WRP CAF) and the completed WRP assessment and all related explanations for each of the ten policies must be provided to Manhattan Community Board 1 and all related agencies as part of the Land Use, Zoning and Public Policy section within the Environmental Impact Statement. The significant problems and effects of constructing in a floodplain must inform the WRP CAF. (SOS_032, Brewer_038, Chin_039)

**Response:** The DEIS, as stated in the DSOW, will include a discussion of the City's Waterfront Revitalization Program in Chapter 2, "Land Use, Zoning, and Public Policy," and will include a completed WRP CAF as an Appendix. This Appendix will also include the related policy discussion and flood elevation worksheets.

**Comment 35:** Please note that even the NYC Planning Platform search omits, for what reason I do not know, St. Margaret's House; a long recognized and vibrant, multi-cultural, senior apartment community located across the street from 250 Water St offering safe and affordable HUD 202/8 housing. (Children_First_035)

**Response:** All land uses within the study area will be considered in the DEIS and verified via City data and field visits.

**Comment 36:** Critically evaluate the negative policy implications of designating 250 Water Street as a receiving site. (NYCMAS_034)

**Response:** As noted in the Draft Scope of Work, Chapter 3, "Land Use, Zoning, and Public Policy," in the DEIS will include an assessment of the effects of the Proposed Actions on zoning and public policies.

**Comment 37:** We also ask that the Applicant include information on existing community centers and schools in the neighborhood. (Brewer_038, Chin_039).

**Response:** All land uses within the study area, including existing community centers and neighborhood schools, will be considered in the DEIS's "Land Use, Zoning, and Public Policy" section consistent with the *CEQR Technical Manual*; see response to Comment #35.

**SOCIOECONOMIC CONDITIONS**

**Comment 38:** As part of the socioeconomic study, we ask that the Applicant include information on the number of new families anticipated in the neighborhood and the increase

in school seats at the elementary, middle, and high school levels. (Brewer_038, Chin_039)

**Response:** The requested assessment is outside the scope of the socioeconomic conditions analysis under CEQR. Please also see the response to Comment #30. The Proposed Project's estimated population was disclosed in the EAS and this information will be included in the DEIS.

**Comment 39:** We ask that the Applicant include information on retail stores and community centers in the neighborhood. Should the proposed actions lead to their displacement, the Applicant must communicate relocation opportunities to those institutions and businesses. (Brewer_038, Chin_039)

**Response:** The Proposed Project would not directly displace any retail stores or community centers. As detailed in the DSOW and FSOW, an assessment of potential indirect business displacement will be conducted that will determine whether the Proposed Actions may introduce trends that make it difficult for those businesses that provide products or services essential to the local economy, or those subject to regulations or publicly adopted plans to preserve, enhance, or otherwise protect them, to remain in the area. If retail and/or community center uses meeting these criteria are found to be potentially vulnerable to indirect displacement, the DEIS analysis will consider whether relocation opportunities exist.

**Comment 40:** Because this proposed construction affects a Large Scale Residential Development Zoning Area, the assessment is not limited to the categories outlined in the *CEQR Technical Manual*, but must also evaluate outcomes and long term effects under the standards set forth in Section 78-01 of the Zoning Resolution of the City of New York. Losing the 400-car parking lot may result in the direct displacement of residents or businesses and is a potential outcome that must be studied rather than ignored by the Applicant. (Kramer_015, SOS_032)

**Response:** In the future without the Proposed Project, the existing surface parking use on the Development Site would be directly displaced to accommodate as-of-right redevelopment of the site. Because the displacement of this use would occur irrespective of the project, no further assessment of this issue is warranted under CEQR. Furthermore, the parking use would not meet CEQR criteria for assessment: the parking lot does not employ more than 100 workers; its services are not uniquely dependent on its location; it does not serve a population that is uniquely dependent on its services in its present location; and it is not the subject of policies or plans aimed at its preservation. Finally, the standards of Zoning Resolution Section 78-01 are not applicable as there is no "large-scale residential development" within the Project Area.

## OPEN SPACE

**Comment 41:** Open space impacts, both to passive and active open space, must be closely studied as part of the DEIS. This includes impacts to the visual experience and from shadows. The open space analysis should include the direct and indirect effects during and post construction on all playgrounds and rooftop play yards and playstreets at all neighborhood public and private schools (including PS 343, the Blue School, Spruce Street School) as well as at all public and private open areas in the neighborhood, including Peck Slip plaza, Pearl Street Playground, Imagination Playground, the Brooklyn Bridge Promenade, DeLury Square Park, Titanic Memorial Park, Fishbridge Park Garden, Pier 17 plaza, Smith Houses recreation areas, public spaces at Saint Margaret's House, local cobblestone streets, street trees, and other neighborhood privately owned public spaces. (Gorman_FOSSS_004, Children_First_035, Meltzer_CB1_036)

**Response:** Potential effects from the Proposed Project on publicly accessible open space resources will be considered in the DEIS, as stated in the DSOW, consistent with the *CEQR Technical Manual.* This will include analysis of potential direct effects on publicly accessible open space resources, such as from shadows, air quality, noise, and construction, as well as analysis of potential indirect effects on public open space resulting from the introduction of new residential and nonresidential populations.

**Comment 42:** Analyses of open space should consider effects from the construction on the Brooklyn Bridge Promenade, plazas at 200 Front Street and 20 Fulton Street, Cannon's Walk, Fishbridge Park Garden and Dog Run, and Pier 17. (Children_First_035)

**Response:** The DEIS will include an analysis of publicly accessible open space resources consistent with the guidance, criteria, and methodologies of the *CEQR Technical Manual*, which will include consideration of potential direct effects resulting from the construction of the Proposed Project. Please also see response to Comment #41.

**Comment 43:** Pearl Street public seating, Beekman Street public seating, the Fishbridge Gardens and Dog Run, and Peck Slip will be effectively closed to the public during construction of this project (Gorman_FOSSS_004).

**Response:** Potential direct effects on public open space resources, such as from construction, will be considered in the DEIS consistent with the *CEQR Technical Manual*. Please see response to Comment #41.

**Comment 44:** The South Street Seaport Historic District is chronically underserved by open space. (SOS_032)

**Response:** The analysis of potential direct and indirect effects on public open space resources will be conducted both quantitatively and qualitatively in the DEIS consistent with the *CEQR Technical Manual*. The Project Area is located in an area of Manhattan that is not considered to be underserved for purposes of environmental review.

**SHADOWS**

**Comment 45:** Shadow assessments must be studied comprehensively as part of the DEIS, including impacts on all open space and nearby seating areas (specifically open space and recreation areas at the Southbridge Towers and St. Margaret's House, the Smith Houses' playground and pathways, Pearl Street Playground, the tree canopies along Pearl Street, Delury Square Park, Titanic Memorial Park, the Peck Slip School and its rooftop play yard, the Peck Slip playstreet, the Blue School and its rooftop play yard, the Water Street playstreet, all walkable cobblestone streets, and impacts on nearby residential low-scale buildings. Additionally, the DEIS must describe in detail the specific shadows impacts on natural resources, individual landmarks (including the Brooklyn Bridge), historic resources, and the historic district as a whole. (Goldstein_003, Roche_023, SOS_032, NYCMAS_034, Children_First_035, Meltzer_CB1_036, Brewer_038, Chin_039)

**Response:** Shadows resulting from the Proposed Project, as stated in the DSOW, will be analyzed in the DEIS consistent with the guidance, criteria, and methodologies of the *CEQR Technical Manual*. This would include potential effects on all nearby publicly accessible open spaces, historic resources with sunlight-sensitive features, or natural resources.

**Comment 46:** Shadow of 400 ft tower at this site would reach at a minimum from the west side highway, cover all of the NYCHA smith houses to the north, all the way down to Wall Street. (Children_First_035)

**Response:** Potential shadows resulting from the construction of the Proposed Project will be analyzed consistent with the guidance, criteria, and methodologies of the *CEQR Technical Manual*. According to the *CEQR Technical Manual*, the longest shadow that a structure can cast at the latitude of New York City occurs on December 21, the winter solstice, at the start of the analysis day (8:51 AM), and is equal to 4.3 times the height of the structure. At a maximum height of 395 feet above curb level, the proposed mixed-use building at 250 Water Street could cast a shadow up to 1,699 feet in length (395 x 4.3). Using this length as the radius, a perimeter will be drawn around the Development Site to determine the longest-shadow study area. The potential effects from the Proposed Project's shadow on any publicly accessible open spaces, historic resources with sunlight-sensitive features, or natural resources within this radius will be evaluated in the DEIS.

**Comment 47:** Shadow studies must consider the change in hours of sunlight, is it a 90 percent reduction for children? A 100 percent reduction? (Children_First_035)

**Response:** The effects of new shadow created by the Proposed Project will be evaluated in the DEIS consistent with the guidance, criteria, and methodologies of the *CEQR Technical Manual.* Each open space resource, sunlight-sensitive historic resource, and natural resource will be evaluated individually, considering the extent and duration of new shadow, and an analysis of the resource's sensitivity to reduced sunlight, and seasonal conditions.

**HISTORIC AND CULTURAL RESOURCES**

**Comment 48:** There are concerns about the impacts construction will have on the Historic South Street Seaport including impacts on the fragile historic buildings immediately abutting the site and beyond, and how the intensity of pile driving will impact nearby historical buildings and their fragile foundations. Consideration of construction impacts on historic buildings such as the Captain Rose House must include assessment, monitoring, and mitigation of damage to historic buildings in the area. A full Construction Protection Plan should be included. (Children_First_035, Meltzer_CB1_036, Brewer_038, Chin_039)

**Response:** As described in the Draft and Final Scope of Work, Chapter 6, "Historic and Cultural Resources," in the DEIS will evaluate the potential for the Proposed Project to result in direct, physical effects on archaeological and architectural resources. As noted in the comment, direct effects can include inadvertent construction damage from construction activities like pile driving. Where the assessment identifies the potential for the Proposed Project to result in construction effects on architectural resources, the DEIS will identify avoidance or mitigation measures, such as the implementation of construction protection plans, in consultation with LPC.

**Comment 49:** Given the historic nature of the area and its status as a Historic District, a Historic and Cultural Resources Assessment is appropriate. The DEIS should include a study of impacts (including impacts on views) on nearby historic buildings or structures (in particular Schermerhorn Row and the Brooklyn Bridge), cobblestone streets, and the district as a whole, and should provide a record of any distressed historical buildings in the neighborhood. The potential for the project to further damage any distressed historic buildings should be considered, and information on any archaeological remains and historic artifacts found in the area should be included. (Gorman_FOSSS_004, Children_First_035, Meltzer_CB1_036, Brewer_038, Chin_039)

**Response:** As noted in the Draft and Final Scope of Work, the DEIS will assess the potential for the Proposed Project to result in visual or contextual impacts on architectural resources. In addition, as described in the response to Comment #48, the DEIS

will assess the potential of the Proposed Project to result in direct effects, including construction-related effects, on architectural resources.

As requested by the LPC, a Topic Intensive Archaeological Documentary Study will be prepared for any areas that would be impacted by sub-surface construction as a result of the proposed project. The results of the study, including any recommendations for further archaeological analysis (e.g., archaeological testing or monitoring) will be provided in the DEIS.

**Comment 50:** We recommend the DEIS include the Phase 1A archaeological study to disclose potential archaeological resources on the John Street lot, specifically the artifacts from the Ronson ship, an 18th-century British merchant ship discovered under 175 Water Street in 1982. (NYCMAS_034)

**Response:** As described in the response to Comment #49, a Topic Intensive Archaeological Documentary Study will be prepared for any areas that would be impacted by sub-surface construction as a result of the Proposed Project. The Topic Intensive Archaeological Documentary Study will include the site at 175 Water Street.

**Comment 51:** A plan must be provided that indicates how the Brownfield Cleanup Program (BCP) Remedial Investigation work will be done as to not affect the archeological work and potential findings. (Meltzer_CB1_036)

**Response:** The Topic Intensive Archaeological Documentary Study requested by LPC will identify all areas of archaeological sensitivity and will determine if additional archaeological analysis (e.g., archaeological testing or monitoring during either the construction of the project or remediation work in areas of archaeological sensitivity) will be required to confirm the presence or absence of archaeological resources. In the event that such analysis is required, Work Plans for all future archaeological investigations will be submitted to LPC for review and concurrence that will address the need for archaeological monitoring during any ground-disturbing activities associated with the project.

**Comment 52:** Given the unique character of this proposed project in the Historic District, it may require analysis not yet included. (Meltzer_CB1_007)

**Response:** The historic and cultural resources analysis in the DEIS, as stated in the DSOW and FSOW, will follow the methodologies in the *CEQR Technical Manual*.

**Comment 53:** Due to the historic (and therefore fragile) nature of structures in the immediate vicinity, *larger study areas* must be established in concert with LPC for archaeological (known and unknown) and historical structures. (Children_First_035)

**Response:** Pursuant to LPC's request, the Topic Intensive Archaeological Documentary Study will assess the archaeological sensitivity of any areas of proposed ground disturbance associated with the proposed project. Regarding architectural resources, the definition of the study area followed the recommendations of the *CEQR Technical Manual*. The assessment of effects will include consultation with LPC.

**Comment 54:** This process should consider the effects of the proposed actions on all Historic Districts and not just this one. (Miller_019)

**Response:** The historic and cultural resources assessment in the DEIS will follow the methodologies in the *CEQR Technical Manual* and will assess the potential effects of the Proposed Project on all known architectural resources in the study area. The assessment will also identify potential architectural resources that could be affected by the Proposed Project.

**URBAN DESIGN AND VISUAL RESOURCES**

**Comment 55:** A wind study is not being included because the project team considers the site to be set back from waterfront. As the project will include large buildings that may affect wind direction patterns and wind speeds in an area with high pedestrian traffic, an analysis of pedestrian wind conditions should be included in the DEIS. (Sosin_030, SOS_032)

**Response:** The *CEQR Technical Manual* states that a pedestrian wind study may be warranted for projects involving multiple, tall buildings at or in close proximity to waterfront sites that may result in an exacerbation of wind conditions due to 'channelization' or 'downwash' effects. The Proposed Project that will be evaluated in the DEIS involves construction of a single building more than 500 feet from the shoreline, and is not along an exposed west or northwest facing waterfront. Moreover, the Proposed Project would include deep setbacks above the waterfront-facing side of the building's base. Given these factors, it is not anticipated that the Proposed Project will warrant a pedestrian wind study. The DEIS will consider and document whether or not a pedestrian wind study is warranted.

**Comment 56:** This project would confuse the historic neighborhood boundaries and affect the pedestrian experience on nearby streets as well as views from the Brooklyn Bridge pedestrian path, views from within the low-rise neighborhood, views of the open sky, as well as views to the district from afar. (Gorman_FOSSS_004)

**Response:** As described in the Draft and Final Scope of Work, the DEIS will assess the potential of the Proposed Project to result in effects on urban design and visual resources, including significant public views. The urban design and visual

resources assessment will follow the methodologies in the *CEQR Technical Manual*.

**Comment 57:** For the evaluation of potential visual resource impacts, the DEIS must provide photo simulations looking toward the East River, Brooklyn Bridge, and other historic buildings in the Seaport and an evaluation of the potential for the proposed development to block these important view corridors. In addition, the DEIS analysis must identify specific mitigation measures to avoid potential adverse impacts. (NYCMAS_034)

**Response:** Following the methodologies in the *CEQR Technical Manual*, the DEIS urban design and visual resources assessment, as stated in the DSOW, will evaluate the potential of the Proposed Project to result in adverse effects on visual resources, including by obstructing significant public views. If necessary, the DEIS will identify mitigation measures to avoid or reduce potential significant adverse impacts.

**NATURAL RESOURCES**

**Comment 58:** The EIS must describe the existing natural resources within and adjacent to the project site (e.g., floodplains and terrestrial habitats including rare, special concern, threatened, and endangered species and special habitat areas), and the wetlands, water quality, and aquatic biota of the East River. The EIS should thoroughly assess how the proposed project and its construction would impact the water quality and habitat of the project site and study area above and below ground, as well as the East River and surrounding area. This should include effects from overflows in the Newtown Creek drainage basins; direct and indirect discharges of any kind to waterbodies, and water affected by sewage collection, treatment, or failure thereof. Additional concerns include disruption of existing water lots, shadow on aquatic habitats, and potential risks to birds from building collisions. (Meltzer_CB1_036) (Gorman_FOSSS_004, SOS_032, Meltzer_CB1_036)

**Response:** As presented in the Scope of Work, the DEIS Chapter 8, "Natural Resources," will characterize existing floodplains, groundwater resources, and terrestrial resources, including rare, special concern, threatened, and endangered species and special habitat areas in the vicinity of the Project Area and assess the potential for the Proposed Project to affect these resources due to short-term construction effects, and long-term effects from the operation of the Proposed Project, including the effects such as the potential for bird strikes and beneficial impacts to wildlife from any landscaping and establishment of street trees that would be implemented as part of the Proposed Project. Although the Proposed Project would not result in any in-water construction in the East River or any direct discharges to the East River, the Natural Resources assessment will include a brief evaluation of the potential for the Proposed Project to affect aquatic resources of

the East River. The potential for the project to affect the combined sewer system and the operation of the Newtown Creek Wastewater Treatment Plant will be evaluated in DEIS Chapter 10, "Water and Sewer Infrastructure."

**HAZARDOUS MATERIALS**

**Comment 59:** There are concerns about how the proposed remediation resulting from the Brownfield Cleanup Program (BCP) and subsequent construction will impact the surrounding neighborhood and people. This includes air quality and noise concerns, as well as concerns about accidental exposure from excavation. The DEIS must fully evaluate all relevant data, including all findings from prior testing, and the implications of the 250 Water Street BCP. This should include Phase I Evaluations, and if completed, Phase II Environmental Site Investigation reports. The DEIS evaluation must also include all relevant information regarding the Remedial Action Plan and detailed measures for protecting workers, visitors, and occupants during project construction and operation (Meltzer_CB1_007, SOS_032, NYCMAS_034, Children_First_035, Meltzer_CB1_036, Brewer_038, Chin_039)

**Response:** The DEIS will summarize the Phase I and Phase II Investigations and recent Remedial Investigation Report (RIR), which also addresses the proposed remedial approach. The Remedial Action Work Plan is anticipated to be submitted to NYSDEC before completion of the DEIS. It will include requirements to minimize potential exposures during excavation to workers and the community.

**Comment 60:** Data from the BCP, including the remedial investigation report, has not been made public and scoping should be paused until it is made available and DEC and DOH have completed their review of the data. (Goldstein_003, Hellstrom_018, Lee_025)

**Response:** The RIR was made public on February 5, 2021. The information within the RIR will be discussed in the DEIS Hazardous Materials assessment and is not required for scoping.

**Comment 61:** There are concerns about the disruption of toxic protection membrane under the Peck Slip School. (Children_First_035)

**Response:** The membrane under the school would not be disturbed or otherwise affected by the remediation or construction associated with the Proposed Project.

**WATER AND SEWER INFRASTRUCTURE**

**Comment 62:** There are concerns that the Combined Sewer Overflow (CSO) serving this site through the Newtown Creek Wastewater Treatment Plant is over capacity already. Impacts, including cumulative impacts from this project and other

underway projects such as Two Bridges, on the CSO capacity and to other city infrastructure resources should be considered. Adverse impacts from CSO overflow events should also be considered. (Gorman_FOSSS_004, SOS_032, Meltzer_CB1_036)

**Response:** Potential effects on the City's water and sewer infrastructure will be evaluated in the DEIS consistent with the guidance, criteria, and methodologies of the *CEQR Technical Manual* and in coordination with DEP. An analysis of project's impact on the water supply system should be conducted only for projects that would have exceptionally large demand for water, such as power plants, very large cooling systems, or large developments. In addition, analysis should be conducted if the project is located in an area that experiences low water pressure (e.g., areas at the end of the water supply distribution system such as the Rockaway Peninsula and Coney Island). as stated in the EAS, the Proposed Project and the Project Area do not meet any of these criteria, and therefore, an analysis of water supply is not warranted. As noted in the DSOW, since the Proposed Project would exceed 250,000 sf of commercial, public facility, and institution and/or community facility space in Manhattan, an analysis of wastewater and stormwater conveyance and treatment will be undertaken in the DEIS.

**Comment 63:** The EIS should detail all expected water and sewer infrastructure construction, coordinate with the necessary agencies, and that the Applicant comply with all applicable federal, state and city regulations such as the Clean Water Act and Combined Sewer Overflow regulations. (SOS_032, Brewer_038, Chin_039)

**Response:** Public agencies will be consulted as appropriate and the Proposed Project would follow all relevant federal, state, and City regulations. Please see response to Comment #62.

**Comment 64:** The DSOW should evaluate whether a "Hookup Moratorium" is appropriate for the area pending completion of the Long Term Control Plan for the NCWWTP, and full compliance with the Consent and Administrative Orders. (SOS_032)

**Response:** As noted in the Draft Scope of Work, an analysis of wastewater and stormwater conveyance and treatment will be undertaken in the DEIS. If significant adverse impacts are identified, measures to mitigate the impacts will be described in the DEIS. The City has entered into an Order on Consent with the NYS DEC (DEC Case No. C02-20110512-25) concerning combined sewer overflows (CSOs) and has agreed to implement certain projects and facility plans to address CSOs. In connection with this Order on Consent, the City has completed all required milestones to date for the Newtown Creek CSO relating to: (i) enhanced aeration in East Branch and Upper Newtown Creek; (ii) construction and implementation of bending weirs/floatable controls; and (iii) submission of drainage basin specific Long Term Control Plan for Newtown Creek which has been approved by DEC.

## TRANSPORTATION

**Comment 65:** The DEIS should study the impact of any future changes to traffic, transit, or pedestrian patterns based on all plans or applications and demonstrate that the proposed development not result in overcrowded or other unwanted effects. Data on pre- and post-COVID-19 travel patterns should be considered. (Children_First_035, Meltzer_CB1_036, Brewer_038, Chin_039)

**Response:** Consistent with *CEQR Technical Manual* guidance, criteria, and methodologies, the DEIS will evaluate the Proposed Project's potential impacts on transportation, including traffic, transit, and pedestrians. If the study were to identify significant adverse transportation-related impacts, measures to mitigate the impacts to the extent practicable will be explored and recommended for consideration. As part of standard practice and in coordination with the New York City Department of Transportation (DOT), newly collected data during COVID-19 Pandemic conditions will be calibrated against historical information to establish the appropriate baseline for the DEIS's impact analyses. Since the issuance of the DSOW, a Travel Demand Factors Memorandum (attached to this FSOW) has been prepared that identifies the methodologies and key assumptions to be used in preparing the DEIS transportation analyses.

**Comment 66:** When assessing travel patterns, the DEIS should also consider the impact of the potential future closure of Peck Slip as a potential permanent public space, and the impact of such a closure on nearby transportation infrastructure including access ramps for the nearby FDR Drive and Brooklyn Bridge. (Meltzer_CB1_036, Brewer_038, Chin_039)

**Response:** Peck Slip adjacent to the Development Site is a low traffic street that closes during certain school hours to accommodate a "play-street." A potential closure of this roadway segment and converting it to a permanent public space is not part of the Proposed Project. However, recognizing its low traffic character and occasional closure under existing conditions, the Proposed Project is planned and designed to only incorporate pedestrian access on this frontage. Vehicular traffic, which will be evaluated in the DEIS, will account for the appropriate surrounding transportation infrastructure, including what would be reasonably expected to take place in the future for this roadway.

**Comment 67:** Deliveries to new uses are a concern and the EIS should study these trips, including package deliveries to residents, commercial deliveries to new retail businesses, and solid waste pickup. (Gorman_FOSSS_004, SOS_032)

**Response:** Delivery trips will be estimated for the Proposed Project's programmed uses and will be studied as part of the DEIS's traffic impact analyses.

**Comment 68:** How will the loss of this parking affect the side streets; where will the cars park? (Gorman_FOSSS_004)

**Response:** In connection with the traffic impact analyses that will be undertaken in the DEIS, a parking supply and demand assessment will be prepared to evaluate how the anticipated parking demand from the proposed project and the displaced public parking at the Development Site would be accommodated in the future on-site, at surrounding off-street parking facilities, and, if warranted, on street parking in surrounding areas.

**Comment 69:** The DSOW claims that C6-2A zoning is "typically" mapped in areas in district "well served" by transportation, the lead agency must demonstrate that current conditions continue to meet the "well served" standard. (SOS_032)

**Response:** The Project Area is located in Manhattan's Lower Manhattan street network, served by surrounding local streets, a major collector roadway in Water/Pearl Street, and convenient access to South Street, the FDR Drive, and the Brooklyn Bridge. It is also within walking distance to the Fulton Street Transit Center and Brooklyn Bridge-City Hall Subway Station, which connects to nearby No. 2/3, No. 4/5, 6, and J/Z subway stations. In addition to express bus service, several local bus routes, including M15, M15 Select Bus Service (SBS), M22, have stops in proximity to the project site. As stated in the DSOW and consistent with *CEQR Technical Manual* guidance, criteria, and methodologies, the DEIS will evaluate the Proposed Project's potential impacts on transportation within its study area.

**AIR QUALITY**

**Comment 70:** The impact to air quality should be analyzed for the development during the construction phase as well as for the finished development. (Children_First_035, Meltzer_CB1_036)

**Response:** As presented in the Draft Scope of Work, the DEIS will include detailed analyses of the construction and operational phase air quality impacts associated with the proposed project.

**Comment 71:** All safety thresholds for air quality should be based on the most recently published data that are relevant specifically to sensitive receptors: infants, pregnant women, pre-school and elementary school children, the elderly, who are all part of the surrounding community to 250 Water Street. (Children_First_035, Meltzer_CB1_036)

**Response:** As described in the DSOW and consistent with the *CEQR Technical Manual*, the DEIS will include an analysis of air quality impacts, which will be evaluated against current standards and criteria, including the national ambient air quality standards (NAAQS), which are designed to be protective of public health with an

adequate margin of safety, including sensitive groups. Since the issuance of the DSOW, a memorandum (attached to this FSOW) has been prepared that describes the air quality analysis approach to be undertaken in the EIS.

**GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE**

**Comment 72:** As the applicant is proposing sub-grade parking facilities to accommodate parking for 128 vehicles, the DEIS should study the potential of using this space for stormwater management. (Sosin_030, Meltzer_CB1_036)

**Response:** Potential impacts from the Proposed Project's generation of stormwater will be assessed in the DEIS in Chapter 10, "Water and Sewer Infrastructure." The potential effects of climate change from future sea level rise and increased precipitation and potential resiliency measures that may be incorporated into the Proposed Project will be considered in the DEIS in Chapter 13, "Greenhouse Gas Emissions and Climate Change," and will also be considered as part of the assessment of the Proposed Project's consistency with the City's WRP.

**Comment 73:** The DEIS should identify the building's specific mechanical, plumbing and electrical systems, and a list of materials that assure the community that the development will in fact incorporate the latest sustainability features and approach carbon neutrality. The applicant should also provide alternatives that indicate how this building could use technologies like Passive House to achieve sustainability on behalf of the community, and how the project would fit into a carbon neutral future in consideration of climate change. (Gorman_FOSSS_004, Sosin_030, Meltzer_CB1_036)

**Response:** Design features and operational measures to reduce energy use and GHG emissions from the development pursuant to the Proposed Project will be discussed and quantified to the extent that information is available in the DEIS in Chapter 13, "Greenhouse Gas Emissions and Climate Change."

According to the applicant, he Proposed Project's sustainability goals include creating a building that is responsive to the many challenges associated with the future impacts of climate change. Specific strategies to address these challenges will continue to be developed and refined throughout the detailed design and engineering of the Proposed Project, and will include: (1) consideration of strategies such as lowering carbon impact based on reducing construction material quantities, (2) exploring lower embodied carbon materials, and (3) considering building systems that would support conversion to all-electric building systems in the future as the NYC energy grid moves towards using clean energy, in line with the OneNYC plan's goal of achieving carbon neutrality by 2050 and receiving electric that comes from 100 percent clean sources.

No final decisions have been made by the Applicant as to which specific sustainability rating system(s) and certifications will be sought. While several

specific rating systems, including WELL and Fitwel, are under active consideration, at a minimum, the applicant is committed to the proposed building on the Development Site meeting or exceeding LEED Gold certification requirements or a similar sustainability rating or certification.

**Comment 74:** As the site is in the one percent chance annual floodplain, the DEIS must include a detailed analysis of the flood risks and resiliency measures, including details and a list of materials that will be used for the ground floor and sub-grade parking, as well as details of the flood prevention system. Potential resiliency measures that should be evaluated and potentially incorporated into the design include bioswales and rain gardens at street level. (Goldstein_003, Roche_023, NYCMAS_034, Meltzer_CB1_036, Brewer_038, Chin_039)

**Response:** The DEIS will include an evaluation of the potential effects on the 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 Proposed Project's consistency with the City's WRP. This will include projections of future sea-level rise consistent with the New York City Panel on Climate Change and how this would affect the Proposed Project, and how the Proposed Project would address any identified concerns. Please also see response to Comment #72.

It is the Applicant's intent for the design of the proposed building on the Development Site at the ground level to include materials that meet the FEMA material requirements for use in a flood zone. As currently designed, this would include the use of precast piers, flood-resistant glazing, and a stonebase. In addition, the proposed building could employ flood barriers at the entries, and other ground-level openings at and below the design flood elevation, in the future. The subgrade spaces would be dry floodproofed consistent with the requirements of Appendix G of the NYC Building Code. To ensure against a building system failure during a flooding event, MEP systems that cannot be flood proofed below the design flood elevation have been placed on the second floor or higher. Areas of planted landscaped are also proposed.

**Comment 75:** The analysis should examine the impacts of climate change based on sea-level rise and flooding estimates by 2080, consistent with standards established by the New York City Panel on Climate Change. (NYCMAS_034)

**Response:** The potential impacts of climate change on the Proposed Project will be evaluated in the DEIS based on sea-level rise and flood estimates through 2100, as specified by the New York City Panel on Climate Change. Please also see response to Comment #74.

**Comment 76:** There is concern about the existing high level of the water table in this area and the potential for flood protection or other design elements at 250 Water Street to

redirect floodwaters to other nearby buildings; this should be considered in the DEIS. Who would be responsible for mitigating flooding for these buildings? (Gorman_FOSSS_004, Malvern_021, Sosin_030, Meltzer_CB1_036, Brewer_038, Chin_039)

**Response:** The potential for the Proposed Project to affect the flood protection of adjacent sites will be considered as appropriate in the DEIS as part of the evaluation of the project's consistency with the City's WRP.

**Comment 77:** LEED standard Certification is criticized as no longer state of the art and the EIS should consider more stringent sustainability certifications. (Sosin_030)

**Response:** LEED (Leadership in Energy and Environmental Design) is a widely recognized green certification system in the design and construction industries administered by the U.S. Green Building Council. It is a framework that considers many aspects of sustainability and wellbeing with a holistic approach to green design. The LEED framework allows projects to seek and achieve various certification levels that include increasingly stringent criteria and performance requirements, and include LEED Silver, Gold and Platinum certification based on project ambitions. The Applicant is currently committed to the proposed building on the Development Site meeting or exceeding LEED Gold certification requirements or a similar sustainability rating or certification.

**Comment 78:** The Applicant must list projects that are also being studied, in addition to those expected to be built or will concurrently be constructed within the study area and consider their effect on sustainability and resiliency in concert with the project. This includes a number of resiliency studies put forth by the City and the New York City Economic Development Corporation (EDC) including the *Lower Manhattan Coastal Resilience* study released on March 14, 2019, and its *Financial District and Seaport Climate Resilience Master Plan*. (Brewer_038, Chin_039)

**Response:** A review of relevant resiliency projects that have been proposed within the Project Area will be undertaken and will include projects anticipated to be completed by the Proposed Project's 2026 build year as well as relevant resiliency studies/plans for the Project Area (including the Lower Manhattan Coastal Resiliency Project and the Financial District and Seaport Climate Resiliency Master Plan) in order to meet the City's resiliency goals, consistent with the guidance, criteria, and methodologies of the *CEQR Technical Manual* and in consultation with DCP.

**NOISE**

**Comment 79:** All safety thresholds for noise should be based on the most recently published data that are relevant specifically to sensitive receptors: infants, pregnant women,

pre-school and elementary school children, the elderly, who are all part of the surrounding community to 250 Water Street. (Children_First_035, Meltzer_CB1_036)

**Response:** Noise will be evaluated in the DEIS consistent with the guidance, criteria, and methodologies of the *CEQR Technical Manual*.

**Comment 80:** The impact of noise should be quantified for the development during the construction phase, and for the finished development. (Children_First_035, Meltzer_CB1_036)

**Response:** The DEIS will consider the potential for significant adverse noise impacts resulting from construction of the Proposed Project as well from the completed project. Since the issuance of the DSOW, a memorandum (attached to this FSOW) has been prepared that provides additional details regarding the noise analysis approach to be undertaken in the EIS.

**Comment 81:** Noise from building vents should be considered. (Sosin_030)

**Response:** As described in the Draft Scope of Work, the Proposed Project's mechanical equipment, including heating, ventilation, and air condition (HVAC) equipment, would be designed to meet applicable regulations, which are more stringent than *CEQR Technical Manual* noise impact criteria.

**Comment 82:** The noise analysis for the proposed project must consider potential impacts resulting from noise associated with traffic generated by the proposed project (SOS_032)

**Response:** Noise associated with the increase in traffic resulting from the Proposed Project will be evaluated in the DEIS, consistent with the guidance, criteria, and methodologies of the *CEQR Technical Manual*.

**Comment 83:** Noise analysis must consider potential requirements for window/wall attenuation for project buildings and adjacent schools in order to achieve acceptable interior noise levels according to CEQR criteria. (SOS_032)

**Response:** As described in the Draft Scope of Work, future noise levels with the Proposed Project will be determined as well as the potential for impacts of project-generated traffic on nearby noise-sensitive land uses. The level of building attenuation necessary to satisfy CEQR noise exposure guidance for newly introduced receptors is a function of the exterior noise levels, and will be determined for the project buildings.

## PUBLIC HEALTH

**Comment 84:** The public health study requires a serious, comprehensive, quantitative analysis of the impact this project will have on infants, pregnant women, toddlers, elementary schoolchildren, senior citizens due to the proximity of such sensitive receptors. Specific health effects that should be studied included prolonged exposures to harmful dusts and sounds, more severe effects on sensitive receptors, and inability of children to play on impacted open spaces. (Gorman_FOSSS_004, Children_First_035, Meltzer_CB1_036)

**Response:** As stated in the DSOW, a public health assessment will be included in the DEIS, if warranted, as a result of unmitigated significant adverse impacts with respect to air quality, hazardous materials, or noise. If a public health assessment is warranted, it would be undertaken consistent with the guidance, criteria, and methodologies of the *CEQR Technical Manual*. This would include characterization of potentially exposed populations and consideration of the potential effects of the Proposed Project on public health, drawing on the technical analyses of other DEIS chapters.

**Comment 85:** The DEIS should consider and quantify the potential for children to be displaced from their schools or, at minimum, should measure and quantify the impact to children of major disruptions in their learning environments, as a result of construction and the behavioral, psychological and social impacts this will have on their health. (Meltzer_CB1_036)

**Response:** The effects resulting from the construction of the Proposed Project will be evaluated in Chapter 17, "Construction," in the DEIS consistent with the guidance, criteria, and methodologies of the *CEQR Technical Manual*; any potential displacement will be disclosed and effects on all nearby sensitive receptors will be evaluated as appropriate. The public health chapter will include a summary of any potential impacts identified in other DEIS chapters, including construction, and will consider the potential for the Proposed Project to result in significant adverse impacts with respect to Public Health. Please see responses to Comment #88 and Comment #90 below.

## NEIGHBORHOOD CHARACTER

**Comment 86:** The environmental review must comprehensively study impacts on neighborhood character from the project including effects from the proposed bulk so that impacts are fully realized and mitigated. How the 470-foot dual towers above the podium would be consistent with the low-scale neighborhood character of the district must be evaluated. (NYCMAS_034, Meltzer_CB1_036)

**Response:** As described in the DSOW and consistent with the *CEQR Technical Manual*, the DEIS will include an analysis of neighborhood character. This analysis will draw

from a number of other DEIS chapters, including Chapter 7, "Urban Design," in which the effects of the proposed design on the pedestrian experience will be considered.

**CONSTRUCTION**

**Comment 87:** A quantified assessment of vehicular traffic during construction should be included, including increases from construction workers and equipment. This assessment must consider losses in lanes, sidewalks, off street parking on the project site, and effects on other transportation services, if any, during the construction period. (SOS_032, Children_First_035, Meltzer_CB1_036)

**Response:** As discussed in the DSOW, an assessment of potential transportation-related impacts associated with construction of the Proposed Project will be prepared in accordance with guidance, criteria, and methodologies of the *CEQR Technical Manual*. This assessment will begin with screening analyses that encompass the preparation of travel demand estimates (Level-1 screening analysis) and/or trip assignments (Level-2 screening analysis), to determine if detailed analyses would be warranted. Where warranted, a detailed analysis of the potential transportation-related impacts associated with construction of the Proposed Project will be prepared.

**Comment 88:** The DEIS should evaluate the impact on air quality, noise, and other technical areas from construction activities on the neighborhood, including studying the effects from specific construction activities such as pile driving. The construction air quality section must contain a qualitative discussion of both mobile source emissions from construction equipment and worker and delivery vehicles, and fugitive dust emissions. The construction noise section must contain a qualitative discussion of noise from each phase of construction activity. Specific mitigation measures to reduce construction impacts should also be discussed and identified, backed up by enforcement measures to ensure compliance. (Goldstein_003, Gorman_FOSSS_004, SOS_032, Meltzer_CB1_036)

**Response:** As described in the DSOW, the DEIS will evaluate the duration and severity of the disruption and inconvenience to the nearby area and will be based on a conceptual construction schedule for the Proposed Project. Technical areas to be assessed will include air quality and noise. As necessary, feasible and practicable project-specific control measures to further reduce construction noise disruption to the surrounding community will be considered. Since the issuance of the DSOW, memoranda have been prepared that describe the details of the construction analysis approach to be undertaken in the EIS, including the technical areas of transportation, air quality and noise. Those memos are attached to this FSOW.

**Comment 89:** The DEIS should analyze increased noise, dust, air pollution due to the construction activities, including impacts on the two neighboring schools, including when these schools have their windows open. (Goldstein_003, Meltzer_CB1_036, Brewer_038, Chin_039)

**Response:** The DEIS will include a detailed air quality and noise analyses in accordance with *CEQR Technical Manual* guidelines to determine the potential for impacts on nearby sensitive receptor locations, which will include operable windows at the two neighboring schools as well as other accessible areas. In accordance with the *CEQR Technical Manual*, operable windows on schools are considered sensitive receptor locations, irrespective of the COVID-19 Pandemic.

**Comment 90:** The DEIS must include and specifically address the project's impact on children and on senior citizens in the immediate area. For instance, how will seniors navigate around construction and traffic? Specific measures to protect seniors from construction effects must be incorporated. (Winbush_020, Meltzer_CB1_036)

**Response:** The DEIS will provide details on the Proposed Project's conceptual construction schedule and phasing of activities that are likely to occur during construction, the type of equipment that is likely to be used, and preliminary construction logistics (e.g., site access points and potential staging area locations). Based on this information, the effects of the Proposed Project's construction activities on the surrounding community will be assessed and potential impacts on specific areas of concern, including transportation, air quality, noise and vibration, and hazardous materials from construction activities will be analyzed. The DEIS will also identify measures that would help avoid, minimize, and/or mitigate any identified potential significant adverse construction-related impacts.

**Comment 91:** Monitors should also be placed at the historic 19th century buildings to ensure that this work does not damage these very old and sensitive structures. (Goldstein_003)

**Response:** The DEIS will include a discussion of vibration associated with construction of the Proposed Project, including commitments to comply with applicable NYCDOB regulations for construction vibration as well as evaluation of the potential for construction vibration to result in damage to nearby structures.

**Comment 92:** The DEIS should include information about any temporary flood protection measures that are to be installed during construction to mitigate storm impacts at the 250 Water Street site. (Meltzer_CB1_036, Brewer_038, Chin_039)

**Response:** The DEIS will include a description of the potential temporary flood protection measures that will be in place during construction.

**Comment 93:** The DEIS should include, to the extent available, a list of potential staging locations and sidewalk closures within or outside the Historic District. (Brewer_038, Chin_039)

**Response:** The DEIS will include descriptions of the preliminary construction logistics plans and identify any potential sidewalk and lane narrowing and/or closures that may be needed.

**Comment 94:** Procedures for air quality monitoring and greenhouse gas emission evaluations from construction must be appropriately conveyed to all the partners listed in the DSOW including the Metropolitan Transportation Authority-New York City Transit, the Mayor's Office of Sustainability, the New York City Department of Transportation, the Department of City Planning, the Department of Environmental Conservation, and the Department of Environmental Protection. (Brewer_038, Chin_039)

**Response:** Methodologies for estimating pollutant emissions have been developed in consultation with DCP and other agencies as appropriate. The approved methodology would be used to estimate emissions of both criteria pollutants and GHG emissions, and are consistent with the guidance, criteria, and methodologies of the *CEQR Technical Manual.*

**Comment 95:** The construction study should also evaluate impacts to subgrade water, storm, and sewage channels, unstable ground, and existing building foundations. (Brewer_038, Chin_039)

**Response:** The applicant will perform geotechnical surveys prior to commencing construction. Unstable ground and presence of existing building foundations are structural engineering and geotechnical issues that will be evaluated by the NYCDOB. Appropriate measures will be undertaken to ensure compliance with NYC Building Code requirements. Therefore, no potentially significant environmental impacts would be anticipated from unstable ground or existing building foundations. The DEIS will include information on governmental coordination and oversight required for construction activities in the City. The potential for the project to affect the combined sewer system and the stormwater system will be evaluated in the DEIS Water and Sewer Infrastructure assessment; please see response to Comment #62.

**Comment 96:** There is concern about falling debris from construction sites and a comprehensive safety plan should be included. (Gorman_FOSSS_004, Children_First_035)

**Response:** The DEIS will discuss safety measures that will be in place during construction to ensure the safety of the public passing through the area.

## ALTERNATIVES

**Comment 97:** Alternative scenarios including technologies such as a storm water retention tank in the basement of the building and/or carbon neutral construction and Passive House construction should be evaluated. (Meltzer_CB1_036)

**Response:** Potential resiliency and sustainability measures for the Proposed Project will be considered in the DEIS; please see responses to Comments #72-74.

**Comment 98:** Other alternatives for the use of Seaport public air rights should be evaluated. The Seaport Coalition backs identifying new Granting & Receiving sites in line with the original transfer intent. (Gorman_FOSSS_004)

**Response:** The DEIS will consider the potential impacts of the transfer and distribution of unused development rights under the Proposed Project. Utilization of unused development rights on an alternative development site is not being proposed and would not be facilitated by the Proposed Actions. Accordingly, an analysis of such a project is not within the scope of the DEIS.

**Comment 99:** A low-height alternative within the 120 ft height should receive consideration. (Gorman_FOSSS_004, NYCMAS_034)

**Response:** As stated in the DSOW, a No Action Alternative is required to be considered in the DEIS. The No Action Alternative, described as the future without the Proposed Project in the DSOW and shown in Figure 3, would see a new as-of-right building constructed on the Development Site. This mixed-use development is assumed to be a 120-foot tall, 327,400-gsf building including approximately 302 DUs (all market-rate), 19,730 gsf of retail uses, 5,000 gsf of community facility uses, and 65 parking spaces.

**Comment 100:** The evaluation should consider an alternative that excludes the museum as part of the proposal, as well as an alternative in which absent the proposed project, the museum is still able to operate. (NYCMAS_034)

**Response:** One of the primary goals and objectives of the Proposed Project is to facilitate the restoration, reopening, and potential expansion of the South Street Seaport Museum, and therefore the potential environmental impacts that would result from the museum work will appropriately be considered in conjunction with the Proposed Project. While the museum's future remains uncertain, the DEIS will conservatively assume that the museum would close in the future without the Proposed Project. Please also see responses to Comments #13-14.

**Comment 101:** The Seaport Coalition wishes to put NYC City Planning on Notice that No Alternatives have been posed in the DSOW dated 11/12/20. (SOS_032)

**Response:** The "Alternatives" section of the DSOW discussed alternatives that will be evaluated in the DEIS, including a No Action Alternative and a No Significant Adverse Impact or No Unmitigated Significant Adverse Impact Alternatives. Please see response to Comment #99.

**Comment 102:** The Seaport Coalition has developed the Lease, Fair Winds alternative plan that should be considered. Under this alternative, revenues paid to NYC agencies that originate from the Historic District be returned to the District to maintain and support it (for example revenues generated by Piers 15-17 and the sale of additional unused air rights to properties outside of the Historic District). This plan would also involve changes to the Museum's leases. We believe that under this alternative the museum would receive $2-3 million per year in recurring revenue and $15-30 million to create a Reserve Fund. (SOS_032)

**Response:** It is not clear whether this proposed alternative would affect the development on the Development Site. However, to the extent that the Lease, Fair Winds alternative plan would not distribute unused floor area from the waterfront or provide new affordable housing at the development site, it would not meet the goals and objectives of the Proposed Project.

**Comment 103:** The Seaport Coalition has developed the Resiliency Park alternative plan that should be considered. This alternative would involve the relocation of the NYPD Tow Pound from its currently location on the Hudson River to the Development Site after it is acquired by the City through condemnation. A new structure that would contain the relocated Tow Pound as well as a rooftop park and stormwater detention basin would then be constructed. (SOS_032)

**Response:** The Resiliency Park alternative plan would not meet the goals and objectives of the Proposed Project, in that it would not distribute unused floor area from the waterfront, provide new affordable housing, or facilitate the restoration, reopening, and potential expansion of the South Street Seaport Museum.

**Comment 104:** The Seaport Coalition has developed the No Action alternative plan, which should be considered. This alternative would mean that any actions for a building higher than the existing 120-foot zoning limit would not be approved; an as-of-right building would be constructed under this alternative instead. Such a building might include 200 DUs in a series of low-scale buildings. (SOS_032)

**Response:** A No Action Alternative will be considered in the DEIS; please see response to Comment #99.

**Comment 105:** The Seaport Coalition has developed the Blueprint for Affordable Housing alternative plan that should be considered. This alternative would encourage the applicant to build up to 100 percent affordable housing on the Development Site

without exceeding existing zoning regulations. It would also involve the potential conversion of 436 hotel rooms in Lower Manhattan to affordable housing at an assumed cost of $250,000 per unit. (SOS_032)

**Response:** A No Action Alternative where the site is developed pursuant to existing zoning regulations will be considered in the DEIS; please see the response to Comment #99. Also, like the Blueprint for Affordable Housing Alternative plan, the Proposed Project would introduce new affordable units to the Lower Manhattan area. However, the suggested alternative would not meet the goals and objectives of the Proposed Project in that it would not distribute unused floor area from the waterfront, or facilitate the restoration, reopening and potential expansion of the South Street Seaport Museum. Moreover, an alternative that provides affordable housing through the conversion of hotel rooms throughout Lower Manhattan is beyond the scope of the Proposed Project.

## IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

**Comment 106:** Irreversible and irretrievable commitments of resources analyzed must include the construction, operations, and maintenance activities occurring during the useful life of the proposed project, including but is not limited to all affected airshed, airspace, water discharge carrying capacity, drinking water, land, open space, and light as well as City roads, schools, pipes, fuel/energy, and all other physical infrastructure systems, whether used in the immediate geographic area of the project, or used through transport, migration, distribution, or other direct and indirect means as assets an resources that would be involved and committed if the proposed project is built and operated over its useful life. (SOS_032)

**Response:** Irreversible and irretrievable commitment of resources will be evaluated in the DEIS consistent with the guidance, criteria, and methodologies of the *CEQR Technical Manual*. The chapter will summarize the potential impacts from the loss of environmental resources, both in the immediate future and in the long term, and identifies whether the Proposed Project forecloses future options or involve trade-offs between short- or long-term environmental gains and losses. Resources would include the materials used in construction; energy in the form of fuel and electricity consumed during construction and operation of the projects; and the human effort (i.e., time and labor) required to develop, construct, and operate various components of the Proposed Project.

## MISCELLANEOUS

**Comment 107:** All sources for data included in the DEIS must be provided to the community and only the most recent available data should be used for all review categories. All data should include citations. This should include a complete list of local facilities to be studied, which should be agreed to by the community. (Children_First_035, Meltzer_CB1_036)

**Response:** Data sources will be reviewed by the lead agency and cited in the DEIS, as appropriate, consistent with the SEQRA and CEQR regulations.

**Comment 108:** The January 11th deadline for comment should be extended for at least 30 days to give the community a chance to review the 250 Water Street BCP remedial investigation data and incorporate that information into the feedback on the scoping for the Draft Environmental Impact Statement. (Meltzer_CB1_007)

**Response:** Please see response to Comment #60.

**Comment 109:** It is unfair to our residents that proposals like 250 Water Street continue to move through the scoping process without sufficient and inclusive public engagement and review time. As the Chair of Community Board 1 stated, the scheduling of this public scoping meeting is ill-timed and undermined our ability to properly digest and comment on the draft scope of work. (Niou_040)

**Response:** The Draft Scope of Work for the Proposed Project was released on November 16, 2020. The public scoping meeting was then held on December 17, 2020, after a public noticing period and consistent with SEQRA and CEQR regulations. In addition, the written comments were accepted until January 11, 2021, which was in excess of the minimum required period of ten days following the public scoping meeting.

**Comment 110:** The Draft Environmental Impact Statement should be released at least two months before starting the ULURP clock. (SOS_032)

**Response:** The DEIS will be released prior to the start of the ULURP process consistent with the SEQRA and CEQR regulations.

**Comment 111:** The city should provide additional opportunities and methods for the community to give comments and public testimony, including:

- Setting up opportunities for smaller group in-person gatherings to provide public testimony during public hearings using large open spaces (parks, streets, school yards, public housing community centers) throughout the neighborhood, using screens and projectors (this technique has been frequently used at rallies and marches, where screens are set up in a variety of locations), which could be tied into additional opportunities for virtual engagement training and distribution of PPE etc.;
- Setting up places within the community for people to record testimony to be played at hearing and allowing recorded testimony to be played at hearings;
- Broadcasting public hearings on live public access television with call-in opportunities for public testimony;
- Prioritizing installation of free internet, with resident approval, at NYCHA developments prior to formally beginning ULURP;

- Providing tablet, internet hot-spots and training for individual not currently able to access virtual meetings adequately;
- Allowing for tech-savvy family members' to provide support for individuals whose virtual participation might be compromised and/or allow for proxy testimony.

We ask that this Scope of Work be revised to prevent this contravention of State regulation. (SOS_032)

**Response:** Public review and comment on the Proposed Project and the DEIS, will be in accordance with City and State law and regulation, and will provide members of the public with multiple opportunities to comment at various stages of the public review process.

**Comment 112:** The Seaport Coalition requests that the scoping process be put on hold until the BCP results are made available for public comment. (SOS_032)

**Response:** Please see response to Comments #60 and #108.

**Comment 113:** The architects should share plans for the basement. (Sosin_030)

**Response:** An illustrative cellar plan will be included in the DEIS.

**Comment 114:** Are mechanical spaces incorporated within the building, or just on the roof? Are open floor voids incorporated into the building? (Gorman_FOSSS_004)

**Response:** The necessary mechanical spaces are included at several levels in the design of the proposed building on the Development Site. According to the Applicant, there are minor voids in the form of typical MEP shafts that have been incorporated into the building design, consistent with common construction and engineering practices. However, the proposed building does not feature any major or full-floor open voids classified as mechanical space.

**Comment 115:** An analysis also needs to be included in the context of COVID-19 as work may begin before we are fully out of this pandemic. This should consider pandemic-related conditions such as schools being required to keep windows open to provide ventilation during the pandemic and residents spending more time in their homes. (Children_First_035, Meltzer_CB1_036)

**Response:** The effects of the COVID-19 Pandemic on environmental review are being considered and accounted for in cooperation with DCP and other relevant agencies as appropriate. Please see the response to Comment #65 regarding changes in mobility patterns and Comment #89 regarding operable windows.

**Comment 116:** The DEIS should consider all available data, including pre- and post-COVID-19 patterns and trends. Likewise, when considering a comprehensive list of projects

or actions within the study area, the DEIS should be inclusive of any projects or actions that may be temporarily stalled as a result of COVID-19. The DEIS must carefully scrutinize any environmental data and take into consideration that the presented data may not be representative of the pre-COVID-19 conditions of the neighborhood. Collected data on vehicular traffic, pedestrian foot traffic, subway use, air quality, greenhouse gas emissions, and climate change must be re-evaluated with this discrepancy in mind. (Brewer_038, Chin_039)

**Response:** The DEIS will consider the effects of the COVID-19 Pandemic on all data in consultation with DCP and other relevant agencies as appropriate. Please see response to Comment #65 regarding transportation data. Other projects anticipated to be completed by the Proposed Project's 2026 build year will be considered consistent with the guidance, criteria, and methodologies of the *CEQR Technical Manual* and in consultation with DCP.

**Comment 117:** Virtual methods for these proceedings are exclusionary and open to only those who have the technology. These meetings were meant to be public and virtual meetings do not count as a public meeting. Technical issues have prevented neighbors and family from participating. A moratorium on decisions should be in place until restrictions are lifted on in-person meetings. (Roche_023, Sosin_024, Lee_025, Sosin_031, SOS_032)

**Response:** This comment is outside the scope of the DEIS. The ongoing public review process and remote public hearings, including the scoping hearing for the 250 Water Street project, are appropriate and permissible pursuant to the Governor's Executive Order 202.1.

**Comment 118:** The hearing officer for these meetings must clearly state the specifics of the meeting. Additionally, it should clearly state that it is conducting the meeting in that manner pursuant to Governor Cuomo's Executive Order 202.1. (Kramer_015, Roche_023, SOS_032)

**Response:** Please see response to Comment #117.

**MISCELLANEOUS – GENERAL OPPOSITION**

**Comment 119:** We are opposed to this project. (Friedman_002, Gorman_FOSSS_004, Sheldon_005, Guinand_006, Goldstein_017, Hellstrom_022, Finch_027, Yaeman_028, Glaser_029, Sosinsky_030, Burrell_033)

**Response:** Comment noted.

## MISCELLANEOUS – GENERAL SUPPORT

**Comment 120:** We support this proposal. (McWilliams_DDC_001, Boulware_008, Kabek_012, Brewer_038, Chin_039, Edick_013, Flanagan_011, Norwitz_010, Sexton_009)

**Response:** Comment noted. ✷

# APPENDIX B
# COMMENTS RECEIVED ON
# THE DRAFT SCOPE OF WORK

# COMMUNITY BOARD

AKRF

**Owen DiMarzo <odimarzo@akrf.com>**

# Fw: MCB1 Comment on 250 Water Street DSOW (CEQR No. 21DCP084M)

**Alison Brown (DCP)** <ABrown@planning.nyc.gov> Mon, Jan 11, 2021 at 4:36 PM
To: Charlie Fields <cfields@akrf.com>, "Wesley.OBrien@friedfrank.com" <Wesley.OBrien@friedfrank.com>, Owen DiMarzo <odimarzo@akrf.com>, "Karnovsky, David" <David.Karnovsky@friedfrank.com>
Cc: "Olga Abinader (DCP)" <OABINAD@planning.nyc.gov>

**From:** Switaj, Diana (CB) <dswitaj@cb.nyc.gov>
**Sent:** Monday, January 11, 2021 4:21 PM
**To:** 21DCP084M_DL <21DCP084M_DL@planning.nyc.gov>
**Subject:** MCB1 Comment on 250 Water Street DSOW (CEQR No. 21DCP084M)

Please see the attached comment by Manhattan Community Board 1 on the 250 Water Street Draft Scope of Work for a Draft Environmental Impact Statement.

Please contact me if you have any questions.

Diana Switaj
Director of Planning and Land Use
Manhattan Community Board 1

**CB1_250 Water DSOW Comment_1.11.2020_Final.pdf**
501K

**The City of New York**
**Manhattan Community Board 1**
**Tammy Meltzer** CHAIRPERSON | **Lucian Reynolds** DISTRICT MANAGER

**Comment on the 250 Water Street Draft Scope of Work**
**for an Environmental Impact Statement (CEQR No. 21DCP084M)**
**Monday, January 11, 2021**

250 Seaport District, LLC has proposed to construct an approximately 912,762 gross square foot (GSF) mixed-use building containing market-rate and affordable housing, retail, office, and community facility spaces as well as parking at 250 Water Street in the Historic South Street Seaport within Manhattan Community District 1 (CD1). Through the proposed project, the applicant also seeks to facilitate the restoration, reopening, and potential expansion of the South Street Seaport Museum.

Community Board 1 (CB1) has had a long history of involvement and advocacy in relation to 250 Water Street. After years of unsuccessful efforts by developers to gain approval of a high-rise building at 250 Water Street, CB1 led a successful effort in 2003 to rezone the Historic South Street Seaport to C6-2A with a maximum height of 120 feet. Additionally, CB1 has been managing the independent community environmental consultant in the review and oversight of Brownfield Cleanup Project (BCP) currently taking place at 250 Water Street. Most recently, in December 2020 CB1 adopted two resolutions issuing recommendations on the applications currently before the Landmarks Preservation Commission in relation to this proposed project (see attached).

There is an overarching critical concern that while the environmental review process evaluates impact criteria according to various CEQR requirements and thresholds, these criteria often do not accurately capture and reflect the real, qualitative impacts to the community. As such, CB1 urges that the recommendations as outlined below are taken into consideration during the updating of this scope so that the Draft Environmental Impact Statement (DEIS) may more accurately reflect true community impact. All sources for data included in the DEIS must be provided to the community and only the most recent available data should be used for all review categories. All data should include citations. Finally, it is crucial that all CEQR technical analysis areas be studied for their potential impacts. Finally, the Draft Scope of Work (DSOW) states that three areas do not require further analysis in the DEIS based on the guidance of the CEQR Technical Manual including: community facilities, solid waste and sanitation services, and energy. It is absolutely crucial that all of these areas of study be included in the DEIS. This is a major high-density project and no area of study should be omitted.

**Socio Economic Conditions**
The DSOW is weak in relation to potential impacts of a 5-year construction plan on the approx. 1,000 children attending schools next to the site. Elementary public school families have no choice but to send their children to zoned schools. There is inherent inequity for those without means who cannot afford to send their children elsewhere.

**Land Use, Zoning and Public Policy**
Currently in the ULURP process is the Zoning for Coastal Flood Resiliency (ZCFR) citywide zoning text amendment application. As the project area falls within the catchment area for ZCFR, the DEIS must include analysis of a scenario assuming that the ZCFR zoning text amendment is adopted. This should

include additional shadow, light and air impacts from potential increased height or bulk at 250 Water Street as well as how the zoning will impact the urban design.

**Open Space**
There is minimal but critically needed existing open space on the East side of CD1, particularly given the exponential growth in the residential population of this area in recent years with many new families and children. The project will introduce many new residents and visitors, putting further strain on nearby open spaces which are already in high demand and short supply. Both active and passive open spaces are critical resources in this area and the open space impacts must be closely studied as part of the DEIS. The open space analysis should include the direct and indirect effects during and post construction on all playgrounds and rooftop play yards and playstreets at all neighborhood public and private schools, all public open areas, including Peck Slip plaza, the Brooklyn Bridge Promenade, Titanic Memorial Park, Fishbridge Park Garden, Pier 17 plaza, public spaces at Saint Margaret's House, and neighborhood privately owned public spaces.

**Shadows**
Shadow assessments must be studied comprehensively as part of the DEIS, including impacts on all open areas noted above (see above Open Space), specifically at the Pearl Street Playground, the tree canopies along Pearl Street, Delury Square Park, Peck Slip School roof playground, Blue School, and impacts on nearby residential low-scale buildings. The impact of shadows on neighborhood schools is critical to assure the wellbeing of the many school aged children who are in schools directly adjacent to the site.

**Historic and Cultural Resources**
Given the historic nature of the study area, a particularly thorough Historic and Cultural Resources Assessment is needed as part of the DEIS. The community has expressed many concerns about the impacts the massive construction will have on the Historic South Street Seaport including: impacts on the fragile historic buildings immediately abutting the site and beyond, and how the intensity of pile driving will impact nearby historical buildings and their fragile foundations. As the Landmarks Preservation Commission (LPC) has determined there is potential for significant archaeological resources to be located on the development sites, a plan must be provided that indicates how the Brownfield Cleanup Program (BCP) Remedial Investigation work will be done as to not affect the archeological work and potential findings.

**Urban Design and Visual Resources**
The proposed 912,762 square foot project comprises approximately 10% of the Historic South Street Seaport District. This project will have immense impact on the urban design and visual resources of this area. This historic area is of national importance and this analysis must be carefully scrutinized in the DEIS. Concerns have been raised throughout the community that the proposed development would confuse historic district identity with development that is not contextually appropriate. Further, particular concerns have been raised regarding disruption of views this project would create including, but not limited to, views of the South Street Seaport Historic District, and from the iconic and historically landmarked Brooklyn Bridge. These scenic vistas are a key element of the Historic South Street Seaport.

**Natural Resources**
DEIS natural resources and water quality assessments should thoroughly assess how the proposed project and its construction would impact the water quality and habitat of the project site and study area, as well as the East River and surrounding area. Concerns include disruption of existing water lots through construction activities; operational impacts of the proposed project including shading of aquatic habitat and any discharge of stormwater from the project site; direct or indirect impacts on terrestrial resources

due to the removal of existing structures and landscaping or introduction of new landscaping features; and the potential effects to birds due to building collisions.

**Hazardous Materials**
The community is concerned that very little information on the BCP was included in the DSOW. This deserves more attention as 250 Water Street was once the site of a thermometer factor and hazardous substances, such as mercury, have been detected in the soil. This, and the fact that there are many sensitive sites around 250 Water Street, resulted in an unprecedented level of community involvement and oversight in the BCP process. Many from the community have expressed that it feels premature to move forward with the Environmental Review and ULURP processes until more information is available on toxicity of the site and the BCP remediation plan. The DEIS must fully evaluate data and implications from the 250 Water Street BCP. There is a particular risk of potential exposure during excavation and construction while many are confined to their homes during the pandemic.

**Water and Sewer Infrastructure**
There are concerns that the Combined Sewer Overflow (CSO) serving this site through the Newtown Creek Wastewater Treatment Plant is over capacity already. There are also concerns that there will be a cumulative impact on infrastructure resources and city services generally with the proposed project, in addition to the impacts posed by the Two Bridges development. Concerns also have been noted about the existing high level of the water table and the redirection of water to surrounding properties at times of flooding and as a natural occurrence due to sea level rise.

There are many concerns over flood risk in this area, especially in the absence of resiliency infrastructure plans. Specifically, questions have been raised over whether the development would cause redirection of water to surrounding properties during flooding. As the applicant is proposing sub-grade parking facilities to accommodate parking for 128 vehicles, the DEIS should study the potential of using this space for stormwater management. The DEIS should address what flood mitigation measures will be taken to protect the site while excavation/construction is in progress.

**Transportation**
There has been past dialogue and conversation with the applicant about potentially changing traffic patterns around the building based on applications that they may file in the future. The DEIS should study the impact of any future changes to traffic patterns based on future plans or applications (i.e. the closure of Peck Slip which has previously been presented). The DEIS must also clearly demonstrate that the impact of the proposed development's increase in ridership will not result in transportation infrastructure overcrowding and maintenance issues. The DEIS must include an analysis of emergency evacuation measures from the proposed project sites as well as a quantified assessment of vehicular traffic both during construction and after the proposed project is completed.

**Air Quality**
The impact to air quality should be analyzed for the development during the construction phase as well as for the finished development. Additionally, the impact to air quality should include the impact of the BCP remediation on the site as well as a quantified assessment of vehicular traffic during construction and a quantified assessment of increased vehicular traffic with the proposed development post-construction. All safety thresholds for air quality should be based on the most recently published data that are relevant specifically to sensitive receptors: infants, pregnant women, pre-school and elementary school children, the elderly, who are all part of the surrounding community to 250 Water Street. An analysis also needs to be included in the context of COVID-19 as work may begin before we are fully out of this pandemic. Schools are currently required to have windows open during the school day. The DEIS must include how

air quality on the construction site will impact Peck Slip and Blue Schools when classrooms have open windows and doors.

**Greenhouse Gas Emissions and Climate Change**
The community has stated concerns over the carbon footprint that this development will create. CB1 urges that the DEIS identify the building's specific mechanical, plumbing and electrical systems, and a list of materials that assure the community that the development will in fact incorporate the latest sustainability features and approach carbon neutrality. CB1 also asks that the applicant provides alternatives that indicate how this building could use technologies like Passive House to achieve sustainability on behalf of the community. In a general sense, concerns have been raised that while the proposed project is in an area well-served by public transportation, infrastructure for private car ownership is being incorporated into the 250 Water Street building. Providing such infrastructure is inconsistent with overall sustainability goals.

The 250 Water Street site is in the 1% annual chance flood plain. The DEIS must include a detailed analysis of the resiliency measures, including details and a list of materials that will be used for the ground floor and sub-grade parking, as well as details of the flood prevention system. CB1 urges that the DEIS contemplate changes to the design that will enable the inclusion of a storm water management system in the basement level of the building (where the parking is located.)

**Energy**
The DEIS must include an energy analysis and, at a minimum, provide the projected amount of energy consumption of the project during long term operation. The EAS notes that "design features and operational measures to reduce energy use… will be discussed and quantified to the extent that information is available." The DEIS must also include all relevant information including a list of all building systems and materials intended to be used.

**Noise**
All safety thresholds for noise should be based on the most recently published data that are relevant specifically to sensitive receptors: infants, pregnant women, pre-school and elementary school children, the elderly, who are all part of the surrounding community to 250 Water Street. The impact of noise should include the impact of the BCP remediation on the site. The impact of noise should be quantified for the development, during the construction phase, and for the finished development. Finally, an analysis must be performed in the context of COVID-19 as work may begin before we are fully out of this pandemic. Schools are currently required to have windows open during the school day. How will noise on the construction site impact Peck Slip and Blue School when classrooms have open windows and doors?

**Public Health**
The DEIS must study the particular impact on public health the construction and project itself will have in relation to the COVID-19 pandemic. Most residents are confined to their homes during this time and light, air and open space are desperately needed to remain healthy and provide respite.

Given the proximity of sensitive receptors to this project, the public health study requires a serious, comprehensive, quantitative analysis of the impact this project will have on infants, pregnant women, toddlers, elementary schoolchildren, senior citizens. Any public health assessment should acknowledge that sensitive receptors are more profoundly affected by much smaller amounts of air and noise pollution and that these can have long-term irreversible impacts on their health, both mentally and physically. The DEIS should consider and quantify the potential for children to be displaced from their schools or, at minimum, should measure and quantify the impact to children of major disruptions in their learning

environments, as a result of construction and the behavioral, psychological and social impacts this will have on their health.

**Neighborhood Character**

There is tremendous concern over this project's impact on neighborhood character, and thus it must be studied carefully as part of the DEIS. Many in the community have expressed concern that the proposed scale, size, mass and volume of the proposed development at 250 Water Street would dominate and overwhelm the neighboring buildings in this low-scale district. Further, that the size of the development would cause an abrupt change in scale within the district, disrupting the district's harmonious, low-scale quality. Finally, the design of the proposed development, which is located at the western boundary of the district, would relate more closely in scale and massing to the buildings outside the historic district rather than to those within, thus visually confusing the clear boundary of the district. These mainly qualitative impacts are difficult to capture in a technical evaluation such as a DEIS, but the environmental review must comprehensively study impact on neighborhood character so that impacts are fully realized and mitigated.

**Construction**

The DEIS must include and specifically address the project's impact on children and on senior citizens in the immediate area.

Children/schools

Research has shown that noise has negative impacts on children's performance at school (reduced memory, motivation, reading ability, etc.) Children also depend on the open air rooftop spaces to get essential physical activity during school days, as well as open windows for fresh air circulation during the pandemic. Construction may begin during the same time that children finally return to some semblance of normalcy by returning back to school in-person. Many children are already behind and have experienced significant stress and negative impacts during the pandemic. This would only be exacerbated by further disruption and negative impacts. This must be acknowledged as part of the study in the DEIS. Pile driving noise and impact during construction in particular is very impactful and bad for children in school.

There are already instances within our community where extensive measures were taken to mitigate such negative impacts but were not effective. When the Whole Foods building was being built next to PS 234, a wall was built around PS 234. However, it was still very noisy and resulted in the unintended blocking of light, casting the school in darkness. Additionally, the pile driving vibrations shook the whole block. When the 200 West Street Goldman Sachs was being constructed, glass fell on the neighboring ballfields while children were on the field. This resulted in the Goldman Sachs building being boxed off as it was being topped off. Finally, the 8 Spruce Street Gehry Building had panels of glass fall off during construction and left gouges in the ground over space where children would be walking into school. Given these examples, the community has a high level of anxiety related to construction mitigation. Impacts must be studied exhaustively, and mitigation measures must be thoughtfully considered with opportunities to reevaluate if necessary.

Seniors

Saint Margaret's House is nearby 250 Water Street and houses approximately 250 seniors. Southbridge Towers houses many seniors as well. The DEIS must incorporate specific study on the impact of construction and the project itself would have on the health and lives of seniors. For instance, how will seniors navigate around construction and traffic? Studies done related to the Borough Based Jails/Manhattan Detention Complex project have illustrated that the impacts of dust and noise can be life threatening for the vulnerable. Specific mitigation measures for the protection of seniors must be incorporated.

**Alternatives**
CB1 asks that the DEIS evaluate alternative scenarios including technologies which include: the location of a storm water retention tank in the basement of the building; carbon neutral construction and Passive House construction. These technologies would significantly reduce the potential impact of the proposed project on energy consumption and the anticipated impacts of sea level rise and storm flooding at the site.

**Solid Waste and Sanitation Services**
This analysis has not been included in the DSOW. Solid waste and service demand generated by the project must be disclosed in the DEIS. The proposal's sanitation and recycling plans must be provided in order to proceed with an accurate environmental assessment of this aspect of the project. CD1 has seen many similar high-density developments that result in significant negative impact due to the amount of waste they produce. Garbage and recycling takes over nearby narrow sidewalks, forcing pedestrians to walk in the street and creating a hazard to the public.

**Community Facilities and Services**
It appears that the EAS does not accurately report potential indirect effects on child care centers, libraries, public schools, health care facilities and fire and police protection. This major development will bring a significant number of new residents and visitors to the area, putting additional strain on these types of facilities. Thus, Community Facilities must be included and thoroughly evaluated in the DEIS.

**Additional Comments**
With the City facing dire financial straits for years to come, the cost of additional mitigations, inspections or traffic agents, environmental reviews, etc as it relates to this project should be taken on by the applicant and not the City.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: DECEMBER 22, 2020

COMMITTEE OF ORIGIN: LANDMARKS & PRESERVATION

| | | | | |
|---|---|---|---|---|
| COMMITTEE VOTE: | 7 In Favor | 0 Opposed | 0 Abstained | 0 Rescued |
| PUBLIC VOTE: | 0 In Favor | 0 Opposed | 0 Abstained | 0 Rescued |
| BOARD VOTE: | 35 In Favor | 0 Opposed | 2 Abstained | 0 Rescued |

RE: 250 Water Street, LPC-21-03235, application to construct a new building on the 250 Water Street parking lot

WHEREAS: Applications have been presented simultaneously for two different properties, but we are addressing separately, and it is our understanding that the Landmarks Preservation Commission is doing so as well; and

WHEREAS: Regarding 250 Water Street, the proposal calls for the construction within the South Street Historic District of two towers, each standing 470 feet high, and each with 37 stories, for a combined total of 757,400 zoning square feet; and

WHEREAS: The South Street Seaport Historic District was designated in 1977, the first in Lower Manhattan. It is a small 11-block district "consisting primarily of small scale brick buildings which contrast dramatically with the soaring skyscrapers nearby" according to the LPC designation report. Many of the structures are dated from the 18th century. The average-sized building in this historic district is 4-5 stories in height; and

WHEREAS: LPC rejected nine proposed buildings over a roughly 25-year period for 250 Water St and used very similar language in these rejections indicating that "the proposed scale, size, mass and volume of the high rise building would dominate and overwhelm the neighboring buildings in this low scale district, thus visually confusing the clear boundary of the district"; and

WHEREAS: LPC's clear and unambiguous precedent for a quarter of a century regarding this site has remained consistent in directive and language; and

WHEREAS: If the current application is approved in its current form or modified form, then we would ask that LPC be transparent and explain the political considerations that must have occurred for it to reverse decades of its own stated parameters; and

WHEREAS: The National Trust for Historic Preservation listed the South Street Seaport as one of the 11 Most Endangered Historic Places in 2015 due to the threat of inappropriate and out-of-scale development in this modest and deeply historic

New York City neighborhood. The Seaport's restored 19th-century commercial buildings are a unique environment in Manhattan, significant for its continuous relationship to the waterfront and its status as the focal point of the early maritime industry in New York City; and

WHEREAS: It has always been the stated LPC directive to communities that there are no "transitional" blocks, only designated landmarked buildings and non-designated buildings and districts. The Howard Hughes Corporation is asking for 250 Water Street to be considered a "transitional" district, an argument that LPC has rejected here and all over the city, in principle and in law. Anything regarding the appropriateness of this application must be judged in the context of the historic district in which it is located, not in regard to the vast city beyond. For example, in 1986 LPC wrote "that the size of the thirty story tower would cause an abrupt change in scale within the district, disrupting the district's homogeneous, low-scale quality; that the design of the proposed thirty story tower, which is located at the western boundary of the district, would relate more closely in scale and massing to the buildings outside the historic district rather than those within, thus visually confusing the clear boundary of the district"; and

WHEREAS: In 1991 LPC did approve at 250 Water St an eleven-story office building. The developer/owner of the site, Milstein Properties, chose NOT to build this building and continued trying to gain approval for taller buildings rejected by LPC. So it remains a parking lot because the owner refused to abide by the development limits that do come with being in a historic district; and

WHEREAS: After years of these unsuccessful efforts to gain approval of a high-rise building at 250 Water Street, CB1 led a successful effort in 2003 to rezone the Seaport Historic District to C6-2A with a maximum height of 120 feet with unanimous city councilmember support. This rezoning had the support of local elected officials, the Downtown Alliance, the South Street Seaport Museum, the Municipal Arts Society, Seaman's Church Institute and local developers including Frank Sciame who restored 11 buildings on Front Street keeping them well below 120 feet in height; and

WHEREAS: Other developers in the Seaport Historic District and in historic districts throughout CB1 and the City have constructed buildings that comply with LPC guidelines and are economically profitable; and

WHEREAS: CB1 has no particular love for a parking lot. It has consistently said that it welcomes a new building at 250 Water Street that is within LPC and zoning guidelines, longstanding and carefully defined guidelines; and

WHEREAS: Manhattan Community Board 1 has received a petition with over 6,500 signatories and counting opposing the application; and

WHEREAS: If the Howard Hughes Corporation is allowed to transfer air rights to the site and construct a building over 120 feet, it would negate this hard fought and correct action to preserve the unique character of the South Street Seaport Historic District; and

WHEREAS: The proposal before the Community Board and LPC would, in essence, reduce the size of the Seaport Historic District by 10% which is totally unacceptable; and

WHEREAS: The Seaport Historic District development rights zoning transfer mechanism was established specifically so that unused development rights could be transferred to sites *outside* the historic district in order to preserve the area's low-scale character. CB1 and the community strongly urge the City and EDC to work with us to preserve this successful formula and expand the number of "receiving sites" outside of the historic district to sell these air rights. In addition, the funds raised by selling these air rights should be used to help the Seaport Museum, to build additional affordable housing in CB1 and for other needed local amenities; and

WHEREAS: 250 Water Street is currently in use as a parking lot. The applicant suggests that this use does not currently serve a historic district, describing 250 Water Street as an "edge location," "vacant for decades," and a "large full block." The presentation prepared for LPC and the Community Board detailing the proposal includes photos of the surrounding context with views of Beekman Street, Pearl Street/Southbridge Towers, Water Street, and PS 343 Peck Slip. While the Beekman Street and Southbridge Towers views include large towers, these buildings are located *outside* of the Seaport Historic District. The applicant also focuses on both applications as one development proposal, indicating that the development rights transfer and towers at 250 Water Street are necessary to preserve the Seaport Museum; and

WHEREAS: We also need to remind LPC that they are supposed to determine the appropriateness of a proposed new building without considering the amenity package that may accompany such a proposal. CB1 has chosen not to comment substantially on those elements of the HHC 250 Water Street proposal for that reason; and

WHEREAS: It goes without saying that the 1977 designation report included 250 Water Street in the historic district, and also noted the "small-scale brick buildings which contrast dramatically with the soaring skyscrapers nearby." Those nearby skyscrapers were not in the historic district, and for a good, obvious and explicit reason. The proposal to construct a "skyscraper" within the historic district is directly contrary to the designation report, which instead expects development that will complement the "early 19th-century character" of the district; and

WHEREAS: If there were ever a landmarks-busting proposal, it is this one; and

WHEREAS: Its relationship to the South Street Seaport Museum's ever-failing financial straits is irrelevant, and it turns out that there is no legal or otherwise guaranteed stipulation that 250 Water Street would "save" the South Street Seaport Museum, or even the proposed museum addition, presented as a corollary to this application, will ever be built; and

WHEREAS: As an addendum, the Water Street so-called "street wall" podium is actually 105 feet high even though local streetwall averages 76 feet, even though the tallest building in the entire district is only 100 feet. The design is a pastiche of the low historic buildings across the street; and

WHEREAS: The Community Board held a number of public hearings on the proposal, and all meetings were well attended by over 150 people, some for and some against; and

WHEREAS: CB1 is not anti-development - consider our work after 9/11 - but is not for poor development that rides rough-shot through the Landmarks and Zoning Laws; now

THEREFORE BE IT RESOLVED THAT: Two 470' tall buildings are self-evidently and completely out of scale and inappropriate in the South Street Seaport Historic District and should not be approved by LPC; and

BE IT FURTHER RESOLVED THAT: Given that LPC under four different Chairs rejected nine buildings proposed for this site, all smaller than the one before you now, we strongly believe that LPC must respect its own precedent; and

BE IT FURTHER RESOLVED THAT: There are better ways to help the Seaport Museum without destroying this historic district and the City should fully explore all potential solutions to generate funds for the museum; and

BE IT FURTHER RESOLVED THAT: We reject the implication in the Howard Hughes presentation that 250 Water Street included in this historic district since its designation, is anything but an integral part of the Historic District, as does the LPC historically. The Administrative Code empowers LPC to delineate a historic district boundary that embodies a "distinct section of the city". Reducing the South Street Seaport

Historic district by a de facto 10 percent with these towers is destructive to the fundamental principles of landmarks preservation; and

BE IT FURTHER RESOLVED THAT: CB1 urges that the Landmarks Preservation Commission **reject** this application.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: DECEMBER 22, 2020

COMMITTEE OF ORIGIN: LANDMARKS & PRESERVATION

| | | | | |
|---|---|---|---|---|
| COMMITTEE VOTE: | 6 In Favor | 1 Opposed | 0 Abstained | 0 Rescued |
| PUBLIC VOTE: | 0 In Favor | 0 Opposed | 0 Abstained | 0 Rescued |
| BOARD VOTE: | 23 In Favor | 6 Opposed | 6 Abstained | 2 Rescued |

RE: 173-69 John Street, LPC-21-04480, application to construct a new building for the South Street Seaport Museum and alterations to the existing Museum Buildings on Block 74

WHEREAS: The application proposes a new building contiguous with and a part of the South Street Seaport Museum, as well as substantial rehabilitation and restorative and functional alterations of the existing museum buildings; and

WHEREAS: The proposed work would be phased, as follows: Phase 1 will include renovation, restoration and reopening of the museum and galleries, followed by a Phase 2 plan which covers the museum expansion. Note that no contractual or legal assurance exists that the new building, at John and South Streets, will ever be built; and

WHEREAS: All of the work appurtenant to the existing buildings is thoughtful and without issue; and

WHEREAS: The John Street building would make a bold, distinctive statement, yet has been designed to work contextually, in a respect similar to the success of the Scholastic Building within the confines of the SoHo Cast Iron Historic District; and

WHEREAS: The architecture certainly succeeds in a way that Georgio Cavagliari's brutalist 1973 proposal and Beyer Blinder Belle's glass-on-glass 1998 proposal did not; and

WHEREAS: The copper cladding, gradually patinating to green, as well as the operable shutters, raised some concern but do coalesce into an exciting composition; and

WHEREAS: The recessed, pale, arched ground floor is jarring, and could use some refinement; and

WHEREAS: The new proposed entrance, something of a hinge feature between the new building and the old adjacent buildings, is meant to appear separate, but is in fact pedestrian, merely anodized metal and plate glass, like any average retail storefront, and needs to be reconsidered; now

THEREFORE
BE IT
RESOLVED
THAT: Manhattan Community Board 1 recommends that the Landmarks Preservation Commission approve the restoration of the existing museum buildings; and

BE IT
FURTHER
RESOLVED
THAT: LPC approve the new building, while working with the applicant to enhance the ground floor and to change the entrance infill.

**GENERAL PUBLIC**

AKRF

**Owen DiMarzo <odimarzo@akrf.com>**

# Fw: Stop the tower over the South Street Seaport

**Alison Brown (DCP)** <ABrown@planning.nyc.gov> Mon, Jan 11, 2021 at 2:00 PM
To: Charlie Fields <cfields@akrf.com>, Owen DiMarzo <odimarzo@akrf.com>, "Karnovsky, David" <David.Karnovsky@friedfrank.com>, "Wesley.OBrien@friedfrank.com" <Wesley.OBrien@friedfrank.com>
Cc: "Olga Abinader (DCP)" <OABINAD@planning.nyc.gov>

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**From:** Burrell, Barbara (burrelb) <burrelb@ucmail.uc.edu>
**Sent:** Sunday, January 10, 2021 4:49 PM
**To:** 21DCP084M_DL <21DCP084M_DL@planning.nyc.gov>
**Subject:** Stop the tower over the South Street Seaport

To the Planning Commission:

This is a letter to protest the placement of a developer's tower in the heart of South Street Seaport's historic district, using public property for private profit.

I grew up in New York, and go back frequently to visit my family, who live in the South Street Seaport area. We would always stroll among the shops, visit the exhibitions, see the boats, take a ferry, or enjoy the view of the whole district to and from the Brooklyn Bridge. You could visualize the shape of the early docks of New York from the Seaport, and as an archaeologist, I studied what ships and facilities had been preserved there.

But now I understand that a mega-corporation wants to build a giant tower for rich people's investment apartments in the middle of this historic district. This will surely destroy the integrity of the historic Seaport, merely for the sake of profit to a company that is not based in New York. And this at a time of emergency, when the city needs more venues that can be enjoyed in the open air! Museums are closed, but the South Street Seaport is one of New York's greatest open museums of civic history, and it needs to be preserved from such destructive schemes.

To allow this oligarchs' tower to go up in the midst of the Seaport would be a desecration to history. As an officer of the Archaeological Institute of America, I deplore the very idea, and I hope that the application will be denied.

Barbara Burrell
Associate Professor of Archaeology
University of Cincinnati
410 Blegen Library, P.O. Box 210226
Cincinnati Ohio 45221
tel. 513-556-1918, fax 513-556-4366
https://researchdirectory.uc.edu/p/burrelb

AKRF

Owen DiMarzo <odimarzo@akrf.com>

# Fw: COMMENTS ON PROPOSED DEVELOPMENT OF 250 WATER STREET

**Alison Brown (DCP)** <ABrown@planning.nyc.gov> Fri, Dec 18, 2020 at 4:00 PM
To: "Karnovsky, David" <David.Karnovsky@friedfrank.com>, "Wesley.OBrien@friedfrank.com" <Wesley.OBrien@friedfrank.com>, Charlie Fields <cfields@akrf.com>, Owen DiMarzo <odimarzo@akrf.com>
Cc: "Olga Abinader (DCP)" <OABINAD@planning.nyc.gov>

**From:** Judy Friedman <judyarch@sounddsl.com>
**Sent:** Wednesday, December 9, 2020 20:50
**To:** 'Landmarks and Preservation Committee' <jennifer@mcb1.nyc>; 21DCP057M_DL <21DCP057M_DL@planning.nyc.gov>
**Cc:** hb.diane@gmail.com <hb.diane@gmail.com>
**Subject:** COMMENTS ON PROPOSED DEVELOPMENT OF 250 WATER STREET

Please see attached comments on the proposal by the Howard Hughes Corporation for the property at 250 Water Street in Manhattan.

**JUDY FRIEDMAN**
ARCHITECT
10226 Darden Lane
Bainbridge Island, Washington 98110
206.842.5549
judyarch@sounddsl.com

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# JUDY FRIEDMAN
## ARCHITECT

I am writing about the Howard Hughes Corporation's proposed project at 250 Water Street in the historic South Street Seaport – Pier 17 area.

As an architect with some training and experience in historic preservation, I am aware of the value of preserving historic districts. A single building can tell us the history of style and techniques, perhaps of interest to only small minority of people. A museum can tell us stories and show us artifacts. But a district which can tell us how it felt to be alive at an earlier time in our history which is accessible to and can be appreciated by many people, is an especially valuable asset. And such remaining districts are rare.

The plan developed in the late seventies by the Rouse Corporation and Ben Thompson Architects was well thought-out. Any changes should be consistent with its original intention.

An important part – perhaps the most important part - of the South Street Seaport District experience is the small scale atmosphere. There was concern at the time the district was planned, that given its small scale, it would be overwhelmed by the tall buildings around it. Adding another tall building that actually abuts the District on two sides would definitely diminish the small scale feeling.

Surely there is better a use for the property which would enhance the South Seaport District.

As an ex-New Yorker, wandering the South Street Seaport area is one of my fondest memories of the city. Please take care with your treasure.

**JUDY FRIEDMAN**
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AKRF

Owen DiMarzo <odimarzo@akrf.com>

# Fw: Scoping Testimony of Paul Goldstein for 250 Water St

**Alison Brown (DCP)** <ABrown@planning.nyc.gov> Fri, Dec 18, 2020 at 2:20 PM
To: "David.Karnovsky@friedfrank.com" <David.Karnovsky@friedfrank.com>, "Wesley.OBrien@friedfrank.com" <Wesley.OBrien@friedfrank.com>, Owen DiMarzo <odimarzo@akrf.com>, Charlie Fields <cfields@akrf.com>
Cc: "Olga Abinader (DCP)" <OABINAD@planning.nyc.gov>

**From:** Paulg <paulg@aol.com>
**Sent:** Friday, December 18, 2020 1:11 PM
**To:** 21DCP084M_DL <21DCP084M_DL@planning.nyc.gov>
**Subject:** Scoping Testimony of Paul Goldstein for 250 Water St

From: Paul Goldstein

Attn: NYC City Planning Commission (CPC) / NYC Dept. of City Planning (DCP) - lead agency

Ms. Olga Abinader, Office of City Planning, 120 Broadway, NY NY 10271

Re: Dec. 17, 2020 Public Hearing
Comments on *Draft Scope of Work* for *DraftEnvironmental Impact Statement (EIS)*:
Howard Hughes Corp. (HHC) – 250 Water Street Project, (CEQR No. 21DCP084M )

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· It is hard to imagine that less than 20 years after this community came together to put into place new zoning for the Seaport Historic District intended to guide future development that would respect and maintain the special low scale character of this Historic District, we have a developer looking to gain City approval to completely violate that zoning. They are proposing two towers 470 feet in height that would totally dwarf the buildings that predominate in this district characterized by structures that average 4-5 stories in height.

· In 2003 City Planning joined Community Board 1 in sponsoring and supporting this new zoning that reflected a broad consensus of how to properly build new structures in this 11 block historic district. And in fact, that zoning came about because the LPC had denied 9 proposed tall buildings at the 250 Water Street site continually citing their inappropriateness for the historic district. It should be noted that the rezoning approved by City Planning and the City Council in 2003 had the support of Community Board 1, every local elected official, the Downtown Alliance, the South St Seaport Museum, the EDC, and other property owners from the Seaport such as Frank Sciame who built the historic Front Street buildings and proved that you can build within the zoning and produce beautiful and profitable buildings.

· This proposal calls for the transfer of air rights to a site within the historic district and never envisioned as a “receiving site”. In fact, the Seaport Development Rights program established in the 1970s was intended to move these excess air rights OUT of the historic district and that is how it has successfully worked over the years. The CB and the Seaport

Coalition continue to urge City Planning and EDC to work with us to create even more receiving sites outside the historic district here in CB 1 and use the funds generated through sale of those air rights to help the Seaport Museum, to encourage additional affordable housing, and to help pay for additional amenities such as open space needed in this area.

· The scoping document needs to ensure that if any building does rise at 250 Water St it addresses these issues sure to arise:

1. Noise, vibrations, dust etc resulting from the excavation and construction work. 2 large schools abut the 250 Water St site so special measures should be enacted to mitigate these concerns. When PS 234 was built on Chambers St the City mandated that the developers of a nearby new building shroud the pile drivers, make sure all trucks and construction vehicles use only low sulfur diesel and ban pile driving on school testing days. Monitors should also be placed at the historic 19th century buildings to ensure that this work does not damage these very old and sensitive structures.
2. Shadows – Pearl St playground across from the site as well as numerous seating areas all around the 250 Water St site will be in shadows for hours if this building is constructed. Can the City reduce this loss of sun and Vitamin D to so many nearby residents including senior citizens at nearby St. Margaret's House and Southbridge Towers.
3. Brownfield cleanup - Unfortunately the City is moving this project along very quickly to satisfy the developer before having in hand critical information about the dangerous toxic chemicals including mercury that will need to be cleaned up through the ongoing Brownfield program. This scoping work should be put on hold until the site has been properly examined and the DEC and DOH have completed their review of the data that is produced from this process.
4. 250 Water St is also located in a flood zone and the Seaport clearly needs resiliency measures to prevent a real wipe out. We saw how badly that area did after Superstorm Sandy. The City has yet to identify the sort of remediation/resiliency measures they want to put in place for the Seaport and have no funds to pay for such work.

City Planning proceeding with this project at this time seems totally geared towards satisfying a single private developer and helping them make good on a very questionable purchase of this property for a price that could only make sense if they win the zoning approvals they seek.

The City should not be a partner to this. The zoning put into place in 2003 should be preserved so that the South St Seaport Historic District remains the very special part of Lower Manhattan it has been since this City came to be.

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AKRF

Owen DiMarzo <odimarzo@akrf.com>

# Fw: Testimony Planning Commission - South Street Seaport

**Alison Brown (DCP)** <ABrown@planning.nyc.gov> Tue, Jan 5, 2021 at 8:03 PM
To: Charlie Fields <cfields@akrf.com>, Owen DiMarzo <odimarzo@akrf.com>, "Wesley.OBrien@friedfrank.com" <Wesley.OBrien@friedfrank.com>, "Karnovsky, David" <David.Karnovsky@friedfrank.com>
Cc: "Olga Abinader (DCP)" <OABINAD@planning.nyc.gov>

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**From:** Sandra Guinand <sandra.guinand@univie.ac.at>
**Sent:** Monday, January 4, 2021 12:38 PM
**To:** 21DCP084M_DL <21DCP084M_DL@planning.nyc.gov>
**Cc:** hellstrom36@hotmail.com <hellstrom36@hotmail.com>
**Subject:** Testimony Planning Commission - South Street Seaport

Dear members of the Planning Commission,

As a scholar of urban studies working on socio-economic transformations of urban landscape, more specifically heritage, tourism and public-private partnerships issues, I have spent two years (2015-2016) in New York, working and researching materials on the South Street Seaport. I have since then been following the urban development for the area.

In my work (attached one journal article), I look at the outcomes on private parties management over common/public good. The Seaport folds into this category, as my research underlined, it belongs to tangible and intangible history of Manhattan and is part of the collective memory of all New Yorkers.

History, place of memories contribute to place identity and what shapes urbanity. Place of belonging, place attachement and identification are important features for social cohesion and inclusion. As showed in my paper, the Howard Hughes Corporation sadly imposed its own narrative for the South Street Seaport without a clear agenda and open planning process that would allow the community to participate in the future history for the area.

The two towers proposal on 250 Water Street is clearly within the Historic district boundary which would irremediably damage the identity and symbolic image of the Seaport, and New York. Development rights could be allocated to other plots outside the boundary which would secure affordable housing.

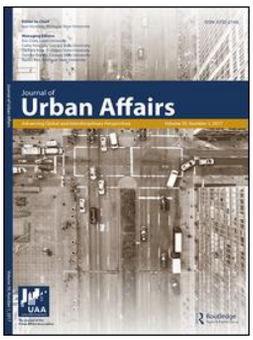
Guidelines for the Seaport (Seaport working group) where elaborated in a collaborative process and as an alternative public private people partnership. The Seaport should be an example for shared historic development relying on these guidelines in order to avoid social and physical disruption that might otherwise be exacerbated.

Best Regards,
Sandra Guinand

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Dr. Sandra Guinand
Gastprofessorin für Lehre
Institut für Geographie und Regionalforschung
Universität Wien
Assoziierter Forscherin Eirest Paris 1 Sorbonne
https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fraumforschung.univie.ac.at%2Fteam%2Fguinand-sandra%2F&data=04%7C01%7CABrown%40planning.nyc.gov%7C7db6e273e2b142622f4b08d8b0d79286%7C32f56fc75f814e22a95b15da66513bef%7C0%7C0%7C637453788627995727%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C2000&sdata=hwjrnbnb9KiskbTOFva76ZsWUpGfsxkI8YWe3D9fbno%3D&reserved=0

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# Re-arranging public-private partnerships: The case of South Street Seaport New York

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**ABSTRACT**

The South Street Seaport, a historic district located at the southern tip of Manhattan, has been the subject of a massive redevelopment scheme. While local actors have opposed the new vision of the developer, the latter, in partnership with the New York Economic Development Corporation, has imposed its own narrative for the district's development so far. This paper looks at the development of a historic district being managed by private parties. Unfolding past events, it critically investigates the district's space production and examines how the different actors have framed the values and narratives over the place. It shows how partnerships have become unbalanced over the years and how it finally led to reactions and the rearrangement of the partnership. The paper aims at contributing to the current debate on the public–private partnership by discussing their implications and bringing in the example of an alternative setting for more open collaboration and negotiation between developers and local actors.

## Introduction

While conducting research on the South Street Seaport, the historic merchant port of New York City, located in the southern tip of Manhattan, I have been struck by the multiple references the current private developer, the Howard Hughes Corporation (HHC), makes to its history while at the same time engaging little with the actors who shaped it. The South Street Seaport was listed on the National Register of Historic Places in 1977. Although redesigned and transformed during the course of history, the seaport holds a strong and symbolic connection to the history of New York City and represents a place of collective memory for New Yorkers (Foster, 2013)[1]. Different values led to its preservation. Namely, the historic mercantile architecture styles such as Georgian, Federal and Greek revival, but also the agreement that it was a distinct cultural and historical section of the city that needed to be preserved and shared with the public (Landmarks Preservation Commission of City of New York, 1977, p. 39). Since the port's decline in the 1950s, the area has been undergoing important transformations led by successive partnerships, each of them encapsulating the place in its own historic narrative.

Historical references have become a common feature in redevelopment projects as marketing and branding tools and local anchors because they address audiences on a variety of levels (Guinand, 2015; Jensen, 2007). Many of these discourses provide opportunity for identity-building, collective bonding, and space appropriation, contributing to the project's realization success (Collie, 2011; Ruggeri, 2018) while also subjecting it to power (De Certeau, 1980) and manipulative issues (Pojani, 2018). The South Street Seaport is such a case, which entails symbolic features that still play out in New Yorkers' imagination while they are, in fact, harnessed to memories and histories resulting in layers of not-for-profit and private corporation management and interventions. Moreover, the seaport is a historic district, institutionally identified as a public resource with a common legacy and public space whose streets are open to visitors. These critical

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arguments make the Seaport, its specific nature as a historic district (with a public mission) and setting in consecutive public–private partnerships, particularly worthy of investigation. This paper critically looks at the space production of a historic district in the hands of, and developed by public–private partnerships[2] over the years. It examines how these different actors have over a long-term period framed the places' values, which have in turn shaped its function, its uses, its tangible and intangible environment.

The research shows that developers (private for-profit parties) play a crucial role in shaping the tangible and intangible dimensions of this historic urban environment. It points out the unbalanced partnership that has overlooked local interests and demands (among whom elected officials) and led to reactions and the rearrangement of this same partnership. The paper thus claims that partnerships should be a real negotiation process with local actors (especially local institutions and elected officials) rather than a tool that allows developers to promote their own interests.

The paper aims at contributing to the current debate on public–private partnership (PPP) by discussing the implications and outcomes of partnerships and by bringing in the example of an alternative setting for more open collaboration and negotiation between developers and local actors. In order to do so, the paper is organized around five sections. The first section sets the theoretical framework discussing public–private partnerships in historic settings and what this entails. The second section describes the methodology. Sections 3 and 4 critically discuss: (1) how the partnership shifted from a locally nonprofit-based institution to a deal with commercial and growth-oriented developers; (2) what it means in terms of space transformation (tangible and intangible dimensions) and (3) how local narratives and demands have been taken into account (or not) in the successive partnerships. In Section 5, the paper critically investigates what I designated as an *ad hoc* partnership set by local actors in reaction to the continuous dismissal of their demands by the developer. The paper ends by summing up the discussed elements and by bringing in some conclusive remarks.

## Partnerships and historic sites

Partnerships can be characterized as a set of negotiated interests that frame decisions. In urban redevelopment settings, these arrangements shape the values, principles and goals put in the forefront, sometimes at the cost of the public (Fainstein, 2008; Haila, 2008; Squire, 1989) since decisions can be undertaken behind closed doors. In literature on redevelopment projects, PPP outcomes have been investigated looking at the nature of places being produced and delivered (Fainstein, 2008; Olds, 2001; Reigner, 2013), the type of social practices and structures induced (Lehrer & Laidley, 2008; Morange & Quentin, 2017), or their regulations (Haila, 2008; Peyroux, 2012). However, in the existing literature on PPP, little has been said and investigated on partnerships aimed at managing and developing historic urban areas institutionally designated as such[3]. Authors having scrutinized these cases have often stressed the significance of space privatization versus the public and its underlying consequences, such as "control and sanitization." (Bloom, 2004; Boyer, 1992; DeFilippis, 1997; Metzger, 2010). Although these districts can be critically investigated under the lenses of new "branding" for inner-city promotion (Hurley, 2010), commodified landscapes of consumption (Boyer, 1992; Zukin, 1995), or amusement parks (Turner, 2002), there are only a few references to the long-term processes leading to the "collective memory" to be disclosed. The process of collective memory is part of, and produced by, social context (Marcel & Mucchielli, 1999). History (as a social construct) and its expressions through discourses, events or the built environment can, thus, interfere with memory and its collective dimension, stressing here the common legacy. For instance, in their investigation of Toronto's waterfront redevelopment, Lehrer and Laidley have pointed out, the changing outcomes brought by public–private partnerships (PPP) as an internally contradictory but exclusive public participation process (2008, p. 789). In their work, Haila (2008) and Fainstein (2001) have seemingly pointed out the limits to the traditional democratic process that partnerships' regulation entails, either through the establishment of private contracts or the implementation of a quasi-private entity. In the U.S., historic districts are increasingly being managed by "partnerships."[4] Their institutional recognition and designation as "historical" places comprise historical and cultural (symbolic and identity

driven) features that require better scrutiny, also because these places are often defined as a resource that comprises a public mission for the general public.

## Unraveling the seaport's intangible dimensions

This piece stems from a larger research project on festival marketplaces conducted during an 18-month period (2014–2016). It is based on 25 semi-directive interviews conducted in 2015 with key informants (Maginn, 2004) such as institutional actors, members of Save our Seaport and Friends of the Seaport, residents, users and business owners identified through Community Board 1 (CB1) meetings, the press and interviews. In a triangulation perspective (Maxwell, 2009), the interviews were completed by content analysis (Flick, 2014) of official documents (plans, reports, letters and memos) retrieved from the New York City Archives, the Municipal Art Society, and the public library. This was meant to anchor the participants' discourses and narratives to historical and factual elements or events and analyze institutional official discourses from past actors, linking them to the thematic structure followed for the interviews. Non-intrusive public space observations were also conducted every 2 weeks at different periods of the day for 3 hours.

Observations were compiled in a notebook accompanied with photographic surveys that gave a clear understanding of the contemporary uses as well as the functional and socioeconomic transformations that followed the Howard Hughes Corporation's interventions. Finally, participation in Save our Seaport (4) and Community Board 1 hearing and meetings (6) were undertaken as a means to better understand contested issues, stakeholders, reasons for contentions, and divergent narratives, and to observe the position and discourse from official community board members toward the Howard Hughes Corporation, users and residents but also the seaport historic district more generally.

## Successive partnerships and legacy

The presence of the Howard Hughes Corporation in Lower Manhattan is rooted in a partnership that started with the establishment of the South Brooklyn Bridge East urban renewal plan in 1968. Contrary to the regular urban renewal plan ethos at the time, the plan recognized the role of history as contributing positively to the transformation of the area (Foster, 2013; Housing and Development Administration, 1968). The story could have, however, been much different, had intellectual figures not been involved in the fight for the seaport's preservation. Indeed, the area and its buildings would have been erased (as was most of Lower Manhattan) under the call for progress and modernity. In 1966, at the urging of a growing number of preservationists and maritime enthusiasts, such as Peter Stanford, his wife, and Ada Louise Huxtable, editorialist at the New York Times, the state of New York passed legislation for a state-sponsored maritime museum to be located in Schermerhorn Row in the seaport. The fundraising for the museum was however stalled by the opposition of the Downtown Lower Manhattan Association (DMLA) headed by David Rockefeller to the landmarking of any structures in the area (Metzger, 2010, p. 28), as it would block any future realization of the Lower Manhattan plan. This plan aimed at redeveloping the Lower Manhattan waterfront, including the seaport, with luxury housing and plazas (Willis, Willen, & Rossant, 2002).

In 1967, with the help of friends concerned with maritime and New York history Peter Stanford put together South Street Seaport Museum, a nonprofit corporation meant to preserve the area around Schermerhorn Row, landmarked in 1968. The idea was that it could provide "the telling of a valuable story and the addition of a valuable amenity to the city life" (South Street Seaport Museum, 1968, p. 1). As capital value from the buildings was decreasing (not the land), pushing for their demolition, many believed in their safeguarding as witnesses and collective memory, contributing to urban history and a valuable legacy for the city. They thought that the seaport conveyed a strong symbolic function with its successive layers of history and considered it as being part of the cultural and social system constitutive of the city (South Street Seaport Museum, 1968). The district was designated as an urban renewal area a year later (Southeast Brooklyn Bridge Urban Renewal Area). At the time, Mayor John Lindsay's administration was

trying to engage more with communities (Chronopoulos, 2011) as preservationists had become more vocal and contestations over real estate forces erasing old urban fabrics were growing (Jacobs, 1961).

The urban renewal plan was approved by the city council (1968). It aimed at restoring and rehabilitating the area southeast of the Brooklyn Bridge, to be transformed as an "Old New York," including the seaport. It was believed to be, for the first time, key to preservation and restoration of landmarks (South Street Reporter, 1968). The plan proposed a mix of functions including new commercial, and pedestrian experiences, the preservation of clear views to the waterfront and the Brooklyn Bridge (Metzger, 2010) and residential development compatible with the surrounding community and the buildings' scale. Lindsay's administration left the area to the South Street Seaport Museum[5] by making it, without any financial help, the sponsor for the Brooklyn Bridge Southeast Urban Renewal District (Lindgren, 2014; South Street Reporter, 1968).

Economic actors were, however, not left aside and the influence of the DLMA played out in an unexpected way. An amendment to the renewal plan (1970) restricted building and urban design rules on the sector around Schermerhorn Row[6], while the rest of the renewal area could be developed with high-rise apartments and commercial buildings by developers. The South Street Seaport Museum's was no developer, nor was it acquainted to these business practices. Nevertheless, Mayor Lindsay predicted that the revitalization of the seaport through private funds would open new possibilities for creative urban planning (Lindgren, 2014; South Street Reporter, 1969).

In the 1970s, the oil and fiscal crisis put a drastic halt to any development plans. The Seaport Museum was in acute financial trouble, owing millions to the banks, among them CHASE. By then, it was clear that the Seaport Museum could not financially support the rehabilitation and development of the district, at least not of the type expected by the middle-class, city government, the Lower Manhattan development office, and the DLMA. Having identified global-city status as the hallmark of economic advantage, they fostered those forms of development (Fainstein, 2001, p. 81). For the seaport, this implied a new set of normative prescriptions on its aesthetic, its uses, and its functions that would target a new public. The new social order it wished to establish started to look at the public that had long been using the place as elements of the "extra-social" (Banerjee, 2001; Berque, 1997; Schillings & Vormann, 2013). For instance, the fish market, the fishmongers, and their surrounding populations[7] conveyed an image and reputation that did not correspond to the ideal imagined by public authorities and economic actors for a new space developed for middle-class leisure and activities. The representation it had then was that of a marginal area: "different, not pretty" (Interview with Helen[8], 2015).

A business-friendly growth strategy had by then become a pursued policy. There were nice hopes that private entrepreneurs could turn the waterfront into an attractive, clean, safe and pleasant place. Tourism facilities, high-end services, upper class housing, and offices were deemed necessary through the Landing Plan (1972) to create a 24-hour community (Metzger, 2010) and redesign this part of Lower Manhattan's urban landscape. The banks (among them CHASE) purchased the air rights in a favorable deal with the seaport. The city took over Schermerhorn Row and the blocks held by the museum (Lindgren, 2014). Still considered a partner, although secondary, Stanford was asked to come up with a new project to fit into the new development schemes.

This account only partially illustrates how the district was preserved from complete destruction. It shows that recognition of historic values came along with the economic dimension (Special Committee on Historic Preservation, 1999). Moreover, awareness of the district's intangible dimension as a place of collective memories and legacy only reached public opinion and government authorities through the mobilization of a well-connected intellectual White middle class. Before then, the piers and their related economic fabrics were considered of no use in preventing development. For the preservationists, the history of the seaport was thought of as being a valuable asset contributing to the city's identity. By defining it as an open-air "live" museum, they hoped to harness the history to the buildings and the district's people. They saw history as a dynamic process to be shared. For others, the corporate businesses and political leaders, history deserved a better "treatment" and (re)framing. Its material elements needed to be refurbished cleaned and made pleasant.

### The Rouse Company: When historic districts become fun destinations

At the end of the 1970s and beginning of the 1980s, James Rouse, a retail developer, and his festival marketplaces on waterfronts had become increasingly popular. His concept, which used recycled historic urban settings, operated as a sign that cities could be fun and recapture White middle-class attention. In the 1980s festival marketplaces became the most popular urban strategy pursued by U.S. city governments (Hall, 2002).

The Seaport area was to become James Rouse's new playground when the new chairman of the board of the Seaport Real Estate Committee approached him. This growth-oriented project was supported by the DLMA and city government (Lindgren, 2014). The expected orientation called for a profit-oriented and a market-based project with the removal of the fish market, considered as having an "adverse impact" on the future development (Office of Lower Manhattan Development, 1975). The district's specific ecological environment was to become a "magical magnet for tourism and culture" (Office of Lower Manhattan Development, 1975). This type of area just needed "adjustments and upgrading to become productive" (Rouse, 1976).

In a complex negotiated deal process (1977–1980) among the South Street Museum, its corporation, the state, and the city, Rouse managed to have public money invested for a new Pier 17, new streets, walkways, and a clean facade for Schermerhorn Row, while his company would erect a festival market on Pier 17 and refurbish Fulton market. Implementation and negotiations were then conducted through meetings between the state, UDC (city urban development corporation, former EDC), and Rouse. Public participation once praised by the Seaport Museum had been dismissed (Lindgren, 2014). Many among the public at the seaport opposed the new development (City Planning Commission, 1977). They feared it would threaten its actual socioeconomic environment (South Street Reporter, 1973a). The Rouse Company headed by Rouse and city government promised that residents and leaseholders, such as the fish market, would not be adversely affected (Lindgren, 2014). After the deal was signed, Rouse opened the New Fulton Mall in 1983 and the retail market on Pier 17 in 1985.

Although the festival market had been presented in the media as having largely preserved and "recycled" the old historic structures and fabrics associated with the port contributing to the historical depth of the site and its "originality," numerous scholars have given critical accounts of the project and of festival markets as models for (re)development (Bloom, 2004; Boyer, 1992; DeFilippis, 1997; Hurley, 2006; Metzger, 2010; Sawicki, 1989). The Rouse Company had imposed its own agenda on the design and framed the whole district without–apart from the mandatory regulation–in-depth consultation and public participation. References to social conflicts and the industrial past were deliberately ignored (Boyer, 1992; Hurley, 2006) while storytelling around festival marketplaces idealized their social geography: "It is very important that there be a place where people can go to just be with other people and experience the delight of a continuous festival" (Rouse, 1983).

The seaport was in fact never "charming" (Interview, Briget[9], 2015). It used to be a multilingual neighborhood where one could hear shouting and swearing, where the hard labor of loading, and unloading, and piling packages and barrels were part of the ordinary (Dean, 1976). Rouse's seaport, however, had been carefully (re)composed and aestheticized. The upgrading and rehabilitation of the buildings, the design of the urban space, the choice of the outdoor furniture, the use of colors, the delimitation of public space and the signs, all contributed to a sense of harmonization and normalization which in turn contributed to the smoothening and safeness of the historic district (Goss, 1996; Figure 1):

> Malls and courts must be free of trash and clutter, spotlessly clean, like Disneyland is clean, but not cold, sterilized like a museum. There should be an over-all feeling of festival of which the shopper feels a part rather than an observer. Everything matters in creating and reinforcing this kind of environment, landscaping, benches, fountains, banners, graphics, signs, merchandise, merchants … (Rouse, 1976)

After its financial disarray of the 1970s, the Seaport Museum had lost its leadership in the district's management of affairs. It, however, continued its historical mission under the auspices of The Rouse Company (South Street Seaport Museum, 1995). The sanitization of the district was completed with




**Figure 1.** View of the Rouse's New Fulton market, 2004 © M. Gravari-Barbas.

the move of the Fulton Fish Market in 2005 (but planned as early as 1975) to the Bronx. "The place lost its flavor although the smell remained for much longer" (Interview with Amy[10], 2015).

If contestation was palpable around the proposed (re)development, no major concerns arose around the leadership taken over public domain by private for-profit interests, namely a developer whose first projects were the enclosed environment of shopping malls that contributed to the rise of suburbia. More than ever, with the withdrawal of public investments, developers and private interests were perceived by the general public and authorities as major contributors to improving urban space quality (Banerjee, 2001). Public spaces were to be reclaimed and become "clean," "safe," and "diverting." For Mayor Ed Koch and its followers, the seaport needed to be incorporated as an engine for economic development. This meant slowly downplaying the role of the Seaport Museum. As a consequence, a fringe of the population was losing its symbolic connection to the place and its voice in the partnership process. These people were slowly symbolically and physically excluded from the area. These functional and social transformations diverted the public from the political and the power issues at stake, which in turn shaped a new political economy of spaces (DeFilippis, 1997) and its normative precepts.

The Rouse Company was sold to General Growth Property (GGP) in 2004. The new owner took over the seaport lease with the plan to redevelop it. It proposed moving the landmarked Tin Building and replacing it with a view obstructing, 495-foot-tall hotel and apartment tower (Lindgren, 2014, p. 281). Although the Landmark Preservation Commission was strongly opposed to it, Mayor Michael Bloomberg's government was very much in favor of the project. The 2008 debt crisis that witnessed the bankruptcy of GGP[11], and Hurricane Sandy (2012) put an end to the festivities on the waterfront. The flood seriously impacted the Seaport Museum. Much of the buildings' core infrastructure was destroyed, leaving it with $20 million in damages and the loss of its potential institutional partner, the Museum of the City of New York. The museum partially reopened at the end of 2012. It had however lost its independence being under city stewardship at the board level since its bankruptcy. It only recovered its independent board of trustees in 2018 (South Street Seaport Museum, 2018). It also appointed a new director in 2015, who together with his team, managed to get FEMA (Federal Emergency Management Agency) and HUD (U.S. Department of Housing and Urban Development) grants to restore the Museum.

Today, as the restoration process is under way, the Seaport Museum rents the top floors of Schermerhorn Row for its exhibits, Pier 16 for its ships, and a few other buildings to the city. As GGP did not manage to sell its properties, and the city was not interested in directly intervening in the area, the Howard Hughes Corporation (HHC), a spin-off of GGP, became the new owner of the site in 2010. A new lease agreement was signed between the EDC (for the city) and the HHC. The later holds the rights to the commercial properties and is responsible for the commercial management of the whole district (Lindgren, 2014), while the Economic Development Corporation of New York City is responsible for the leases and land management of the Seaport.

## The Howard Hughes Corporation partnership

When I first arrived at the seaport, I expected to see Rouse's festival marketplace. What I found instead was Pier 17 under construction and rubble. I was witnessing the destruction of Rouse's building. The Howard Hughes Corporation had been reworking the area with the trendy New York architect firm SHoP. The redevelopment plan built on the idea of a new shopping venue on Pier 17 at the place of the former festival market, consisting of a five-story glass block building with a designed rooftop for events. The developer also planned to revamp the Fulton market building on the Fulton pedestrian street, to include an iPic movie theater and a host of high-end Italian firms selling dining and "retail experience" (Schneider, 2018). At the time, the Howard Hughes Corporation's development vision stated:

> Pier 17 will feature a contemporary design … which will honor its historic roots as a bustling marketplace and influential port of trade. The revitalization will also include lush open spaces, a rooftop venue and a retail environment complete with premier fashion brands, restaurants and a world-class market. Pier 17 and the South Street Seaport will create an unparalleled New York experience and the most vibrant retail and lifestyle destination in Manhattan. (http://www.southstreetseaport.com/development-vision, accessed 15 December 2014)

The Howard Hughes Corporation (HHC) is a Texas real estate development agency. It has roots in the financial success story of Howard Robard Hughes Jr., a business magnate, pilot, and film director who invested in real estate in Las Vegas. The HHC is active in commercial, residential, and mixed-use real estate throughout the U.S. It is, however, a newcomer in redevelopment projects in New York City and within historic district landscape environments. In 2013, it launched the program SEE/CHANGE in the aftermath of Hurricane Sandy. This program, presented as socially oriented, aimed in fact at luring back Wall Street white-collars and newly settled residents from adjacent neighborhoods in order to support local businesses (http://www.howardhughes.com/our-company, accessed 26 November 2017). Retrofitted with refurbished shipping containers, Fulton Street hosted a pop-up landscape of retailers, bars, and food purveyors from local businesses. Rent proceeds were reallocated to the Seaport Old Alliance, a nonprofit organization constituted in the wake of Hurricane Sandy to promote community and local businesses.[12]

As many scholars have shown, social and cultural events are a good means to create a sense of the collective, especially when they are bound to elements and memories and refer to history or tradition (Ben Hounet & Guinand, 2016; Di Méo, 1996; Guinand, 2015; Hobsbawm & Ranger, 2004; Veschambre, 2007). Moreover, this sense of collective identification is a necessary aspect to community building and empowerment (Chavis & Wandersman, 1990) that perfectly fits within neoliberal participation trends (Jouve, 2005) and place-making strategies. Redevelopment projects use place-making as an identity driver. It is thus not surprising that the HHC roots its project within historical references to the district and mimic local actors' discourse such as the Old Seaport Alliance. As the seaport's history (no matter how it is imagined and represented) represents a core value for a constellation of actors, the Howard Hughes Corporation imbeds itself in this history by presenting itself as "a steward of the Seaport district of NYC to help usher the dynamic neighborhood in the 21st century … helping the District to reclaim its role as the heart of Lower Manhattan" (https://www.southstreetseaport.com/vision.html, accessed 26 November 2017). The district's position the corporation is referring to, is obviously one of the thriving economic centers and destinations, as was the seaport in its heyday (Interview with Barrow, 2014[13]; Young & Meyers, 2014).

The Old Seaport Alliance, which at the time held connections with Community Board 1[14] (Simko, 2015), provided the corporation with a partners' network and helped federate a community that would later show itself supportive of its interventions. Support and identification from local businesses to the project were, for instance, witnessed during the Community Board 1 meetings (CB1, March 2, 2015; CB1, June 16, 2015). One could, for example, hear the following comments: "Great unprecedented project that will create jobs for the locals and upgrade the decaying pier" (Workers' Union representative); "Lots of stuff before was bad. But now we get a chance to put our stamps on the project" (resident); "I am excited about the project. There is an open-door policy and the developer is open to dialogue" (Old Seaport Alliance representative).

Although identification with the seaport's history is commonly shared, its interpretations and representation may differ. Analyzing the underlying tensions in place-identity shaping, Massey (1994) explains that identity is a fluid and changing concept that cannot be fixed in a place, as it is the outcome of social relations that juxtapose themselves on new ones (p.168). Often, attempts to establish this identity are made through the use of history recourse as exposed by Wallace's account on Disney (Wallace, 1996). This discourse usually takes the form of storytelling (Salmon, 2007). It creates a normative set of references, which in the case of the seaport frame the past and design how a place should be today and in the (near) future.

A closer examination shows that the historical references chosen by the developer (on his website or on the adds that punctuate the seaport public space; Figure 2) are the noble, prosperous and dynamic moments. This association offers the opportunity to restore and legitimize its interventions. Indeed, the Howard Hughes Corporation's actions are presented in a positive relationship with the history of the seaport. This process however essentializes the seaport's history. For instance, one could pay attention to alternative positions and, for example, (re)consider the seaport as home of the Lenape and Delaware Native American tribes, who were eventually forced out by settlers and removed to Oklahoma, Wisconsin, and Ontario. Although nostalgic, in the Lenape oral tradition, Manhattan and its surrounding areas are still referred to as the "lost" homeland (Oestreicher, 2009). One could also talk about how




**Figure 2.** New York's oldest new neighborhood, 2015 © S. Guinand.

the thriving merchant port was a set of opportunities for some, while at the same time strongly affecting "small tradesmen, common laborers, journeymen, seamstresses and their families" as they were very vulnerable to seasonal trade fluctuations (Burrows & Wallace, 1999, p. 351).

## Contestation on the waterfront

If Rouse's festival marketplaces were proposing new experiences, new urban redevelopment projects combine these experiences today with emotions directly derived through interventions associated with storytelling processes. Before even engaging too much effort in transformations and constructions, the HHC activated the district's space through cultural, culinary, sports events and arts installations (SEE/CHANGE, Seaport of Tomorrow, Seaport Culture District, Smorgabsurg, etc.) to create a sense of community and belonging. The narration was written in a way to associate the Howard Hughes Corporation with progress, growth, new amenities and improved life quality. A motive that was heard in the discourse of pro-growth[15] at the seaport: "Amenities have not kept pace down here. We need an iconic building, infrastructures that present the seaport as a new destination for Lower Manhattan" (resident). The different testimonies of new residents and businesses[16] (see previous quotes) clearly demonstrated a positive identification with the new project (CB1, March 2, 2015; CB1, June 16, 2015).

But this vision is a contested one. The built environment is the support of stories and narrations and, as stressed by Dickinson and Aiello, "contributes to transform and reproduce major ideological and structural conditions that mediate the everyday lives of individuals and communities" (2016, p. 1295). These stories and memories, in the seaport case, are multiple. The physical environment, its setting, still supports valuable intangible dimensions as the two-part *Catch — & — Release* project, undertaken by the American Institute of Graphic Arts (AIGA)/New York, a New York-based chapter of the not-for-profit professional association for design, illustrates.

The group was very active in collecting stories and memories of the seaport after Hurricane Sandy (AIGA/NY, 2014)[17] as a means to create an interactive storytelling tool that would benefit the community. The project's goal was to bring designers to work with the notion of city processes and place-making mainly by making the district's identities more visible and accessible (Interview with AIGA/NY designer, 2018)[18]. This was meant to reveal the salient features of the district and the main elements linked to place's attachments that could be useful for the district's further development. The ambition was indeed also to feed the developer's redevelopment proposal by bringing in a collectively built, shared vision and social network for the seaport (Interview with former Vice President of AIGA/NY, 2015). Interactive exhibitions were held at the seaport to collect and present stories. Community Board 1 was one among the places where the project was presented. However, none of this work has been valorized or taken into account by the developer. By denigrating these intangible ordinary traces (Veschambre, 2008) that also "make" the seaport, it erases the symbolical capital (Bourdieu, 1994, p. 161) held by a segment of residents and users. This, in turn, acts on the individuals' recognition and their presence and participation in the place's transformation and appropriation. This also questions the role of residents and users in the partnership and its setting.

The vernacular dimension of the seaport does not seem to gain much traction as it is often associated to a fixed, obsolete, and outdated past captured through representations of old ships, a museum, and its crowd of volunteers (Interviews, 2015). Dealing with this past could thus, for some, appear as a regression, a step backward as for example presented by the co-president of Rose Associates, a real estate and management firm: "a stagnant memorial to an earlier era. Everything has changed in the way that we socialize and shop, and the Hughes proposal will provide a vibrant destination for many people, including our 1,200 residents" (Cuozzo, 2014).

Contestations to the proposed development might appear for the HHC's supporters as a resistance to change at the seaport, when opponents[19] are in fact not against all economic and service improvements in the district: "There should be progress but not at the cost of anything" (Resident). They also are aware that the dusty images the ships and the Seaport Museum carry do not work as a magnet for visitors: "The

museum is not flashy enough" (SOS member); "We need to bring tourists back, but they certainly will not come for the museum" (SOS member). The main issue is how this redevelopment is being undertaken in terms of symbolic representations and values, and how much latitude the public has in the decision-making process. The Community Board 1, among other opponents and project skeptics, has been demanding that historical features (tangible and intangible) be better taken into account in the redevelopment. They have also asked that open public space be preserved and accessible for residents and users. Finally, they have required the developer to quit segmenting the project (when presenting it to the public) by providing the board and the City of New York with a comprehensive plan (CB1, March 2, 2015; CB1, June 16, 2015).

When the Howard Hughes Corporation took over General Growth Properties, a new contract was established with the city through EDC, whose clauses have remained unknown to the public, as it falls under the private domain. Although requested on many occasions, the developer has always been very evasive about its intentions and, to this day, has not provided the public and local officials with a complete master plan (Loeb Kreuzer, 2013b; Pristin, 2012).

The opacity around the developer's actions and intentions is the result of the specificity of the partnership's setting. The New York Economic Development Corporation is a *quasi*-public actor. It presents much of the public features and power leverage of public agencies but as a corporation falls in the private domain. This means that it can act as an economic actor and is thus not subjected to requirements from the public sector such as holding of public meetings, filling in reports of its activities, publicly disclosing plans or documents, or providing an arena for community participation (Fainstein, 2001; Guinand, 2015; 2017). Economic development corporations act like private actors and pursue strong development objectives (Interviews with EDC employee, 2015). This means that the HHC can hide behind EDC as long as it follows the rules to its minimum and has EDC's support.

For instance, the Howard Hughes Corporation first proposal to transform the Rouse festival marketplace into a three-story retail and entertainment center (Pristin, 2012) meant changes in heights, setbacks and uses on Pier 17 that required going through an Uniform Land Use Review Procedure (ULURP) (City Planning Commission, 2013). The developer however asked for change in land use outside the perimeter of the projected retail building, touching adjacent areas (Loeb Kreuzer, 2013a). When the project was presented in front of Community Board 1, local representatives were concerned with providing a master plan to get the full developer's picture for the seaport's redevelopment. The Howard Hughes Corporation however never provided these elements (Fusfeld, 2012), as they are not mandatory in the ULURP procedure. Testimonies of local actors, such as SOS members, warned that if approved without securing guidelines for future developments, the faith of the adjacent area might be jeopardized. CB1 recommendations were passed over to the next step of the ULURP procedure. But as not forcible, they were not necessarily integrated. The plan was approved by the city council (2013) without a request to provide further elements such as a master plan or general guidelines.

A few months after the ULURP was adopted (City Planning Commission, 2013), the developer proposed a new development for a residential tower[20] next to its commercial building. This had not been known to the public and CB1. It drew on previous plans that the firm SHoP Architects had designed in 2008 for General Growth Properties (Bagli, 2013). The tower was then presented by the Howard Hughes's chief executive as an "economic engine" to revitalize the district (Bagli, 2013). It was supposed to comprise a plan to financially put afloat the Seaport Museum, deliver social housing in Schermerhorn Row (where the museum is located) and provide school infrastructure.

## Partnership rearrangement

The arrangements behind closed doors that had been ongoing since the Rouse period (Lindgren, 2014) were this time denounced by elected officials such as the Manhattan borough president, a city council member, an assemblyman, a state senator, and a Congressman. They wrote EDC, deploring its secrecy and urging it to employ a "collaborative, community-based planning process" for the seaport (Loeb Kreuzer, 2013b). Not getting any constructive response from EDC, the City or even the HHC, they[21], together with

CB1, formed the Seaport Working Group in February 2014. Its purpose was to correct the balance of power in the partnership by engaging in a community-driven dialogue about the development in and around the Seaport Historic District. It was also put together to respond to concerns raised by the local community and CB1 for the mixed used development plan for the New Market Building and Tin Building site that comprised the tower (Seaport Working Group, 2014, p. 2).

As such EDC, the New York City Department of City Planning, Department of Cultural Affairs, and the HHC were asked to participate[22]. The group convened 11 times over a 9-month period. It came up with guidelines for assessing the development of the district. EDC had been asked to guide the process (like in a partnership). It did so with facilitators that helped draft the guidelines. However, it did not get much involved in the negotiations nor did it position itself when the guidelines were publicly presented in June 2014. EDC's spokesperson mentioned waiting for a clear consensus between the developer and the community before acting (Rogers, 2014).

The developed guiding principles emphasized the Seaport Museum as the area's cultural anchor with ships defining the waterfront and added that both needed support. The recommendations insisted on the fact that the area's vitality had to be maintained and future development should respect the historical context and building heights. This meant for instance that the scaling of buildings around the district was to be carefully planned to avoid creating a dramatic rupture with the existing urban fabric (as was the case with the projected tower on Pier 17) (Davidson, 2014). Finally, the group advised the city government to consider shifting control of the district's city-owned properties (under leases) from EDC, and thus the Howard Hughes Corporation, to an organization that would better represent the community's voices (Seaport Working Group, 2014). Although the developer was supportive of the process and agreed to some of the recommendations, it did not do much to implement them (Interview Waterfront Alliance, 2015).

These guidelines were a locally based response to the lacking public master plan that the community and elected officials had been longing for. It was an important step toward the federation of a common vision for the seaport, which had been dramatically lacking in the developer's proposal. These guidelines were however not legally binding and could not be forced onto the developer. Nevertheless, this *ad-hoc* partnership had managed to put stakeholders with very different views (including Save our Seaport and the Hughes Corporation) into the same room to work through their difference. It had set up a local arena that could be (re)activated for future issues and raised much publicity around the seaport's faith.

In 2015, the seaport was added to America's list of most endangered historic places (https://savingplaces.org/places/south-street-seaport#.WMamCoczV9B, accessed 10 February 2015). That same year the seaport was also put on the New York Municipal Art Society 2015 "watch list" which identifies neighborhood and local issues that will have the most significant impact on the built environment in the upcoming year (http://www.mas.org/watchlist2015/accessed 10 February 2015). In December 2016, after years of tensions and mobilization of local elected officials, CB1, associations and historic institutions, the developer ended up canceling its plan for the tower arguing that it would develop a small commercial building instead. The public, the elected officials and the association representatives won a battle over public historic land. However, the district still remains under the control of EDC and the Howard Hughes Corporation.

In 2018, news mentioned the dismantling of the New Market Building of Fulton market by EDC without proper public review (Warerkar, 2018). Once again, CB1 and the rest of the community had not been notified of this new scheme. This pushed the community to ask for the reactivation of the Seaport Working Group. If the faith of the New Market Building is still pending, local leaders such as SOS members and CB1 have started to look for ideas for the future development. They want to defend and secure propositions for a project that respond to community advancement since the building is located on the public realm (Fenton, 2019). Moreover, in spring 2019, the HHC announced the setting of a series of workshops on the future development of the seaport that would start in the fall (Glassman, 2019) and lead to a master plan. Although closed to the public, CB1, elected officials and parent members from adjacent schools are part of the process. Depending

on the outcomes and the mechanism, this could be viewed as a first step toward a more progressive and balance partnership in which local stakeholders have a say in the development narrative.

## Conclusion: Where is the "public" in a partnership?

"When we inherited this place six and a half years ago, we thought, 'How do we bring the New Yorkers back to the seaport?' It had lost its significance and relevance to locals," stated the chief executive of the Howard Hughes Corporation (Stapinski, 2017). This quote well illustrates how the Howard Hughes Corporation perceived the seaport when it inherited it after a succession of corporate ownerships. It also shows its lack of understanding of the relationship the public and the locals had established with the historic district. It presents the district as unattractive when, in fact, for a majority of institutional actors, including, Community Board 1, the Waterfront Alliance, the Municipal Art Society, Manhattan borough president, city councilmember, etc. its significance and relevance as a historic and socio-cultural trigger has never been lost (Interviews, 2015; Brewer, 2016; Haigney, 2017).

This paper analyzed the management and development of a historic district set in successive public–private partnerships. It raised concern over the place of the "public" in these partnerships. It underlined for instance how in these partnerships the voices of the public and urban democratic processes have slowly eroded in favor of economic development. By unfolding the district's past events, it showed that the partnerships and leases are central to the past, present and future development of the district. It emphasized how actors on different levels, their values and relations to the district have impacted its tangible and intangible dimensions.

For instance, when the Howard Hughes Corporation took over, the seaport district was run down and had few residents. Visitors were scarce and businesses closed. This downturn could have been used as an opportunity to reflect on the historic district's mission or look at what components (tangible and intangible) were constitutive of its symbolic dimension. The corporation could have, for example, taken advantage of the outputs provided by communities, such as *Catch — & — Release*, or capitalized on existing cultural features such as the community around the seaport's museum or advises from elected representatives of CB1. These actions would have provided a social continuum for the redevelopment of the area. Instead, the Howard Hughes Corporation has mobilized its own narrative for development through media discourses, space activation and images without much consultation, resulting in physical and social disruptions. The latter resulted, the paper showed, in a strong reaction from local elected officials. They took action by rearranging the partnership with the creation of an *ad hoc* structure, the Seaport Working Group.

The paper aimed at contributing to the current debate on public–private partnership (PPP) by discussing the implications and outcomes of partnerships set in a historic district by bringing in the example of an alternative setting for more open collaboration and negotiation between developers and local actors. As private investments grow stronger, the story of the seaport underlines the necessity to be vigilant of the expected development and processes, especially for historic districts that hold core values. The paper thus claimed that partnerships should be a real negotiation process with local actors (especially local institutions and elected officials) rather than a tool that allows developers to promote their own interests and narratives. It showed that such arrangements are possible and do exist. It underlined the power of local actors (elected officials, but also local institutions such as associations) when brought together around the same issue (coalition of cause). For instance, the Seaport Working Group and its guidelines have been instrumental in the choice by the HHC to abandon the tower project. *Ad hoc* partnerships are alternative processes that merit further attention for a more balanced conduct of urban affairs.

## Notes

1. The sources (interviews and documents) I consulted at the local level confirmed such connections.

2. In the course of this paper, I refer to partnerships and public–private partnerships interchangeably. I define *partnership* as cooperative institutional and contractual arrangements between government and businesses-related actors.
3. The rehabilitation of Williamsburg, Virginia, for example, is often cited as the first historic district (1960). It was financed by oil magnate John D. Rockefeller, Jr. (Hurley, 2010).
4. See for example the Ellicott City Partnership in Maryland, created in 2013 through the merger of the Ellicott City Restoration Foundation and the Ellicott City Business Association (https://ecpartnership.org/ accessed 14 April 2016).
5. The seaport had signed a 99-year lease with the city government on the three blocks of the district (South Street Reporter, 1973b).
6. Peck Slip, John Street, Water and Front Streets bound the area.
7. During the 1960s and 1970s, the South Street Seaport witnessed the installation of various artists. It was also a place for prostitution and the mafia was well known for holding part of the Fulton fish market's economy.
8. Resident of the seaport. All the given names quoted in this article were changed in order to make the informants' name anonymous.
9. Resident of the seaport.
10. Resident of the seaport since 1975.
11. The Rouse Company was sold to GGP in 2004. The 2009 GGP's bankruptcy was the most important in U.S. retail history.
12. http://oldseaportny.com/.
13. Guided tour led by Big Onion and taken on October 29, 2014. Touring the seaport, the guide would narrate "How New York became the world trade center." www.bigonion.com.
14. The Community Board 1 (CB1) plays a consultative role in the urban design and planning process. It is composed of 50 volunteer members, most of who serve on various committees with focus on specific issues relevant for Lower Manhattan (e.g. Land use, zoning and economic development committee, Landmarks and preservation committee, etc.). The local Borough President appoints members each year for two-year terms. They are selected among active and involved people of the community and must reside, work, or have some other significant interest in the community. Recommendations of CB1 are not mandatory for the developer, especially if the Economic Development Corporation (EDC) of the City of New York and the Urban Planning Commission do not back them up.
15. Among local actors, I witnessed the support of the Old Seaport Alliance, the Association for a better New York, the New York Chamber of Commerce, Downtown Alliance, New York Economic Development Corporation.
16. During my fieldwork, I noted that most of the supporters among residents and businesses were newcomers in the area.
17. See also http://yejuchoi.com/CatchandRelease2.html.
18. Person in charge of the Design Relief Project's design and construction.
19. The coalition includes Save Our Seaport (SOS), Downtown Independent Democrats, The Historic Districts Council, Metropolitan Waterfront Alliance, Southbridge Towers, the Two Bridges Neighborhood Council and the New Amsterdam Market as well as other organizations and individuals.
20. The tower had been planned just outside of the historic perimeter.
21. Newly elected Gale Brewer replaced Scott Stringer.
22. It included Borough President Gale Brewer, City Councilmember Margaret Chin, Assemblyman Sheldon Silver, State Senator Daniel Squadron, Congressman Jerrold Nadler, members of CB1, Departments of the City of New York, EDC, The Howard Hughes Corporation, South Bridge Towers representative, four local residents, Lower Manhattan cultural council, Old Seaport Alliance, Seaport Speaks, Save our Seaport, Downtown Alliance, Blue School and Manhattan chamber of commerce. The Seaport Museum was not part of the discussion as it was under City stewardship and only received a new director in 2015.

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**Owen DiMarzo <odimarzo@akrf.com>**

# Fwd: 250 Water Street written testimony

**Olga Abinader (DCP)** <OABINAD@planning.nyc.gov> Fri, Dec 18, 2020 at 9:37 AM
To: "David.Karnovsky@friedfrank.com" <David.Karnovsky@friedfrank.com>, "odimarzo@akrf.com" <odimarzo@akrf.com>, "cfields@akrf.com" <cfields@akrf.com>, "Alison Brown (DCP)" <ABrown@planning.nyc.gov>

Begin forwarded message:

**From:** DAVID SHELDON <davidthepalace@verizon.net>
**Date:** December 17, 2020 at 3:58:58 PM EST
**To:** 21DCP084M_DL <21DCP084M_DL@planning.nyc.gov>
**Subject:** **250 Water Street written testimony**

By electronic Mail to: 21DCP084M_DL@planning.nyc.gov

Attn: NYC City Planning Commission / NYC Dept. of City Planning (as lead agency) (CPC/DCP)

[Ms. Olga Abinader, Office of City Planning

120 Broadway, NY NY 10271]

Re: Comments on *Draft Scope of Work* for *Draft Environmental Impact Statement (EIS)*:

Howard Hughes Corp. (HHC) – 250 Water Street Project, (CEQR No. 21DCP084M )

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Consider what New York values in the South Street Seaport Historic District, why it was created and why we continue to maintain Historic Districts and this District in particular. Here are the buildings, artifacts, ships, waterfront, and the living practices of our City's maritime roots. Another time and another world are brought into the present with a step into an otherwise contemporary New York neighborhood.

The neighborhood is characterized by low rise buildings, many of historic vintage, landmarked and registered in their own right. As a waterfront district, it still comprises a bridge between maritime practice and work ashore, a connection missing from too much of the city.

Consider then the effect of the proposed building for 250 Water Street. Start with a wall 7 stories high (one hundred feet) around the entire lot. This is the facade of the lower portion of the building. It will over-shadow and dominate the venerable architecture around it. Over this parapet are to loom two buildings, 470 feet tall. The masts of tall ships and the towers of the Brooklyn Bridge, once the visual key-notes of the District, will be dwarfed.

But to truly grasp the impact of this building, consider it in the context of the developers work here to date. The visual connection to the horizontal monolith of Pier 17 is evident in the presentation of the project in overview. The new Pier 17… unable to accommodate the visiting tall ships that thrill the neighborhood with their arrival. Follow the outlines in the project area mapped in figure 1, past the failed high-end retail that is the product of the developers reimagined and renamed Seaport District, once a popular destination for the city, and for the world. Walk up to 250 Water Street, where the developer proposes to "complete" the streets of the seaport. Perhaps "finish" would be the better word. The outlines of the project area leave little doubt of the place of 250 Water Street as the District's headstone.

Howard Hughes Corporation touts to its stockholders the synergy of the commercial/retail and residential aspects of its developments. The impact of the proposal for 250 Water Street must therefore be understood in terms of the developers planning for the District as a whole.

David R. O'Reilly, CEO of The Howard Hughes Corporation is quoted:

"Fully-connected, amenity-rich environments featuring outstanding dining, shopping, and entertainment options in a walkable urban core are defining elements of the master planned communities and mixed-use small cities throughout our portfolio.

No one has a problem with dining, shopping, or retail….but they are not the "defining elements" of the Seaport Historic District that we are charged to protect Neither can we allow it to be defined by the towers proposed for 250 Water Street.

---Respectfully submitted, David Sheldon, 256 West 108th Street, New York, NY 10025

Sent from Mail for Windows 10

**2 attachments**

**scoping statement for cpc.docx**
15K

**ATT00001.htm**
1K

AKRF

Owen DiMarzo <odimarzo@akrf.com>

# Fw: application by Howard Hughes Corp. (HHC) – 250 Water Street Project, (CEQR No. 21DCP084M )

**Alison Brown (DCP)** <ABrown@planning.nyc.gov> Mon, Jan 11, 2021 at 1:58 PM
To: "Wesley.OBrien@friedfrank.com" <Wesley.OBrien@friedfrank.com>, "Karnovsky, David" <David.Karnovsky@friedfrank.com>, Charlie Fields <cfields@akrf.com>, Owen DiMarzo <odimarzo@akrf.com>
Cc: "Olga Abinader (DCP)" <OABINAD@planning.nyc.gov>

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**From:** Andi Sosin <andi.sosin@gmail.com>
**Sent:** Sunday, January 10, 2021 8:47 PM
**To:** 21DCP084M_DL <21DCP084M_DL@planning.nyc.gov>
**Subject:** application by Howard Hughes Corp. (HHC) – 250 Water Street Project, (CEQR No. 21DCP084M )

21DCP084M_DL@planning.nyc.gov

Attn: NYC City Planning Commission (CPC) / NYC Dept. of City Planning (DCP) and Ms. Olga Abinader, Office of City Planning, 120 Broadway, NY NY 10271

Re: application by Howard Hughes Corp. (HHC) – 250 Water Street Project, (CEQR No. 21DCP084M )

Testimony by Adrienne Andi Sosin, Ed.D. (con't)

As a preliminary statement, I must object to the progress of this application through what I believe is not a true public process. The lack of community participation that COVID has imposed on the City, it is unfair to me and to the public that any changes in zoning or sales of air rights be ruled upon, and a moratorium on decisions should be in place until restrictions are lifted on in-person meetings. Technical issues have prevented neighbors and family from participating. That said, I object to this application and call on the City Planning Commission to reject it for reasons of negative impacts to the City environment.

The Howard Hughes Corporation's (HHC) plans for 250 Water are totally inappropriate for the South Street Seaport Historic District. I am hopeful that the Landmarks Preservation Commission decides to reject the application because the proposal is for a behemoth taking up a full block, with high apartment towers rising above it. This building plan is an offense to the Seaport Historic District because towers themselves are un-historic. Literal towers looming over the low rise blocks will ruin the Seaport's historic ambiance by being viewable from anywhere in and around the District. HHC's renderings hide the towers in the renderings purposefully showing them as part of the background skyline as compared to the Freedom Tower, not the low rise Seaport.

Flood mitigation is the primary existential need for the Seaport. The proposed towers are not a reasonable way to prevent flooding, so that this proposal will doom the Historic South Street Seaport, not keep it alive. The building will employ flood proof glazing as well as precast concrete in the entire base. Flood locks in front of doors will Seal inside the building. But making this building flood resilient will not help the historic building dwellers whose basements flood when the storm water is rejected by the foundation of 250. What happens to them? Who would be responsible for mitigating their flooding? CPC must consider first the protection of the surrounding historic area and reject this plan.

HHC's talking point for its supporters are that the current parking lot is unsightly. However these people did not discuss the fact that this building will contain just as many cars, It will have a Private driveway and car infrastructure with Parking under the building. Traffic will likely be greater after construction than it currently is, likely from taxis, Ubers and deliveries. However, the architects did not share plans for the basement. At the Community Board One Environmental Committee Meeting, SOM said they have the plans but not shown yet to CB1. Questions of how many parking spots and Vehicle Ingress, Egress were asked but not specified, These and other questions went unanswered or were inadequately answered by HHC and SOM at the CB1 Environmental Committee. These include:
HHC/SOM have only looked at resilience in their building, not of the surrounding buildings. The surrounding buildings are historic structures, with weakened foundations.

HHC/SOM are not considering DENSITY in their application. This area has many tower buildings OUTSIDE THE HISTORIC DISTRICT.
HHC/SOM do not include Wind study because they consider the site as set back from waterfront so SOM is not including pedestrian level Wind conditions in EIS
Collecting rainwater is not enough to protect the community surrounding 250. LEED standard Certification is criticized as no longer state of the art.
HHC/SOM did not answer Expectation of Noise from vents located on the second story facing Pearl St.?
Coastal resiliency and the effects of climate change on the neighborhood?
SOM's Carbon neutrality: HHC/SOM admitted there is no way these towers would achieve neutrality.
Passive House NYS Conservation Code?
Detention tank in the basement will collect rainwater. How large? DEP requirements not announced.
Sanitation potential effects on sewage (screened out?)?
Solid Waste DSNY handling? How much would be generated? Trash storage facility? Would trash be placed Outside the building?

HHC has dangled an endowment and building plan for the South Street Seaport Museum (SSSM). Seaport Museum. This money is not a valid premise to smash Landmark District zoning. I believe that if HHC can link approval of 250 Water Street towers, including the purchase and inappropriate transfer of City-owned air rights, to the immediate survival of the SSSM or to MIH affordable housing, it will set a terrible precedent for enforcement of the Landmarks Law all over the City. Please do not approve this application, to protect the ability of the City to keep its unique landmarked districts, in this case the Seaport Historic District.

I hope my comments and those of my neighbors and family, and those from around the City, the nation and the world are persuasive to you and City officials to decide that HHC does not present a sufficiently positive application. Much better solutions exist, like the community based plans being put forward by the grassroots Seaport Coalition. Please consider them. Thank you.

Adrienne Andi Sosin, Ed.D.
100 Beekman Street Apt 23D
New York, NY 10038

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**Owen DiMarzo <odimarzo@akrf.com>**

# Fw: 250 Water Street, Manhattan

**Alison Brown (DCP)** <ABrown@planning.nyc.gov> Mon, Jan 11, 2021 at 1:57 PM
To: Owen DiMarzo <odimarzo@akrf.com>, Charlie Fields <cfields@akrf.com>, "Wesley.OBrien@friedfrank.com" <Wesley.OBrien@friedfrank.com>, "Karnovsky, David" <David.Karnovsky@friedfrank.com>
Cc: "Olga Abinader (DCP)" <OABINAD@planning.nyc.gov>

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**From:** jsosinsky@gmail.com <jsosinsky@gmail.com>
**Sent:** Monday, January 11, 2021 8:58 AM
**To:** 21DCP084M_DL <21DCP084M_DL@planning.nyc.gov>
**Subject:** 250 Water Street, Manhattan

250 Water Street - *South Street Seaport Historic District*

Let's be clear about what this is all about. It is basically a SCHEME by the Howard Hughes Corporation (HHC) to make a huge profit by manipulating the various city agencies involved in economic development, and then getting to this point in the process with the Economic Development Corporation (EDC) where the Howard Hughes Corporation is seeking your approval. If the EDC gives approval to their application, this Texas corporation will have moved one step closer in their efforts to make a huge profit. This in fact will surely destroy the South Street Seaport Historic District (SSSHD), and by so doing, doom efforts in the future to preserve historical districts throughout the city. Global capitalism and the power of money will have won.

The NYC Landmarks Preservation Commission (LPC) has always acted to preserve the SSSHD. It has always included 250 Water Street in the district. And in 2003, in collaboration with the local community residents and city, state and federal government officials, LPC determined that in order to maintain the historic nature of the 11 block South Street Seaport Historic District that no structure could be developed in excess of 120 feet high. LPC has always done its duty.

So, what has changed? It is only that the Howard Hughes Corporation has come up with this SCHEME to make an enormous profit by first navigating the levers of the city's economic development bureaucracy, and then somehow trying to convince the EDC to approve the destruction of the SSSHD.

The South Street Seaport Coalition has proposed several better alternatives for this lot. 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.

EDC's choice on this application is clear. Approve it, and this Texas Corporation will exact their profit on their investment at the expense of basically destroying one of this nation's most prized historic districts, in the shadow of the Brooklyn Bridge.

But maybe, if you do the right thing and turn down HHC's application you will have done your job to preserve this and other city historical districts and landmark buildings.

**DO NOT OPEN THIS PANDORA'S BOX OF LANDMARK DESTRUCTION**

Sent from my iPad

# OFFICIALS

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**Owen DiMarzo <odimarzo@akrf.com>**

# Fw: Joint Testimony on the 250 Water Street Proposal Draft Scope of Work

**Alison Brown (DCP)** <ABrown@planning.nyc.gov> Mon, Jan 11, 2021 at 7:58 PM
To: Owen DiMarzo <odimarzo@akrf.com>, Charlie Fields <cfields@akrf.com>, "Karnovsky, David" <David.Karnovsky@friedfrank.com>, "Wesley.OBrien@friedfrank.com" <Wesley.OBrien@friedfrank.com>

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**From:** Martinez-Rubio, Angelina <AMartinez-Rubio@council.nyc.gov>
**Sent:** Monday, January 11, 2021 7:03 PM
**To:** 21DCP084M_DL <21DCP084M_DL@planning.nyc.gov>
**Cc:** mchin-council <mchin@council.nyc.gov>; Mann, Raju <RMann@council.nyc.gov>; Drummond, Anthony <ADrummond@council.nyc.gov>; Kelley, Chelsea <CKelley@council.nyc.gov>; Washington, Matthew (ManhattanBP) <MWashington@manhattanbp.nyc.gov>; Chaparro, Lizette (ManhattanBP) <LChaparro@manhattanbp.nyc.gov>; Chan, Stephanie (ManhattanBP) <stephaniechan@manhattanbp.nyc.gov>
**Subject:** Joint Testimony on the 250 Water Street Proposal Draft Scope of Work

Please find attached joint testimony on behalf of the Office of Council Member Margaret S. Chin and the Office of the Manhattan Borough President Gale A. Brewer, for the 250 Water Street Proposal Draft Scope of Work (CEQR No. 21DCP084M, ULURP Nos. Pending).

Please let us know if you have any issues accessing the document.

Thanks,

**Angelina Martinez-Rubio**
**Deputy General Counsel | Land Use Division**
**New York City Council** | 250 Broadway 16th Floor
New York, NY 10007
T 212.482.5174 C 646.352.2182

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**CM Chin BP Brewer - 250 Water DSOW Comments 2020-1-11.pdf**
483K

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**Gale A. Brewer, Borough President**

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**January 11, 2021**

**Joint Testimony from the Office of Council Member Margaret S. Chin and the Office of the Manhattan Borough President Gale A. Brewer**

**Comments on the Draft Scope of Work for 250 Water Street (CEQR No. 21DCP084M)**
**ULURP Nos. Pending**

We are writing to submit comments in response to the *250 Water Draft Scope of Work (DSOW) for an Environmental Impact Statement (EIS)* released by the Department of City Planning (DCP) on November 16, 2020.

The Applicant, 250 Seaport District, LLC, is proposing the following actions: (i) a special permit for bulk modifications on the development site, a development rights distribution from an area generally corresponding to the Pier 17 Large-Scale General Development to the development site, and potential streetscape, site plan and district improvements in the affected area; (ii) possible zoning text amendments to the special permit and special purposed district text; and (iii) an authorization for a curb cut on Pearl Street, to enable a mixed-use development at the development site with affordable units under Mandatory Inclusionary Housing parameters.

The Project Area includes the development site at 250 Water Street (Block 98, Lot 1), the site occupying the southern portion of the block located between John Street (currently occupied by the South Street Seaport Museum), South Street, and Fulton Street (a portion of Block 74, Lot 1), and several additional areas that may include streetscape, open space or other improvements pursuant to the special permit.

<u>250 Water Street</u>
The proposed project at 250 Water Street under the "with action condition" would consist of a building of approximately 912,762 gross square feet, including 640,186 gross square feet of residential use, 257,886 gross square feet of office use, 9,690 gross square feet of retail use, 5,000 gross square feet of community facility uses, and 128 parking spaces. The DSOW averages a unit size of 1,000 gross square feet of residential space per dwelling unit. The proposed project at 250 Water Street assumes 640 total dwelling units, of which approximately 25 percent of 640 dwelling units will be affordable housing under Mandatory Inclusionary Housing. The building will consist of a seven-story, full-block base with mixed-

uses. Both north and south towers will rise from the base to 37 and 38 stories, respectively, with each tower reaching a total height of approximately 470 feet.

South Street Seaport Museum Expansion
The proposed project at the corner of John Street and South Street under the "with action condition" includes the restoration and expansion of the existing South Street Seaport Museum space. The museum expansion would include a new building of approximately 32,383 gross square feet. The new building would be seven-stories and approximately 62 feet tall and would contain additional exhibits and back offices for the Museum.

**Background**
The ever-evolving South Street Seaport Historic District, nestled in the East River waterfront of lower Manhattan, is a site of historic significance and has played an important role in the history of New York City. From its beginnings in the mid-to-late 17th century, the Historic District was a leading port and commercial center. By the mid-19th century, the Historic District became home to a number of architecturally significant buildings, exemplified by several different styles of mercantile architecture including Georgian, Federal and Greek Revival designs.

Efforts to preserve the culture, history and structures of the South Street Seaport neighborhood resulted in the creation of the South Street Seaport Museum in 1967. Its establishment is credited with not only being the anchor in the creation of the South Street Seaport Historic District, but also responsible for the restoration of many of the historic buildings of the area. Through the Museum's efforts, the area was officially landmark designated in 1977. Some of these buildings are occupied by the Museum today and are once again in need of restoration work.

In addition to the Museum's efforts to preserve the South Street Seaport area, the City has taken several significant steps to preserve the history and architectural significance of the neighborhood's buildings. In 1977 the Historic District was designated and in 1989 it was expanded. Those actions have allowed for a careful balance between the preservation of the District's historic character and new development. Low-density, historically significant buildings and pedestrian areas remain closer to the waterfront and taller buildings have been constructed further inland.

The Seaport Working Group and the Seaport Advisory Group
In 2014, Manhattan Borough President Gale Brewer and Council Member Margaret Chin formed the Seaport Working Group and initiated a pre-planning process for the South Street Seaport Historic District. The group was re-established in 2018 as the Seaport Advisory Group, which includes elected officials and members of City agencies, Community Board 1, Save Our Seaport, and other key stakeholders. The Seaport Advisory Group met in several roundtable discussions to address issues in the District including historic preservation, economic development, and environmental resiliency.

Overall, our comments focus on the need to thoroughly consider the potential impact of this proposed development on the South Street Seaport Historic District, the surrounding neighborhood, and its residents. We must also ensure that appropriate mitigation measures are in place.

Several issues are of particular concern in the Final Scope of Work (FSOW) in accounting for all relevant data, including pre- and post-COVID-19 data as applicable, the most recent data regarding the presence of hazardous materials at the site, and impacts to the infrastructure and resiliency measures within the surrounding neighborhood that may be triggered by this proposal. Our comments below reflect the order of tasks listed under "G. Scope of Work for the EIS" (DSOW, Page 7).

**Task 1: Land Use, Zoning and Public Policy**

The proposed development would result in a change in land use within the project area. The DSOW proposes a detailed assessment of several factors, including land use patterns and development trends, and a list of projects; and pending zoning actions or other public policy actions that could affect such patterns and trends.

For the proposed detailed assessment, the FSOW should consider all available data, including pre- and post-COVID-19 patterns and trends. Likewise, when considering a comprehensive list of projects or actions within the study area, the FSOW should be inclusive of any projects or actions that may be temporarily stalled as a result of COVID-19.

City Waterfront and Resiliency Studies

The FSOW should also take into account public policy concerns related to resiliency for the site and surrounding sites as the site may have the potential to redirect water to surrounding properties causing deterioration. The environmental land use study will extend approximately a quarter mile from the borders of the project area.

The Applicant must list projects that are also being studied, in addition to those expected to be built or will concurrently be constructed within the study area. This includes a number of resiliency studies put forth by the City and the New York City Economic Development Corporation (EDC) including the *Lower Manhattan Coastal Resilience* study released on March 14, 2019, and its *Financial District and Seaport Climate Resilience Master Plan*.

The DSOW notes that the project area is located within the City's Coastal Zone and therefore will be assessed through the New York City Waterfront Revitalization Program's (WRP) Consistency Review. The WRP was first adopted in 1982 and revised in 2013 to advance long-term goals for the City's waterfront detailed in the City's 2011 report titled *Vision 2020: the New York City Comprehensive Waterfront Plan*, a strategic 10-year plan for the waterfront.

The City Planning Commission, acting as the City Coastal Commission, and the New York City Department of City Planning (DCP) are responsible for administering the WRP. The proposed project will be assessed through a Consistency Assessment Form and whether it will promote or hinder the ten WRP policies. The completed WRP assessment and all related explanations for each of the ten policies must be provided to Manhattan Community Board 1 and all related agencies as part of the Land Use, Zoning and Public Policy section within the Environmental Impact Statement.

The Applicant must also include information about how the concurrent Uniform Land Use Review Procedure (ULURP) application and the Environmental Impact Statement for Zoning for Coastal Flood Resiliency (ZCFR) (ULURP No. N210095ZRY, CEQR No. 19DCP192Y) will impact this proposed project along the waterfront and the larger South Street Seaport Historic District neighborhood.

**Task 2: Socioeconomic Conditions**

The DSOW socioeconomic study includes population, housing, and economic activity, with an emphasis on indirect residential displacement, indirect business displacement, and adverse effects on specific industries. The DSOW further clarifies that, "the proposed actions would not result in the direct displacement of any residents or businesses" (DSOW, Page 9).

As part of the socioeconomic study, we ask that the Applicant include information on the number of new families anticipated in the neighborhood and the increase in school seats at the elementary, middle, and high school levels. We also ask that the Applicant include information on existing community centers, schools, and retail stores in the neighborhood. Should the proposed actions lead to their displacement, the Applicant must communicate relocation opportunities to those institutions and businesses.

**Task 3: Open Space**
We acknowledge that the development of the 250 Water Street site at the periphery of the Historic District will conform to the Master Plan that envisioned low-density historic buildings and open spaces closer to the waterfront.

Green spaces and trees provide an incredibly important ecological value to New Yorkers and help to keep the city cool during increasingly hot summers. Under Section 23-03 (Street Tree Planting in Residence Districts) and Section 24-05 (Street Tree Planting) of the Zoning Resolution, the Applicant must including tree planting in the project development. We request that the Applicant provide bioswales and rain gardens at the street level to mitigate stormwater runoff.

**Task 4: Shadows**
The proposed project at 250 Water Street would result in a structure greater than 50 feet in height that will cast shadows in sunlight sensitive resources in the neighborhood. We ask that the FSOW consider the impact of these shadows on open space, parks, individual landmarks, and the historic district as a whole, as its aesthetic elements could very well be compromised.

The FSOW should consider shadow impacts on local institutions. In particular, the proposed project at 250 Water Street on the adjacent Peck Slip School, the Southbridge Towers complex, as well as open spaces such as the Pearl Street Playground, Peck Slip play-roof, DeLury Square, and the Titanic Memorial Park. The FSOW should also consider the impact of shadows on Peck Slip between Water and Pearl Streets, which the Peck Slip School currently uses as a play street and which may become a permanent public space in the future.

**Tasks 5, 6, and 15:**
**Historic and Cultural Resources, Urban Design/Visual Resources, Neighborhood Character**
As the proposed project is located in the South Street Seaport Historic District, it requires a Certificate of Appropriateness from the Landmarks Preservation Commission (LPC) as well as subsequent regulatory oversight. While the LPC review will certainly help to ensure that the character of the project will be harmonious with the district's existing buildings, we request that the FSOW incorporate a study of the projects' impact to cobblestone streets adjacent to the sites and provide a record of any distressed historical buildings in the neighborhood.

The FSOW should also consider the potential for the projects to further damage already distressed historical buildings within the Historic District such as the battered buildings on Schermerhorn Row which the Museum currently occupies and hopes to restore as part of this proposal. The FSOW should also include information of any archaeological remains and historical artifacts found in the area that are relevant to the history of Lower Manhattan.

**Tasks 7 – 9: Natural Resources, Hazardous Materials, and Water and Sewer Infrastructure**
There are significant and unaddressed environmental concerns related to the 250 Water Street site and its former use as a thermometer factory that processed large amounts of liquid mercury during the early 19th century. For this purpose, the 250 Water Street site is currently going through the New York State Department of Environmental Conservation Brownfield Cleanup Program (BCP #C231127).

Langan Engineering and Environmental Services is conducting the Brownfield Cleanup Program investigation with oversight from the Department of Environmental Conservation and the New York State Department of Health. As listed in the DSOW, the site received an (E) designation after hazardous materials, including mercury and petroleum, were found on the site. Such a designation requires that all

subsurface disturbance, testing, and remediation be conducted in conformance with NYC Office of Environmental Remediation requirements prior to an issuance of a permit for construction.

> "An (E) designation provides notice of the presence of an environmental requirement pertaining to potential hazardous materials contamination, high ambient noise levels or air emission concerns on a particular tax lot. (E) designations, governed by Section 11-15 (Environmental Requirements) of the Zoning Resolution, are established in connection with a change in zoning or an action pursuant to a provision of the Zoning Resolution that would allow additional development to occur on property, or would permit uses not currently allowed. An (E) designation is not a notice of a building violation." (New York City Department of City Planning)

We ask that all findings and remediation plans that are part of the Brownfield Cleanup Program, such as the Community Air Monitoring Plan and the Health and Safety Plan, be communicated to Manhattan Community Board 1 and all surrounding property owners near and around the sites. We emphasize the importance of communicating to the residents of Southbridge Towers as well as the Peck Slip School and the Blue School, which are located directly across from 250 Water Street and are utilized by hundreds of children and school staff. Because of the proximity of 250 Water Street to many residents, students, and visitors, the FSOW must consider all available data regarding hazardous materials at the site, including all findings from testing performed during summer 2020. Likewise, we are concerned about how the proposed remediation will impact the health of neighboring residents, students, and visitors to the area.

As the parking lot for 250 Water Street is located in a flood zone, we ask that the FSOW detail all expected water and sewer infrastructure construction and that the Applicant comply with federal, state and city regulations such as the Clean Water Act and Combined Sewer Overflow regulations. We also ask that the FSOW include information about any temporary flood protection measures that are to be installed during construction to mitigate storm impacts at the 250 Water Street site.

**Tasks 10 - 12: Transportation, Air Quality, Greenhouse Gas Emissions, and Climate Change**

We ask that the FSOW carefully scrutinize any environmental data and take into consideration that the presented data may not be representative of the pre-COVID-19 conditions of the neighborhood. Collected data on vehicular traffic, pedestrian foot traffic, subway use, air quality, greenhouse gas emissions, and climate change must be re-evaluated with this discrepancy in mind.

Project-generated vehicle and transit trips regarding the proposed residential and commercial uses at the 250 Water Street site should be included in the FSOW using any available data regarding pre- and post-COVID-19 travel patterns. Regarding construction-related transportation impacts, the FSOW should include, to the extent available, a list of potential staging locations and sidewalk closures within or outside the Historic District.

When assessing travel patterns, the FSOW should also consider the impact of the potential future closure of Peck Slip between Pearl Street and South Street as a potential permanent public space, and the impact of such a closure on access ramps for nearby FDR Drive and the Brooklyn Bridge.

Procedures for air quality monitoring and green house gas emission evaluations must be appropriately conveyed to all the partners listed in the DSOW including the Metropolitan Transportation Authority-New York City Transit, the Mayor's Office of Sustainability, the New York City Department of Transportation, the Department of City Planning, the Department of Environmental Conservation, and the Department of Environmental Protection.

**Task 13, 14, 16 - 18: Noise, Public Health, Construction, Mitigation, and Alternatives**

It is imperative that construction impacts be reviewed in tandem with public health impacts. These

considerations should include any and all unmitigated significant adverse impacts from conditions related to air quality, hazardous materials, noise, and as well as transportation systems and construction staging impacts on vehicular and pedestrian traffic. Both project sites must be analyzed for construction impacts on the area and additionally any impacts to public health, within the 5-year analysis period as stated by the DSOW, ending in 2026. There must be a conservative analysis of any lots that straddle the Project Area.

The FSOW should analyze increased noise, dust, air pollution due to the construction activities, including impacts on the health of the children in the two neighboring schools. The analysis of construction impacts must also include assessment, monitoring, and mitigations of damage to historic landmarked buildings in the Seaport area. Furthermore, the study should also include impacts to subgrade water, storm, and sewage channels, unstable ground, and existing building foundations.

**Conclusion**

We support this unique proposal to complete the South Street Seaport Historic District with the addition of two new buildings on the last two vacant sites in the area. We also understand that this application presents an opportunity for the South Street Seaport Museum to restore and preserve its historic buildings on Schermerhorn Row and also expand its facility.

We request that the DCP carefully scrutinize all collected data to ensure that they are representative of pre- and post-COVID-19 conditions as appropriate. The Applicant should also work with the appropriate agencies to ensure that any public hearings for the Brownfield Cleanup Program, scoping for environmental documents, and the eventual Uniform Land Use Review Procedure (ULURP) are held to the highest standards of community engagement. Furthermore, we ask that the DCP work closely with the LPC to identify, conserve, and protect the irreplaceable landmarked buildings in the South Street Seaport Historic District.

This is an important opportunity to provide much needed affordable housing in Lower Manhattan and preserve the legacy of the important and beloved South Street Seaport Museum and the greater South Street Seaport Historic District for generations to come.

We look forward to continue working with the DCP on this important project.

AKRF

**Owen DiMarzo <odimarzo@akrf.com>**

# Fw: Joint Testimony on the 250 Water Street Proposal Draft Scope of Work

**Alison Brown (DCP)** <ABrown@planning.nyc.gov> Mon, Jan 11, 2021 at 7:58 PM
To: Owen DiMarzo <odimarzo@akrf.com>, Charlie Fields <cfields@akrf.com>, "Karnovsky, David" <David.Karnovsky@friedfrank.com>, "Wesley.OBrien@friedfrank.com" <Wesley.OBrien@friedfrank.com>

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**From:** Martinez-Rubio, Angelina <AMartinez-Rubio@council.nyc.gov>
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**Subject:** Joint Testimony on the 250 Water Street Proposal Draft Scope of Work

Please find attached joint testimony on behalf of the Office of Council Member Margaret S. Chin and the Office of the Manhattan Borough President Gale A. Brewer, for the 250 Water Street Proposal Draft Scope of Work (CEQR No. 21DCP084M, ULURP Nos. Pending).

Please let us know if you have any issues accessing the document.

Thanks,

**Angelina Martinez-Rubio**
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**CM Chin BP Brewer - 250 Water DSOW Comments 2020-1-11.pdf**
483K

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**January 11, 2021**

**Joint Testimony from the Office of Council Member Margaret S. Chin and the Office of the Manhattan Borough President Gale A. Brewer**

**Comments on the Draft Scope of Work for 250 Water Street (CEQR No. 21DCP084M)**
**ULURP Nos. Pending**

We are writing to submit comments in response to the *250 Water Draft Scope of Work (DSOW) for an Environmental Impact Statement (EIS)* released by the Department of City Planning (DCP) on November 16, 2020.

The Applicant, 250 Seaport District, LLC, is proposing the following actions: (i) a special permit for bulk modifications on the development site, a development rights distribution from an area generally corresponding to the Pier 17 Large-Scale General Development to the development site, and potential streetscape, site plan and district improvements in the affected area; (ii) possible zoning text amendments to the special permit and special purposed district text; and (iii) an authorization for a curb cut on Pearl Street, to enable a mixed-use development at the development site with affordable units under Mandatory Inclusionary Housing parameters.

The Project Area includes the development site at 250 Water Street (Block 98, Lot 1), the site occupying the southern portion of the block located between John Street (currently occupied by the South Street Seaport Museum), South Street, and Fulton Street (a portion of Block 74, Lot 1), and several additional areas that may include streetscape, open space or other improvements pursuant to the special permit.

<u>250 Water Street</u>
The proposed project at 250 Water Street under the "with action condition" would consist of a building of approximately 912,762 gross square feet, including 640,186 gross square feet of residential use, 257,886 gross square feet of office use, 9,690 gross square feet of retail use, 5,000 gross square feet of community facility uses, and 128 parking spaces. The DSOW averages a unit size of 1,000 gross square feet of residential space per dwelling unit. The proposed project at 250 Water Street assumes 640 total dwelling units, of which approximately 25 percent of 640 dwelling units will be affordable housing under Mandatory Inclusionary Housing. The building will consist of a seven-story, full-block base with mixed-

uses. Both north and south towers will rise from the base to 37 and 38 stories, respectively, with each tower reaching a total height of approximately 470 feet.

South Street Seaport Museum Expansion
The proposed project at the corner of John Street and South Street under the "with action condition" includes the restoration and expansion of the existing South Street Seaport Museum space. The museum expansion would include a new building of approximately 32,383 gross square feet. The new building would be seven-stories and approximately 62 feet tall and would contain additional exhibits and back offices for the Museum.

**Background**
The ever-evolving South Street Seaport Historic District, nestled in the East River waterfront of lower Manhattan, is a site of historic significance and has played an important role in the history of New York City. From its beginnings in the mid-to-late 17th century, the Historic District was a leading port and commercial center. By the mid-19th century, the Historic District became home to a number of architecturally significant buildings, exemplified by several different styles of mercantile architecture including Georgian, Federal and Greek Revival designs.

Efforts to preserve the culture, history and structures of the South Street Seaport neighborhood resulted in the creation of the South Street Seaport Museum in 1967. Its establishment is credited with not only being the anchor in the creation of the South Street Seaport Historic District, but also responsible for the restoration of many of the historic buildings of the area. Through the Museum's efforts, the area was officially landmark designated in 1977. Some of these buildings are occupied by the Museum today and are once again in need of restoration work.

In addition to the Museum's efforts to preserve the South Street Seaport area, the City has taken several significant steps to preserve the history and architectural significance of the neighborhood's buildings. In 1977 the Historic District was designated and in 1989 it was expanded. Those actions have allowed for a careful balance between the preservation of the District's historic character and new development. Low-density, historically significant buildings and pedestrian areas remain closer to the waterfront and taller buildings have been constructed further inland.

The Seaport Working Group and the Seaport Advisory Group
In 2014, Manhattan Borough President Gale Brewer and Council Member Margaret Chin formed the Seaport Working Group and initiated a pre-planning process for the South Street Seaport Historic District. The group was re-established in 2018 as the Seaport Advisory Group, which includes elected officials and members of City agencies, Community Board 1, Save Our Seaport, and other key stakeholders. The Seaport Advisory Group met in several roundtable discussions to address issues in the District including historic preservation, economic development, and environmental resiliency.

Overall, our comments focus on the need to thoroughly consider the potential impact of this proposed development on the South Street Seaport Historic District, the surrounding neighborhood, and its residents. We must also ensure that appropriate mitigation measures are in place.

Several issues are of particular concern in the Final Scope of Work (FSOW) in accounting for all relevant data, including pre- and post-COVID-19 data as applicable, the most recent data regarding the presence of hazardous materials at the site, and impacts to the infrastructure and resiliency measures within the surrounding neighborhood that may be triggered by this proposal. Our comments below reflect the order of tasks listed under "G. Scope of Work for the EIS" (DSOW, Page 7).

**Task 1: Land Use, Zoning and Public Policy**

The proposed development would result in a change in land use within the project area. The DSOW proposes a detailed assessment of several factors, including land use patterns and development trends, and a list of projects; and pending zoning actions or other public policy actions that could affect such patterns and trends.

For the proposed detailed assessment, the FSOW should consider all available data, including pre- and post-COVID-19 patterns and trends. Likewise, when considering a comprehensive list of projects or actions within the study area, the FSOW should be inclusive of any projects or actions that may be temporarily stalled as a result of COVID-19.

City Waterfront and Resiliency Studies

The FSOW should also take into account public policy concerns related to resiliency for the site and surrounding sites as the site may have the potential to redirect water to surrounding properties causing deterioration. The environmental land use study will extend approximately a quarter mile from the borders of the project area.

The Applicant must list projects that are also being studied, in addition to those expected to be built or will concurrently be constructed within the study area. This includes a number of resiliency studies put forth by the City and the New York City Economic Development Corporation (EDC) including the *Lower Manhattan Coastal Resilience* study released on March 14, 2019, and its *Financial District and Seaport Climate Resilience Master Plan*.

The DSOW notes that the project area is located within the City's Coastal Zone and therefore will be assessed through the New York City Waterfront Revitalization Program's (WRP) Consistency Review. The WRP was first adopted in 1982 and revised in 2013 to advance long-term goals for the City's waterfront detailed in the City's 2011 report titled *Vision 2020: the New York City Comprehensive Waterfront Plan*, a strategic 10-year plan for the waterfront.

The City Planning Commission, acting as the City Coastal Commission, and the New York City Department of City Planning (DCP) are responsible for administering the WRP. The proposed project will be assessed through a Consistency Assessment Form and whether it will promote or hinder the ten WRP policies. The completed WRP assessment and all related explanations for each of the ten policies must be provided to Manhattan Community Board 1 and all related agencies as part of the Land Use, Zoning and Public Policy section within the Environmental Impact Statement.

The Applicant must also include information about how the concurrent Uniform Land Use Review Procedure (ULURP) application and the Environmental Impact Statement for Zoning for Coastal Flood Resiliency (ZCFR) (ULURP No. N210095ZRY, CEQR No. 19DCP192Y) will impact this proposed project along the waterfront and the larger South Street Seaport Historic District neighborhood.

**Task 2: Socioeconomic Conditions**

The DSOW socioeconomic study includes population, housing, and economic activity, with an emphasis on indirect residential displacement, indirect business displacement, and adverse effects on specific industries. The DSOW further clarifies that, "the proposed actions would not result in the direct displacement of any residents or businesses" (DSOW, Page 9).

As part of the socioeconomic study, we ask that the Applicant include information on the number of new families anticipated in the neighborhood and the increase in school seats at the elementary, middle, and high school levels. We also ask that the Applicant include information on existing community centers, schools, and retail stores in the neighborhood. Should the proposed actions lead to their displacement, the Applicant must communicate relocation opportunities to those institutions and businesses.

**Task 3: Open Space**
We acknowledge that the development of the 250 Water Street site at the periphery of the Historic District will conform to the Master Plan that envisioned low-density historic buildings and open spaces closer to the waterfront.

Green spaces and trees provide an incredibly important ecological value to New Yorkers and help to keep the city cool during increasingly hot summers. Under Section 23-03 (Street Tree Planting in Residence Districts) and Section 24-05 (Street Tree Planting) of the Zoning Resolution, the Applicant must including tree planting in the project development. We request that the Applicant provide bioswales and rain gardens at the street level to mitigate stormwater runoff.

**Task 4: Shadows**
The proposed project at 250 Water Street would result in a structure greater than 50 feet in height that will cast shadows in sunlight sensitive resources in the neighborhood. We ask that the FSOW consider the impact of these shadows on open space, parks, individual landmarks, and the historic district as a whole, as its aesthetic elements could very well be compromised.

The FSOW should consider shadow impacts on local institutions. In particular, the proposed project at 250 Water Street on the adjacent Peck Slip School, the Southbridge Towers complex, as well as open spaces such as the Pearl Street Playground, Peck Slip play-roof, DeLury Square, and the Titanic Memorial Park. The FSOW should also consider the impact of shadows on Peck Slip between Water and Pearl Streets, which the Peck Slip School currently uses as a play street and which may become a permanent public space in the future.

**Tasks 5, 6, and 15:**
**Historic and Cultural Resources, Urban Design/Visual Resources, Neighborhood Character**
As the proposed project is located in the South Street Seaport Historic District, it requires a Certificate of Appropriateness from the Landmarks Preservation Commission (LPC) as well as subsequent regulatory oversight. While the LPC review will certainly help to ensure that the character of the project will be harmonious with the district's existing buildings, we request that the FSOW incorporate a study of the projects' impact to cobblestone streets adjacent to the sites and provide a record of any distressed historical buildings in the neighborhood.

The FSOW should also consider the potential for the projects to further damage already distressed historical buildings within the Historic District such as the battered buildings on Schermerhorn Row which the Museum currently occupies and hopes to restore as part of this proposal. The FSOW should also include information of any archaeological remains and historical artifacts found in the area that are relevant to the history of Lower Manhattan.

**Tasks 7 – 9: Natural Resources, Hazardous Materials, and Water and Sewer Infrastructure**
There are significant and unaddressed environmental concerns related to the 250 Water Street site and its former use as a thermometer factory that processed large amounts of liquid mercury during the early 19th century. For this purpose, the 250 Water Street site is currently going through the New York State Department of Environmental Conservation Brownfield Cleanup Program (BCP #C231127).

Langan Engineering and Environmental Services is conducting the Brownfield Cleanup Program investigation with oversight from the Department of Environmental Conservation and the New York State Department of Health. As listed in the DSOW, the site received an (E) designation after hazardous materials, including mercury and petroleum, were found on the site. Such a designation requires that all

subsurface disturbance, testing, and remediation be conducted in conformance with NYC Office of Environmental Remediation requirements prior to an issuance of a permit for construction.

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**Tasks 10 - 12: Transportation, Air Quality, Greenhouse Gas Emissions, and Climate Change**

We ask that the FSOW carefully scrutinize any environmental data and take into consideration that the presented data may not be representative of the pre-COVID-19 conditions of the neighborhood. Collected data on vehicular traffic, pedestrian foot traffic, subway use, air quality, greenhouse gas emissions, and climate change must be re-evaluated with this discrepancy in mind.

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When assessing travel patterns, the FSOW should also consider the impact of the potential future closure of Peck Slip between Pearl Street and South Street as a potential permanent public space, and the impact of such a closure on access ramps for nearby FDR Drive and the Brooklyn Bridge.

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**Task 13, 14, 16 - 18: Noise, Public Health, Construction, Mitigation, and Alternatives**

It is imperative that construction impacts be reviewed in tandem with public health impacts. These

considerations should include any and all unmitigated significant adverse impacts from conditions related to air quality, hazardous materials, noise, and as well as transportation systems and construction staging impacts on vehicular and pedestrian traffic. Both project sites must be analyzed for construction impacts on the area and additionally any impacts to public health, within the 5-year analysis period as stated by the DSOW, ending in 2026. There must be a conservative analysis of any lots that straddle the Project Area.

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**Conclusion**

We support this unique proposal to complete the South Street Seaport Historic District with the addition of two new buildings on the last two vacant sites in the area. We also understand that this application presents an opportunity for the South Street Seaport Museum to restore and preserve its historic buildings on Schermerhorn Row and also expand its facility.

We request that the DCP carefully scrutinize all collected data to ensure that they are representative of pre- and post-COVID-19 conditions as appropriate. The Applicant should also work with the appropriate agencies to ensure that any public hearings for the Brownfield Cleanup Program, scoping for environmental documents, and the eventual Uniform Land Use Review Procedure (ULURP) are held to the highest standards of community engagement. Furthermore, we ask that the DCP work closely with the LPC to identify, conserve, and protect the irreplaceable landmarked buildings in the South Street Seaport Historic District.

This is an important opportunity to provide much needed affordable housing in Lower Manhattan and preserve the legacy of the important and beloved South Street Seaport Museum and the greater South Street Seaport Historic District for generations to come.

We look forward to continue working with the DCP on this important project.

AKRF

**Owen DiMarzo <odimarzo@akrf.com>**

# Fw: CEQR No. 21DCP084M - A/M Yuh-Line Niou Comment Submission

**Alison Brown (DCP)** <ABrown@planning.nyc.gov> Tue, Jan 12, 2021 at 10:55 AM
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**Subject:** CEQR No. 21DCP084M - A/M Yuh-Line Niou Comment Submission

Good evening,

Please see attached written comment submission from Assemblymember Niou regarding the 250 Water Street Proposal - CEQR No. 21DCP084M.

Thank you.

Warmly,
Claudia Zhu
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**AM Niou - 250 Water Street - CEQR No. 21DCP084M Comment.pdf**
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**Comments of New York State Assemblymember Yuh-Line Niou**
**to the New York City Department of City Planning (DCP) Regarding**
**250 Water Street - CEQR Number 21DCP084M**

*Assemblymember Niou represents the 65th Assembly District which includes Battery Park City, Chinatown, the Financial District, the Lower East Side, and the South Street Seaport.*

My name is Yuh-Line Niou, the New York State Assemblymember representing Lower Manhattan, including Battery Park City, Chinatown, the Financial District, the Lower East Side, and the South Street Seaport. Thank you for the opportunity to testify before the Department of City Planning (NYC DCP) at this public scoping meeting on the 250 Water Street proposal.

250 Water Street is an active application under the New York State Department of Environmental Conservation's (NYS DEC) Brownfield Cleanup Project and I am disappointed our community has been placed in this situation and having to comment prior to the release of results from the remedial investigation data. I am also dismayed for this public hearing to take place weeks ahead of the New York City Landmarks Preservation Commission's Public Hearing and believe our community lacks crucial information to properly consider the draft scope of work placed before us.

As I have stated on numerous occasions, the construction of this project is an out-of-character and significant contrast to the existing infrastructure and aesthetics of our South Street Seaport Historic District. The applicant's proposed twin towers, each standing at 470 feet high, is a blatant disregard and disrespect for the existing zoning guidelines and will destroy our low-scale brownstone historic district. The refusal to build as of right is a clear indication that profits have been prioritized over the wishes and wellbeing of our community.

Our community has been overwhelmed by a number of major proposals coming before us, including rezoning of Governors Island and the Citywide Zoning for Flood Resiliency, while our ability to participate and facilitate community engagement has been severely hindered by COVID-19 and technological challenges. It is unfair to our residents that proposals like 250 Water Street continue to steamroll through the process

without sufficient and inclusive public engagement and review time. As our Chair of Community Board 1 stated, the scheduling of this public scoping meeting is ill-timed and undermined our ability to properly digest and comment on the draft scope of work. I am disheartened that our communities' voices have been limited due to a tight timeline and placed at a disadvantage to comment prematurely.

I stand strong with our community and it is crucial for City Planning to listen and take into full consideration of the testimonies presented by Manhattan Community Board 1, the Seaport Coalition, and other community groups and residents.

Thank you for your consideration.

# ORGANIZATIONS

1. Community Facilities

Missing from the Draft Scope: Overview

The specific quarter mile impact zone encompasses highly susceptible and fragile “receptors” (aka, elderly and young children). A complete and thorough list of the facilities which will be studied should be included and agreed to by the community and checked for accuracy before the scope is allowed to progress. Currently, after a thorough review of the current draft scoping document, it fails to identify by name or location any of the dozens of facilities and services that will be impacted. When the list is identified - specific considerations on impact such as the following must be addressed. (See snap-shot from NYC Planning showing 168 entities that fall under Community Facilities, Services, and Transportation)

- Potential impacts to the public school due to increased population resulting from the increase of residential units from the development. Displacement of families to other schools
- Other area elementary schools capacity for overflow from the many impacted in ¼ mile.
- The potential impacts on the “overflow” schools.
- Potential impacts to early childhood services at the District 2 Pre-K Center at P.S. 343 The Peck Slip School
- Potential impacts to healthcare facilities at the local hospitals.
- The impact to public school services and special needs services if construction impedes educators from their ability to teach.
- Please note that even the NYC Planning Platform search omits, for what reason I do not know, St. Margaret's House; a long recognized and vibrant, multi-cultural, senior apartment community located across the street from 250 Water St offering safe and affordable HUD 202/8 housing.

2. Neighborhood Character

- The site is also 500 feet from the Smith Houses NYCHA housing and 1000 feet from the Smith Houses outdoor play area. CB3 communities which are excluded from both the Brownfield and EIS
- The lot sits within the boundaries of a National Historic and Special Landmark District.
- This building would affecting views and cast shadows on the Brooklyn Bridge which is National Register of Historic Places regulations for which should fall under both SEQRA regulations which must all be coordinated as in CEQR manual Chapter 9 - 712
- Given the historic nature of the District as Chapter 9 An Historic and Cultural Resources Assessment is Appropriate
- Historic District (Seaport Historic District), *and* **National Register (Brooklyn Bridge)**
- Due to historic (and therefore fragile) nature structures in the immediate vicinity, *larger study areas* must be established in concert with LPC for archaeological (known and unknown) also historical structures 321.1 and 321.2 must happen, structural, and historical reasons.
- 321.2 Steps 1-6
- We would argue 321.4 With Action

- DEFINITELY 420
- 522 Must have a full Construction Protection Plan given low rise fragile 18th and 19th Century buildings across and down Water Street, including the Captain Rose House the.
- There are 700+ affordable units already in the neighborhood that HHC doesn't acknowledge
- The site is also 500 feet from the Smith Houses NYCHA housing and 1000 feet from the Smith Houses outdoor play area. CB3 communities which are excluded from both the Brownfield and EIS

3. Open Spaces

Open spaces that are created are private terraces. Also the only new open public space that you are considering is a street that is already public space.

- Direct and indirect effects during construction to open rooftop playyard at PS 343 Elementary School and the playstreet (publicly accessible) in front.
- Direct and indirect effects during construction of Brooklyn Bridge Promenade
- Direct and indirect effects during construction of Brooklyn Bridge Promenade
- Direct and indirect effects post-construction of open rooftop playyard at PS 343 Elementary School and the playstreet (publicly accessible) in front.
- Direct and indirect effects during construction of open rooftop playyard at Blue School and the playstreet (publicly accessible) in front.
- Direct and indirect effects post-construction of open rooftop playyard at Blue School and the playstreet (publicly accessible) in front.
- This analysis must consider the inaccessibility for years of open spaces for children to play during the school day and their impact on the physical health of children.
- Direct and indirect effects during construction of open spaces at St. Margaret's House.
- Direct and indirect effects post-construction of open spaces at St. Margaret's House.
- Direct and indirect effects during construction of Pearl Street Playground and Imagination Playground.
- Direct and indirect effects post-construction of Pearl Street Playground and Imagination Playground.
- Direct and indirect effects during construction to Peck Slip Plaza park.
- Direct and indirect effects post construction to Peck Slip Plaza park.
- Direct and indirect effects during construction to Smith Houses recreation areas.
- Direct and indirect effects during construction of Titanic Memorial Park.
- Direct and indirect effects during construction of open plaza at 200 Front Street/20 Fulton.
- Direct and indirect effects during construction of Cannon's Walk
- Direct and indirect effects during construction of Fishbridge Park Garden.
- Direct and indirect effects during construction of Fishbridge Park Garden Dog Run.
- Direct and indirect effects during construction of Brooklyn Bridge Promenade
- Direct and indirect effects during construction of Pier 17 plaza.

4. Shadows

A *significant adverse shadow impact occurs when the incremental shadow added by a proposed project falls on a sunlight-sensitive resource and substantially reduces or completely eliminates direct sunlight, thereby significantly altering the public's use of the resource or threatening the viability of vegetation or other resources. Each case must be considered on its own merits based on the extent and duration of new shadow and an analysis of the resource's sensitivity to reduced sunlight.*

- Shadow of 400 ft tower at this site would reach at a minimum from the west side highway, cover all of the NYCHA smith houses to the north, all the way down to Wall Street.
- The shadow studies must include a specific study of the impact on the PS 343 Elementary School rooftop playard and the playstreet in front of the school. It must also discuss the impact of shade on the actual school and its ability to receive light during the day. Please note that all of PS 343 classroom windows face the 250 Water St lot. This has the potential to be like Stonehenge with sunlight only on the solstice.
- The shadow studies must include a specific study of the impact on the two Blue School rooftop playards and the Water Street playstreet in front of the school. It must also discuss the impact of shade on the actual school and its ability to receive light during the day.
- Shadow studies must consider the change in hours of sunlight, is it a 90% reduction for children? A 100% reduction?
- Shadow studies must consider that PS 343 youngest students have two outdoor recesses. So the youngest children may go from nearly 2 hrs to 0 minutes of sunlight each day. This also impacts the PreK children many of whom start at 3 years old.
- Shadow studies must consider the range and median number of hours of sunlight a FiDi resident child would experience, from home to school, in all seasons. For example, a child living on Wall Street, shadowed in their apartment, shadowed on their way to school - the 2 min of their walk on the Pearl St, and their 50 min recess may be the only sunlight they feel and see. Will this child now experience zero minutes of sunlight each day? What are the health impacts of zero min of sunlight during 10 years of childhood? What are the benefits of having an hour recess in sunlight? And the impact of taking that away? We know that shadow impact was seen as crisis-level critical on Brooklyn Botanical Garden… but what if those flowers are our children? How will they grow without sunlight?
- And a child living in the low/floor affordable housing of a potential tower? How much daylight would they see each day?
- We need to look at the BBG shadow studies and replace the words garden/plants/trees/flowers with "children". looking at the renderings and the position of PS 343 windows (all facing 250 water) is that the change in light for kids will be horrifying. They will go from having their school their only sunny place to having no sunny place.
- Must consider SBT space, internal playground and pathways as open space bc it is publicly accessible
- Must consider all walkable cobblestone streets

- Must consider Smith Houses playground and pathways bc they are publicly accessible
- Must consider St Margaret's house and daycares
- All schools and other sensitive receptors listed in RIWP

5. Transportation
   - The DSOW claims that C6-2A zoning is "typically" mapped in areas in districts "well served"
   - by transportation, the lead agency must demonstrate that current conditions continue to meet the same standard. By most measures, the public transportation systems have developed into total inadequacy in light of the major increase in ridership, overcrowding, and deterioration of capital and maintenance.
     The ability to meet the flow and service conditions "presumed" by C6- 2A zoning has a direct bearing on the granting of this Special Permit as a major modification, since resident and trip loads that exceed the C6-2A zoning parameters could be construed as a functional variance of the current zoning in addition to a major modification of a Special Permit

6. Air Quality
   - All safety thresholds for air quality should be based on the most recently published data that are relevant specifically to sensitive receptors: infants, pregnant women, pre-school and elementary school children, the elderly, who are all part of the surrounding community to 250 Water Street.
   - The impact to air quality should include the impact of the Brownfield Cleanup Program Remediation on the site.
   - The impact to air quality should be quantified for the development - during the construction phase as well as for the finished development.
   - COVID-19 Scenario Analysis: An analysis needs to be done in the context of COVID-19 as work may begin before we are fully out of this pandemic. Schools are currently required to have windows open during the school day. How will air quality on the construction site impact Peck Slip and Blue School when classrooms have open windows and doors?
   - A quantified assessment of vehicular traffic during construction.
   - A quantified assessment of increased vehicular traffic with the new development post-construction.

7. Noise
   - All safety thresholds for noise should be based on the most recently published data that are relevant specifically to sensitive receptors: infants, pregnant women, pre-school and elementary school children, the elderly, who are all part of the surrounding community to 250 Water Street.
   - The impact to noise should include the impact of the Brownfield Cleanup Program Remediation on the site.
   - The impact to air quality should be quantified for the development - during the construction phase as well as for the finished development.

- COVID-19 Scenario Analysis: An analysis must be performed in the context of COVID-19 as work may begin before we are fully out of this pandemic. Schools are currently required to have windows open during the school day. How will noise on the construction site impact Peck Slip and Blue School when classrooms have open windows and doors?

8. Public Health
   - Given the proximity of sensitive receptors to this project, the public health study requires a serious, comprehensive, quantitative analysis of the impact this will have on infants, pregnant women, toddlers, elementary schoolchildren, senior citizens.
   - This must include the most recently published and most conservative data on all topics affecting these sensitive receptors, especially air and noise pollution.
   - Assumptions in analyses should include prolonged year over year exposures to harmful dusts and loud sounds.
   - Any public health assessment should acknowledge that sensitive receptors are more profoundly affected by much smaller amounts of air and noise pollution and that these can have long-term irreversible impacts on their health - both mentally and physically.
   - This analysis should consider and quantify the potential for children to be displaced from their schools or, at minimum should measure and quantify the impace major disruptions in children's learning environments, as a result of construction and the behavioral, psychological and social impacts this will have on their health.
   - This analysis must consider the inaccessibility for years of open spaces for children to play during the school day and their impact on the physical health of children.
   - COVID-19 Scenario Analysis: A scenario analysis must be performed considering COVID-19 requirements that windows in classrooms must be kept open for air circulation.
   - Falling windows - Gehry, Midtown,
   - Disruption of toxic protection membrane under Peck Slip School

9. Neighborhood Character
   - The lot sits within the boundaries of a National Historic and Special Landmark District.
   - This building would affecting views and cast shadows on the Brooklyn Bridge which is National Register of Historic Places regulations for which should fall under both SEQRA regulations which must all be coordinated as in CEQR manual Chapter 9 - 712
   - Given the historic nature of the District as Chapter 9 An Historic and Cultural Resources Assessment is Appropriate
   - Historic District (Seaport Historic District), *and* **National Register (Brooklyn Bridge)**
   - Due to historic (and therefore fragile) nature structures in the immediate vicinity, *larger study areas* must be established in concert with LPC for archaeological (known and unknown) also historical structures 321.1 and 321.2 must happen, structural, and historical reasons.
   - 321.2 Steps 1-6
   - We would argue 321.4 With Action

- DEFINITELY 420
- 522 Must have a full Construction Protection Plan given low rise fragile 18th and 19th Century buildings across and down Water Street, including the Captain Rose House the.
- There are 700+ affordable units already in the neighborhood that HHC doesn't acknowledge
- The site is also 500 feet from the Smith Houses NYCHA housing and 1000 feet from the Smith Houses outdoor play area. CB3 communities which are excluded from both the Brownfield and EIS

10. Construction -
    - CEQR Chapter 9 522 Must have a full Construction Protection Plan given low rise buildings across the street.
    - Construction will impact the daily learning environment at Peck Slip, The Pre-K Center and Blue School in drastic and long lasting ways.
    - In a detailed review of dozens of years of studies on the harmful effects of noise in children's learning it was concluded that:

      "Children are much more impaired than adults by noise in tasks involving speech perception and listening comprehension. Non-auditory tasks such as short-term memory, reading and writing are also impaired by noise. Depending on the nature of the tasks and sounds, these impairments may result from specific interference with perceptual and cognitive processes involved in the focal task, and/or from a more general attention capture process. Concerning chronic effects, despite inconsistencies within and across studies, the available evidence indicates that enduring exposure to environmental noise may affect children's cognitive development. Even though the reported effects are usually small in magnitude, they have to be taken seriously in view of possible long-term effects and the accumulation of risk factors in noise exposed children (Evans, 2004). Obviously, the findings reported in this review have practical implications for the acoustical design of schools, for the placement of schools in the vicinity of airports, and for the policy of noise abatement.

AKRF

**Owen DiMarzo <odimarzo@akrf.com>**

# Fwd: Comments on DraftScopeofWork-HHC 250 Water St Project (CEQR No. 21DCP084M)

**Olga Abinader (DCP)** <OABINAD@planning.nyc.gov> Fri, Dec 18, 2020 at 9:36 AM
To: "David.Karnovsky@friedfrank.com" <David.Karnovsky@friedfrank.com>, "odimarzo@akrf.com" <odimarzo@akrf.com>, "cfields@akrf.com" <cfields@akrf.com>, "Alison Brown (DCP)" <ABrown@planning.nyc.gov>

Begin forwarded message:

**From:** jnn grmncoyle <joanneg95@gmail.com>
**Date:** December 17, 2020 at 7:42:55 PM EST
**To:** 21DCP084M_DL <21DCP084M_DL@planning.nyc.gov>
**Subject: Comments on DraftScopeofWork-HHC 250 Water St Project (CEQR No. 21DCP084M)**

Attn: NYC City Planning Commission (CPC) / NYC Dept. of City Planning (DCP)
Ms. Olga Abinader, Office of City Planning, 120 Broadway, NY NY 10271

Attached please find my full comments, following on abbreviated oral testimony given
at the Dec 17, 2020 (virtually conducted) public hearing for the:
*Draft Scope of Work* for *Draft Environmental Impact Statement (EIS)*:
Howard Hughes Corp. (HHC) – 250 Water Street Project (CEQR No. 21DCP084M )

Joanne Gorman,
Friends of South Street Seaport (FOSSS)

**2 attachments**

**SSS-CPC-HHCappl-testm-12.17.2020.docx**
2032K

**ATT00001.htm**
1K

FOSSS
FRIENDS OF SOUTH STREET SEAPORT
friendsofsouthstreetseaport.com

------ By electronic mail to: 21DCP084M_DL@planning.nyc.gov
From: Joanne Gorman, Friends of South St Seaport
Joanneg95@gmail.com

Attn: NYC City Planning Commission (CPC) / NYC Dept. of City Planning (DCP) - (lead agency)
Ms. Olga Abinader, Office of City Planning, 120 Broadway, NY NY 10271

Re: Dec. 17, 2020 Public Hearing
Comments on *Draft Scope of Work* for *Draft Environmental Impact Statement (EIS)*:
Howard Hughes Corp. (HHC) – 250 Water Street Project, (CEQR No. 21DCP084M )

**Land Use, Zoning, Public Policy**

The Howard Hughes Corp (HHC) / 250 Seaport District, LLC application now before you proposes to build a new, mixed-use development, with a Mandatory Inclusionary Housing (MIH) component, on 250 Water Street (the " development" site) that would rise to a height of 470 ft within the protected bounds of a nationally recognized landmarked area - the **South Street Seaport Historic District**, which is contextually zoned to a maximum height of 120 ft. It envisions the transfer of city-owned development rights from the Pier17 & Tin sites to its 250 Water St development site in support of its proposed tower, and as a way for it to then facilitate actions in support of the South St Seaport Museum ("museum site"). It further defines a project streetscape - the "Affected Area"- for other improvements within the Seaport district.

This full written submission follows on abbreviated oral testimony presented at the CPC/DCP Dec 17, 2020 (virtually conducted) public hearing for the *Draft Scope of Work* feeding into a *Draft Environmental Impact Statement (DEIS)* public review – which public sessions are required for applications determined to have significant impact on the environment.

The proposed project at 250 Water St lies within a fragile 18th and 19th C landscape of low-scale buildings. It is located over landfill within the current 100-year flood plain.

Its height and mass would have significant immediate, and ongoing negative impacts - within and outside its protected landmark borders. There is no way to mitigate the visual damage that this project would impose on the Seaport and on the Brooklyn Bridge. The health and well being of the surrounding communities would be impacted well beyond what would be inflicted on the area over an optimistic 5-year massive construction period[1]. Public health issues don't stop when a development Certificate of Occupancy is filed.

As it tries to reap a profit off an investment gamble, the Howard Hughes Corp. professes it wants to save the Seaport, all the while treating with utter contempt the existing contextual zoning designed to protect the historic area.

Nothing within the geographic scope of the "development" site has changed in the years since the 1977 designation of the district, and the 2003 zoning amendment which reinforced the landmarks designation, to justify a change that so blatantly dismisses the district's guidelines in favor of a developer's private, profit intent. In fact, over the years, the Seaport, as well as other historic areas, have only reinforced the importance of our historic settings to the vitality, health, and economic value they bring to the city.

[1] The scoping documents specify 2026 as the Analysis Year for the proposed project.

**South Street Seaport Historic District**

**Pg1 Zoning text amendments & special purpose district text:**

- The specifics relating to proposed zoning amendments, special permits text changes, other variances relating to the South Street Seaport Historic District that would be required for the proposed project are missing from both the developer input and the lead agency input.
  The public has the right to review details, not general references - to insure all environmental impacts are considered in the EIS.

- Special Purpose District:
  " *The South Street Seaport Subdistrict* protects the scale & character of 18th and 19th century mercantile buildings by allowing the *transfer of development rights* to designated receiving lots."

  The C6-2A contextual zoning update of 2003 is a direct acknowledgment of the district's special purpose. The zoning change was the result of carefully thought out planning backed by a broad base, including city agencies – CPC and EDC, elected officials, the Downtown Alliance, and community advocates.

  The zoning update brought zoning into alignment with the NYC Landmarks Preservation Commission (LPC) considerations of scale & character for the historic district.
  This action was taken after the prior 250 Water St site owner -Milstein- continued to present proposals over many years for site development that were denied by LPC as clearly out-of-scale and destructive of the district.

- 250 Water St Context:

  250 Water St lies within a physical and historic landscape harkening back to the mercantile and maritime activities of late 18th and 19th century New York: of piers, open spaces recalling boat slips, ships, cobblestone streets - and low-scale buildings.

  In the *Scoping Notice* of Nov 16 2020 ( CEQR 21DCP084M for 250 Water), the bullet item regarding the proposed action selectively applies "low-scale" as if it only applies to the immediate waterfront:

  > "Preserve and maintain the low-scale character of the waterfront by distributing unused floor area to the currently underutilized development site"

  The *Draft Scope*, pg2 E-Purpose & Need– repeats this same misrepresentation.

  The Seaport's low-scale is not just linked to the water's edge, but is a defining aspect of the entire district.

  Transitional site:
  The context for any new development in the historic district is the historic district itself.

  But Howard Hughes would have you believe that its development site lying on a Seaport western boundary should be viewed as "transitional", allowing the modern skyscrapers of Lower Manhattan to define its scale, rather than the low-scale of the district it lies within and which the site's history is tied to. No matter how many times HHC says it, and would like it to be, 250 Water St is not a "transition" site - not a missing link to the 20-21st centuries skyscrapers of

modern NYC along Water St in Lower Manhattan.

For reference, an authentic transition site to Lower Manhattan's skyscrapers exists right outside the Seaport to its west across Pearl St. The mid-size 282 ft towers and lower scale buildings of Southbridge Towers, built in the late 1960's, are truly transitional – with a profile falling between the low-scale historic Seaport and the towering skyscrapers beyond.

- Building Height:
  The developer references a tower height of 470 ft.
  . Is this inclusive of both the pedestal base height and the height of the twin-towers above the base, or is this just the towers height?
  . Would the project be able to calculate height using the new flood plain resiliency measure of 10 ft above grade, as outlined in the Citywide Zoning Text Amendment now under review. On a new build (as contrasted with the effort involved in imposing resiliency on an existing building), this is effectively giving a developer a 10 ft height giveaway from existing street level, with no required return to the taxpayer.
  . Does the stated 470 ft include the height of rooftop HVAC, mechanicals, and other planned rooftop uses?
  . Are mechanical spaces incorporated within the building, or just on the roof?
  . Are open floor voids incorporated in the building?

  What is the actual maximum building height that DCP is weighing in on?

**Mixed-uses on the development site**
**Pg 4 – Purpose & Need**

Though the developer chose not to even consider a development within the 120 ft zoning height limit, it is important to note that any new building on the site could introduce mixed-uses containing both market-rate & affordable housing, retail, office & community spaces - all while staying within zoning limits.

**Bulk Modifications on Development site (250Water)**:
Pgs 1-2

- The public needs to see and comment on the details of any permit or variance necessary to modify existing bulk requirements before considering full environmental ramifications.

- The zoning envelope for the site was set in 2003 after careful city planning, and approved by a broad group of city agencies and individuals.

  250 Water lies within a contextual zoning area that regulates the height and bulk of new buildings to insure consistency with the character of the area. The site is zoned C6-2A where the
  "portion of building higher than 85' must be set back at least 10' when facing a wide street or 15' when facing a narrow street, **120' maximum height**." [emphasis added]

- 250 Water St Envelope:
  HHC's marketing of its latest out-of-scale 250 Water twin-towers implies that its proposal alone will bring benefits in terms of construction jobs, permanent full and part time jobs post-development, affordable housing, and support for the Museum.

  But a building within the existing zoning envelope of 120 ft in no way precludes an actual, mixed-use building that would include retail at the base, some commercial or offices space above, and a residential component with affordable units.
  It would also include construction jobs, permanent full and part-time jobs post-development, new residents, new retail opportunities.
  --- AND it would not come at the cost of undermining the historic district, and exploiting public

air rights to further private ambitions.

**Reasonable Economic Return**

- At the time of the historic district's rezoning to C6-2A with a 120ft height limit, a 2002-3 EDC Study was undertaken. It concluded that a building built within the 120' height limit could provide a reasonable return on investment.

- When HHC bought 250 Water, it knowingly bought into the existing zoning within a low-scale landmark protected district.

- Following on many rejected proposals, the previous owner of 250 Water St made the choice to maintain the property as a parking lot.

- As the NYC Board of Standards and Appeals (BSA) nicely put it: "the Taxpayers are not here to bail out poor private choices." And in a similar vein, under BSA FAQ's – responding to an inquiry regarding reasonable economic return: "A property owner should conduct due diligence when purchasing a piece of property. If they know before they purchase the property that it will be difficult to develop under current zoning, then they shouldn't have bought it."

**Draft Scope - Affordable Housing**:

Pg.4 E. Purpose & Need

- Affordable Housing has been incorporated into developments in lower Manhattan well before being made a requirement under Mandatory Inclusionary Housing (MIH 2016).

- Affordable Housing continues to be included in Lower Manhattan developments outside of MIH. There are at least 2 recent examples in Lower Manhattan right outside the Seaport - new as-of-right developments along Fulton St just outside the historic Seaport, where **127 new units** were included in 2018 (56 Fulton, 118 Fulton).

- HHC's states that its proposal would be the <u>first</u> to incorporate affordable housing under MIH, and while true, is certainly misleading to the general public. HHC needs a zoning change for its project. That zoning change would trigger MIH. HHC is not offering affordable units gratis. It has to include them.

- A new building within the existing zoning envelope for 250 Water in no way precludes the developer from adding affordable housing at the site (& some tax credits may also accrue to the developer under this scenario).

- An Affordable Housing component can also be a part of any public air rights sale for use outside the historic district bounds.

- Re: 250 Water- MIH based affordable housing (refer: Table 1, pg. 7, also pg4)
  <u>HHC proposed project</u>, 640,186 gsf residential:
  Larger dwelling units **360 DU** - 25% / **90 DU** affordable (MIH)
  <u>Scope</u> <u>conservative analysis</u>, (refer footnote):
  At 1K gsf per unit **640 DU** - 25%/**160 DU** affordable. (MIH)
  Pg5 No Action (120 ft as-of-right build) : **303 DU** - all market rate

  The US HUD 2020 AMI for the <u>NY City Region</u> (which includes some areas bordering the city) is $102,400 for a three-person family.

- When the HHC application refers to affordable units, what AMI is it using – the HUD AMI values or higher values tied to a wealthy neighborhood such as FIDI – which would push values up for a greater return on the affordable units proposed?

. what are the proposed band levels and for how many units?
. what floors/units will be allocated - will they be dispersed throughout the building?
. will they remain permanently affordable?

**Development Rights (aka Air Rights) Distribution from Pier17 LSGD area to development site:**

- Public Purpose: The development rights that HHC seeks control over are city-owned public assets. They are not meant for private use that would undermine the historic area. The disposition of public property requires public input. The taxpaying public has a compelling, vested interest - given the nature of the historic area - in the air rights disposition and use.

- The public has a right, and duty, to review any plan that would be devised to sell these valuable public assets, and in the case of the Seaport, to ensure that they benefit the Seaport.

  Such a transfer plan is noticeably absent at this time. It needs to be made available for review and consideration before the close of public comments on the final EIS for this project.

- 1972 Seaport Transfer Mechanism: The project is proposing the transfer of air rights from the Pier17 & Tin sites to another site within the historic district – neither of which is a granting or receiving site for the proposed transfer.

  250 Water St is **not outside** the Historic District and is not an appropriate receiving site. Such a transfer goes against the intent of the original mechanism set up to protect the district: to sell air rights for use outside the district to support public –not private - benefits within the district

- There are alternatives for use of the Seaport public air rights, which would benefit both the historic district & the Seaport Museum, without compromising their use to further private ends to the district's detriment. The Seaport Coalition backs identifying new Granting & Receiving sites in line with the original transfer intent.

**South Street Seaport Museum (SSSM)**: ("Museum" Project)

- The SSSM is a public asset whose foundation and interests are melded with the South Street Seaport Historic District, not with HHC's private interests; the two components are meant to work with, not against, each other.

- The linking of the two applications coming before LPC and CPC is a forced joining at best.

  HHC is using the Museum's economic distress as a tactic to gain leverage with elected officials & city agency heads, while counting on sympathy from the general public for the Museum's fate. As revealed in an internal Oct 2019 NE Region Budget Presentation slide, HHC is using the museum to provide "**political cover**" (refer: Appendix A: attached Slide: Mixed Use / 250 Water Street - Key Issues /Challenges).

  The Museum, in turn, is aligning its interests with HHC on a promise of a short-term funding fix. Its President repeatedly describes the relationship between the Museum and the Historic District as a symbiotic one. Parasitic more aptly describes the current partnering with the Howard Hughes Corp. in a deal that is based on selling public air rights, and carving out a 10th of the historic district to advance private interests over the public good.

- The Seaport Coalition proposes an **alternate funding option -**one that frees the museum from its currently compromised position with HHC. The coalition option supports the sale of public air rights for use outside the district for benefit to the district - including the museum - as promoted through the original *1972 Special South St Seaport Transfer Mechanism.*

- Pg1. Project Description: The Introduction notes the "potential expansion" of the SSS Museum.

  The HHC building shown in the museum application for the John St lot (the potential expansion site ) has morphed from an actual building proposal in past HHC presentations into a conceptualization for some future implementation that might never materialize. The Museum president has publically stated that a new building would be great, but that it was not needed at this time.

  So how can the public or the city examine a project component that is on such shaky ground - a 'building construct' that is not even on a direct path to realization?

- With regard to funding, the Seaport Museum has been noticeably quiet about the status of 12MM in FEMA funds that were allocated to advance the museum's reopening, but which have obviously not been acted upon to date to accomplish this. Instead both the Museum and HHC redirect and cast the Museum's reopening in the public's eye to the promise of HHC funding, the cost of which is support for an inappropriate tower in the Seaport.

- The Development Assumption (pg 6) that "absent the proposed project, the museum would close permanently " is unfounded, and dismissive of alternative options. It ignores funding already allocated to support opening – granted not with renovated spaces as proposed in the "museum site" application, but with the ability to function within past parameters.

- There is also a Seaport Coalition plan offering viable alternatives to what is currently being proposed regarding the appropriate use of public assets.

**Streetscape / site plan / other district Improvements- Affected Area**

(refer: Draft Scope of Work, pg.1, refer: Figure 1)

- The 250 Water Street application makes vague reference to potential streetscape improvements that include de-mapped <u>city</u> <u>streets.</u>

  The streets are included as part of the "development site" project without any indication of acknowledgment by the city of an improvement agreement with the developer. Absent this agreement, any reference to the de-mapped city streets should be deleted from the application, including removal from the "Affected Area" shown in Figure 1. They should not be considered part of the application.

- The direct involvement of HHC in any street improvements appropriate to their application apply only to the 250 Water development site where HHC would have responsibility for restoring any damaged streetscape immediately bordering its development site.

- It is obvious that the developer is promoting streetscape improvements to city de-mapped streets outlined on the Figure 1 map schematic - as a way to make a physical connection from the Museum, Pier17 and Tin sites to its own 250 Water site - as if they formed one unified, connected physical project improvement area – the " Affected Area" over which the developer has control.

- The breakdown of the streets noted above, and in Figure 1 are:
  . <u>De-mapped city streets</u>: Water St between Fulton & Beekman;
  Front St between John and Fulton - Front St between Fulton and Beekman;
  Fulton St ( between Water St and South St);

  . Pier17, Tin: this is already part of the original and separate Pier17, & Tin Projects;
  why included in the 250Water application, except to support a physical link to the 250 Water site for air rights transfer adjacency consideration.

. 250 Water Development site: The following areas would be a required part of 250 Water St site streetscape restoration:
Peck Slip between Pearl and Water; Water St between Beekman & Peck Slip.

**Resiliency**

The proposed 250 Water St development is not a practical, or prudent use of the land.

It defies common sense at this time of growing awareness of the potential impact of climate change and sea level rise for a building <u>of the size proposed</u> to be built at this location.

- The site is in the FEMA 100-year flood plain, and is within the city's Coastal Zone.

- The site is on landfill, with a high water table –which would force enormous engineering practices to come into play to ensure that a building of the height proposed is on a stable foundation.

- It would require changes to all the regulations and guidelines put in place over many years of careful consideration for this special national historic area – including zoning and landmark revisions.

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**CPC - Positive Declaration – Nov 16, 2020**

Under **Supporting Statement:**
The above determination is based on an Environmental Assessment Statement prepared for the action which finds that:

1. **Land Use, Zoning and Public Policy** – The proposed actions would alter existing land uses and zoning by allowing an increase in development on the development site beyond that currently permitted under existing zoning. In addition, the effects of the proposed actions may not be compatible with one or more of the public policies that are applicable to portions of the study area.

Historic Districts are unique time markers that help us relate to where we came from and who we are. The Seaport Historic District is recognized worldwide for the historic and cultural contribution it makes to our heritage. It brings value to surrounding areas, and is an economic draw for visitors.

It is important to ensure that policies made to protect the Seaport are not only implemented, but also reinforced. Allowing an out-of-scale tower to set root within the district's bounds to loom over, dominate and confuse the district's purpose would be the first, but not the last attempt at other destructive land grabs.

The potential to invoke such a damaging precedent exists at another site within the Seaport. Like 250 Water St, it is now a parking lot – along John and Front Sts across from Imagination Park.

Allow one an out-of-scale build. Try to deny the other.

<u>Safety concern:</u>

- There is a special world recognized site in the area: A proposed tower so close to the Brooklyn Bridge needs to be assessed for emergency and security concerns.

2. **Socioeconomic Conditions** – The proposed actions are not expected to result in the direct displacement of residents or businesses. However, the proposed actions would introduce approximately 338 new dwelling units and approximately 247,846 gsf of new commercial uses that would result in a substantial population increase.

The threat of luxury tower developments on surrounding middle and low-income housing and the businesses supporting them is a reality we have seen in many upscale developments.

Indirect residential displacement is a real after effect of luxury intrusion on middle and low-income areas– property values go up, but so do property taxes. The costs of living rise as an area starts catering to a new, wealthier, mobile clientele where one home is just one of many, and connections to a single place are fleeting.

The loss of existing low and middle-income families with long-standing and well-integrated roots in the community does not necessarily happen all at once, and because the impact is not immediately felt, it does not get the consideration it deserves.

A clear example of a change in the making is Southbridge Towers. A thriving, true moderate to middle-income complex for almost 50 years - where families stayed for years, raised families that also stayed to raise their families – is seeing a change, slow but sure, since it privatized in 2015, as wealthier individuals buy and want amenities that change its look and feel.

Small businesses along Front St inside the Seaport, Fulton St outside -may be faced with competing upscale retail in a new luxury tower - where rents are set to pay luxury bills.

3. **Open Space** – The proposed actions may have an indirect effect on open space resources due to increased demand for use of publicly accessible spaces by the potential net increase of approximately 645 new residents and 1,107 new workers.

The influx of new residents and workers will definitely affect the limited open spaces in the area.

But open space would also be affected for an extended period during construction.

In addition to the Brownfield remediation actions, the subsequent estimated 5 year construction period (projected 2026 C of O ) required to build a tower on the 250 Water St site will have major, direct impact on the limited, open spaces in and around the Seaport – due to noise, vibration, dust, massive construction equipment, street closings and associated traffic issues.

If you witnessed the Pier 17 pile driving, you know the damage noise can do, extending several blocks from its originating site. The following open spaces will be effectively closed down to the public during much, if not all, of the day during active construction:

Titanic Park seating, Pearl St Playground, Pearl St public seating, Beekman de-mapped street public seating, Fishbridge Gardens, Fishbridge Dog Run, Peck Slip.

4. **Shadows** – The proposed actions would allow an increase in development density and greater building heights within the project area. Shadows cast by the new development proposed could affect publicly accessible open spaces and sunlight-sensitive architectural resources in the area.

From actual, visual experience, the following areas will be directly impacted (a full shadow study is needed to complete the list):
Pearl St Playground
Pearl St-west side at Fulton St & at de-mapped Beekman St –gardens and public seating
Tree Canopies: along Pearl St – from Fulton St up to Dover St, along de-mapped Beekman St (between St Margaret's House- SBT );
DeLury Sq Park
SBT- de-mapped Cliff St – tree canopies, plantings; main interior plaza; Frankfort/Gold plaza with swings; de-mapped Spruce St (between SBT & 100 Gold St (city-owned)
Smith Houses - tree canopy & open green spaces, play areas

Spruce St School (Gehry)-upper east outdoor play area
Peck Slip School – roof playground; Blue School
Peck Slip Park (Water to South Sts)
Seaport District: impact on residents in nearby low-lying buildings

5. **Historic and Cultural Resources** – The project area lies within a designated historic district. The proposed actions may directly or indirectly affect designated historic landmarks and/or buildings that may be eligible for designation. In addition, the proposed actions may result in additional in-ground disturbance and therefore has the potential to affect archaeological resources that may be present.

[ Note: CPC Letter from LPC dated Nov 13, 2020 on subsurface archaeological resources ]

A looming tower along what is now its clear western boundary will disrupt what the Seaport Historic area actually defines, confusing its sense of time and place, imposing a jarring change in scale –modern tower vs. 19th Century low-scale. There would be loss of views of the adjacent Brooklyn Bridge; and from the Bridge - disruption of the visible roofscape of the low-profile district.

A tower would become an inappropriate de-facto location marker, usurping the iconic Brooklyn Bridge's long-standing and historically appropriate position as locator for the historic Seaport.

6. **Urban Design and Visual Resources** – The proposed actions and subsequent development would result in physical changes within the project area beyond the bulk and form currently permitted as-of-right; therefore, these changes could affect a pedestrian's experience of public space and may alter the urban design character and visual resources of the surrounding area.

A tower would confuse the Historic District geographic boundaries, and affect:
- pedestrian experience - walking north from Fulton St/ south from Brooklyn Bridge along Pearl St ;
- view from Brooklyn Bridge pedestrian path
- views from within the district – dominated by tower
- views from afar: Brooklyn Bridge as Seaport marker replaced by HHC branded tower as place locator
- view of open sky

7. **Natural Resources** – The proposed actions may have the potential to result in significant adverse natural resource impacts, if a natural resource is on or near the site of a project, to either directly or indirectly, cause a disturbance of that resource.

Impacts that must be considered:
- Effect below ground: on landfill, Seaport area water table; 100-Year floodplain concerns
- Effect of a 250 Water St massive walled-off tower foundation, and ground and below grade flood proofing on surrounding underground land-filled spaces; potential redirection of water to surrounding land-filled properties.
- Above ground: direct sun light, overall light

8. **Hazardous Materials** – The proposed actions would result in additional in-ground disturbance, which, given the historical on-and off-site uses and conditions, has the potential to result in hazardous materials impacts.
Refer: Brownfield Cleanup Program - underway.

9. **Water and Sewer Infrastructure** – The proposed actions would result in a net increase of building space within the project area which could place additional demands on infrastructure, including water supply and storm water management. Per pg16 – an analysis of sewer impacts will be included in EIS.

[Note: I disagree with the following draft scope statement (pg 8): "As per the EAS, three technical areas have been screened out based on the guidance of the *CEQR Technical Manual* and do not require further analysis in the EIS. These are community facilities, solid waste & sanitation services, and energy.
I am including comments below relating specifically to waste & sanitation services that I consider require further action.]

Newtown Creek Wastewater Treatment Plant (NCWWTP) – latest expansion was completed in 2009.
It is already hitting maximum capacity during light rains, triggering increased Combined Sewer Overflow (CSO) events into the East River.

Despite the NCWWTP expansion noted above, Combined Sewer Overflows (CSOs) all along Manhattan's waterfront still contribute to the lack of compliance with the Federal Clean Waters Act– occurring even on light rainfall days, only to be amplified by increasing events due to resiliency issues: rising sea levels, storm surge, more extreme flooding along coastal shorelines.

The State demanded that CSO events be prevented by 2013. The city is still not in compliance, and instead is constantly playing catch-up due to new development.

The EIS for the proposed 250 Water St project must 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 date for both water & sewer – and for both NCWWTP capacity and its tie in to increased CSO events.

- Some recently completed developments:
  Brooklyn: Williamsburg - Domino Factory Buildings, Greenpoint – new buildings along waterfront;
  Manhattan: 56 Fulton St, 118 Fulton St.
- Some projects underway:
  Manhattan: 102-110 John St - through to Platt St, 130 William St
- Some planned projects - spanning the 250 Water St proposed project period:
  Manhattan: 4 Planned towers above Two Bridges; Pace University - sell off of Gold St building for development, new Manhattan Jail

Resilient below ground features that aid in flood control, and help provide backup support to the existing city infrastructure should be encouraged.

10. **Transportation –** The proposed actions would result in an increase in the number of vehicular trips and increase ridership on mass transit facilities. The proposed actions would also affect pedestrian movements in the area due to the increased number of residents and workers expected to be introduced to the area.

During peak hours, the Brooklyn Bridge ramps are already a traffic headache.

In these days of growing Internet ordering, compounded by current Covid-19 stay-at-home requests, additional deliveries are an absolute. A proposed luxury tower off Pearl St right below the Bridge ramps will add to existing traffic bottlenecks in the area of the Bridge; the same holds for the new retail and commercial spaces in the proposed tower.

250 Water Parking Considerations:

- pg3–C. 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?
- pg4- D. HHC project: indicates **128** parking spaces – will this accommodate any public parking or will it be planned for building residents only?
- pg5 – No Action build: **65** parking spaces allocated

11. **Air Quality** – Increased demand for heating, ventilating, and air conditioning (HVAC) and additional vehicular traffic introduced by the proposed actions may affect air quality.

Massive construction activity will also affect air quality during its duration.

12. **Greenhouse Gas Emissions and Climate Change** – The proposed actions would allow a increase in development density that may affect greenhouse gas emissions due to increased construction and operational activities with the projected development. Additionally, the project area is partially located within the flood hazard area and may be susceptible to storm surge and coastal flooding.

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13. **Noise** – The proposed actions would increase the volume of traffic in the area, which could result in additional traffic related noise and may have the potential to result in mobile and/or stationary source noise impacts.

Construction:

- The noise from pile driving needed to support a huge tower is unnerving. It would affect the mental well being of healthy as well as compromised individuals; also our companion animals.

- The vibrations will shake the fragile historic buildings around it, as well as neighboring residential buildings, and city infrastructure (nearby NYC Cliff St Substation- off Fulton St), with possible attendant damage and outages.

14. **Public Health** – The proposed actions could potentially result in unmitigated significant adverse impacts in technical areas related to public health.

Significant impacts have been cited throughout this testimony. Health problems, once introduced, don't magically disappear when development stops.

- There are vulnerable populations throughout the immediate project vicinity: 2 schools housing young students; St. Margaret's House – housing elderly and disabled residents who don't have the luxury of escaping to another location; NY Presbyterian-Downtown Hospital; Pace Univ.
- And even after Covid lockdown is lifted, more people are likely to be staying in the area and working from home.

15. **Neighborhood Character** – The proposed actions have the potential to alter certain constituent elements of the project area's neighborhood character, including land use patterns, socioeconomic conditions, traffic, and noise levels.

Previous comments already speak to many aspects that contribute to neighborhood character.

From an historical context, the HHC project would add out-of scale height and residential density to the historic Seaport that has no bearing on the land use patterns and living conditions of a 19th C Historic District.

16. **Construction** – The proposed actions would increase the allowable density resulting in new development that involves activities which may result in construction-related impacts.

( Draft Scope, pg5 – 5 yr construction, [start 2022 after ULURP 2021certification]; occupancy 2026)

The referenced 5-year construction period will have major impact on:

- Adjacent schools – Blue School, Peck Slip
- Use of Pearl St as <u>entrance to</u> the Seaport along Peck Slip and Beekman Sts, and <u>exit from</u> inside the Seaport north of Fulton Plaza
- Residents, businesses & restaurants within the Seaport along Peck Slip, Water, Front Sts

- Overall resident and general public use of Pearl St as pathway north & south
- Access to hotel & other businesses on north-east side of Pearl St .

Extreme engineering practices would be needed due to landfill, high water table, depth needed to insure a solid foundation, and equipment needed for the proposed 250 Water tower (and to avoid the issues that the Fortis building is now facing at 151 Maiden Lane)

A comprehensive Safety Plan would be a given - to protect residents, visitors, workers, businesses. Plans need to insure that damages to important facilities – water, sewer pipes, cables etc. – are addressed quickly.

17. The Draft Environmental Impact Statement (DEIS) to be prepared in connection with the proposed actions will identify and describe any other potential effects on the environment.

**Alternatives:**
**Scope - No action:** 120 ft mixed use development.

All suggestions within the 120 ft height should receive consideration. Exceeding the height limit should be a non-starter.

The Seaport Coalition offers a way to use the Seaport's public air rights to provide funding support for the South Street Seaport Historic District and Museum that would require none of the major special permitting and zoning changes or public asset tradeoffs required for the HHC proposal.

**EIS Summary Chapters**
**Draft Scope - Unavoidable Adverse Impact**

Were CPC to advance HHC's proposal by overriding the zoning height limit of 120ft, allowing public air rights transfer to further this private development inside the Historic District, and dismissing all other red flags that jump out in the environmental review, it would:

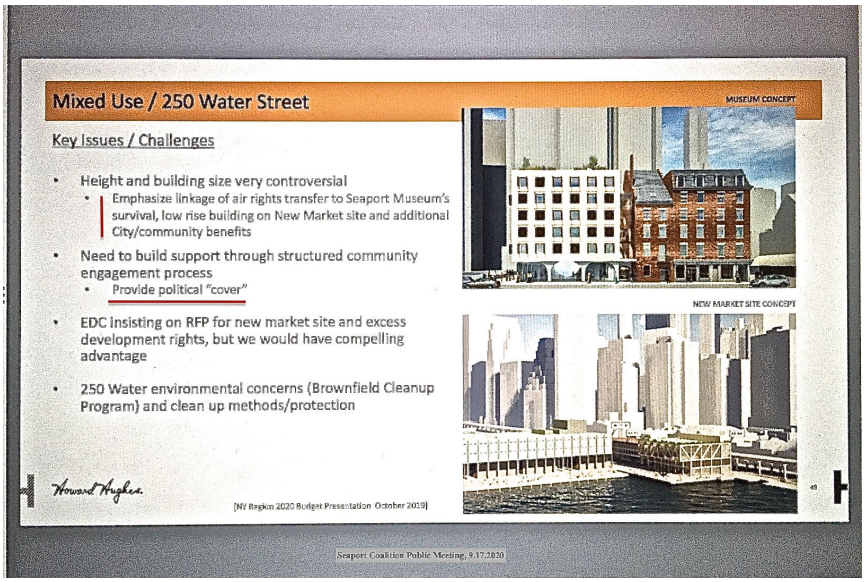
a) Sanction a building that forever undermines the scale and context of the historic district
b) Open the door to continuing erosion of the Seaport by setting a precedent for future development. Guaranteed, other development opportunities will arise within the Seaport's protected area.
Once you open the door, there is no reverse button, only potential legal challenges.

**Of course, all the damage is avoidable - by simply not allowing such projects as proposed here**.

**For all the reasons contained herein, the City Planning Commission should stop this project before wasting any more city resources, and send a clear message that the 2003 zoning amendment limiting height to 120 ft provides clear guidance for the advancement and success of any future proposal for development within the historic district. It would be irresponsible to allow this proposal to advance.**

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APPENDIX A




Howard Hughes Corp. –NY Region 2020 Budget Presentation October 20

HHC looks to link the survival of the Seaport Museum to the transfer of Seaport public air rights needed for its proposed tower on 250 Water St; Museum tied to "political cover" for community buy-in.







**South St Seaport Historic District** - northern area; looking east from west side of Pearl St between Peck Slip and Beekman St; photo left – as of 2020; image right - Howard Hughes Corp. proposed towers super-imposed on 250 Water St site.

# UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA
## NEW YORK CITY & VICINITY DISTRICT COUNCIL OF CARPENTERS

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Department of City Planning (DCP)
120 Broadway , 31st Floor
New York, NY 10271
Attn: Olga Abinader

VIA email: 21DCP084M_DL@planning.nyc.gov

**Re: 250 Water Street – Letter of Support**

Dear Ms. Olga Abinader and Department of City Planning (DCP),

Thank you for the opportunity to comment on the proposed **250 Water Street** Project, as it is our duty to support safe, healthy, and well-built construction projects in the greatest city in the world.

In New York City, we can see the craftsmanship of skilled and safe union construction workers at every turn, every corner, and in every building. That's because we don't settle for less and we champion the best. And what is best for New York City is to have the **250 Water Street** Project come to fruition. To that end, the New York City & Vicinity District Council of Carpenters supports this bold and forward-thinking project to revitalize the South Street Seaport area and, subsequently, our city.

At a time when New York City is experiencing massive social and economic shifts resulting from the COVID-19 pandemic, the **250 Water Street** Project is a leap in the right direction toward the new normal. In this difficult time, construction matters more than ever and building environments that meet high standards of health and safety in New York City is beyond a doubt critical. The stakes are high and the health and well-being of all who live in, commute to, and visit New York City is under a microscope.

Helping to make New York City a desired destination for tourism are the additional **$50 Million improvements to the South Street Seaport Museum** which has been shuttered since Superstorm Sandy. The extra space will further reduce over-crowding and keep people out of harm's way. The District Council believes that there has never been a better and more important time to breathe new life into South Street Seaport community. Added enhancements to the Peck Slip Play Street & preservation of the cobblestone streets which are characteristic to our community.

Additionally, the **250 Water Street** Project will function as a catalyst to jumpstart our economy. The state-of-the-art mixed-use venture will add **100 permanently affordable residential units** as well as commercial space that will attract more professional jobs, which will translate into disposable income and a desperately needed financial injection in the economy.

On the construction side, it will create hundreds of jobs for union trades people – the same trades people whose families currently rely on the NYC Construction Industry to pay their bills & support their families. They and their families will benefit from not only building this robust and healthy project in their city, but by also reinvesting it as consumers.

Of course, we do have a keen interest in the project, as our members and other union trades people have the potential to enjoy good-paying jobs with substantial benefits for the duration of the project. This sustainable investment will enable New York City to reap financial rewards for years to come.

We at the District Council strongly support the current scope of work, as articulated by the The Howard Hughes Corporation. We commend the progressive and innovative leadership behind this project, and we believe the benefits of supporting this project far outweigh any opposition. Consequently, we are in favor of moving ahead with this project.

Sincerely,

Eddie McWilliams
Executive Director
NYC District Council of Carpenters
*395 Hudson Street*
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*Emcwilliams@nycdistrictcouncil.org*

# Experience Modification Rate: WHAT YOU NEED TO KNOW

TARGET: ZERO ACCIDENTS

Experience Modification Rate (EMR) has a strong impact on our ability to drive work to union contractors. EMR is the number used by insurers to gauge past cost of injuries and the chance of future risk. **That means: LESS ACCIDENTS FOR UNION CONTRACTORS = MORE UNION JOBS**

## INDUSTRY AVERAGE EMR: 1.0

**What does it mean if your business EMR is greater than 1.0?**
There has been a worker compensation claim that your insurer has paid. The bad-news...Insurers pass this cost along to you by raising worker compensation premiums AND an increased EMR sticks with you for 3 years.

**How are EMRs calculated?**

$$\text{Base Premium} \times \frac{\left(\frac{\text{Company Payroll on a Job}}{100}\right)}{\text{Class Rate}^*}$$

...But, you're not a mathematician, so who cares? You only have to worry about one equation:

**LESS ACCIDENTS FOR UNION CONTRACTORS = MORE UNION JOBS**

**How does high EMR affect cost?**
Simple: The higher your EMR is, the higher insurance premiums will be. The lower your EMR is, the lower your insurance premiums will be. **That is why we need our union contractors to have low EMRs.**

TARGET: ZERO ACCIDENTS

The Municipal Art Society of New York
MASNYC

**MAS Comments on 250 Water Street Draft Scope of Work, CEQR No. 21DCP084M, New York, NY**

January 11, 2021

The Municipal Art Society of New York (MAS) has been closely involved with South Street Seaport's evolution since 1965. Through testimonies, articles, letters, and events, MAS has been one of the most vocal supporters of protecting the Seaport. From the designation of Schermerhorn Row in 1968 to the recent reconstruction of the Tin Building, we remain dedicated to preserving the authentic maritime character of New York City's first financial district.

It is from this perspective that we raise serious concerns about the current proposal by Howard Hughes Corporation (250 Seaport District LLC) to redevelop 250 Water Street. The New York City Department of City Planning (DCP) issued a Draft Scope of Work (DSOW) for a proposed 470-foot-tall mixed-use building that would include 912,762 gross square feet (gsf) of market-rate and affordable housing, retail, office, community spaces, and parking. As part of the proposal, the applicant also seeks a special permit to allow bulk modifications and distribution of City-owned development rights from Pier 17 and the Tin Building to the development site. The proposal would facilitate the financial stabilization, restoration, reopening, and potential expansion of the South Street Seaport Museum (the museum) by providing $50 million in funding.[1] According to the DSOW, the survival of the museum is contingent on the proposal going forward.

The current proposal is just one of several attempts over the last forty years to develop the project site. The South Street Seaport Subdistrict was rezoned in 2003 to adjust the underlying zoning to be more consistent with the South Street Seaport Historic District. The C6-2A contextual zoning, which imposed a height limit of 120 feet, was designed to strengthen the existing neighborhood context by mandating a built form similar to the surrounding buildings while allowing medium-density residential and commercial development. MAS supported the Community Board's original 2003 rezoning application and continues to maintain that the City's historic zoning policy for the Seaport be respected.

On January 5, MAS testified before the Landmarks Preservation Commission (LPC) urging that a Certificate of Appropriateness for the project be denied (see attached testimony). In addition to concerns about appropriateness within the historic district in terms of design and scale, MAS has fundamental problems with the proposed development from a policy perspective, particularly regarding the transfer of City-owned development rights upon which the project depends. Based on the 2003 amendment to the Special District, the project site is not a designated development rights receiving site and Pier 17 and the Tin Building are not mapped as development right granting sites. These sites need to be mapped as receiving and granting sites as part of the

[1] https://www.6sqft.com/south-street-seaport-towers/

proposed action, before any substantive discussion on the merits of the proposal moves forward. No FSOW should be issued that does not address this issue.

From an environmental review perspective, we have the following comments, which we look forward to being reflected in the Final Scope of Work (FSOW) and included in the Draft Environmental Impact Statement (DEIS).

**Project Description**

The 48,000 square-foot project site is composed of 250 Water Street (Block 98 Lot 1), currently a 400-space surface parking lot that occupies the full block bounded by Pearl Street, Water Street, Beekman Street, and Peck Slip, the 21,500-square-foot South Street Seaport Museum site (a portion of Block 74, Lot 1 between John Street, South Street, and Fulton Street), and the museum's "collections" building (the AA Low Building) midblock on John Street. The project site also includes additional areas that according to the DSOW may undergo streetscape, open space, and other improvements under the requested special permit.[2]

*250 Water Street*

The proposal seeks a special permit for bulk modifications, a development rights distribution from the Pier 17 and Tin Building lots, possible zoning text amendments to the special permit and special purpose district text, and an authorization for a curb cut on Pearl Street. Additionally, according to the DSOW, other actions may include dispositions authorizing the sale of development rights and funding decisions, if required, to effectuate other changes to the affected area. The DEIS must expand upon this last point and disclose details concerning what other disposition actions for the sale of development rights are needed to facilitate the proposed project. We also urge the City to revise the scope so that the mapping amendments and disposition process needed to facilitate this project become part of the proposed action; specifically, the mapping of 250 Water Street as a receiving site and Pier 17 and the Tin Building as granting sites.

The actions would allow approximately 640,186 gsf of residential uses, including 360 market-rate units, of which 25 percent (90 units) would be affordable under Mandatory Inclusionary Housing (MIH), 257,886 gsf of office space, 9,690 gsf of retail uses, 5,000 gsf of community facility uses, and 128 parking spaces. A seven-story podium (approximately 100 feet tall) would include mixed uses, on which two 37 and 38-story towers sit above, containing residential uses, for a total height of approximately 470 feet. We understand that for the purpose of a conservative analysis, the DEIS will evaluate a development scenario that includes 640 dwelling units, 160 of which would be affordable under MIH, and all dwelling units would be 1,000 gsf in area.

[2] These areas include Titanic Park, Pier 16, Peck Slip between Pearl and Water Street, Water Street between Fulton Street and Peck Slip, Front Street between John Street and Beekman Street, and Fulton Street between Water Street and South Street. The project area also includes the Pier 17 Large-Scale General Development.

*South Street Seaport Museum*
This proposal also seeks to facilitate the restoration, reopening, and potential expansion of the existing South Street Seaport Museum. The restoration of the museum includes approximately 27,996 gsf of renovated space in the Fulton Ferry Building at the corner of Fulton Street and South Street. The proposed expansion would facilitate a seven-story (approximately 62-foot tall) 32,383 gross-square-foot building on the vacant lot at the corner of Burling Slip/John Street and South Street.

To clarify this proposal, the DEIS must disclose information concerning the South Street Seaport Museum's current financial outlook. We question the reliability of the Reasonable Worst Case Development Scenario (RWCDS), which states "absent the proposed actions, the museum would be closed in the future." Therefore, the DEIS must disclose financial information concerning the museum's current budget for the museum expansion (without the dedicated funds), the specific amount Howard Hughes proposes to allocate to the museum, and to what museum expense the funds will be dedicated (i.e., whether the funds will go towards a capital campaign or the museum's endowment). The DEIS must also disclose the legal mechanism by which the museum will secure the funding from Howard Hughes and when the funding will be provided. It should also disclose any vulnerabilities that might affect the disposition of the funds, i.e, are there any circumstances in which the funding would not be provided if the project is approved. Lastly, the DEIS must disclose information about how the assumed 2026 build year for the museum expansion was calculated.

**Land Use, Zoning, and Public Policy**
MAS urges DCP not to depart from the City's historic zoning intent of the Seaport and to critically evaluate the negative policy implications of designating 250 Water Street as a receiving site.

Although the applicant presents this proposal as adhering to the historic objective of the district and helping to preserve and maintain its low-scale character, in reality we find it is the opposite. In 1972, the City created the Special South Street Seaport District to maintain the historic context and facilitate the transfer of development rights outside the district. 250 Water Street was included in the district but was not designated a receiving site. Moreover, when the South Street Seaport Historic District was created in 1977, the boundaries were carefully drawn to protect the existing character and manage future development in the neighborhood. To that end, a number of vacant lots were included in the designation, specifically 250 Water Street. Meanwhile, several buildings contributing to the period of significance were excised by the Board of Estimate and later formed the 1989 district expansion. This underscores the intention behind including 250 Water Street in the original historic district to regulate the character of new development. Lastly, the Community Board's 2003 rezoning was passed with the goal of better aligning the zoning with the City's original intent of the historic district by shrinking the FAR and envelope to better reflect the neighborhood context. The C6-2A district limits building height to 120 feet and an FAR of 6.02.

If permitted, the 470-foot-tall towers would significantly depart from the City's zoning intent and subsequently lead to negative citywide implications in historic districts. Howard Hughes has made a case that the context for this site is the surrounding towers of Lower Manhattan. However, there is no such thing as an "edge" or "transition" in a historic district, a given lot of land is either included inside or outside of the boundaries. Furthermore, the land use rationale for transferring floor area off block was to preserve the granting site. In this case, however, the granting site is Pier 17/Tin Building, which is not considered as the beneficiary of the land use action at hand.[3] For the long term, MAS is also deeply concerned about the precedent of allowing the transfer of a City asset to a private developer for subsequent reallocation to the South Street Seaport Museum. The original intent of the subdistrict was to have the development right transfers benefit the museum. However, with the proposal, it appears the development right transfers would benefit a private developer first, then City, and finally the museum.

Therefore, the DEIS must identify and disclose all the unused floor area from the Pier 17/Tin Building lots that are proposed to be transferred to 250 Water Street, in addition to their value and the legal process of facilitating the development rights transfer. The DEIS must disclose any other anticipated development rights transfers, including the source and amount of rights. Additionally, the DEIS must disclose the remaining amount of air rights in the district and discuss the status and role of the New Market Building in the development rights transfer. Lastly, the DEIS must disclose and explain the mapping actions that would facilitate 250 Water Street as a receiving site and Pier 17/Tin Building as granting sites.

**Socioeconomic Conditions**

According to the applicant, this development will be the first MIH project in Lower Manhattan. While we acknowledge the importance of building affordable housing throughout the city, especially in high-opportunity areas such as Community Board 1, this proposal is offering only what is required under MIH, and therefore, no special forbearance should be anticipated by the developer.

We recommend that the DEIS disclose and evaluate the affordability levels being considered under MIH. Moreover, the DEIS must disclose how the market-rate and MIH units will be distributed throughout the two towers in the proposed development. According to the DSOW, the average dwelling unit size would be 1,000 square feet. However, the applicant, as stated, intends to construct larger units which would yield a lower number of market-rate (360) and affordable units (90). The DEIS must disclose the breakdown of the number of bedrooms being proposed for all dwelling units.

[3] CPC Report C 020213 ZMM, page 22: "First, within the Seaport district, the basis for designation of a site as a granting lot is that there is a historical resource on that lot that merits protection through the alleviation of development pressure on that site." In this case, Pier 17 does not match this criteria.

**Open Space**
For a project that touts community benefits, we question the overall lack of publicly accessible open space and attention to the public realm. We strongly recommend that more open space be provided, and that it be publicly accessible 24 hours a day. We also recommend that the DEIS 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, which is part of the project area.

**Shadows**
The proposed project will likely cast significant shadows on nearby parks, open spaces, and other historic resources in the Seaport, namely Pearl Street Playground, Peck Slip, and Titanic Memorial Park. The DEIS must describe in detail the specific shadow impacts on publicly accessible parks and plazas, historic resources, and natural resources.

**Historic and Cultural Resources**
Since the development site and museum site are located within the South Street Seaport Historic District, significant impacts are expected on historic and cultural resources. We recommend the DEIS include the Phase IA archaeological study to disclose potential archaeological resources on the John Street lot, specifically the artifacts from the Ronson ship, an 18th-century British merchant ship discovered under 175 Water Street in 1982. Additionally, the DEIS must provide a detailed conservation plan for Schermerhorn Row.

**Urban Design and Visual Resources**
The proposed 470-foot-tall towers sited in a historic district where the tallest building is 104 feet and the average building height is 57 feet, and in a zoning district with a height limit of 120 feet raises serious concerns about the out-of-scale nature of the project, the negative implications for the pedestrian experience, and its potential to block critical view corridors of historic resources. As part of the urban design analysis, the DEIS must include detailed drawings of all streetscape, open space, and other improvements being requested under the special permit. For the evaluation of potential visual resource impacts, the DEIS must provide photo stimulations looking toward the East River, Brooklyn Bridge, and other historic buildings in the Seaport and an evaluation of the potential for the proposed development to block these important view corridors. In addition, the DEIS analysis must identify specific mitigation measures to avoid potential adverse impacts.

**Climate Change Impacts**
The southern portion of the development site and the museum site are within the 100-year floodplain. The site is also in the State and City-regulated coastal zone and will require an evaluation of its consistency with the City's Waterfront Revitalization Plan. Therefore, the DEIS must disclose and evaluate these risks in detail. Given the fact that the area flooded during Hurricane Sandy in 2012 and remains at risk, the DEIS must also provide details on resiliency and mitigation measures, including those pertaining to sea level rise and storm surge. We expect the analysis to examine the impacts of climate change based on sea-level rise and flooding estimates by 2080, consistent with standards established by the New York City Panel on Climate

Change. The DEIS should also disclose how the project will be affected by the proposed Zoning for Coastal Flood Resiliency, which is currently in public review.

**Hazardous Materials**
Based on prior use, the project site is heavily contaminated and would need to be remediated before any construction activities can proceed. The owner has voluntarily entered the project site into the New York State Brownfield Cleanup Program. For full disclosure of all potential hazardous material impacts and findings, the DEIS must include the Phase I Environmental Site Evaluation, and if completed, the Phase II Environmental Site Investigation reports. The DEIS evaluation also must include all relevant information regarding the Remedial Action Plan and detailed measures for protecting workers, visitors, and occupants during project construction and operation.

**Neighborhood Character**
The proposed project is within the South Street Seaport Historic District, which is characterized by low-rise, commercial buildings from the 19th Century. However, since the proposal would substantially exceed the district's zoning height limits, it is not consistent with the area's neighborhood character. The DEIS must evaluate how the 470-foot dual towers above the podium would be consistent with the low-scale character of the district.

**Alternatives**
The alternatives chapter in the DEIS must identify and evaluate a lower-scale alternative that would provide affordable housing without utilizing City-owned development rights. The evaluation should also consider an alternative that excludes the museum as part of the proposal. (The museum improvements and expansion could be considered in an independent action.) Additionally, the alternatives analysis should include a future in which absent the proposed project, the museum is still able to operate.

**Conclusion**
We recognize that the economic and physical climate of this area has evolved since the original Seaport District was established in 1972. We also recognize that the project site should not remain a barren parking lot. However, we strongly urge that the principles embodied in the City's zoning policy actions for more than 40 years be respected. The current proposal at 250 Water Street has the potential to drastically change the unique historic and urban design character of the area. Additionally, questions concerning the South Street Seaport Museum's funding must be addressed before any substantive discussion on the merits of the proposal moves forward. Therefore, we strongly urge that the comments above be reflected in the FSOW and included in the DEIS.

The Municipal Art Society of New York
MASNYC

## Testimony from the Municipal Art Society of New York to the Landmarks Preservation Commission Regarding 250 Water Street

The Municipal Art Society of New York (MAS) has had a long engagement with the Seaport, dating back to the conceptualization of the South Street Seaport Museum in 1965. Since that time, we have participated in every major land use action in the district, from the designation of Schermerhorn Row in 1968 to the recent reconstruction of the Tin Building. For more than 50 years, we have been dedicated to the preservation of the authentic maritime character of New York City's first financial district. We have attached a brief synopsis of positions that MAS has taken that are relevant to the one before you today.

The Landmarks Preservation Commission has before it the tenth proposal for 250 Water Street, nine of which have been found failing by previous Commissioners. Despite the desire to bring forward a project that has strong community benefits and a will to do right by the urban design challenges of the site, this proposal is unsupportable. The Municipal Art Society of New York urges the Commission to reject it on the following grounds.

**The Commission must uphold the boundaries of the South Street Seaport Historic District.**

The Howard Hughes Corporation, the developer of 250 Water Street, has made a case that the context for this site is the surrounding towers of Lower Manhattan. However, there is no such thing as an "edge" or "transition" in a historic district, a given lot of land is either included inside or outside of the boundaries.

As you all know, the South Street Seaport Historic District was designated in 1977. The boundaries were carefully drawn to protect the existing character and manage future development in the neighborhood. To that end, a number of vacant lots were included in the designation, specifically 250 Water Street. Meanwhile, several buildings contributing to the period of significance were excised by the Board of Estimate and later formed the 1989 district extension. This underscores the intention behind including 250 Water Street in the original historic district to regulate the character of new development.

**The vacant lot at 250 Water Street was always intended to be developed, and still can be.**

To date, the Commission has carefully regulated this district to ensure that its low-rise nature would be retained even as new developments have been built within its boundaries. Indeed there have been successes, including James Polshek's Seamen's Institute and the Front Street development by Cook + Fox Architects. These projects have shown how new architecture in the district can enhance the neighborhood's character and its vitality. An appropriate proposal for 250 Water Street would engage the existing architecture in an equally creative way, remaining consistent with the sense of place of the South Street Seaport Historic District.

**The bulk of the proposed towers is not consistent with allowable density on the site.**

The Municipal Art Society of New York
MASNYC

The Commission has approved only one development scheme for this site, a 10-story building with a penthouse, totaling roughly 380,000 square feet. In 2003, the Seaport neighborhood was contextually rezoned, roughly matching this envelope. At the time, we commented to the City Planning Commission, "The proposed zoning would also permit a height of up to two stories greater than the District's tallest existing building. It remains true today, that an as-of-right building conforming to the zoning can meet the needs of both growth and preservation in the Seaport.

While Skidmore, Owings, and Merrill has designed a podium for 250 Water Street that seeks to respond to the context of the low-rise neighborhood, the proposal before you today is vastly inappropriate for a historic district in which the tallest building is 104 feet, and the average building height is 57 feet. The Commission must review this development with the same level of rigor as it has done for other applications on this site and within the South Street Seaport Historic District overall.

**The community benefits do not justify a development that will undermine the character of the historic district.**

Proponents have made an emotional appeal for this project, tethering the development at 250 Water Street to the fate of the South Street Seaport Museum. The survival of the museum demands the City's attention and deep commitment, as the very interdependence of the museum and the historic district was designed in from the beginning.

And yet, approval of this project would upend the very grand purpose that museum's founders set out to achieve. Our 1981 issue of the Livable City was devoted to the topic of the Seaport reminds us of the stated intention for its creation. "The Museum itself was a maverick. Its collection would not be made up of paintings or coins or things in cases with labels. Its treasure was to be a piece of the City: the buildings that stood within its boundaries, the ships moored at its piers… It was obvious that certain new infill structures would have to be built, and it was understood that the new buildings would fit in, respecting the scale of the existing neighborhood; they would not overwhelm it."

It is long overdue for the City to make good on its responsibility to secure futures of both the museum and the historic district. However, instead, today's proposal offers two towers that are more than 10 times the size of any building in the district, using City-owned air rights that could and should be deployed elsewhere and for a more direct benefit of the museum.

We respect the investment that the Howard Hughes Corporation is proposing to make in the museum as part of this project. Yet, the circumstances of their largesse is largely a made possible by the transfer of a City asset to a private developer for subsequent reallocation to the South Street Seaport Museum. While the Commission must make its decision solely on the appropriateness of the proposal, it must also be recognized that the conundrum before it is one of the City's own making.

We also acknowledge the importance of building affordable housing throughout the city, and especially in more well-to-do neighborhoods such as Lower Manhattan. But in the end, this proposal is offering

only what is required of it under Mandatory Inclusionary Housing, and therefore, no special forbearance should be anticipated by the developer. Surely the City must find a way to thread these very important public policy needles without negating one for another.

In New York City, change is the only constant. We acknowledge that the economic and physical climate in the historic district provide a very different context than existed in 1977 at the time of designation, or 2003 during the downzoning, or the years between when various proposals for the site came before the Commission. The question is not whether that change is good or bad, but whether the principles that have been embodied in the City's policy actions for more than 40 years should be modified to reflect those vicissitudes.

This decision is one that will have far-reaching implications for the evolution of historic districts and the intricate interplay of contemporary and historic architecture. We implore the Commission to consider the precedents with great care in determining their validity in the context of today.

We maintain that this approach provides a convoluted and treacherous conclusion that is gravely flawed for the historic district, and is ultimately damaging to the museum it purports to save. We respectfully urge the Commission to reject the proposal for 250 Water Street.

The Municipal Art Society of New York
MASNYC

## Comments from the Municipal Art Society of New York on Previous Proposals for 250 Water Street

In 1990, when a 12-story building designed by a long-time board member of MAS (and former LPC Commissioner), we testified:

- "…the mass of the building is strikingly out of scale with the buildings that characterize the South Street Seaport Historic District."
- "This site was purposefully included in this historic district and should not be treated as transitional. The same rules of appropriateness should be applied to this site as are applied to other sites within the district."
- "…the Landmarks Preservation Commission has the power and responsibility to regulate new development within a historic district, including scale, in order to protect the character of that district."

In 1996, we commented on a scheme for two towers (32 and 14 stories) by the same architects. "The District perceptually will have been reduced in size by a square block. The looming towers of Downtown will have moved not only closer to the District but actually into it. And neither façade decoration nor modest reductions in height will disguise or mitigate the effects of that incursion."

When that proposal was modified, we maintained our position. "The Preservation Committee has voted to oppose the project, reiterating the Society's belief that a building of this scale, size and disposition would be incompatible with the district; would intrude into important sight lines from the Brooklyn Bridge and elsewhere; would interfere with the district's characteristic roofscape; and would diminish its perceived extent by introducing tower elements characteristic of other areas of Lower Manhattan but alien to the South Street Seaport Historic District."

The Municipal Art Society of New York
MASNYC

## Testimony from the Municipal Art Society of New York to the Landmarks Preservation Commission Regarding 175 John Street

Sentiments about the proposed new building at 175 John Street, expanding the South Street Seaport Museum, were mixed among MAS Preservation and Planning Committee members. Some felt that the copper cladding and glass reveal were misplaced in the context of centuries-old masonry buildings, while others supported the more contemporary approach in materials and setback. Some committee members questioned the detail of the conservation plan for Schermerhorn Row, arguably the most important structures in the district.

However, there was consensus that the scale and massing of the new building are appropriate to the site and district. The committees felt that the relocation of the museum entrance is a smart programming and urban design move. There was also appreciation for the sustainability measures being undertaken, and the reflection of the neighborhood's maritime history in the timber-framed interior.

Several committee members noted a missed opportunity to reconstruct and display the bow of "The Ronson," an early-18th-century merchant vessel that was uncovered on the John Street lot. Indeed, there may be other archeological treasures to be found and exhibited in the museum.

Overall, MAS encourages the LPC to approve 175 John Street, assuming a detailed plan for excavation is incorporated.

AKRF

**Owen DiMarzo <odimarzo@akrf.com>**

# Fw: 250 Water Street DSOW

**Alison Brown (DCP)** <ABrown@planning.nyc.gov> Mon, Jan 11, 2021 at 6:26 PM
To: Owen DiMarzo <odimarzo@akrf.com>, Charlie Fields <cfields@akrf.com>, "Karnovsky, David" <David.Karnovsky@friedfrank.com>, "Wesley.OBrien@friedfrank.com" <Wesley.OBrien@friedfrank.com>
Cc: "Olga Abinader (DCP)" <OABINAD@planning.nyc.gov>

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**From:** Popovits, Iliberth <Iliberth.Popovits@nyct.com>
**Sent:** Monday, January 11, 2021 4:51 PM
**To:** 21DCP084M_DL <21DCP084M_DL@planning.nyc.gov>; Olga Abinader (DCP) <OABINAD@planning.nyc.gov>
**Cc:** Dougherty, Patrick <Patrick.Dougherty@nyct.com>; Yung, Buckley <Buckley.Yung@nyct.com>; Dasrath, Jason <Jason.Dasrath@nyct.com>
**Subject:** 250 Water Street DSOW

Good Afternoon,

Our Bus Planning group had the following comment regarding the 250 Water Street DSOW:

Bus Planning Comment
250 Water St – Please include M15 local and M15 SBS, and potentially express buses that operate along Water St/Pearl St depending on the number of expected commuter work trips generated by the development.

Regards,

**Iliberth Popovits**

Manager, Information & Planning Support
MTA, New York City Transit
New York, NY 10004
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Iliberth.popovits@nyct.com

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December 17, 2020

Ms. Olga Abinader, Office of City Planning
120 Broadway, New York, N.Y. 10271

Re: Draft Scope of Work Comments: “250 Water Street Project” CEQR No. 21DCP084M

Pursuant to Section 5-07 of the Rules of Procedure for Environmental Review (CEQR) and 6 NYCRR 617.8 (State Environmental Quality Review), the New York City Department of City Planning (DCP), acting on behalf of the City Planning Commission (CPC) as CEQR lead agency, has determined that a Draft Environmental Impact Statement (DEIS) is to be prepared for the proposed actions related to the development of the “250 Water Street Project” (CEQR No. 21DCP084M).

The Applicant—250 Seaport District, LLC (an affiliate of the Howard Hughes Corporation) seek modifications to the existing Pier 17 Large Scale General Development (“LSGD”) to allow for: (i) a special permit for bulk modifications on the development site, a development rights distribution from an area generally corresponding to the Pier 17 Large-Scale General Development to the development site, and potential streetscape, site plan and district improvements in the affected area; (ii) possible zoning text amendments to the special permit and special purpose district text; (iii) and an authorization for a curb cut on Pearl Street, to enable a mixed-use development at the development site with affordable units under MIH parameters. In addition, other actions may include, as necessary, disposition actions authorizing the sale of development rights and funding decisions, if needed, to effectuate other changes to the affected area.

As the CEQR lead agency, the Department of City Planning has requested the Applicant[s] prepare or have prepared, at their option, a Draft Environmental Impact Statement (DEIS) in accordance with 6 NYCRR 617.9(b) and Sections 6-08 and 6-12 of Executive Order No. 91 of 1977 as amended (City Environmental Quality Review). A public scoping meeting has been scheduled for December 17, 2020, where the public and interested parties can provide input and comments.

The SEAPORT COALITION is a group of local leaders, including SAVE OUR SEAPORT, CHILDREN FIRST, SOUTHBRIDGE TOWERS and others, organizing and inspiring the residents and workers in the South Street Seaport and all surrounding areas at large to challenge these many issues that will directly and adversely impact the current and future preservation of their homes, schools, businesses, community organizations, clinics, senior centers, social service providers, and overall quality of life. It will “dominate and overwhelm” the neighboring buildings in the district by virtue of its sheer size and boldly geometric massing; erasing the legacy of the low-scale South Street Seaport Historic District forever.

**The SEAPORT COALITION considers the Draft Scope of Work (DSOW) to be deficient in many key areas. We will provide the comments regarding necessary changes to and expansion of the DSOW to conduct a fully compliant environmental impact statement prior to any issuance of the 250 Water Street LSGD permits and/or authorizations under the Zoning Resolution, and construction of these Mega Towers can otherwise be lawfully permitted and undertaken.**




Comments on Scope and Preparation of the 250 Water Street Environmental Impact Statement (CEQR No. 21DCP084M, "250 Water Street EIS")

Pursuant to Sections 5.03 and 5.05 of the City Environmental Quality Review Rules of Procedure, the Department of City Planning (DCP), acting on behalf of the City Planning Commission (CPC), is assuming Lead Agency status for an application submitted by this developer to construct two luxury Mega Towers inside the boundaries of the Historic South Street District as downzoned in 2003 (C 020213ZMM). These "Mega Towers" will add an outsized height of 470' to an 11-block historic district currently sustaining low-rise residences under a 120' height limit. The proposed project is an approximately 912,762-gsf mixed-use building that would include approximately 640,186 gsf of residential uses. The Applicant intends to construct approximately 360 dwelling units, of which 25 percent (90) would be affordable, 257,886 gsf of office uses, 9,690 gsf of retail uses, 5,000 gsf of community facility uses, and 128 parking spaces. The building would consist of a seven-story, full-block base with mixed uses (approximately 100 feet tall) on which 37 and 38 story towers would be placed.




In addition to comments on the scope and sufficiency of the EIS, these comments will also highlight DCP's failure to date to clearly identify for the affected public all authorizations or special permits to be issued under Zoning Resolution Article VII, Chapter 8 that are needed to construct the planned Mega Towers in the South Street Seaport Historic District, and reconcile those procedures to the data, information, and evidence developed for the Environmental Impact Statement. Public disclosures and explanations of New York City Zoning Resolution (ZR) requirements for the proposed projects have been fraught with discrepancies, inadequate public records release, and potentially misleading characterizations of zoning law governance and procedures. Due process under the ZR, in particular the issuance of affirmative "Findings" (ZR 78-313), are conditions precedent to any authorizations and/or special permits, or modifications to existing permits, open space, and other features of the LSGD inherent to its success as a residential community. The ZR requirements are separate from the requirements to perform a legally sufficient EIS but are interactive with the EIS process in that various environmental impacts identified in the EIS are substantive considerations for issuing the necessary Findings. This is particularly important in areas of socio-economic impact, air, light, shadows, historic preservation and open space sustainment. In addition to submitting these comments, SEAPORT COALITION will provide comments to DCP and all interested parties regarding proper procedures under the ZR for development in an LSGD.

On March 13, 2020, Governor Cuomo issued Executive Order No. 202.1 in an effort to address the conflict between the requirements of the Open Meetings Law and the Governor's emergency orders limiting gatherings. Specifically, Executive Order No. 202.1 suspends Article 7 of the Public Officers Law (also known as the Open Meetings Law), to the extent necessary to permit any public body to meet and take such actions authorized by law without allowing the public to be physically present at the meeting. The order also authorizes public bodies to meet remotely by conference call or similar service. If a public body restricts in-person access to its meetings or conducts a meeting remotely by conference call or similar service, the public body must provide the public the ability to view or listen to such meetings and must record and later transcribe such meetings.

**The Seaport Coalition would like to put the hearing officer on notice that for these meetings to take place they must clearly state the specifics of the meeting. Additionally, it should clearly state that it is conducting the meeting in that manner pursuant to Governor Cuomo's Executive Order 202.1. The lack of in-person meetings has limited our opportunity to give testimony, removed the opportunity for "face-to-face" discussions and made attendance impossible for those who are "technology-challenged". We would like to go on record as asking to postpone further action on this application until Executive Order No. 202 has been lifted by Governor Cuomo. This threat to "overwhelm and destroy" the South Street Seaport Historic District needs full participation by all stakeholders without the urgency proposed by the Applicant.**




I. Zoning Resolution Issues

The Notice of Lead Agency Determination and Review, dated November 16, 2020 (the "Notice") clearly states that "The Applicant, 250 Seaport District, LLC, is proposing a series of land use actions, including a special permit, possible zoning text amendments to the special permit and special purpose district text, and an authorization for a curb cut (the "proposed actions") to facilitate the development of a mixed-use development (the "proposed project") at the 250 Water Street development site".

Various "Special Permits" under the applicable ZR Chapter have been previously issued to establish or change boundaries and other zoning features for the South Street Seaport Historic District. The CPC by asserting that such special permit actions—along with zoning "authorizations" enabled by the applicable ZR chapter—remain in effect, enable the dubious changes contemplated; that allow a 400% increase in the density of the LSGD to be mitigated.

Issuance of special permits under the ZR is subject to Uniform Land Use Review Procedures (ULURP); authorizations are not. Zoning Resolution Chapter 8 further requires the issuance of affirmative "Findings" as a condition precedent to the granting of any such modification in the form of "authorization" or "special permit."

The Notice and DSOW both fail to describe in sufficient detail the exact nature of the authorizations or special permits required or actually sought for the Mega Towers. In addition, based on procedures for the Pier 17 LSGD Plan and permits if first issued by the City Planning Commission in 21DCP084M, further authorizations and special permits are only granted after public hearing, investigation, and study that provide adequate legal basis to determine that such authorizations and special permits "conform with the findings required under Section 78-313 of the Zoning Resolution...," and a resolution is published by the CPC confirming such findings. The legal responsibility to follow these procedures are separate from the Environmental Impact Analysis process. The Notice makes further assertions that appear to either confuse, conflate, overlook, or disregard the clear procedures and requirements of the controlling ZR:

**The inclusion of the South Street Seaport Museum ("SSSM") in this application mixes "apples with oranges". It is "conservatively assumed that the South Street Seaport Museum would not remain open in the future" without this action. This statement is demonstrably false. The Seaport Coalition has an Alternative Plan that is provided later under Alternatives. Any linkage of the SSSM's future to this application as the "price to pay" by providing "political cover" for Elected Officials to approve 250 Water Street development is both cynical and fantastical.**

**On page 4 of the EAS Full Form the "With-Action Condition" lists 640 dwelling units of which 160 are affordable. Applicant has clearly stated their intention to build 360 dwelling units of which 90 are affordable.**




The proposed actions are classified as Unlisted, as defined under 6 NYCRR 617.4 and NYC Executive Order 91 or 1977, as amended, and is properly subject to environmental review in accordance with CEQR guidelines. An EAS was completed on November 16, 2020. The EAS analyzes the proposed actions' potential to generate significant adverse environmental impacts. A Positive Declaration, as issued on November 16, 2020, established that the proposed actions may have a significant adverse impact on the environment, thus warranting the preparation of an EIS.

The proposed project would also purportedly facilitate the restoration, reopening, and potential expansion of the existing South Street Seaport Museum on the museum site. Funding provided to the museum would purportedly stabilize and strengthen its finances, setting the stage for its potential expansion. The Applicant, Captain Jonathan Boulware has previously gone on record in his Manhattan Community Board One testimony (11.10.20) stating that there are no plans to use "community benefits agreement" funds to build on the John Street lot. Therefore, the restoration and reopening of the museum in 27,996 gsf of renovated space for the museum in the Fulton Ferry Building at the corner of Fulton Street and South Street results in a REDUCTION in size. Any discussion of a fantastical 32,383-gsf building to be constructed on the vacant lot at the corner of Burling Slip/John Street and South Street does not belong in this application. It would NOT contain additional exhibit and back office spaces for the museum. **Therefore, the Seaport Coalition asks that the Scoping Document remove all references to the South Street Seaport Museum and its so-called "needs" until some future time when funding is in place for same.**

Given that the proposed actions will overwhelm the current density, character, open space, air, light, and multiple infrastructure systems of the LSGD, the attempt by DCP to justify the proposed action by labeling it as to "also facilitate the restoration, reopening, and potential expansion of the South Street Seaport Museum on the museum site" is disingenuous, at best, and not supported by the President and CEO of this cultural institution. This attempt at "disinformation" seeks to downplay the sheer magnitude of the changes contemplated for the Pier 17 LSGD Plan and understates the area capacity to absorb such a shock.

Back in 2015 the Applicant (as the Howard Hughes Corporation) came before City Planning with a plan to transfer nearly all remaining Seaport Air Rights (an aggregation of 330,329 sf) to a site just outside the South Street Seaport Historic District at 80 South Street which was approved by the City and executed in a private transaction. No attempt was made then to "save" the South Street Seaport Museum as required by the original enabling text of the 1968 South East Brooklyn Bridge Special District Urban Renewal Plan as amended.

On May 24, 1973 by Board of Estimate action CP-21972, Map #30018 "eliminated a second portion of John Street on its northerly side between Front and South Streets; eliminated volumes of South Street and a Marginal Street Wharf or Place under the East River Drive viaduct from Beekman Street to a line 70 feet south of John Street and eliminated volumes of Fulton Street, between Water and South Streets, and Front Street, between Fulton and Beekman Streets, above a plane 14.5 feet above the existing street surface. *This action created air and development rights which were to be utilized for transfer to other sites for the benefit of* ***the Seaport Museum*****."**

**<u>No air and development rights were created for Seaport piers and platforms.</u>**

**Although the 80 South Street project has since been "stalled", its potential development when combined with 250 Water Street would overwhelm the fragile South Street Seaport Historic District even more and must be considered in this Scoping Study. The RWCDS assumes that no new development is anticipated to occur outside of the development site and, potentially, the museum site. Clearly the site at 80 South Street that was assembled by the Applicant would contradict this premise. Although the City of New York clearly directed that the Air Rights resulting from de-mapped streets be monetized "for the benefit of the Seaport Museum", the Applicant failed to do so.**

**The Seaport Coalition asks that this Applicant be prevented from repeating the same mistake.**




The Applicant intends to construct larger units and thus a lower unit count of approximately 360 Dwelling Units, of which 25 percent would likely be affordable (90 DU). No affordable units would be provided in the No Action condition by the Applicant. In a series of two Stakeholder Workshops set up by the Applicant, the importance of creating affordable housing was cited as being the first use of the MIH program in Lower Manhattan in order purportedly to make our community "more diverse".

This site is located within a ¼ mile of public housing just north of the Brooklyn Bridge. Directly across Pearl and Beekman Streets one would find the majority of former Mitchell-Lama Southbridge tenants of modest means still in place. and for purposes of environmental review, although a reasonable worse case is to assume that 160 DUs would be affordable, 25 percent of the 640 DU being evaluated this is disingenuous as the Applicant has noted that they prefer larger units to be more marketable. In the aforementioned Stakeholder Workshops, many other community amenities were suggested, however any trade-off for exceeding the height limit of 120' was deemed a non-starter.

**The Seaport Coalition encourages the Applicant to build up to 100% affordable housing units at 250 Water Street without exceeding zoning regulations. A No Action condition incorrectly assumes that the South Street Seaport Museum would "close permanently" and/or that all 302,670 gsf of residential uses need be "market-rate".**

II. Environmental Analysis Requirements

1. Statement of Purpose and Need

The Draft Scope of Work fails to identify a purpose or need for the proposed action consistent with public benefits intended by the creation of the South Street Seaport Historic District, or other benefits to the City of New York or its taxpayers. According to the New York State Environmental Quality Review Act (SEQRA), the description of the proposed action should contain "the purpose or objective of the action, including any public need for, or public benefits from the action, including social and economic considers, and identification of authorizations, permits and approvals required." (6 CRR-NY 617.9(b)(5)

Although the DSOW describes the construction of two luxury Mega Towers, the DCP/CPC decision to grant authorizations or special permits would irrevocably alter the open space, bulk distribution, floor area, other infrastructure elements, and most importantly, the historic community character of a longstanding and successful LSGD. Therefore, Section C: Purpose and Need of the Proposed Action or the DSOW must describe the documented purpose and need for the Mega Towers themselves, and the concomitant issuance of any and all authorizations or special permits under Zoning Resolution Article VII, Chapter 8 for this Mega Towers compliant with the provisions of ZR 78-01: General Purposes.

**Isn't an Historic District a "trust" ? Why destroy our history?**

In addition, given the application of ZR sections 78-311, 312, and 313, the Statement of Purpose and Need should describe goals, outcomes, policies, or plans achieved by constructing this Mega Towers that the Applicants and DCP are asserting or will assert as evidence the projects meet the requirements of ZR section 78-313: achieve the General Purposes of the LSGD formation itself; permit better site planning and benefit the LSGD residents and the City as a whole; prevent any bulk, population density, or use intensity detrimental to the nearby occupants; prevent restriction of air or light to nearby buildings or create traffic congestion; maintain the design purposes of pooled areas; assure suitable access to streets; or modify setbacks to impair the essential character of the of the surrounding area or have adverse effects on any neighbor's access to air, light, and privacy.

2. Conformance with Law

The evaluation of environmental "impacts" includes public identification, disclosure, and analysis of any aspect of the proposed project[s] subject to laws other than SEQRA, especially those that extend beyond the impact category and represent potential for violations of, or compliance interference with, laws, regulations, Orders on Consent, Administrative Orders, or any other enforcement action issued by Federal, State, or municipal authorities covering the operation and management area of the project[s]. In the case of the 250 Water Street Mega Towers, these include (but are not limited to) the Clean Water Act, the Clean Air Act, the Comprehensive Environmental Response Compensation and Liability Act, and the Federal Emergency Response Act.

The State and National Registers of Historic Places are the official lists of buildings, structures, districts, objects, and sites significant in the history, architecture, archeology, engineering, and culture of New York and the nation. The same eligibility criteria are used for both the State and National Registers. The National Historic Preservation Act of 1966 and the New York State Historic Preservation Act of 1980 established the National and State Registers programs. In New York, the Commissioner of the New York State Office of Parks, Recreation and Historic Preservation, who is also the State Historic Preservation Officer (SHPO), administers these programs.

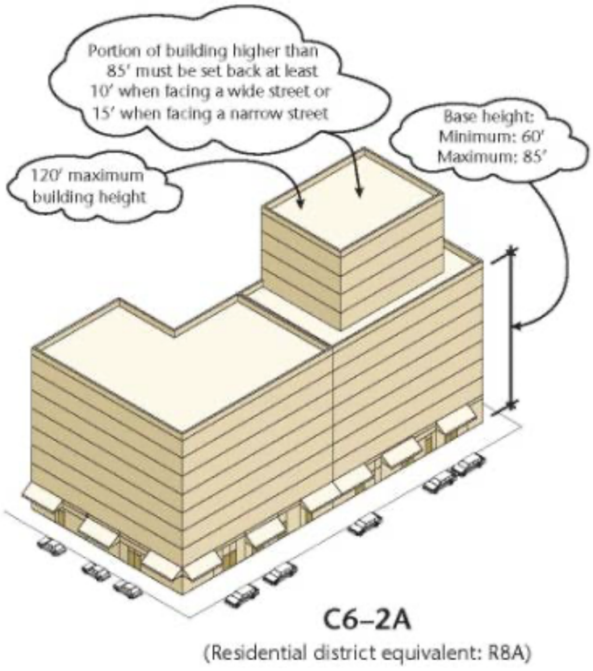
The South Street Seaport features some of the oldest architecture in New York City. The Seaport's restored 19th-century commercial buildings transport visitors back in time, evoking the commercial trade of that era. Located along the East River, adjacent to the Financial District, the Seaport is unique for its continuous relationship to the waterfront and its status as the focal point of the early maritime industry in New York City.

While an 11-block area within the Seaport is part of a locally designated historic district, and a larger portion of the Seaport is separately listed on the National Register of Historic Places, it is currently under threat due to a series of development proposals that would disrupt the look, feel and low-scale historic character of the Seaport.

Taken together, the tower and other development proposals threaten to dramatically alter a historic neighborhood that has endured for generations.

**"The proposed developments will have an overwhelming impact on the historic neighborhood, diminishing the Seaport's unique relationship to the water and compromising one of the most intact 19th century neighborhoods in Manhattan," said Stephanie Meeks, president of the National Trust for Historic Preservation.**

The application of multiple legal requirements has particular bearing on the discretionary decision- making under the requirements of Zoning Resolution (ZR) of the City of New York Article VII, Chapter 8. In this case, the EIS will be required to contain sufficient evidence that the proposed action with confirm to the Findings required for issuance of Special Permit sought by Applicants from the lead agency. The application of ZR Article VII, Chapter 8 noted above, and referenced through-out these comments.




III. Proposed Scope of the Environmental Impact Statement/EIS Content

i. Identification of adverse impacts

ii. Short- and long-term effects, typical associated environmental effects, and adverse environmental impacts that "cannot be avoided" must include any and all resulting from construction, permanent alterations, operation, and maintenance of the proposed project, particularly those that can cause or contribute to compliance interference or violations of law by proponents or any agency of the City.

iii. Irreversible and irretrievable commitments of resources analyzed must include the construction, operations, and maintenance activities occurring during the useful life of the proposed project, including but is not limited to all affected airshed, airspace, water discharge carrying capacity, drinking water, land, open space, and light as well as City roads, schools, pipes, fuel/energy, and all other physical infrastructure systems, whether used in the im- mediate geographic area of the project, or used through transport, migration, distribution, or other direct and indirect means as assets and resources that would be involved and committed if the proposed project is built and operated over its useful life.




2. Segmentation

Part 617 of Chapter VI of the Codes, Rules, and regulations of the State of New York defines segmentation as the division of the environmental review of an action so that various activities or stages are addressed as though they were independent, unrelated activities needing individual determinations of significance. Except in special circumstances, considering only a part, or segment, of an overall action is contrary to the intent of SEQRA.

There are two types of situations where segmentation typically occurs. One is where a project sponsor attempts to avoid a thorough environmental review (often an EIS) of a whole action by splitting a project into two or more smaller projects. The second is where activities that may be occurring at different times or places are excluded from the scope of the environmental review. By excluding subsequent phases or associated project components from the environmental review, the project may appear more acceptable to the reviewing agencies and the public.

**3.) Release the Draft Environmental Impact Statement (DEIS) at least two months before starting the ULURP clock.** There is no legal reason that the release of the DEIS and start of ULURP need to happen at the same time — historic precedent does not serve well in an unprecedented time of crisis. In order to ensure that the community is adequately informed and engaged, the City should release the DEIS at least two months before starting ULURP to give the community ample time to understand the environmental impacts of the proposal, how the City plans to mitigate impacts, and how responsive City Planning has been to the community's comments on the draft plan to date.

**4.) Provide an improved and expanded virtual engagement process to address the above issues and for additional opportunities to provide comments and public testimony.** We are currently witnessing a historic community conversation around how to safely re-open schools and use outdoor spaces to foster effective education. This conversation has centered on the need for equitable access, and an understanding that virtual learning works for some children and their parents, but not at all for others. This is no less true when we look at community engagement in reviewing and commenting on major zoning changes whose impacts will be felt for generations. The city should provide **additional opportunities and methods for the community to give comments and public testimony, including:**

- Setting up opportunities for smaller group in-person gatherings to provide public testimony during public hearings using large open spaces (parks, streets, school yards, public housing community centers) throughout the neighborhood, using screens and projectors (this technique has been frequently used at rallies and marches, where screens are set up in a variety of locations), which could be tied into additional opportunities for virtual engagement training and distribution of PPE etc.;




- Setting up places within the community for people to record testimony to be played at hearings and allowing recorded testimony to be played at hearings;
- Broadcasting public hearings on live public access television with call-in opportunities for public testimony;
- Prioritizing installation of free internet, with resident approval, at NYCHA developments in Gowanus prior to formally beginning ULURP;
- Providing tablets, internet hot-spots and training for individuals not currently able to access virtual meetings adequately;
- Allow for tech-savvy family members' to provide support for individuals whose virtual participation might be compromised and/or allow for proxy testimony.
- **We ask that this Scope of Work be revised to prevent this contravention of State regulation.**

The Scope of Work for this EIS must include review of the construction of this Mega Towers, but also the full impact loading from every component of its operation and maintenance, including regular and repeated use of the full complement of the City's land, air, water, and physical

infrastructure systems accepting load from this construction, operation, and maintenance through its useful life. For example, the scope must cover use of wastewater treatment plant capacity, discharge carrying capacity of public waters, airshed capacity used for all aspects of transport, deliveries, and waste collection, etc. This full complement of City system components extends well beyond the immediate blocks in and around the Pier 17 LSGD, and the failure to evaluate and analyze this full spectrum use would constitute improper segmentation.

In addition, segmented or insufficiently scoped analysis could result in insufficient evidence to issue legally supportable Findings under ZR Section 78-313.

**Seaport Coalition believes that the Applicant cannot "pick and choose" its offer of economic relief for the South Street Seaport Museum for whenever it provides "political cover" for necessary governmental land-use approvals and entitlements. Failing to offer the museum economic relief when selling Air and development rights from de-mapped Seaport streets as required by CP-21972 should make consideration of this current application moot and its attempts to segment any of its subsequent land-use applications 2013 to present day in the absence of a Master Plan for the Pier 17 LSGD should be rejected as insufficient.**

## A. LAND USE, ZONING AND PUBLIC POLICY

The proposed action under consideration in the 250 Water Street EIS is the construction of two Mega Towers comprised of luxury residences inside the boundaries of the South Street Seaport Historic District established in 1972 (CP-21DCP972M).

The Full Form EAS completed for this 250 Water Street EIS states in Section 5 that this Mega Towers construction project requires a "Special Permit" that is "To Come." Consistent with requirements of Sections 200 and 201 of the City Charter governing the amendment, repeal, or addition to an existing Zoning Resolution by Authorization or Special Permit, the DCP website explains that "a special permit is a discretionary action by the City Planning Commission, subject to ULURP review, or the Board of Standards and Appeals, which may modify use, bulk, or parking regulations if certain conditions and findings specific in the Zoning Resolution are met." (emphasis added)

**The impact upon the South Street Seaport Historic District is an important "public policy" that needs to be studied by this EIS. LPC approvals do not opine on height in their Scope of Work.**

**5. *Required Actions or Approvals*** (check all that apply)

***City Planning Commission*:** ☒ YES ☐ NO ☒ UNIFORM LAND USE REVIEW PROCEDURE (ULURP)

| | | |
|---|---|---|
| ☐ CITY MAP AMENDMENT | ☐ ZONING CERTIFICATION | ☐ CONCESSION |
| ☐ ZONING MAP AMENDMENT | ☒ ZONING AUTHORIZATION | ☐ UDAAP |
| ☒ ZONING TEXT AMENDMENT | ☐ ACQUISITION—REAL PROPERTY | ☐ REVOCABLE CONSENT |
| ☐ SITE SELECTION—PUBLIC FACILITY | ☒ DISPOSITION—REAL PROPERTY | ☐ FRANCHISE |
| ☐ HOUSING PLAN & PROJECT | ☐ OTHER, explain: | |

☒ SPECIAL PERMIT (if appropriate, specify type: ☐ modification; ☐ renewal; ☐ other); EXPIRATION DATE:

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION To Come

The LSGD Special Permit requested is a "Major" modification of the current LSGD bulk controls that are designed to optimize active and passive recreation, preserve scenic and natural features, foster a more stable community, ensure harmonious designs, and overall protect health, safety, and general welfare of all LSGD residents.

It beggars belief that the addition of 37 and 38 story buildings at 250 Water Street, consuming vast areas of open space and light penetration for an established community with two adjacent schools, is characterized as "desirable." The LSGD Special Permit requested imposes massive redistribution of bulk, height, open space, maximum developable floor area, lot coverage, dwelling units, air, and light in the current South Street Seaport Historic District use allocations and constitute a major change to the Pier 17 LSGD. In addition to full ULURP review of said major change, DCP must adhere to the procedural requirements of the ZR. Given the overwhelming redistribution of Pier 17 LSGD capacity taken up by the 2015 modifications granted to build a new Pier 17 pier project, the requirement to evaluate according to the preconditions of ZR section 78-313 or other sections "To Come" are even more vital.




The DCP claim that a "Zoning Text Amendment" of an existing historic land use designation (which includes the Pier 17 LSGD) "may alter elements of the prior approval, but without increasing the extent of any waive modification of the underlying zoning regulations granted under the prior ULURP approvals, and without requiring any new waivers or modifications of zoning regulations." This has caused no end of serious public misapprehension that the height, bulk, setbacks, dwelling units, population density and other key factors altering asset uses within the LSGD are to not subject to the standards set in ZR 78-313 or like sections.

**The proponents and lead agency persist in demarcating this project in terms of whether the underlying surface zoning will be altered, when it well understands it is the Pier 17 LSGD that will be developed virtually out of existence with unanticipated air rights transfers WITHIN the South Street Seaport Historic District.**

**To add to the public confusion and obfuscation, the lead agency and proponents appear to be either conjunctively or alternatively claiming in the Notice that there is an "urgency" to consider the Scope of this project in the absence of approvals from the Landmarks Preservation Commission which has denied the prior owner a Certificate of Appropriateness for nine prior development plans. Further, as the various Milstein projects were never built, the assertion that the height limit of 120' just recently enacted in 2003, does not apply to Applicant with their aspirational 470' high 250 Water Street plan. This height limit remains in effect and any attempt to tie the fate of the South Street Seaport Museum to a plan to bypass the downzoning is also confusing to the public, at best, and risks being overtly misleading.**

**It also has the unfortunate effect of creating the appearance of "bait and switch"— a special permit is granted for monetizing purported Seaport Air Rights and is then to be switched to apply to Mega Towers clearly located within the existing South Street Seaport Historic District.**

ii. The DCP, MOEC, and all regulatory and approval offices including the Office of the Manhattan Borough President must fully explain that the proposed Pier 17 LSGD Modifications are subject to study, investigation, and hearing procedures for issuing Findings under ZR 78-313, and the Scope of the EIS should include or cross reference all evaluation of the project carried out under ZR sections 78-311, 312, and 313.

As noted above, the Pier 17 LSGD is governed by the provisions of Chapter 8 of Article VII of the Zoning Resolution of the City of New York (ZR), the General Purposes of which are to set forth regulations "designed to deal with certain types of problems which arise only in connection with large-scale residential developments and to promote and facilitate better site planning and community planning through modified application of the district regulations in such developments." (Section 78-01).

Section 78-043 of the ZR describes the requirements for findings as affirmative standards constituting a burden of proof to be met by the proponents:

The requirements for findings as set forth in this Chapter shall constitute a condition precedent to the grant of any such modification by special permit or otherwise. The decision or determination of the City Planning Commission shall set forth each required finding in each grant of modifications for a large-scale residential development. Each finding shall be supported by substantial evidence or data considered by the Commission in reaching its final decision (emphasis added).

Sections 78-311 and 78-312 of the Zoning Resolution provides that the City Planning Commission may authorize modifications to open space, lot size, building location, height and setback, entrances, floor area ratios and other design and construction elements for the purpose of achieving better site planning and community planning, but only if the Commission can make findings in accordance with Section 78-313, which provides conditions precedent whose standards must be met with supportable data for such modifications:

(a) that such modifications will aid in achieving the general purposes and intent of this Chapter as set forth in Section 78-01 (General Purposes).

(b) that such distribution of floor area, dwelling units, rooming units, open spaces, locations of buildings, or location of primary business entrances, show windows or signs will permit better site planning and will thus benefit both the residents of the large-scale residential. development and the City as a whole.

(c) that such distribution or location will not unduly increase the bulk of buildings, density of population, or intensity of use in any block, to the detriment of the occupants of buildings in the block or nearby blocks.

(d) that such distribution or location will not affect adversely any other zoning lots outside the large-scale residential development by restricting access to light and air or by creating traffic congestion.

(e) where portions of the total required open space are pooled in common open space areas or common parking areas, that such common areas will, by location, size, shape and other physical characteristics, and by their relationship to surrounding development and the circulation system, permit realization of the full community service of advantages for which such pooled areas are designed.




(f) where one or more zoning lots in the large-scale residential development do not abut mapped streets, that suitable private access to mapped streets will be provided conforming to standards which will ensure adequate circulation and make adequate provision for public services; and

(g) the modification of height and setback will not impair the essential character of the surrounding area and will not have adverse effects upon the access to light, air and privacy of adjacent properties.

It is worth noting that the standards for these Findings correlate to many confirmed adverse impacts anticipated by the EIS. However, unlike environmental assessments that may only trigger so- called "mitigation," the consequences of construction, operation, and maintenance of these Mega Towers have a high probability of negatively implicating the purpose and intent of the Pier 17 LSGD formation, failing to benefit the nearby residents or City as a whole, increasing bulk and density to the detriment of occupants of nearby blocks, restricting access to air and light, and causing congestion, impeding realization of the full community service of advantages for which such pooled areas are designed, impairing the essential character of the surrounding area, and having adverse effects upon the access to light, air and privacy of adjacent properties, thus disqualifying the project form obtaining a Special Permit.

**It bears repeating that the specific requirements of the ZR 78-311 and 312 procedures related to the issuance of "Findings" under section 78-313 has been obfuscated—at best—by both the Lead Agency and the Applicant in the Draft Scope of Work, the EAS, and all other documents and assessments prepared for these projects. The Final Scope of Work should be updated to make clear that the ZR affirmative standards are applicable and must be met.**

iii. Consistency Assessment for Projects in a Coastal Zone

The EIS must include a fully completed NYC Waterfront Revitalization Program Consistency Assessment Form (WRP CAF) and supporting data including but not limited to disclosure of governmental funds used (including potential tax credits obtained from NYS Department of Environmental Conservation for brownfield remediation at the existing parking lot, or other Federal, State or City payments or subsidies for housing); effects on water quality designations due to combined sewer overflows in the Newtown Creek drainage basins; direct and indirect discharges, including toxins, hazardous substances, and other pollutants, effluent, and waste in the East River, the Newtown Creek, New York Harbor, and all water affected by sewage collection, treatment, or failure thereof.

The WRP CAF cannot and should not be limited to flood hazard and sea level rising mentioned as the text of the bullet point on Page 17 of the DSOW appears to suggest. Will stormwater be diverted by floodproof storefronts threatening fragile nineteenth century foundations?




**B. SOCIOECONOMIC CONDITIONS**

The Draft SOW states, "The socioeconomic character of an area includes its population, housing, and economic activity. Socioeconomic changes may occur when a project directly or indirectly changes any of these elements. Although socioeconomic changes may not result in impacts under CEQR, they are disclosed if they would affect land use patterns, low-income populations, the availability of goods and services, or economic investment in a way that changes the socioeconomic character of the area."

However, because this proposed construction affects a Large Scale Residential Development Zoning Area, the assessment is not limited to the categories outlined in the CEQR Technical manual, but must also evaluate outcomes and long term effects under the standards set forth in Section 78-01 of the Zoning Resolution of the City of New York which states:

For large-scale residential developments involving several zoning lots but planned as a unit, the district regulations may impose unnecessary rigidities and thereby prevent achievement of the best possible site plan within the overall density and bulk controls. For such developments, the regulations of this Chapter are designed to allow greater flexibility for the purpose of securing better site planning for development of vacant land and to provide incentives toward that end while safeguarding the present or future use and development of surrounding areas and, specifically, to achieve more efficient use of increasingly scarce land within the framework of the overall bulk controls, to enable open space in large-scale residential developments to be




arranged in such a way as best to serve active and passive recreation needs of the residents, to protect and preserve scenic assets and natural features such as trees, streams and topographic features, to foster a more stable community by providing for a population of balanced family sizes, to encourage harmonious designs incorporating a variety of building types and variations in the siting of buildings, and thus to promote and protect public health, safety and general welfare.

**Losing the 400-car parking lot may result in the direct displacement of residents or businesses and is a potential outcome that must be studied rather than ignored by the Applicant.**

The Scope of Work must also include all aspects of the socio-economic conditions studied, investigated and used to make the ZR Section 313 Findings prior to issuance of the Special Permit.

**C. COMMUNITY FACILITIES**

**The Applicant claims that there are sixty-seven (67) employees of the South Street Seaport Museum as of the date for submission of this EAS. To the best of our knowledge the Seaport Coalition has been told that there are only six (6) paid staffers. Under Reasonable Alternatives the Seaport Coalition will supply alternative plans for the South Street Seaport Museum to "survive" in the absence of this Land-Use Action.**

**The Applicant claims that there are no "students, visitors, concert-goers, etc." to be impacted by this proposal. To the best of our knowledge the Seaport Coalition estimates crowds of up to 3,400 concert-goers for each summer concert on Pier 17 Rooftop which was never contemplated in the Pier 17 LSGD. We are told that the South Street Seaport attracts more visitors than the Great Wall of China. Reducing the size of the South Street Seaport Historic District by approving this project would also reduce the number of visitors to the site resulting in economic loss.**

**We estimate that there are more than 1,000 students and faculty attending the adjacent Peck Slip and Blue Schools who would be subjected to 60 months of construction; a condition that was never contemplated when the DOE acquired this site for a public school.**

| | | | | | | |
|---|---|---|---|---|---|---|
| ***Other*** (students, visitors, concert-goers, *etc.*) | ☐ YES | ☒ NO | ☐ YES | ☒ NO | ☐ YES | ☒ NO |
| If any, specify type and number: | | | | | | |
| Briefly explain how the number was calculated: | | | | | | |

**Under separate cover, CHILDREN FIRST NYC will discuss the various impacts that this Land-Use Action would have on learning for their affected students over the next five years and beyond.**

## D. OPEN SPACE

**The South Street Seaport Historic District is chronically underserved by open space. Hundreds of school children have nowhere to go for large, active, recreation space.**

**In Appendix B, the Seaport Coalition offers an Alternative "Resiliency Park" Plan.**

## E. SHADOWS

The proposed action to construction of two new Mega Towers will create shadows with significant detrimental impact on the surrounding areas. The required shadows assessment must address two key adverse impact issues resulting from the proposed action:

i. Public Housing residences, schools and parks are sunlight-sensitive resources: Since Jacob Riis first published How the Other Half Lives, public and affordable housing investment in New York City has sought to overcome the darkness and despair of early tenement housing. For over a century after its publication, New York's zoning laws were repeatedly updated to assure all apartment rooms had light.

ii. Public housing projects were built in what is known as the tower-in- the-park style—an adaptation of contemporary housing complexes pioneered by Le Corbusier—to provide L-shaped apartment design that came together "tetris" style in green, open space to ensure every unit had light shining in the apartment throughout the day. These historic zoning and public investment in housing remain sunlight-sensitive assets and must be evaluated as such in the 250 Water Street shadows assessment.

iii. **Governor Alfred E. Smith Houses**, is a public housing development built by the New York City Housing Authority just north of the Brooklyn Bridge, just a five minute walk from the proposed development site. There are 12 buildings in the complex; all are 17 stories tall. It covers 21.75 acres (8.80 ha), has 1,931 apartments, and houses an estimated 5,739 people.

iv. St. Margaret's House, is a vibrant, multi-cultural, senior apartment community located near the South Street Seaport, offers an unparalleled opportunity for safe and affordable housing. The St. Margaret's House community welcomes older adults ages 62 and over and mobility-impaired people ages 18 and over. Residents come from a variety of cultural backgrounds and neighborhoods. The 20-story apartment building features 251 rental apartments. All residents receive Section 8 rent subsidies.

v. The Peck Slip School (PS343M) is a new 121,364 sq. ft. primary school located within the boundaries South Street Seaport Historical District. The challenge of this project was to convert an existing US Postal Service Station into a new facility that accommodates a capacity of 712 students in grades Pre-K through 5. The project scope included a 69,300 SF renovation and adaptive re-use of the four existing floors of the building and a 27,700 SF vertical addition of 3 new floors. The school included dedicated science classrooms, a library, a kitchen and dining complex, and a flexible all purpose "gymatorium," all subject to potential shadowing by the Mega Towers.

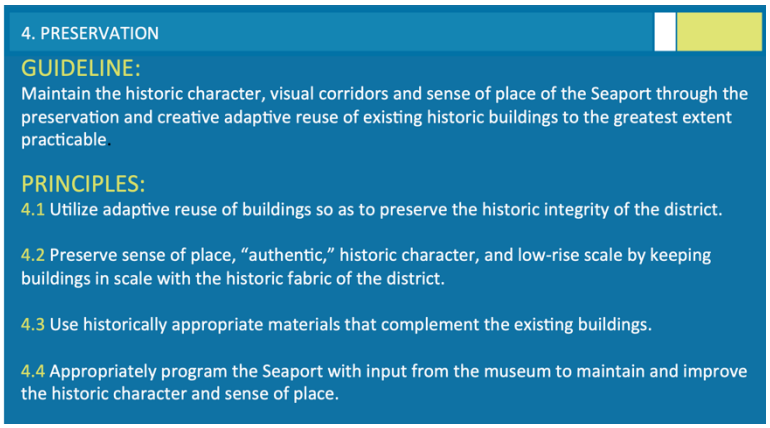
Compliance with Section 78-313 Findings: The shadows assessment must be consistent with the Findings under Section 78-313 of the Zoning Resolution of the City of New York, and found in compliance with all applicable subsections, including (b), (c), (d), and (g).

**F. HISTORIC AND CULTURAL RESOURCES**

**The National Trust for Historic Preservation named the South Street Seaport in New York, NY, to its 2015 list of America's 11 Most Endangered Historic Places. This annual list spotlights important examples of the nation's architectural, cultural and natural heritage that are at risk of destruction or irreparable damage. More than 250 sites have been on the list over its 28-year history, and in that time, only a handful of listed sites have been lost.**

## G. URBAN DESIGN AND VISUAL RESOURCES

The lead agency and proponents have muddied the waters with two confusing variations the intricate and complex provisions of the City Charter and Zoning Resolution governing this action. The lack of height restrictions in C6-2A are modified explicitly by the 2003 Downzoning ZR, and allowable building heights must be judged against the legal preconditions to preserve active and passive recreation, preserve scenic and natural features, foster a more stable community, ensure harmonious designs, and overall protect health, safety, and general welfare of all Pier 17 LSGD residents, not just those in the penthouses. The public also has a claim to views of the South Street Seaport Historic District, and from the iconic and landmarked Brooklyn Bridge. These scenic vistas are further protected by the Guidelines and Principles of the Seaport Working Group as seen here:




## H. NATURAL RESOURCES

There is groundwater approximately five feet or less below grade within upland portions of the Study Area. While groundwater throughout the Study Area would be expected to flow toward the East River, local variations are possible due to intervening subsurface structures (e.g., tunnels and former or current bulkheads), tidal fluctuations, and past landfilling. Groundwater in Manhattan is not used as a source of drinking water. Phase 5 of the remedial investigation conducted by Langdon Engineering was completed between September 1 and 3, 2020. Work included collecting groundwater samples and a synoptic groundwater gauging event, however the results of these samples were not available as of the December 17, 2020 Hearing date.

The project site and immediately surrounding area are currently developed by landmarked low-scale structures located on water lots dating back to the Eighteenth Century. The EIS must describe the existing natural resources within and adjacent to the project site (e.g., floodplains, and terrestrial habitats and biota including rare, special concern, threatened and endangered




species and special habitat areas), and the wetlands, water quality and aquatic biota of the East River at a level of detail consistent with the proposed project elements. The natural resources and water quality analyses will need to assess the potential for the construction and operation of the proposed project to affect these natural resources and water quality of the East River.

Natural resources impacts to be discussed include: direct and indirect impacts to aquatic resources and water quality due to disturbing the existing water lots through construction activities (e.g., should future pier extensions, and/or marina construction occur, in order to mitigate against increased density in the South Street Seaport Historic District); operational impacts of the proposed project, including shading of aquatic habitat, and any discharge of stormwater from the project site; direct or indirect impacts on terrestrial resources due to the removal of existing structures and landscaping, and introduction of new landscaping features; and the potential effects to birds due to building collisions.

**I. HAZARDOUS MATERIALS**

The lot in question was previously the site of three mercury thermometer factories, a chemical company and a gasoline service station. Based on site soil samples taken in 2015, we know that mercury, lead, and other hazardous materials are present underground. Many of these hazardous materials are known toxins and threaten the health of our children. Even tiny exposures can have lifelong developmental effects on children and serious health consequences for adults as well. By digging up the site during the cleanup, hazardous toxic chemicals could easily be released into the air and carried throughout the community. Because of the nature of some of these toxins, such as mercury, the remnants of these toxins will remain long after the construction is completed.

Despite the presence of elemental mercury and other hazardous materials, the lot is currently safe and poses no health risk as long as the contaminants are left undisturbed underground. Our Community Monitor, Ms. Lawra Dodge tells us *"I have no new information to report yet but we are scheduled to have a call with DEC/DOH the middle of next week to get the agency's take on the overall RI data---as a result of all the changes to the RIWP, the work was done safely and well but the agencies need to elaborate with me and Tom Fusillo on how they view whether or not delineation of all media has been completed to the extent necessary to proceed with the RI Report issuance and development of a Remedial Action Workplan."*

**The Seaport Coalition requests that the Scoping Process be put on hold until these results are made available for public comment**




**J. WATER AND SEWER INFRASTRUCTURE**

The Draft SOW states, "According to the CEQR Technical Manual, a water and sewer infrastructure assessment analyzes whether a proposed project may adversely affect New York City's water distribution or sewer system and, if so, assess the effects of such projects to determine whether their impact is significant, and present potential mitigation strategies and alternatives" (emphasis added).

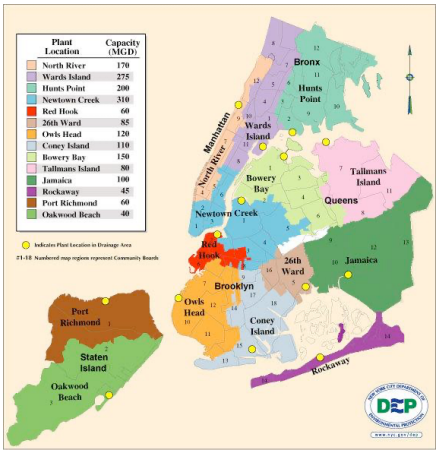
i. The Water Distribution and Sewer System affected by the Mega Towers encompasses infrastructure, pumping, flow, flow control, treatment, and discharge capacities of the Newtown Creek Drainage basin extending throughout Lower Manhattan to 14th Street on the West Side and 71st Street on the East Side

When it rains in New York City, raw sewage bypasses treatment plants and flows directly into city waterways. Even a relatively small amount of storm water—one twentieth of an inch of rainfall—can overwhelm aging and clogged system components and trigger the Combined Sewer Overflow (CSO) system. The New York State Department of Environmental Conservation (DEC) has identified Combined Sewer Overflows (CSOs) as the single largest source of pathogens to the New York Harbor system, due to their contribution of fecal coliform. Besides the human waste, any oil, industrial waste or household garbage that happens to be on the street when a rainstorm begins are swept by the flowing street water into the CSO system as well. The toxic soup flows untreated out of pipes that feed directly into the waterways.

The New York State Department of Environmental Conservation administers the State Pollutant Discharge Elimination System ("SPDES") permit program (ECL §17-0801, et seq.) to which New York City is jurisdictionally subject. New York City operates under multiple SPDES permits for its wastewater treatment plants, and for its Municipal Separate Storm Sewer Systems (MS4). In general, the SPDES program prohibits any discharge of pollutants to the waters of the State without a permit establishing pollutant limitations and treatment requirements. Thus, SPDES permits set certain effluent limitation parameters, determined according to ECL §17-0809 and 6 NYCRR Part 750-1.11, in order to avoid contravention of mandated federal water pollution control requirements and water quality standards ("WQS"). Those conditions address not only the allowable parameters for discharge of pollutants to waters of the State, but also the manner in which the permittee is to operate, maintain, monitor and report on its regulated facilities and activities.

The proposed Mega Towers project will be located in the drainage area that feeds to the Newtown Creek Wastewater Treatment Plant (NCWWTP). Combined sewage and rainwater from the Lower East Side, along with areas such as the Financial District, Tribeca, Greenwich Village, Chinatown, Midtown East and the East Side up to 71st Street, flow through 180 miles (290 km) of sewer and interceptor pipes to the Thirteenth Street Pumping Station at 13th Street and Avenue D, from where it is sent under the East River to the NCWWTP. Normal influx is 170 million gallons per day ("mgd"), which increases to 300 mgd during wet weather.

The plant opened in 1967 and its expansion and modernization were completed in February 2009, but in spite of a 50% increase in capacity and extended secondary treatment to all of its in- flow, NCWWTP remains out of compliance. As of 2014, NYC has failed to meet 1972 federal Clean Water Act for mandates for secondary treatment removal of 85% of pollutants from in-coming sewage, or with New York State's 1992 order to NYC to prevent non-compliance over-flows by 2013.




A series of enforcement actions has generated multiple Notices of Violation and Orders on Consent designed to bring New York City into compliance with the Clean Water Act without success.

Major zoning changes and large scale development continues unabated throughout the NCWWTP basin. The addition of a Mega Towers in an already dense area with a high volume of restaurants, hotels, education and healthcare facilities, as well as residences affects the capacity and flow control of the entire NCWWTP drainage system and adds to the likelihood of continued CSOs. The 250 Water Street Mega Towers Project EIS must assess the full impacts to pipe and plant loading, as well as the adverse impacts from ongoing CSO overflow to the East River and other public waters.




ii. The Scope of Work must analyze the additive impacts of the Mega Towers for possible compliance interference with Administrative and Consent Orders to the City of New York as well as continued listing of the Newtown Creek as an Impaired Water under the Federal Clean Water Act and current NYC SPDES permits

Currently, the New York City Department of Environmental Protection (DEP) is under a 2005 Order on Consent from the DEC pursuant to its SPDES permit to reduce CSOs from its sewer system to improve the water quality of its surrounding waters. In 2011, DEC and DEP Identified numerous modifications to the CSO Consent Order, including integration of green infra- structure and substitution of more cost-effective grey infrastructure, and agreed to fixed dates for submittal of the Long-Term Control Plans (LTCP). The 2005 Order was updated and modified in 2012 with a penalty and new compliance requirements, to include an LTCP for NCWWTP.

As part of Clean Water Act requirements for periodic assessments of water quality, Section 303(d) of the Act requires states to identify "Impaired Waters" where specific designated uses are not fully supported, and for which the state must consider the development of a Total Maximum Daily Load (TMDL) or other strategy to reduce the input of the specific pollutant(s) that restrict waterbody uses in order to restore and protect such uses. In October of 2016, the DEC submitted to USEPA the Proposed Final New York State 2016 Section 303(d) List of Im- paired/TMDL Waters. The list identifies those waters that do not support appropriate uses and that require development of a Total Maximum Daily Load (TMDL) or other restoration strategy.

Newtown Creek is included on the 2016 Section 303(d) List of Impaired waters by DEC. New- town Creek was among several waterbodies approved for delisting in 2012 by USEPA because required control measures other than a TMDL were expected to result in attainment of water quality standards within a reasonable period of time. In approving the delisting, USEPA had determined that the updated 2005 Order was consistent with the National CSO Control Policy and that "pursuant to this policy the Long Term Control Plans (LTCPs), when implemented, are expected to result in the attainment of water quality standards."

However, the required controls as outlined in detail in the modified 2005 NYC CSO Consent Order have not been fully implemented. Therefore, rather than delist Newtown Creek in 2016, DEC opted to retain these waters on Part 3c of the listing as waterbodies for which TMDLs are deferred pending the submittal and approval of the waterbody-specific Long Term Control Plans (LTCPs) to address these pollutants. Upon DEC approval of LTCPs that meet the requirements of the Order, the waterbodies covered by the LTCP will be delisted and assigned to a different follow up category. The Newtown Creek LTCP was originally slated for completion by June of 2017.




On August 31, 2016, USEPA issued an Administrative Order to New York City requiring it to develop a plan to address continued sewer backups into residents' basements and other public and private property. The order gave the city 120 days to submit a plan to EPA for approval to work toward the elimination of unauthorized wastewater releases from sewer backups citywide over the next seven years.

This order notes that New York City has made progress in responding to complaints in recent years, but it does not have a comprehensive plan to prevent and further reduce the number of sewer backups. The order is designed to ensure that the city prevents sewer backups through a systematic and proactive program, as other large cities have. USEPA specifically noted that raw sewage in people's homes and in buildings where they work creates health risks, which can be avoided by a proactive strategy to cut sewage backups. The Plan would have been due by the end of 2016.

iii. Summary of Required Water/Sewer Analysis Scope for 250 Water Street Mega Towers Analysis

Contrary to NYS laws and regulations, CEQR, and other legal requirements, the Draft SOW attempts to limit areas of assessment solely to drainage on the site where the Mega Towers will be constructed. In light of the facts and legal issues outlined above, particularly the ongoing violations of the Clean Water Act by the New York City sewage system, the 250 Water Street Mega Towers Project EIS must assess the additive load from two Mega Towers to the entirety of the system affected, including:

1. (a) The capacity of piping systems to transmit combined sewage and rainwater to the Newtown Creek Wastewater Treatment Plant (NCWWTP) without violation of law or permit requirements
2. (b) Interference with flow control, sewer backup mitigation, access, and fair usage by other neighborhoods already reliant on the piping, overflow, basin, and pumping capacity of the Newtown Creek drainage area, including Chinatown, the Financial District, East Midtown, the Upper East Side, Financial District, Chelsea, Tribeca, and all other areas of eastern, lower, and lower western Manhattan in the NCWWTP drainage area
3. (c) The capacity of the affected waters (East River, New York Harbor, Hudson River, Newtown Creek) to accept combined sewer outfalls from locations throughout the NCWWTP drain- age area in light of current capacity overload in the NCWWTP system
4. (d) The capacity of the NCWWTP itself to accept and process the combined sewer overflow from the drainage area
5. (e) The high volume of combined sewer overflows already occurring in the NCWWTP drainage area




6. (f) The massive additive load to the sewage system under construction, permitted, or planned (including major zoning expansions under consideration in the NCWWTP Drainage Area such as Midtown East) including but not limited to additive development in Chinatown, the Financial District, East Midtown, the Upper East Side, Financial District, Chelsea, Tribeca, and all other areas of eastern, lower, and lower western Manhattan in the NCWWTP drainage area,
7. (g) The effects with and without capital and operational elements of the Long Term Control Plan for the NCWWTP required by statute and consent order
8. (h) The volume of sewer backup complaints and notices of violation in the NCWWTP drainage area
9. (i) The high concentration of existing restaurants, hotels, medical facilities, retail food establishments, colleges and universities, schools, senior centers, food trucks, and other commercial and residential users of the sewer system components throughout the NCWWTP drainage area
10. (j) Compliance with requirements of the Comprehensive Plan compelled by USEPA Administrative Order dated August 31, 2016 (Docket Number: CW A-02-2016-3012, which includes Newtown Creek WWTP Permit No. NY0026204)
11. (k) Compliance with 2012 Consent Order as modified, including implementation of Long Term Control Plans
12. (l) Compliance with standards required for de-listing of the NewTown Creek as an "Impaired Water" under section 303 of the Clean Water Act
13. (m)Issuance of Section 78-313 Findings: The wastewater system assessment must be evaluated under Section 78-313 of the Zoning Resolution of the City of New York, and found in compliance with all applicable subsections, especially whether capacity and flow control increase in the 250 Water Street LSGD from the proposed project will affect the City as a whole system-wide assessment is necessary because this EIS must evaluate combined sewage overflow and capacity not just for "impacts" but for substantive legal and financial requirements and implications.




**iv. The DSOW should evaluate whether a "Hookup Moratorium" is appropriate for the area pending completion of the Long Term Control Plan for the NCWWTP, and full compliance with the Consent and Administrative Orders noted above**

The 250 Water Street Mega Towers is likely to have not only multiple adverse environmental effects but affect investment decision-making for limited New York City funds available to meet Clean Water Act requirements made necessary by today's overloads. Ongoing violations of the Clean Water Act such as those occurring now have resulted in serious consideration of a "hookup moratorium" in the past, a situation that may be again applicable given the overwhelming volumes of development added to the NCWWTP Drainage Area as well as the millions of additional square feet currently under construction, permitted, or planned in an area draining to an impaired water.

In light of the foregoing, the US Environmental Protection Agency (Region II), NYS Department of Environmental Conservation, and the NYC Department of Environmental Protection must be considered Involved Parties in the 250 Water Street Mega Towers EIS and included in its preparation.

**K. SOLID WASTE AND SANITATION**

i. The evaluation of solid waste must assess additive collection trips, including truck emissions and traffic congestion from pickup to final disposition of the discarded material, including impacts at the ultimate disposal site and transport corridors.
ii. Compliance with Section 78-313 Findings: The solid waste assessment must be consistent with Findings under Section 78-313 of the Zoning Resolution of the City of New York, and found in compliance with all applicable subsections, including (b), (c), (d), and (g).

**L. ENERGY**

i. The scope of the energy consumption analysis of the 250 Water Street Mega Towers must include liquid fuel, natural gas, and electricity consumption, and should be integrated with the Air Quality analysis, especially as the energy production on- and offsite will create emissions directly attributable to consumption, operations, and maintenance of the Mega Towers. The scope of energy analysis should include, but is not limited to the following factors:




1. (a) The capacity of delivery systems to provide sufficient fuel and electric energy based on transmission and capacity planning for New York City, especially in light of planned closure of the Indian Point Nuclear Power Plant as a source of electric generation for operation and maintenance of the Mega Towers
2. (b) Interference with substation capacity, demand management, or other energy efficiency programs mandated by City, State and federal law, as well as total energy consumption reduction programs advocated by all agencies and divisions of the government of the City of New York
3. (c) Current and future capital spending requirements for generation, transmission, distribution, and demand management system requirements for electricity service to sustain electric load requirement of the service area in which the 250 Water Street Mega Towers will be operated and maintained that will be passed through to ratepayers in the same system
4. (d) Supply and delivery system capacity for natural gas consumption requirements of the 250 Water Street Mega Towers, including transmission, distribution and delivery capacity in the service system area
5. (e) Construction and placement capacity for the physical energy delivery components required, including pipes, wires, and other energy delivery infrastructure, with particular emphasis on availability subsurface, surface, and elevated capacity for safe emplacement of physical components,

ii. Compliance with Section 78-313 Findings: The energy effects assessment must be consistent with Findings under Section 78-313 of the Zoning Resolution of the City of New York, and found in compliance with all applicable subsections, including (b), (c), (d), and (g). In particular, the Findings should be based on sufficient information and analysis showing that the construction and operation of the buildings themselves, as well as energy, waste handling, and other operations and maintenance activities will not materially interfere with the energy infrastructure operating for the benefit of other buildings and residents in the LSGD.




**M. TRANSPORTATION**

The DSOW claims that C6-2A zoning is "typically" mapped in areas in districts "well served" by transportation, the lead agency must demonstrate that current conditions continue to meet the "well served" standard. By most measures, the public transportation systems have developed into total inadequacy in light of the major increase in ridership, overcrowding, and deterioration of capital and maintenance. The ability to meet the flow and service conditions "presumed" by C6-2A zoning has a direct bearing on the granting of this Special Permit as a major modification, since resident and trip loads that exceed the C6-2A zoning parameters could be construed as a functional variance of the current zoning in addition to a major modification of a Special Permit.

**N. AIR QUALITY**

As things stand, the community has not received any guarantee that harmful toxins will not be released into the air during the Brownfield cleanup process. If these hazardous toxins are released into the air, our children and our community would be continue to be severely negatively impacted even after construction is completed. Please see earlier Seaport Coalition comments under Hazardous Materials which also apply here. Strong winds are a constant in the Historic District coming in from the nearby East River. The imposition of these two Mega Towers at 250 Water Street on wind directional patterns and wind speeds upon sensitive receptors (school children, seniors, and maritime landmarks) must be studied.

**O. GREENHOUSE GAS EMISSIONS**

Local Law 97 allows building owners to meet up to 100 percent of their compliance obligations by buying renewable power. But that electricity must feed directly into the New York City grid. The proposed Champlain Hudson Power Express transmission line which would carry hydropower from Quebec south to New York City, and/or, electricity from wind farms offshore Long Island should begin replacing zero-carbon power from the soon-to-be-shuttered Indian Point nuclear power plant by the mid-to-late 2020s which will be after the projected build date.

**P. NOISE**

Under CEQR, a noise analysis determines whether a project would result in increases in noise level that could have a significant adverse impact on nearby sensitive receptors, and also considers the effect of existing noise levels at the project site on proposed uses. Existing noise levels adjacent to the project site are relatively high, due to traffic from the Brooklyn Bridge, the elevated FOR Drive, and local streets. The noise analysis for the proposed project must consider:

- Potential impacts resulting from noise associated with traffic generated by the proposed project, and
- Potential requirements for window/wall attenuation for project buildings and adjacent schools in order to achieve acceptable interior noise levels according to CEQR criteria.




While at school children are bound to be exposed to various types of noise including external, environmental noise from construction activities taking place outside the classroom. Previous

research has shown that noise has detrimental effects upon children's performance at school, including reduced memory, motivation, and reading ability.

**Q. PUBLIC HEALTH**

The Seaport community has been severely impacted by the three seminal events of 21st Century New York City, the tragedy of 9/11 attacks, the forced evacuation from Super Storm SANDY and the reality of today's COVID-19 Pandemic.

Are Climate Change/Resilience architecture, landscape, and open space features which are needed to accommodate sea level rise and stormwater detention, including green infrastructure and detention/retention tanks given the seriousness and priority impact of Lower Manhattan Coastal Resiliency ongoing challenge? The NYS Department of Health is now working with the Applicant to oversee the remediation of the toxins found under their parking lot. The lot in question was previously the site of three mercury thermometer factories, a chemical company and a gasoline service station. Based on site soil samples taken in 2015, we know that mercury, lead, and other hazardous materials are present underground.

Many of these hazardous materials are known toxins and threaten the health of our children. Even tiny exposures can have lifelong developmental effects on children and serious health consequences for adults as well. By digging up the site during the cleanup, hazardous toxic chemicals could easily be released into the air and carried throughout the community. Because of the nature of some of these toxins, such as mercury, the remnants of these toxins will remain long after the construction is completed.

**R. NEIGHBORHOOD CHARACTER**






The South Street Seaport District consists primarily of four to five story brick commercial buildings constructed in the mid-nineteen century and retains an intact nineteenth century roofscape with many distinctive gable roofs which are clearly visible to pedestrians approaching the district and from within the district as well. Its "unique siting"…renders it visible from numerous points of view above street level; for example, the Brooklyn Bridge pedestrian walkway and the East River Drive. The district due to its small size, the low-scale of its buildings, and its unique siting, can be perceived as a totality which stands in sharp contrast to its surroundings.

With regard to the application to construct the new building, the Commission found that the proposed scale, size, mass and volume of the thirty-something stories tower would dominate and overwhelm the neighboring buildings in this low-scale district; that the size of the Mega Towers would cause an abrupt change in scale within the district, disrupting the district's harmonious, low-scale quality; that the design of the proposed Mega Towers, which is located at the western boundary of the district, would relate more closely in scale and massing to the buildings outside the historic district rather than to those within, thus visually confusing the clear boundary of the district.

**S. CONSTRUCTION**

The significant problems and effects of constructing in this coastal floodplain evidenced by the 161 Maiden Lane construction must inform the WCF CAF. Foundation issues, cracking and water intrusion to nearby buildings, interference with existing infrastructure (e.g., steam pipes) all support evaluation of the efficacy of constructing in this area of Manhattan Island.

A brand-new, 58-story condo in the Financial District is listing north like a drunken investment banker due to a faulty foundation — a defect that could cause bits of the tower to fall to the street, a Manhattan civil suit claims. The 3-inch tilt to the north on 161 Maiden Lane was caused by cost-cutting measures on the part of the developer (now in bankruptcy), Fortis Property Group, claims the lawsuit, filed by project contractor Pizzarotti. Fortis allegedly opted not to drive piles into the soft ground of the site by South Street Seaport on the East River before it laid the foundation, saving them $6 million, the suit alleges. "The building structure has settled and moved to such a degree that the structure is encroaching on a neighboring property line," according to the papers filed in Manhattan Supreme Court. The lean on the 670-foot-tower could cause windows to plummet, the suit claims. A structural-engineering expert told The New York Post the lean could also cause doors to open randomly, leaks or uneven floors. All of this will only get worse as the weight of the building — which is currently unoccupied and under construction — increases when water, tanks and fixtures are added, the documents claim.




Since construction is expected to be completed within 60 months, the assessment must include a qualitative assessment of the potential impacts of construction activities. Technical areas to be analyzed include:

- Transportation Systems. This assessment must consider losses in lanes, sidewalks, off-street parking on the project site, and effects on other transportation services, if any, during the construction period, and identify the increase in vehicle trips from construction workers and equipment.
- Air Quality. The construction air quality impact section must contain a qualitative discussion of both mobile source emissions from construction equipment and worker and delivery vehicles, and fugitive dust emissions. It must discuss measures to reduce impacts.
- Noise. The construction noise impact section must contain a qualitative discussion of noise from each phase of construction activity.
- Historic and Cultural Resources. This section must identify the measures that would be implemented to prevent construction-related physical damage to any architectural or archaeological resources identified in the project's historic and cultural resource assessment.
- Hazardous Materials. In coordination with the hazardous materials summary, the applicant must determine whether the construction of the project has the potential to expose construction workers, residents and school children to contaminants.
- Other Technical Areas. As appropriate, applicant must discuss other areas of environmental assessment for potential construction-related impacts.
- If necessary, mitigation measures to avoid or reduce potential significant adverse impacts must be clearly identified and enforcement measures to ensure compliance .

**T. INVOLVED PARTIES**

The scope, scale, and environmental impacts presented by the addition of more than 1,000 new residences into a few square blocks of Fulton Street, coupled with the significant number of oversized, dense, and use intense infrastructure components cumulatively planned for the Newtown Creek Drainage area and Lower Manhattan in general, the following agencies must be involved in the DCP evaluation of the impacts of this and related projects:




1. Department of Housing and Urban Development (HUD): The full extent to which Federal funds will be used for capital, debt services, or lending leverage must be described in the DSOW, and HUD included as an involved agency in the event such monies are key to construction and operation. In the alternative, the DSOW must describe how the EIS will conform to any applicable HUD regulations under 24 CFR Part 58.
2. USEPA: The USEPA is an involved party due to significant legal compliance requirements affected by the project under two major statutes:
    i. The Clean Water Act: USEPA Administrative Compliance Order No. CWA-02-2016-3012 for State Pollution Discharge Elimination System permit violations including NY0026204 pertaining to the Newtown Creek Wastewater Treatment Plant
    ii. Comprehensive Environmental Response, Liability and Compensation Act (CERCLA, also known as "Superfund")—Newtown Creek, he single location of wastewater treatment for the project and dozens of other large-scale developments adding to the will occur, is the site of a major Superfund Cleanup. A draft report of the investigative phase was submitted to EPA for review on November 15, 2016 pursuant to a Consent Order for the site. Given the sensitivity of the area to additive contaminants and the overarching need to comply with the federal cleanup requirements, USEPA expertise and oversight is required for the 250 Water Street EIS.
3. NYSDEC: The State DEC has filed an Order on Consent (CSO Order Modification to C02-20000107-8; DEC Case No. C02-20110512-25) for violations of Article 17 of the Environmental Conservation Law and Part 750, et seq., of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York. This Order includes completion of a Long Term Control Plan (LTCP) for the Newtown Creek, whose plant will be fed by the cumulative development of the proposed action and multiple other oversized infrastructure projects that will cumulatively affect the NCWWTP.
4. NYCDEP: The DEP is legally responsible for New York City compliance with various sewage compliance orders affected by the proposed construction and operation of the Mega Towers.
5. FEMA: The 250 Water Street LSGD is located in a mapped floodplain; introduction of over 6,000 new residences requires involvement of the federal agency charged with assuring compliance with floodplain construction. FEMA involvement is particularly important given evidence of construction issues arising from the proposed 80 South Street Tower construction, including damage to infrastructure, water intrusion, and other built and natural infrastructure problems arising from attempting massive Mega Towers builds in a floodplain.

4. **For these and other reasons, the Federal Emergency Management Agency and the NYS Department of Environmental Conservation and the New York State Department of State are *Involved Parties* in the 250 Water Street Project EIS and must participate in its preparation.**




**U. PROJECT ALTERNATIVES**

An EIS must contain an evaluation of "alternatives to the proposed action," ECL §8- 0109(2). The analysis of alternatives has been called the "driving spirit" of the SEQRA process. The SEQRA regulations require that a Draft EIS must include an alternatives analysis comparing the proposed action to a "range of reasonable alternatives...that are feasible, considering the objectives and capabilities of the project sponsor." (§ 617.9(b)(5)(v)). The current scope fails to meet this legal requirement, and therefore reasonable alternative must be included.

> The purpose of an alternatives section in an EIS is to provide a comparison of conditions under alternative scenarios that are then compared with conditions under the Proposed Actions. Part of this analysis is to examine alternatives that may reduce project-related significant adverse impacts while substantively meeting the goals and objectives of the Proposed Actions. For this reason, the full range of alternatives is not typically defined until the extent of impacts has been identified during the preparation of the EIS. In any case, CEQR requires an analysis of a No Action Alternative (without the Proposed Actions), which in this case assumes that the existing uses would continue.

**The Seaport Coalition wishes to put NYC City Planning on Notice that No Alternatives have been proposed in the DEIS dated 11/12/20.**

The DSOW should include alternative development options consistent with zoning, density, and neighborhood recognition provisions laid out in the Seaport Working Group principles findings. The 2014 Seaport Working Group plan reached a consensus (and included the Applicant) throughout the community, and includes specific provisions for 250 Water Street.

**The Seaport Coalition has developed Alternative Plans to fit within these Guidelines and Principles.**

**SEAPORT WORKING GROUP MUSEUM AND WATERFRONT GUIDELINE:**

*Maintain the historic character and sense of place of the Seaport by recognizing and supporting a reinvented South Street Seaport Museum as the cultural anchor of the district.*

PRINCIPLE:
*2.1 Preserve, protect and strengthen the museum through creation of a long-term strategy that ensures financial and institutional sustainability and independence*

1. Seaport Coalition Alternative Plan: **FAIR LEASE, FAIR WINDS** (see Appendix A)

**SEAPORT WORKING GROUP OPEN SPACE GUIDELINE:**

*Maintain and improve existing open space at the Seaport and create new open space along the water's edge that is publicly accessible, including indoor and outdoor spaces programmed for passive and active recreation.*

**SEAPORT WORKING GROUP RESILIENCY GUIDELINE:**

*Resiliency measures should include preserving historic character of the Seaport and access to the waterfront to the maximum extent possible.*

*PRINCIPLES:*
*3.1 Maximize access to existing and new open space, including roofs of privately owned buildings, to appeal to a wide variety of users, including workers, local residents, families and visitors, for daytime and evening activities.*

*3.2 Improve the public realm in existing open spaces and create new features in suitable locations with consideration for view corridors.*

*4.1 Utilize adaptive reuse of buildings so as to preserve the historic integrity of the district.*

*7.1 Develop a resiliency plan for the Seaport through a process of collaborative consultations with stakeholders, community members and experts.*

2. Seaport Coalition Alternative Plan: **Resiliency Park** (see Appendix B)

**SEAPORT WORKING GROUP PRESERVATION GUIDELINE:**.

*Maintain the historic character, visual corridors and sense of place of the Seaport through the preservation and creative adaptive reuse of existing historic buildings to the greatest extent practicable.*

PRINCIPLE:

*4.2 Preserve sense of place, "authentic," historic character, and low-rise scale by keeping buildings in scale with the historic fabric of the district.*

3. Seaport Coalition Alternative Plan: **No Action Alternative** (see Appendix C)

**SEAPORT WORKING GROUP BUILDING HEIGHTS AND VIEWS GUIDELINES:**

*Buildings developed on properties adjoining the South Street Seaport Historic District should not adversely impact neighborhood scale and character.*

Principles:

*6.2 Encourage the transfer of development rights to incentivize lower buildings and public open space in the immediate vicinity of the South Street Seaport Historic District in conformance with the design objectives of the 1998 Urban Renewal Plan Area.*

*6.3 Preserve and protect all historic east-west view corridors delineated in the 1998 Urban Renewal Plan and views of the Brooklyn Bridge and historic ships.*

4. Seaport Coalition Alternative Plan: **Blueprint for Affordable Housing** (see Appendix D).




## V. CUMULATIVE IMPACTS

The DSOW fails to include legally required cumulative impact analysis. Although "cumulative impacts" are not defined by SEQRA or its implementing regulations, the DEC SEQR Handbook describes the requirements for their analysis (page 41):

These are impacts on the environment that result from the incremental or increased impact of an action(s) when the impacts of that action are added to other past, present and reasonably foreseeable future actions. Cumulative impacts can result from a single action or a number of individually minor but collectively significant actions taking place over a period of time. Either the impacts or the actions themselves must be related.

Cumulative impacts must be assessed when actions are proposed to or will foreseeably take place simultaneously or sequentially in a way that their combined impacts may be significant. Assessment of cumulative impacts is limited to consideration of probable impacts, not speculative ones.

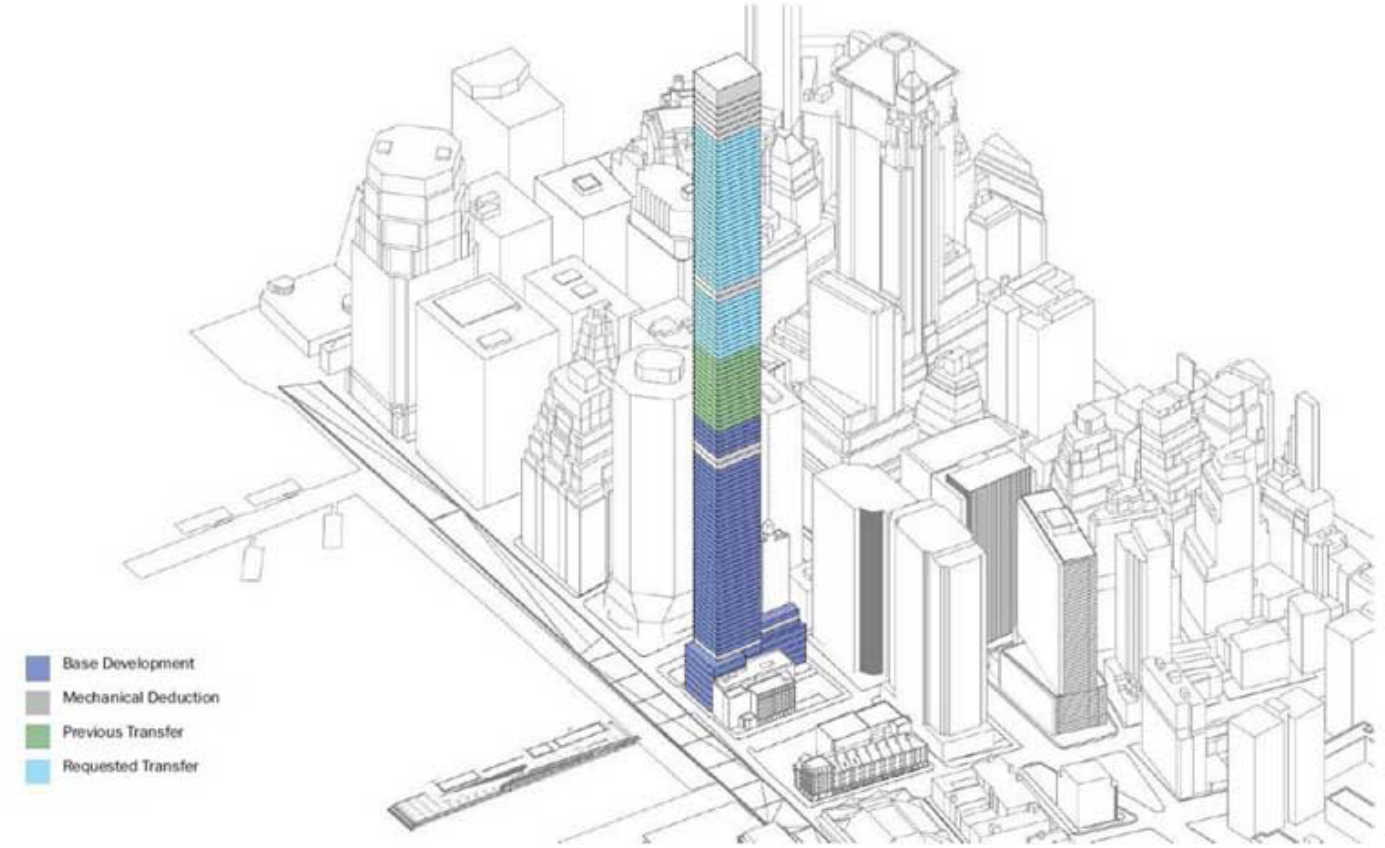
The ZR does not clearly define "better site planning" despite being an expressed intent of LSDs. According to the ZR, good site planning is achieved through "harmonious design" that encourages a better relationship among neighboring buildings and open areas. While the regulations state that development should be consistent with the use and character of the surrounding area, there are no quantifiable design guidelines for LSDs to achieve this goal.

The rezoning and waivers requested for 250 Water Street are clearly designed to create denser, taller buildings. However, the DSOW and other project information fail to demonstrate how the waivers actually improve site planning and urban design. These justifications may be publicly released when the developers file a ULURP application for the zoning changes, but they will not be considered in the environmental review process. How "better site planning" is measured and defined remains an open question.

In the case of the 250 Water Street Mega Towers, all the EIS impact categories are affected by accumulated effects of multiple large-scale developments in the immediate neighborhood for the past several years, and expected into the future, e.g., Extell Tower, Essex Crossing, Two Bridges, NYCHA infill, 80 South Street, and all along Fulton Street residential and commercial, multiple hotels, and expanded museums, to name only a few examples. The accumulated load

and impact to airshed, sewage, drinking water distribution, directionality of winds, wind speeds, transportation, school, energy production and distribution, steam, open space and other assessment categories from these Mega Towers must be evaluated for its addition to the load burdens presented by the significant infrastructure, population, mobility, services, and other capacity burdens accumulating throughout the Lower Manhattan ecosystem.

In 2015, the applicant bundled Seaport District air rights for sale immediately outside of the Historic District to Chinese Oceanwide Holdings at 80 South Street (aka The Sciame Building).This created the potential for a residential "super-tall" building purported to contain 113 stories which would surpass One World Trade Center. **The future development of this site as enabled by the applicant must be studied when considering all significant impacts.**






Thank you for the opportunity to submit these comments and participate in the EIS process.

Seaport Coalition

https://seaportcoalition.com

APPENDIX A

CEQR No. 250 Water Street 21DCP084M Pending
ULURP No(s).
SEQRA Classification: Type I Manhattan Community District: MN01

**FUNDING THE SOUTH STREET SEAPORT MUSEUM (SSSM)**

## INTRODUCTION

We identify alternative ways to fund the South Street Seaport Museum (SSSM) that would result in a recurring revenue stream of $2 to 3M/year and a Reserve Fund of $15 to 30M for the SSSM. These revenues would enable the SSSM to properly conduct its mission and achieve long term financial and organizational stability.

## EXECUTIVE SUMMARY

Our proposal would restore vital funding to both the South Street Seaport Historic District and, in particular, to the SSSM. Specifically, we identify a pathway to the SSSM receiving:

- $2 – 3M per year in recurring revenue
- $15 – 30M to create a Reserve Fund

We also propose a new Governance System for the Historic District and the SSSM that restores a more balanced "Public-Private Partnership"

To achieve this, we propose a quick & simple, yet vital, concept. Revenues paid to NYC agencies, especially the NYC Economic Development Corp (EDC), that originate from the Historic District, be returned to the District to maintain and support it. Furthermore, revenues from SSSM properties, both present and past, be remitted to the SSSM to maintain and support it.

This would **restore the original funding sources** that were intended to support the SSSM at its inception and help compensate for several unfair lease terms dating from 1981 that have prevented the museum from raising revenue from its properties. In particular, the SSSM is prevented from renting unused space for "non-cultural" use, and must relinquish any space that is unused for over six months to the current developer, Howard Hughes Corporation (HHC) that has the first option on this space. The mechanism we propose is potentially **quick to implement** and also **avoids renegotiating** the several leases and their modifications.

More specifically these revenue sources include, and are not limited to:

- Revenues from Piers 17/18 and 15 and Uplands
- Any sales of city owned assets, such as air rights
- Any revenues from city owned or controlled land-based properties within the Historic District, specifically any current or prior SSSM properties.

Of these revenues, at least 75% should be designated to the SSSM. With this secure funding, the SSSM would be charged with properly fulfilling its mission, particularly "preserving and protecting the "Historic District".

"Historic District and Museum first, NOT developer first!"

**THE DETAILS**

**Funding Goals**

Our intent is to secure for the SSSM two main types of funding:

**Recurring Income**

The SSSM has always lacked a steady base income stream since its inception. The goal here is to secure recurring revenue of $2-3M/year. This income can then be used as a stable base for its annual budget.

**Reserve Fund**

This is a fund of ideally three years of normal expenses. Based on prior SSSM 990's, the museum's annual budget has been $5-6M/year. Therefore, this fund should be at least $15-20M in size. It could be used as a Reserve Fund to survive occasional budget shortfalls and unexpected expenses, and/or as the base for an Endowment Fund.

**Securing a Recurring Revenue Stream – The Piers**

NYCEDC reports the following revenue from its Seaport leases in 2019[1]:

| | | | | |
|---|---|---|---|---|
| Seaport Associates (97 block) | Seaport Associates | M21600-SOUT01 | 438,200.03 | 19 Fulton Street, New York, NY 10038 |
| Seaport Marketplace - GGP | South Street Seaport Limited Partnership | M21810-SSSL02 | 1,761,243.85 | 19 Fulton Street, New York, NY 10038 |
| Seaport- Museum | South Street Seaport Museum | M21820-SOUT02 | - | 207 Front Street, New York, NY 10038 |

**Pier 17/18**

HHC pays Ground rent to the EDC of an estimated $1.8M/year (see above – Seaport Marketplace – GCP).

Our proposal is that EDC diverts all of this revenue to the benefit of the District of which 75% ($1.4M/year) would be passed to the SSSM. This could be achieved rapidly.

[1] NYCEDC Leases List 2019

**Pier 15**
EDC secures revenue from docking, mostly from Hornblower cruise ships, estimated at $1M/year during pre-Covid years.

Our proposal is that EDC diverts all of this revenue to the benefit of the District of which 75% ($0.75M/year) would be passed to the SSSM. This could be partially achieved in 2021, as tourist revenue returns, and fully from 2022 onward.

**Pier 16**
The SSSM used to receive $0.6M/year from docking revenue from Circle Line and Ferry/Shark operations. We anticipate this will resume post Covid.

This could be partially achieved in 2021, as tourist revenue returns, and fully from 2022.

**Uplands**

Note: "Uplands" is a term used by SSSM staff and others to refer to SSSM's physical land- based properties in the Historic District.

We propose that rent received by EDC for any present and/or prior SSSM properties be diverted to the SSSM.

**Removing the Straightjacket—The answer to Securing a Recurring Revenue Stream**
In the immediate future, by diverting the revenue from the piers to the SSSM, it will be able to survive. In the medium term, lease amendments must be forced on EDC and HHC to give the museum more ability to raise income from its properties.

**The Reserve Fund**
**Funding the Reserve Fund by the Sale of Air Rights**

Above the New Market Building site, there are unsold air rights that are currently owned by the city, which could be sold in order to provide an estimated $22.5M to $50M[2] for SSSM and other community benefits.

Air rights are simply undeveloped space above a property. With restrictions, these can be sold and transferred to a neighboring property outside the Historic District so that the developer can increase the size of a tower, especially adding more highly valuable upper floors. The Historic District is not a receiving site for the transfer of these air rights.

[2] Note: Lower range: 180,000 sf at $125/sf = $22.5M; 248,000 sf at $200/sf = $49.6M

NYC owns 248,000 square feet of undeveloped air rights above the New Market Building site that could be sold to generate revenue to support the local community[3].

These are estimated to be worth approximately $22.5M to $50M depending on price (anticipated range $125 to $200/sf) and the number of square feet sold:

- Five developers are reportedly interested in purchasing Seaport air rights for projects outside the Historic District.
- A developer has already offered $125/sf ($31M), down from an initial offer of $200/sf [4]
- HHC paid an average of $223/sf for the lots and air rights at 80 South Street[5] and then resold the undeveloped property for $390M or $467/sf. The assemblage is now back on the market at $300M or $367/sf.

The primary recipient of these proceeds should be SSSM. A key part of the museum's historic mission is to preserve the Historic District.[6] It is unlikely that the District could survive without the SSSM championing its survival. But to act as such an advocate, it must first survive to do so. No museum = a diminished Historic District, and the Museum without the living history of the Historic District is a diminished Museum.

The sales process of air rights is expected to take six to nine months. Transfers of city owned air rights from the Seaport historic district to receiving sites outside the district require approval via the city's URLURP process. However, these sales are unlikely to receive opposition from the local community. Any developer must also comply with NYC affordable housing requirements.

We propose that 75% of the proceeds, or $15 - 30M, be donated to the SSSM.

**Restoring a "Public Private Partnership" to the Historic District**
**Governance Goals**
Our goal is to bring the governance of the Historic District back into better balance and restore it to be a true "Public-Private Partnership" that was intended at the District's formation. This will move governance away from the "Private-Private Partnership" that it has now become as the EDC essentially behaves as a private corporation with limited accountability to the community. If the District and the SSSM are to survive and thrive, we believe that this change is essential.

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[3] NYCEDC Letter to Comptroller Stringer 09/18/2020
[4] Offer letter from YZK Development 4/6/2020 to purchase Seaport Air Rights for $125/sf (note the initial offer was at $200/sf (see Appendix)
[5] HHC 80 South Street Assemblage. When HHC assembled the lots and air rights for 80 South Street, they paid an average of $223/sf (817,702 sf for $182.4M). (See Appendix)
[6] Press Release: "Congressman Nadler and South Street Seaport Museum Announce $10.4 Million in Federal Funding for Superstorm Sandy Repairs. August 13, 2015 "South Street Seaport Museum, the congressionally designated National Maritime Museum, is a non-profit cultural institution preserving and promoting the historic district of South Street Seaport in New York City."

**WHAT'S GONE WRONG?**

**History and Leases**

The SSSM's original funding was intended to come from control of property in the newly designated Historic District. The outcome has been anything but this. There has been a long history of adverse lease decisions that have been made to the detriment of the museum, preventing it from realizing revenue from its properties.[7]

Lucrative income streams from the Piers were lost (failure of the Pier 17/18 project with Rouse), or crumbled along with Pier 15. Worse, a series of lease modifications has denied the SSSM from revenue from its unused Uplands spaces.

**The MCNY Experience (and Withdrawal)**

A high point was the take over of SSSM by The Museum of the City of New York (MCNY) in 2011 by an accomplished and respected team.

However, despite achieving a significant rebound in the museum's activities, MCNY found the reality of the leases, and EDC's and HHC's refusal to make any modifications, too much to accept[8]. "With the old (1981) lease in effect, the museum is effectively straightjacketed".

In particular, MCNY's CEO identifies:

- Refusal by EDC and HHC to be willing to discuss any changes to the leases
- Lease limitations so that the SSSM cannot realize any commercial rental income on unused space
- HHC's right to exercise an option on any SSSM unused space; this applies to all of the SSSM's 80,000 sf of space
- Inability to fully utilize Pier 16
- HHC's refusal to let the SSSM improve its visitor access and visibility
- HHC's tents and kiosks filling Fulton Street and obstructing visitor access
- HHC twice asked and was granted permission to walk SSSM's space with an architect

The result was that MCNY discontinued its management and support of the SSSM in 2013 – "a huge loss."

[7] Preserving the South Street Seaport by James M. Lindgren

[8] Letter: MCNY CEO to SSSM Trustees March 27, 2013

**An Observer's Perspective**

Re-arranging Public-Private Partnerships: *The Case of South Street Seaport New York* by Sandra Guinand

From this independent review of the situation at the Seaport, we can see how the original intended Public-Private Partnership has moved too far from its origin and has become instead a Private-Private Partnership to the detriment of the SSSM and to the benefit of the developers.[9] Where is the "public" in a partnership?

**Alternatives for the Historic District**

The role of the Economic Development Corporation in the Historic District has been an uneasy fit, and its role with a not- for- profit cultural institution even more so. If the problems we are trying to resolve are not to be repeated, a different model must be found, i.e. an East River Trust as articulated in Seaport Working Group Guidelines and Principles 9.1 "*Create a process for ongoing community engagement: Study the shifting of governance from NYCEDC to a new entity that would include community members*". In the meantime, the unique role of the EDC in this District requires a reset if the District and the Museum are to survive as intended.

**Conclusions and Proposals**

Many have opined as to the cause of the mess at the Seaport Historic District. As businessmen and volunteers, our conclusion is that the governance of the district has failed and needs to be changed. The NYCEDC, while a NYC Agency, receiving and disbursing taxpayer funds, actually behaves as a private entity with limited public accountability.

The provisions in key leases, starting with the 1981 lease and made more onerous in subsequent versions, have prevented the museum from renting its unused and underutilized space for non-cultural/commercial use. Even if say 50% of its 80,000 sf of space could be rented at $40 sf/year, this would produce income of $1.6M/year.

During the past several decades, we have seen a progressive series of leases and other limitations on the SSSM's operations and ability to secure recurring revenue, with benefits going to developers, particularly HHC, and detriments going to the SSSM.

Our proposal is that control over the Historic District, including its leases, revenues and expenses, be transferred to a public Trust to manage. This would restore the balance to be a true "Public-Private Partnership".

Business Plan Prepared By:
J Sandy Eames, SSSM Volunteer 2001 – Present, and Member, Save Our Seaport
Jay Hellstrom, SSSM Volunteer 2015 – Present, and Member, Save Our Seaport

[9] Re-arranging Public-Private Partnerships: The Case of South Street Seaport New York by Sandra Guinand. February 5, 2020.

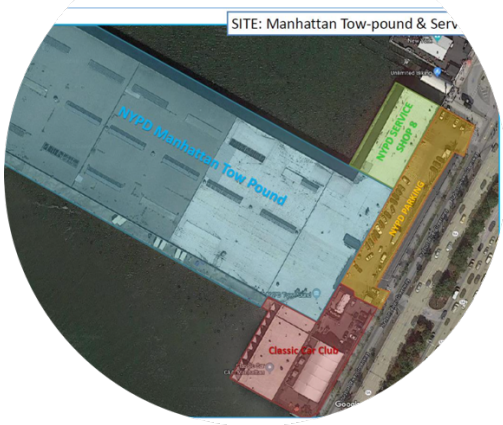
APPENDIX B

CEQR No. 250 Water Street 21DCP084M
ULURP No(s). Pending
SEQRA Classification: Type I Manhattan Community District: MN01

**Resiliency Park Alternative**

**250 Water Street (Beekman/Pearl/Peck Slip)**

- **Where can we relocate the NYPD Tow Pound to free up the Hudson River Park?**
- **How can we create more active recreation space for Seaport schoolkids?**
- **How do we defend the South Street Seaport from Coastal Flooding and Climate Change?**
- **How do we protect and preserve the South Street Seaport Historic District?**






This plan proposes to relocate the Pier 76 NYPD tow pound from midtown down to the Seaport by condemning a 1.1-acre site at 250 Water Street. A municipal structure would best serve the needs of Lower Manhattan with a tiered roof top park above and a study to determine the utility of a stormwater detention system below.

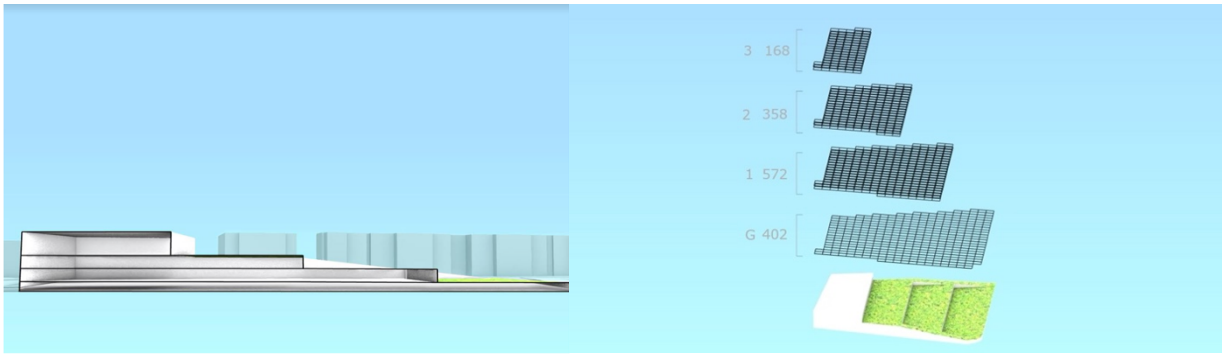
Turning the site which is now a **privately-owned public parking lot** into a Resiliency Park would provide:

- A **permanent** location for the NYPD Tow Pound to **vacate Hudson River Park**
- Post-condemnation, an urgently required **interim** location for a NYPD Tow Pound
- Much-needed **greenspace** and play area for Seaport residents and adjacent schools
- A stormwater detention basin to help defend the South Street Seaport from **flooding**
- A rationale to protect the low-rise Seaport Historic District from **overdevelopment**

APPENDIX B

## The Tow Pound

Since 1998, the Hudson River Park has tasked the city to find an alternative site without success. NYS has now mandated heavy fines and penalties starting in 2021 that the city can ill-afford. Using **Sync Park automated storage technology**, a four-story tiered building could accommodate 1500 cars, enough for the tow pound and other city permitted vehicles.




Ground Floor - 402 cars/Second Floor - 572 cars/Third Floor – 358 cars/Fourth Floor – 148 cars

**Why is this site suitable?**

- **Easy access** is available from all parts of Manhattan via Route 9A and the FDR drive
- **NYPD has spoken** with Manhattan CB1 Board Member Paul Goldstein about this site
- Both **South and Pearl are "wide" Streets** that can be adapted to enter & exit the facility
- The site is **proximate to all subway** lines for people retrieving their cars
- The existing parking lot is **permitted for 400 cars** and has been in operation for decades
- Impounded cars would be inside the building, **out of sight** of residents and pedestrians
- **Excess parking capacity** can be used to get government permit vehicles off local streets
- **CB1 opposes plan by owner to tower over** the low-scale Seaport Historic District
- Local businesses (i.e., bars/restaurants) would benefit from this "**destination attraction**"
- A **large number of construction jobs** would be created; funded by Federal, State and City matching dollars, stimulates the local economy and leaves behind a public benefit

APPENDIX B

**Resiliency Park**

A roof top park would provide badly needed open space both passive and active for nearby school children and neighborhood residents. As the residential population of Lower Manhattan has grown, FiDi and Seaport open space east of Broadway has not kept pace with its Battery Park City and Tribeca neighbors.




An October 2020 Open Space and Inventory Report for Manhattan Community Board One found that square footage of open space per 1,000 residents from Y2000 to Y2017, had **declined by 17%.**

*introducing*

**250 Water Street's**

**RESILIENCY PARK**




Seaport Coalition

1

The tiered park would start at street level at Peck Slip, across the street from the Peck Slip School, whose students currently use the street between the school and the parking lot as their play area. This park might include an athletic field, open lawn, shade trees and structures, ice skating rink, spray water feature, playground equipment for children of all ages, lowland gardens, and more.

APPENDIX B

**The Stormwater Detention System**

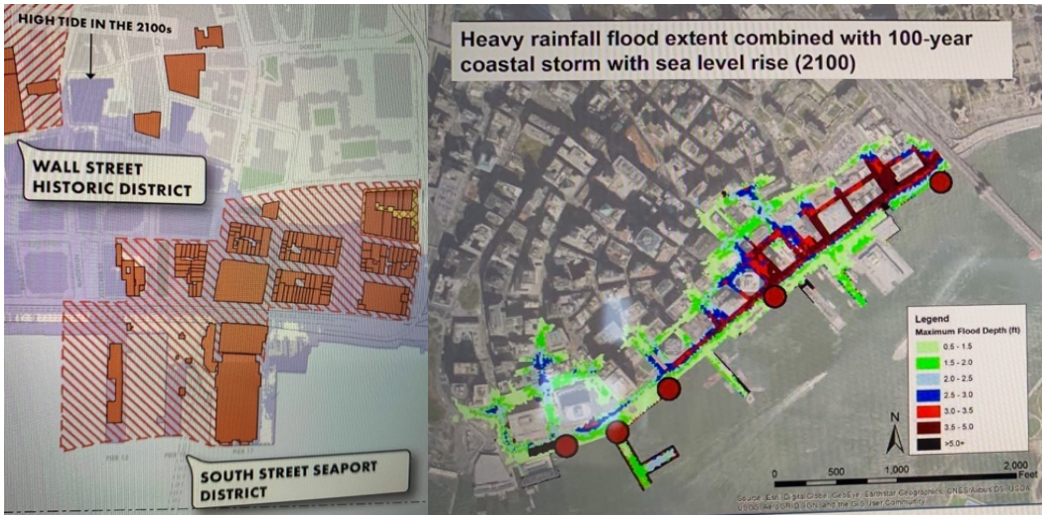
The Lower Manhattan Coastal Resiliency Task Force has identified Reach C (Seaport Historic District) as the most "vulnerable" area in the project due to low-lying elevations. They have been further tasked to prove that there is no "practicable" on-land option when considering overall project purposes and to justify "every inch" of a possible shoreline extension.

250 Water Street is an ideal location (sized for 1.1 acres) that would allow stormwater to be collected during wet weather events while the system is at capacity. The stormwater might then make use of the gradient at the site for positive gravity outlet to allow drainage to be directed back to the interceptor after the weather event, when capacity is once again available.

We are told that a study and analysis is already underway to understand the applicability of both storage and pumps for the FiDi and Seaport regions that filter and store stormwater in order to combat flooding. **Although managing stormwater in a highly constrained area is always challenging, we must seriously discuss the opportunity cost of not taking advantage of 250 Water Street's availability as an undeveloped site before it disappears.**

New large-scale drainage infrastructure will be required for a flood protection system to work and to ensure that the existing drainage system provides the same level of service under future sea level rise conditions. During storm conditions in FiDi and the Seaport, the project must manage an estimated 47 million (MG) of water across the area of 6 combined sewer outfall (CSO) locations. It is estimated that 11 acres of storage will detain a significant volume of these millions of gallons. We will leave the exact number to be worked out by the experts.

This catch basin could mitigate damage in the Seaport during extreme precipitation or flooding and keep combined rainwater and sewage from flowing into the East River in what is known as a Combined Sewer Overflow (CSO) event. More specifically, storm drainage will be critical to safeguarding the reliability and performance of the flood protection system by managing any stormwater behind the coastal defense.

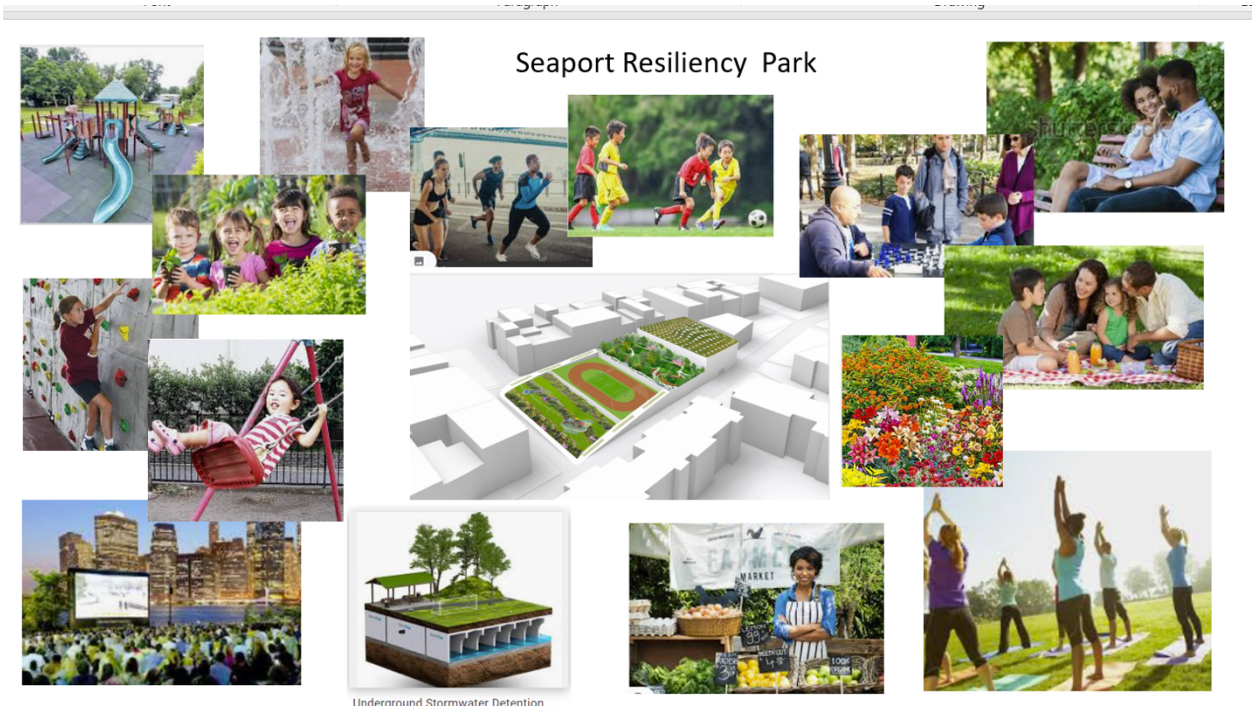


APPENDIX B

**Summary:**

- By relocating the Pier 76 tow pound at 250 Water Street, the city would avoid significant penalties about to be imposed by the State of New York at the behest of the Hudson River Park Trust. The state would be able to complete the Park.
- The site is “shovel-ready”. No demolition is required.
- “Friendly” condemnation of the site to build the tow pound facility, park and water retention system would eliminate the two controversial 470-foot towers the Howard Hughes Corp. envisions for the site, which are opposed by CB1 because they would destroy the continuity of the low-rise historic district.
- Community support for a Tow Pound requires rooftop park and resiliency mitigation
- The city would be recovering value from Eminent Domain to fund the eventual condemnation award by selling off unused Air Rights outside of the South Street Seaport Historic District.
- The city might recover value from Eminent Domain to do a land swap with the owner assuming there is shoreline extension south of Pier 15 for coastal resiliency.
- Protecting the contextual height limit in this historic district would also protect other historic districts in the country from becoming the targets of developers who want to build wildly out-of-context buildings.
- A rooftop park would provide badly needed open space both passive and active for nearby school children and neighborhood residents.
- The underground stormwater detention system will hold millions of gallons of rain and/or stormwater to make the Seaport more resilient against climate change by reducing flooding and CSO backups into the East River.
- A large number of construction jobs would be created; funded by federal, state and city matching dollars, that stimulate the local economy and leave behind a public benefit.
- Ownership would get “fair market value” through the process of eminent domain, factoring in the sale of its remaining air rights outside of the historic low-rise district and creating affordable housing opportunities.
- City-Owned Seaport assets (i.e., air rights from the New Market Site) can be monetized and dedicated for Seaport public purposes outside the Historic District, updating the existing lease and funding the South Street Seaport Museum and other worthy community needs will provide stability for the future of “where the city began”.

APPENDIX B




https://seaportcoalition.com

APPENDIX C

CEQR No. 250 Water Street 21DCP084M Pending
ULURP No(s).
SEQRA Classification: Type I Manhattan Community District: MN01

**No Action Alternative for 250 Water Street**

By “no action alternative” we do not mean that this site should remain undeveloped, but that there should be no approval for zoning changes to all allow air-right transfer to this site and exempt the builder from the legal height limit of 120 feet.

This community does not oppose development of the parking lot site, but does want the site developed in a manner that respects and complies with the zoning and fits within the character of this historic district.

Contrary to the applicant's rush to push a high-rise proposal through the approval process as quickly as possible (with an eye, according to internal documents, to selling the site once approval is gained), there are good reasons to move more deliberately:

• The scoping process should be delayed until the outcome of the Brownfield Cleanup Program investigation at the site is made public.

• This proposal should be considered in light of coastal flooding/climate change initiatives that could dramatically affect the shoreline of the Seaport and Lower Manhattan and the needs of/opportunities in the area. Instead of crowding further the small historic district, it should be considered in light of larger planning for Downtown.

• The proposal for 250 Water Street should be decoupled from the hail-Mary-pass promise by HHC to fund an endowment for the museum and the unorthodox schema for a building on the John Street that neither HHC nor the museum owns or has specific plans to purchase. Separating them would enable serious consideration of the merits of this project in its own right, and the irrevocable impact it would have on the fragile historic district.

Contrary to the claim presented by the HHC that these twin towers are the *only* way this parking lot could be developed in a manner that could benefit the community as well as the developer, there are advantages to as-of-right development, without sacrificing protections for this historic district and other historic districts city-wide.

- The LPC did previously approve an 11-story building for this site but the owner of the site chose not to construct the building he and his team had proposed.
- We know that it is not only possible to construct new buildings that fit within the zoning and historic district guidelines at the Seaport but that some such buildings, including those on Historic Front Street, are award-winning buildings that contribute immensely to appeal of the South Street Seaport Historic District.

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- A viable plan for as-of-right development for this site could include, say, 200 residences, organized in ten (10) low-scale buildings, designed to fit into the district the way Front Street development by the Durst Organization revitalized the neighborhood. This would add residents and benefit local businesses without putting strain on water, sewage and other systems and violating the contextual height in the district.
- As-of-right development with a varied structure could be reflective of the individual 19th century buildings around it, unlike the massive, full-block "podium" for the two towers that creates a multi-story wall along the western border of the district — the direction from which most visitors approach the Seaport. Instead of hiding the Seaport behind this wall-and-towers, it would introduce the Seaport.
- In view of the city's plan to make the Seaport and Lower Manhattan resilient to sea level rise by building out the shoreline, HHC's air rights from Pier 17 could be transferred to allow high-rise development on new land south of the Seaport Historic District, at the site of the Pier 13 and 14, which are already receiving sites.
- Sale or transfer of the HHC-owned air rights *outside* the district could allow HHC to recoup the steep price paid for 250 Water Street (like the extremely lucrative deal HHC engineered by transferring air rights to 80 South Street, outside the historic district, and then selling the property).

  A consensus was reached among government officials and planners since the 1970s to keep this small 11 block historic district as a special low scale area that stands in dramatic contrast to the skyscrapers that prevail elsewhere in Lower Manhattan. They created a plan to move development rights outside the historic district to keep it that way. Just because a developer comes along and wants to change all the rules that have worked well for half a century and walk away with a massive profit doesn't mean the City of New York should be part of such an arrangement that will ruin this historic district.

Allowing the transfer of development rights to this site within the historic district, if approved, would also make it very difficult to prevent other historic district property owners from also seeking unused development rights to enlarge or replace their existing buildings in the Seaport Historic District and in other historic districts throughout the City.

https://seaportcoalition.com

APPENDIX D

CEQR No. 250 Water Street 21DCP084M Pending
ULURP No(s).
SEQRA Classification: Type I Manhattan Community District: MN01

**CREATING MORE AFFORDABLE HOUSING IN LOWER MANHATTAN**

Contrary to the Applicant's claims, there are many examples of affordable housing units within 1000' of 250 Water Street. Manhattan CB1 has provided the Seaport Coalition with this chart:

| | | | | | | |
|---|---|---|---|---|---|---|
| 110 Fulton Street | 110 Fulton Street | 27 | Low Income | LAMP, Inclusionary Housing, LIHTC | (212)475-7730 | 2036 |
| 19 Dutch Street | 118 Fulton Street | 97 | Low Income | 421 – a, Inclusionary Housing | N/A | 2048 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Worth Street | 111 Worth Street | 66 | Low Income | 80/20, LIHTC | (212)766-1300 | 2033 | SEAPORT |
| St. Margaret's House | 49 Fulton Street | 250 | Low Income | Section 202 | (212)766-8122 | 2021 | SEAPORT |
| Everlasting Pine | 96 Baxter Street | 88 | Low Income | Section 202 | (212)966-8496 | 2031 | SEAPORT |
| The Lara | 113 Nassau Street | 34 | Low Income | 421 – a, Inclusionary Housing | (212)227-8181 | 2049 | SEAPORT |
| Historic Front Street | Front Street: 213-235, 214-224, 236, and 24-26 Peck Slip | 5 | Middle Income | Liberty Bonds, 421 - a | (917)291-5499 | None | SEAPORT |
| 60 Fulton Street | 29 Cliff Street | 30 | All Income | Inclusionary Housing, 421-a | (212)989-5555 | Permanent | SEAPORT |

In summary, without Mandatory Inclusionary Housing (MIH) 597 units of low and middle income housing have been created. Since 9/11 the number of residents choosing to live in Lower Manhattan has tripled, many taking advantage of generous tax incentives offered by government to rebuild our damaged city.

HHC proposes "90 affordable apartments for families earning up to 40 percent of Area Median Income" in order to make full use of the benefit from NYS tax credits for remediation of a toxic brownfield and is otherwise politically "required" by a developer looking to provide "political cover" to elected officials who will rule upon this application for zoning relief. The Applicant intends to construct larger units and thus a lower unit count of approximately 360 instead of 640 Dwelling Units, of which 25 percent would likely be affordable (90 rather than 160 DU). No affordable units would be provided in the No Action condition by the Applicant. **A No Action condition incorrectly assumes that the South Street Seaport Museum would "close permanently" and/or that all 302,670 gsf of residential uses need be "market-rate".**

APPENDIX D

In a series of two Stakeholder Workshops set up by the Applicant, the importance of creating affordable housing was repeatedly promoted by the Applicant as being the first use of the MIH program in Lower Manhattan in order purportedly to make our community "more diverse". The Seaport Coalition wishes to point out that in the past few years, examples of new development on Fulton Street include affordable housing for a combined total of 127 units for 'as-of-right' projects (no required affordable component, no MIH).

- 56 Fulton St / 29 Cliff St: (2018; 237 ft High, 272 top of bulkhead; stories 23 )
  30 units: range of affordability- Very Low Income, to Middle Income
- 118 Fulton St /19 Dutch St: (2018; 758 ft High; stories 63 )
  97 units: all Low Income (60% AMI)

**Draft Scoping Document - Affordable Housing**: Pg.4 E. Purpose & Need

- – Affordable Housing has been incorporated into developments in lower Manhattan well before it was made a requirement under Mandatory Inclusionary Housing (MIH) when triggered by a zoning change.
- – Affordable Housing continues to happen outside of MIH; recent examples - new as-of-right developments along Fulton St right outside the historic Seaport where **127 new units** were included in 2018 (56 Fulton, 118 Fulton).
- – HHC's statement that its proposal would be the first to incorporate affordable housing under MIH, while true, is certainly misleading to the general public, as MIH is not the only way to achieve affordable housing.
- – HHC needs a zoning modification for its project, which will trigger MIH; HHC is not including affordable units gratis, but as an MIH requirement.
- – A new building within the existing zoning envelope for 250 Water in no way precludes the developer from adding affordable housing at the site (& some tax credits may also accrue to the developer under this scenario)
- – Affordable Housing can also be a part of any public air rights sale for use outside the historic district bounds.

Contrary to HPD and HCR policy, the Applicant plan to "stack" these units consecutively on the lowest floors (11-19) and construct them with lower ceilings (9'2") rather than the market-rate units (11'+). **This Scoping Document must explain why "poor people" must be clustered together as neighbors, why apartments are only available in one of the two towers, and how they can justify placing these units on less desirable lower floors. The Seaport Coalition encourages the Applicant to build up to 100% affordable housing units at 250 Water Street without exceeding zoning regulations.**

This site is located within a 1⁄4 mile of public housing just north of the Brooklyn Bridge on the boundary of Community Boards One and Three. Directly across Pearl and Beekman Streets one would find the majority of former Mitchell-Lama Southbridge tenants of modest means still in place. In the aforementioned Stakeholder Workshops, many other community amenities were suggested, however any trade-off for exceeding the height limit of 120' was deemed a non-starter by the Seaport Coalition, Manhattan Community Board One and 140 speakers in front of the Landmarks Preservation Commission on January 5, 2021.

The Seaport Coalition wishes to highlight various scenarios now being studied by the city to attain far more than 90 units of affordable housing in Lower Manhattan.

**Local Law 50**

Hotel-to-apartment conversions were so hot in the city by 2015 that the controversial Local Law 50 was passed, barring Manhattan hotels with at least 150 rooms from converting more than 20% of them to other uses during a two-year period. The law expired last year.

At Breaking Ground calls came early on in the pandemic from hotel owners looking to reposition their properties, said Brenda Rosen, the group's chief executive. The organization is converting 90 Sands St. in downtown Brooklyn, a former hotel it bought from RFR, into 500 units of affordable and supportive housing, Rosen said. And developer Fairstead is leading the $60 million renovation of the former Park 79 Hotel to 77 affordable units for senior citizens.

Still, repurposing hotels is not always easy.

"The devil is in the details," JLL Senior Managing Director Jeffrey Davis said, referring to stringent zoning laws that outline what types of properties may exist in various pockets of the city and the unique requirements for each type.

"You put that all in the blender and think of what can be," Davis said. "You get a lot thinner about the actual properties that can make these changes."

Apartment buildings require a 30-foot-long yard, for example, while hotels need only 20 feet. To qualify for multifamily housing, apartments must be a certain size and include at least a kitchenette—which isn't common in hotel rooms, noted James Power, a land-use lawyer at Kramer Levin.

Zoning laws restrict certain building types to designated parts of the city. Apartments may not be built in most manufacturing zones, for example.

Building supportive housing is one of the easiest ways to convert hotels into useful properties, said Jessica Katz, executive director of the Citizens Housing and Planning Council. The smaller

units are better for studio apartments that can be used by single, homeless adults, she said. But, she said, there are still too many rules.

“We need to take away some of the obstacles to rebalance the market,” Katz said. “If we get zoning regulations out of the way so the market can do its job, then we may find a much faster recovery.”

The flexibility to adapt existing, empty buildings would help the city leverage its strengths, said James Whelan, president of the Real Estate Board of New York. But not every property will get the green light for conversion.

And that presents a problem, Davis said. “What do you do with these hotels that can’t be used for anything else?” he said. “You have hotels that just don’t work as hotels anymore.”

**City Officials Suggest**

*Potentially thousands of vacant hotel rooms are ripe for conversion into permanent residences, deputy mayor, housing groups and hotel owners agree.*

BY **YOAV GONENYGONEN@THECITY.NYC** JUN 25, 2020, 9:41PM EDT

City officials are looking to capitalize on a distressed tourism industry by converting commercial hotels into affordable housing — including creating single room occupancy units known as SROs.

The exploration of cheaper alternatives for affordable housing and supportive housing — offering health care and social services for people with mental illness or substance abuse disorders — comes as the city struggles to overcome a fiscal crisis prompted by the coronavirus pandemic.

The effort, which also comes as thousands of homeless people are staying in hotels, highlights just how hard a near-halt in business travel and tourism is slamming New York City.

“Unfortunately, we’re seeing a tremendous hit to our hotels because of the reduction in tourism, because of the lack of travel — and hopefully most of that will come back. But some of it may not,” Vicki Been, deputy mayor for housing and economic development, said this week during an online roundtable on economic development hosted by the Real Estate Board of New York and the law firm Greenberg Traurig.

“So, we’ve been looking hard at — are there hotels that we could acquire to turn into supportive housing rather than having to build from ground up?” she added. “We’re looking both at, are there assets that we own that we can make available to affordable housing or other needs — and are there private market buildings that we could acquire to convert into affordable housing at a cheaper cost.”

Department of Housing Preservation and Development Commissioner Louise Carroll, who also participated in the event, said hotels are also under consideration for a shared housing model — which includes SRO-like units that have common areas for residents.

The agency has been testing shared and co-living spaces as affordable housing since 2018.

“Maybe hotels are good for rehab in that way,” Carroll said of SROs. The number of SRO units in the city has decreased from a high of more than 200,000 in the 1950s to as few as 30,000 today, according to supportive housing advocates.

The purge began when city officials deemed SROs to be substandard housing — and made it illegal to build new units beginning in the 1960s.

Eager Sellers

The hotel conversions could offer a cost-effective way to create affordable housing on a large scale, say the supportive housing developers and operators, much less expensively than building from the ground up.

Mayor de Blasio has set a goal of building and preserving 300,000 units of affordable housing by 2026. The IBO report found that through March 2020, the city had financed just over 164,000 units — of which 70% were preserved through refinancing and upgrades rather than new construction.

On the tourism side, the latest data from the hospitality analyst group STR found that city hotel occupancy rates were down by 47% in May 2020 compared to a year prior — to an occupancy rate of 47.2%. Revenues were down 82.6% compared to the same month last year, the data shows, to about $166 million.  About 13,000 homeless people — or nearly one-quarter of the city’s total homeless population — are among those staying at commercial hotels, according to department of homeless services officials.

The city has been isolating people during the coronavirus outbreak in a Greenwood Heights, Brooklyn, hotel, May 26, 2020. *Ben Fractenberg/THE CITY*

Both the occupancy rate and revenue were slight improvements over April's numbers, the data shows. But the days when the city drew 60 million tourists annually are gone.

Leaders in the hotel and corporate sectors said they see the city's explorations as an accurate reflection of conditions on the ground for the foreseeable future. Vijay Dandapani, CEO of the Hotel Association of New York City, said the financial realities for some hotel owners will align with the city's interests.

"In this particularly stressful time with virtually no revenues, we expect there will be a high degree of interest from some owners," said Dandapani. "It is pretty much a certainty that the hotel industry won't be able to recover in any meaningful way till at least late 2023, and more likely early 2024." As many as 20% of the city's more than 125,000 hotel rooms may not reopen, The Wall Street Journal recently reported.

Kathryn Wylde, CEO of the Partnership for New York City, said hotels had been overbuilt before the coronavirus crisis, and that soaring real estate costs had made it difficult to develop affordable housing.

"We support the idea of trying to find public use for distressed assets," she said. "To the extent the pandemic creates some opportunities to acquire properties cheaply and repurpose them to meet community needs, that would be one of few good outcomes of this horrible crisis."

Housing at Half the Cost

When supportive housing first took off as a model starting in the 1970s, conversions of aging hotel buildings were common. Former hotels that remain residences today include the Prince George in Flatiron and Muhlenberg Residence in downtown Brooklyn.

If the city moves forward now, it wouldn't be the first conversion by the de Blasio administration of a former hotel site into affordable and supportive housing.

In 2018, the supportive housing nonprofit Breaking Ground purchased a former residential hotel on Sands Street that was part of a Jehovah's Witnesses complex in Dumbo, Brooklyn.

With a $157 million loan from HPD, the site is now poised to serve as 200 units of affordable housing and 300 units of supportive housing, according to Breaking Ground's CEO, Brenda Rosen.

Rosen said an SRO model would be particularly well-suited for distressed hotels in Manhattan, which can be converted into supportive housing for as little as $250,000 per unit — half the cost of new construction.

“There are thousands of hotel rooms being used as shelter right now, and the question is, does it make sense to think about these hotels as some sort of permanent supportive housing and would it make sense in terms of structure and time and cost?” said Rosen. “It really could be a huge benefit to the city, especially at a time of fiscal constraint.”

**Converting Offices into Apartments**

The Real Estate Board of New York, whose members are major developers and office landlords, is proposing that the city and state allow developers to more easily convert offices into apartments, the New York Times reported. In Manhattan, 140 million square feet of less-than-luxurious office space could be converted into apartments. Across the five boroughs, REBNY has identified 210 million square feet of such office space.

Even using 10 percent of that office space for apartment homes would yield 14,000 apartments citywide — enough to make a dent in the city’s affordability crisis, the group reasoned.

**Summary**

According to the Property Club, the most expensive neighborhoods in NYC for 2021 are NoHo, Hudson Yards, Tribeca, Central Park South, and Nolita, and the median sales price in all of these areas is above $3 million dollars. Overall, over half of the 50 most expensive NYC neighborhoods are in Manhattan, including the top 15, while Brooklyn is home to 19 of the city's priciest nabes, and Queens and Staten Island are home to 5 and 1 respectively.
**The South Street Seaport does not even make the top fifty (50) in this study.**

The Applicant is proposing two Mega Towers that will “overwhelm and dominate” the South Street Seaport Historic District ignoring the fact that 2,653 units are already “in the pipeline” and without regard for the challenge of both the current Pandemic and the over-supply of units. According to the Downtown Alliance 3rdQ 2020 Report: “the **median rent** in Lower Manhattan fell for the fourth consecutive quarter to $3,568, a 6.4% decrease from the previous quarter and a nearly 11% decrease from last year. The last time median rents were this low was in Q2 2017 ($3,581), when a large amount of new rental supply entered the market. Meanwhile, Manhattan’s overall median rent was $3,300, down nearly 5.6% from the past quarter. The citywide fall in rents can be seen most acutely at the higher end of the market, which makes up much of Lower Manhattan’s rental inventory. Prices have fallen for higher-priced apartments

due to a mix of high supply, instability in the labor market and a pandemic-induced decline in population. Many young professionals and college students, who often drive seasonal leasing patterns, left earlier in the year and are reevaluating their living situations. Others either continue to leave the city, seek more flexible arrangements in the sublet market, or are staying put in their current homes."

"The hotel industry has been severely impacted by the national and global travel restrictions implemented to battle COVID-19. Hotel visitation began to steadily decrease in early March. Sixteen of Lower Manhattan's 37 hotels have remained open throughout the pandemic, while the remaining hotels temporarily closed their doors. Currently, 24 hotels in Lower Manhattan are open to receive guests. Many hotels that closed earlier in the year reopened by late summer, albeit largely at limited capacity.

Late in September, the de Blasio administration announced that the **Radisson Wall Street** hotel would be used as a temporary homeless shelter to relocate the men from the Lucerne Hotel on the Upper West Side. The city also announced its intention to eventually convert this hotel into a permanent shelter with a different provider and set of clients. A judge issued a Temporary Restraining Order in October against the move from the Lucerne, halting the city's plan to move the men for now. It continues to be adjudicated in the courts.

Overwhelming headwinds have already led to three permanent hotel closures in Lower Manhattan. The AKA Wall Street, a 140-room, extended stay hotel
at 84 William Street, closed its doors in June. Other permanent hotel closures in Lower Manhattan include: The Assemblage at 17 John Street (79 rooms) and the W Downtown at 123 Washington Street (217 rooms)."

**The Seaport Coalition has identified 436 hotel rooms that could be converted for affordable housing at an estimated cost of $250,000 per unit. We agree with REBNY that office buildings in Lower Manhattan can be once again converted to residential units with the proper subsidies and tax incentives without destroying historic districts. We would welcome another Historic Front Street-style development at 250 Water Street that embraces rather than obliterates the low-scale nature of this historic neighborhood.**

# TRANSCRIPTS

CITY OF NEW YORK

DEPARTMENT OF CITY PLANNING

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DRAFT ENVIRONMENTAL IMPACT STATEMENT

250 Water Street

CEQR NO. 21DCP084M

REMOTE PUBLIC SCOPING MEETING

----------x

December 17, 2020

2:00 P.M.

B E F O R E:

OLGA ABINADER, DIRECTOR

Environmental Assessment & Review

Department of City Planning

A P P E A R A N C E S:

From the Department of City Planning

Stephanie Shellooe

Deputy Director EARD

Edith Hsu-Chen

Eric Botsford

Director EARD Manhattan Office

Diane McCarthy

Senior Team Leader

Allison Brown

Steven Johnson

Also Present:

Keith O'Conner

Skidmore Owens & Merrell ..... 15

Charlie Fields

AKRF ..... 22

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**P R O C E E D I N G S**

MS. ABINADER: Good afternoon, everyone and welcome.

You're tuning in to the remote public scoping meeting for the 250 Water Street proposal, CEQR No. 21DCP084M.

My name is Olga Abinader and I am the Director of the New York City Department of City Planning, Environmental Assessment and Review Division, or EARD.

Stephanie Shellooe, Deputy Director of EARD, will be co-hosting today's meeting with me and in the event of any technical difficulties on my end, Stephanie will take over this meting on my behalf.

We truly appreciate everyone's patience as we adjust to this remote scoping meeting format.

I do want to take a moment to thank everyone for taking the time out of their day to attend this remote meeting.

I want to acknowledge that technology like Zoom, which we are using today, is imperfect. However, it is an invaluable tool that

keeps all safe during this public health crisis.

I would also like to emphasize that all comments that are heard today verbally during today's scoping meeting -- excuse me, will also be considered in the same way as our written comments and testimony.

We will welcome all comments in written testimony through Monday, January 11th, 2021 and we provide written comments the same attention and consideration as all comments received live at today's meeting.

I'd like to now move on to the next slide.

We will now proceed to the formal public scoping meeting for the 250 Water Street proposal.

For the record, the CEQR application number for this proposal is: 21DCP084M. Today's date is December 17, 2020 and the time is approximately 2:00 p.m.

Next slide, please.

Again, I'm Olga Abinader and I'm the Director of the Environmental Assessment and Review Division at the New York City Department of

City Planning. I'll be chairing today's scoping meeting.

The Department of City Planning is acting on behalf of the City Planning Commission as the lead agency for this proposal's environmental review.

As lead agency, the Department oversees the preparation and completion of the Environmental Impact Statement, or EIS, for the 250 Water Street proposal.

Next slide.

Joining me are several of my colleagues from the Department of City Planning.

As I mentioned previously, Stephanie Shellooe, Deputy Director of EARD joins us today;

Edith Hzu-Chen; and,

Eric Botsford.

The Director and Deputy Director of the Department's Manhattan office join us as well.

Diane McCarthy, Senior team leader at EARD, joins us today.

Allison Brown, Senior Urban

Planner at the Manhattan office; and,

Steven Johnson, team leader for Community District 1 in the Manhattan Office are also part of today's meeting.

Next slide.

Together we are here to receive your comments on the Draft Scope of Work for the Draft Environmental Impact Statement, or DEIS, for the 250 Water Street proposal.

The Draft Scope of Work identifies all of the subjects that will be analyzed in the upcoming DEIS and explains how those subjects will be studied.

The Draft Scope of Work is available on the Department of City Planning's website environmental review page, scoping meetings' page.

Next slide, please.

The purpose of today's meeting is to allow for public participation in the preparation of the Draft Environmental Impact Statement at the earliest stage possible. To that end, the Department of City Planning will have an opportunity today to receive comments of the Draft

Scope of Work from:

Elected officials;

Government agencies;

Community Board representatives; and,

Members of the general public.

We will also welcome written comments on the Draft Scope of Work. Those written comments can be submitted to us through Monday, January 11th, 2021.

Next slide, please.

At the end of the written comment period, the Department, as lead agency, will review all comments, including those we hear today, as well as written comments that we receive throughout the public comment period.

After carefully reviewing all comments, the Department will decide what changes, if any, need to be made to the Draft Scope of Work and the Department will issue a Final Scope of Work.

It is the Final Scope of Work that will serve as a basis for preparing the Draft Environmental Impact Statement.

Next slide.

Today's scoping meeting marks the beginning of the environmental review process for this proposal and no decisions will be made today regarding the proposal's Draft Scope of Work. The purpose of today's meeting is to allow the public to provide comments on the Draft Scope of Work and to allow the Department to listen to those comments. It is important to us that all voices be heard today.

Next slide, please.

I will now focus on the structure and format of today's public scoping meeting, which will be divided into three parts.

During part one of today's meeting, the applicant team will provide a brief overview describing the proposal.

Keith O'Conner of Skidmore Owens and Merrel, will discuss the project and its components.

Next Charlie Fields at AKRF, Inc., the environmental consultant for this proposal, will provide a short summary of the Draft Scope of Work.

During the second part of today's meeting, we will receive comments and testimony from:

Elected officials;

Government agencies; and,

Community Board representatives.

During the third and final part of today's meeting, the Department will receive comments from the general public.

Today's meeting will end only when everyone who has signed up to provide testimony has had a chance to be heard.

Next slide, please.

Onto a few logistics. Once, again, this meeting is intended to ensure that everyone has a chance to speak. If you do wish to speak and provide testimony today and plan to access this meeting on line using a computer, a tablet or a SmartPhone, please remember to register on line to the City Planning Scoping Meeting for 250 Water Street page of the NYCengageportal@nyc.gov/engage.

A link to join our meeting and provide your testimony will be e-mailed to you

after you have completed the registration process on the NYCengage portal. At that point, we will add you to our speakers' list.

Next slide.

When it is your turn to speak, your name will be called and you will be granted temporary speaking privileges by the Department of City Planning staff. Please listen closely for your name to be called. Once your name has been called, we will help unmute your microphone and you will be asked to convey your remarks.

Very importantly, to allow us to hear from everyone who wishes to speak, we ask that everyone please limit their remarks to three minutes unless otherwise notified. A three-minute countdown clock will run on the screen if you are participating on line. At that three-minute mark, your time will expire and you will be asked to conclude your remarks.

Please also note that your testimony today will be verbal only. We will be able to hear you but we will not be able to see you.

Next slide.

Just an additional note of instruction for those of you joining us by telephone today, if you wish to provide testimony via telephone, you must press start nine upon my prompt. Please listen for me to call out the last three digits of your phone number and at that point, you will be given temporary ability to share your testimony.

You must press star six to unmute your telephone and we will be able to hear you speak. When your testimony is complete or your three minutes have expired, whichever comes first, you must press star six again to mute yourself.

We would like to encourage any dial-in participants who wish to provide testimony to please register via telephone using the dial-in participant hotline.

Please note, also, that muting and unmuting our registered speakers may take a moment as we continue to adjust to this Zoom meeting format.

Next slide.

Once again, a note on time limits. Speakers from the general public have three minutes

to provide testimony. But there are a few exceptions to the three-minute time limit.

Elected officials;

Members of government agencies; and,

Representatives of Community Boards have the courtesy of speaking -- of jumping to the front of the queue and are not limited to three minutes.

I'll also note that live stream viewers, those of you viewing us on live stream and also wishing to provide testimony, please be mindful of potential background noise during your testimony. Make sure that any live streaming devices are fully muted when you begin your testimony so that we can hear you and in order to avoid an echo.

Next slide, please.

I will note that, once again, we will accept comments through Monday, January 11th, 2021 and we will accept your comments via mail and our address is 120 Broadway, 31st Floor, New York, New York 10271. Attention Olga Abinader.

Or via e-mail:

21dcpo84m_dl@planning@nyc.gov, is our e-mail address.

Next slide.

If anyone has missed our detailed instructions at the outset of the meeting, please remember to visit NYCengage portal at www.nyc.gov/engage for instructions on how you may participate and we will repeat those instructions for those of you tuning in via telephone.

We will now move on to the first part of today's meeting.

At this time, the applicant for the 250 Water Street proposal will present an overview of the proposed project.

That presentation will be followed by the Environmental Consultant team, who will summarize the Draft Scope of Work.

MR. O'CONNER: Okay. If you can hear me, I'm going to jump in.

My name is Keith O'Conner. I'm the Director of Urban Design and Planning at SOM. And I'll be introducing the project today.

Next.

The proposed project is located at

250 Water Street in Lower Manhattan. It's just south of the Brooklyn Bridge and within the South Street Seaport Historic District, which you can see here outlined in orange.

The boundary of the study area is also outlined here in red.

As you'll hear in a few moments, there are several zoning actions related to the redevelopment of 250 Water Street into an approximately 913,000 gross square foot mixed-use project with commercial office uses in a low contextual base, ground-floor retail and community space fronting the surrounding streets. And then residential uses in two towers, including CB 1's first affordable housing that will be subject to the City MIH's standards.

The 250 Water Street side is currently a large surface parking lot on the edge of the Historic District. It's located between Pearl and Water Street and between Pecks Slip and Beekman Street.

In addition, the EIS is going to study a related project, namely the renovation, restoration and reopening of the South Street

Seaport Museum, as well as its potential expansion to the John Street lot, which is a small vacant lot located at the corner of South Street and Burling Slip.

Next.

In order to facilitate the mixed-use project at 250 Water, the applicant proposes to distribute unused development rights from the waterfront to the project site at 250 Water Street. Specifically, the proposal is to allow approximately 415,000 zoning square feet of unused City-owned development rights on the waterfront, as well as approximately 30,000 zoning square feet that are currently held in the South Street Seaport Development Rights bank.

And all of those rights would be distributed to and used on the 250 Water Street site, which is closer to transit and closer to tall buildings in Lower Manhattan and further from the waterfront.

And the result of this would be approximately 913,000 gross square foot, mixed-use development, again, with this low contextual podium and two towers just set back from the base, which

you see here in the image labeled 250 Water.

Next.

As mentioned, the site, 48,000 plus square feet, it's a full block site. It is currently the largest vacant site in any historic district in New York City. It's currently occupied by a surface parking lot, as it has been for the last 50 plus years.

Next.

And the proposal would replace that surface parking lot with this proposed, vibrant, mixed-use building above the base, as you can see here, two, 470-foot tall towers that would be set back 40 feet from Beekman Street, 40 feet from Peck Slip, 20 feet from Water Street and 10 feet from Pearl Street.

Next.

You see a couple of views here. This is a view from the Brooklyn Bridge promenade. It's showing the low scale and predominantly brick and masonry South Street Seaport Historic District. You see that in the foreground.

You see the contextual base of the project here in the middle ground.

And then you see the two towers set back from and rising above that podium. Again, here shown in the context of Pearl Street, Water Street and the towers of Lower Manhattan that you see beyond.

Next.

This is another view of the project. It's sort of sitting above the East River. You can see that the proposed project, by transferring those development rights moving them off the waterfront, it preserves the low scale of the waterfront and it distributes those unused development rights from Pier 17 in the Tin building, which is shown here in the center, the image, to the upland 250 Water Street site, which is just to the right and center of this image here.

Next slide.

A couple of eye-level views. So this is an eye-level view. You're standing now at the corner of South Street and Beekman Street. You're looking west. In the foreground you can see the low scale historic buildings in the heart of the district lining the cobblestone streets here on Beekman Street.

In the background in the middle, you see 8 Spruce Street. It's also known as the -- the Gehry Tower. And then in the middle ground, you're catching a glimpse of the brick podium of 250 Water Street and then at the top of the image here, you're beginning to see the towers rising above that low base.

Next slide.

It's another image here standing on Pearl Street looking south. Peck School -- Peck Slip School is immediately to the left of this image.

South Bridge Towers is on the right side of the image.

And then in the middle, again, you're seeing this low base of 250 Water. You see the towers rising above and then in the background you see in the context of towers along the Water Street corridor in the background.

Next slide.

And then finally here's a view standing on Water Street now, looking to the south, the proposed 250 Water Street project is to the right side. Ground floor retail, community space,

residential lobby entrances. Again, fronting the cobblestone streets of the historic district. And then as you see, again, in the background the towers of lower Manhattan visible beyond.

Next.

And then switching just for a moment to the museum, the EIS, as you will hear, will analyze the potential impacts of the renovation, the restoration and the reopening of the South Street Seaport Museum, as well as its potential expansion to the John Street lot.

As many of you may know, the museum was founded back in 1967, the 53-year old seaport museum has always had its home here in historic Scrimmerhorn Row, but since its founding has also had responsibilities for preserving and interpreting the broader district, even before that district was formally designated as an historic district in 1977.

Next.

And the work that's proposed here would help to facilitate the consolidation of the museum, include shifting their entrance from the mid block to a more prominent location here at the

corner of South Street and Fulton Street. And it would position the museum to achieve their long-held aspiration to build a new building as a model of resilient and sustainable design on the John Street lot, which is shown here in the middle. It's sort of a background of the image. It's a copper clad, heavy timber building in scale with the historic buildings of Scrimmerhorn Row.

And with that quick overview, I'm going to turn it over to Charlie Fields, at AKRF, who's going to discuss the proposed action and the scope of work for the Environmental Impact Statement.

MR. FIELDS: Thank you, Keith.

Good afternoon, everyone.

My name is Charlie Fields and I'm with AKRF, the environmental consultants for the project.

As noted by Olga, the Draft Scope of Work has been issued and today we're here to listen to your comments on the Draft Scope.

So now I'm going to provide a brief overview of the proposed actions, the analysis framework, and the technical areas in the

Draft Scope.

The left part of this slide shows the project area. This includes the site at 250 Water Street that's proposed for development.

Also shown is the site at South Street Seaport Museum, including the site of the potential expansion.

The red outline includes those sites, as well as the areas for reallocation of floor area and potential streetscape and open space improvements.

The right side of the slide shows the proposed actions, which include:

Special permits;

Allowing for bulk modifications on the development site;

Allowing for the distribution and transfer of development rights to the development site;

Requiring potential street scape, site plan and district improvements in the project area; and,

Facilitating a development with affordable units under MIH parameters.

Also includes are:

Zoning text amendments to the special permit and special purpose district texts; and,

A curb cut authorization for Pearl Street.

There are also disposition actions authorizing the sale of development rights and fronting decisions, if needed, to effectuate other changes to the affected area.

So let's talk a little bit about the analysis framework.

Next slide, please.

In the No Action Condition, the development site is anticipated to be redeveloped with a new, as-of-right building.

Development under the No Action Condition would be a mixed-use building containing mostly residential uses with ground-floor retail and community facility uses, as well as below grade parking spaces.

Next slide.

The applicant proposes the construction of a mixed-use building at 250 Water

Street that would contain market rate and affordable housing, retail, office and community facility spaces, as well as parking.

I'll talk about the program spaces a little bit later.

The proposed plan includes two towers set on a base with commercial uses in the base and residential above.

There would also be ground-floor retail and some community facility space.

Next slide, please.

This table shows the No Action and With Action development programs that will be looked at in the EIS, as well as the incremental difference between the two that will form the basis for the environmental analyses.

As Keith noted, the proposed project would also facilitate the restoration, reopening and potential expansion of the South Street Seaport Museum. But while the future of the museum remains uncertain, for the purposes of analysis, it is conservatively assumed that absent the proposed project, the South Street Seaport Museum, would not be operating. As such, the EIS

analyses will consider the full increment of the museum's operations.

Next slide, please.

As shown in this slide, we expect that most or all of the technical areas from the CEQR Technical Manual will need to be examined in the EIS. For each of the environmental areas, the Draft EIS will consider future conditions without and with the proposed actions in the analysis year.

The DEIS will also account for other approved or planned development projects that are likely to be completed by the build year.

We'll also look at mitigation where significant adverse impacts are identified and consider alternatives to the project.

So what I'm going to present now is a short overview of some of the key areas for analysis.

Next slide, please.

The land use analysis will identify existing uses and development trends in a quarter-mile study area;

Discuss the land use and zoning changes that would take place as a result of the

proposed actions; and,

Evaluate consistency and compatibility with land use, zoning and public policy.

An important part of this work will be identifying other background projects to include in the DEIS analyses.

And since we're in the Coastal Zone, we'll also look at consistency with the WRP and prepare the Coastal Assessment Form.

The Draft EIS will examine potential impacts on open space in a half-mile study area and account for the worker population in a smaller quarter-mile study area.

Based on the number of people that would be added to the open space user population, this analysis will quantitatively and qualitatively assess how the proposed actions would affect open space conditions.

Since the proposed actions would result in tall new structures, the Draft EIS will include a shadows analysis to determine potential effects on open spaces or other sun sensitive resources, including the river.

The area is a designated historic district so the Historic Resources Analysis will look at the proposed project's compatibility with the surrounding area.

Archeological resources will also be assessed for both the 250 Water Street site and the museum expansion site.

Next slide, please.

The urban design and visual resources analysis will account for changes in pedestrian level views from the surrounding area, as well as from public points of view farther away.

So we'll need to prepare renderings and diagrams that will show what the proposed project would look like.

For hazardous materials, 250 Water Street is a former manufacturing site and is enrolled in the Brownfields Cleanup Program. So we will summarize environmental reports and work performed to date.

We'll also do a Phase 1 Environmental Site Assessment for the museum expansion site and identify any additional work required to avoid adverse impacts.

In terms of water and sewer infrastructure, the Draft EIS will focus on wastewater and stormwater conveyance and treatment. This analysis will calculate the sanitary and stormwater flows resulting from the proposed actions and in coordination with DEP, determine the potential of impacts on sewer infrastructure and identify any improvements if required.

Next slide, please.

The transportation chapter will analyze the project's potential effects on local traffic, parking and pedestrian conditions, as well as public transit services.

The analysis framework will be in development with the agencies to determine study area intersections, area sidewalks, corners and crosswalks and transit elements for analysis.

We will also look at vehicular and pedestrian safety, as well as parking conditions.

The air quality analysis will consider both mobile and stationary sources. It will also consider the effects of proposed parking garage exhaust and the potential presence of major sources in the area.

Noise will consider the potential for mobile sources to generate noise and will examine noise attenuation measure needed for the project buildings.

Next slide, please.

For the GHG chapter, we will quantify emissions and assess consistency with the City's GHG goals and we will discuss measures to reduce energy consumption and GHG emissions.

Design elements to address climate change will also be included.

The Draft EIS will also include an analysis of potential construction related impacts. It will include a conceptual schedule and a description of construction activities.

This chapter will assess environmental concerns related to construction, such as:

Vehicular and pedestrian conditions;

Air quality;

HJazardous materials;

Natural resources;

Noise;

Historic resources and other applicable areas.

Measures to minimize or avoid potential construction impacts will also be identified.

Finally, a number of other technical areas that will be covered in the DEIS will include:

Socio economic conditions;

Natural resources;

Sanitation;

Energy;

Neighborhood character; and,

Public health, if necessary.

Thank you very much for coming.

We look forward to hearing your comments on the Draft Scope of Work.

And I'll now turn it back over to Olga Abinader.

MS. ABINADER: Thank you.

We'd like to now ask our production team to please revert to our first -- excuse me, our introduction slide.

Thank you.

I see that that's up now.

We will now move on to part two of today's public scoping meeting.

At this time, we will begin receiving testimony from any elected officials, Community Board representatives and government agency representatives, who wish to join us today.

I will note that if any participants do experience any technical issues that prevent them from speaking and providing testimony, what we'll do is take a brief pause, call their name again, and if still there are technical difficulties, we will move on to the next speaker to allow for trouble shooting to happen in the background.

And we will call your name at a later time. If this happens to you, please revisit the how to guides page on the NYCengage portal for assistance.

Also, for assistance, anyone who's dialing in who needs help should hang up the phone and call, 877-853-5247. 877-853-5247. You will be prompted for a meeting ID and a password. And the meeting ID is 9352820215693528202156. And the

password is the number one.

All right.

It does look like we do have one speaker in this category and in this part of our scoping meeting.

Our first speaker is Community Board representative, Tammy Meltzer.

Representative Tammy Meltzer, if you are able to unmute yourself, we're ready for your testimony.

MS. MELTZER: Thank you very much.

Good afternoon, ladies and gentlemen.

Thank you for the opportunity to speak on behalf of Manhattan Community Board 1.

We acknowledge that this process allows for the Draft Scope of Work hearing to occur before the review of the landmark stage is completed.

However, the results from the 250 Water Street Brownfield Cleanup remedial investigation data is also unavailable at this time, has not been released, and is not anticipated

to be released before the end of the public comment period.

This puts the community at a disadvantage to layer these pieces of the process so close together.

The community is hyperfocused on preparing a recommendation for an unprecedented and highly controversial Landmarks Preservation Commission application and has not had time to put resources to put due diligence into reviewing the Draft Scope of Work in time for the December 17th hearing.

The Landmarks Preservation Commission ruling, which will happen next month, could likely require modifications to the design of the proposal for 250 Water Street and hence would affect the scope of its environmental review.

As I mentioned, the public has yet to receive the results of the remedial investigation analysis on the Brownfield Cleanup Program application at 250 Water, which is also critical to the Department's review.

CB1 is really very busy and overwhelmed with the number of proposals that have

come before us currently. Specifically, immensely impactful proposals that are now in ULURP for citywide zoning, coastal flood resiliency, the rezoning of Governors Island and other actions.

We strongly believe that there has been inadequate public engagement on all of these proposals. Furthermore, given the unique character of this proposed project in the Historic District, it may require analysis not yet included.

We ask that DCP do a much better job of scheduling project reviews and hearings to allow the community adequate time for a fair and robust engagement, which is particularly critical on projects of this magnitude.

We believe the January 11th deadline for comment be extended for at least 30 days to give the community a chance to review the 250 Water Street Brownfield Cleanup remedial investigation data and incorporate that information into the feedback on the scoping for the Draft Environmental Impact Statement.

Thank you very much, again, for your time and this opportunity.

I wish you all a happy holiday

with loved ones. Stay safe and be well.

MS. ABINADER: Thank you very much for your testimony.

We will now move and proceed to part three of today's public scoping meeting.

At this time, members of the general public will be able to speak for up to three minutes. A three-minute time tracker will begin when the public -- members of the public begin their testimony.

So I do see that our production team is already displaying our time tracker, which is great.

Please remember that after your three minutes have passed, you will be asked to conclude your remarks and we will move on to the next speaker.

I'll now call on speakers numbered 2 through 7. Just so everyone is aware of who will be coming up to speak today.

Speaker No. 2 is Jonathan Boulware;

Speaker No. 3 is Brendon Sexton;

Speaker No. 4 is Laura Norwitz;

Speaker No. 5 is Maggie Flanagan;
Speaker No. 6 is Jonathan Kabak;
Speaker No. 7 is Stefan Edick.
Jonathan Boulware, speaker No. 2, we are ready for your testimony. Please unmute yourself.
MR. BOULWARE: Good afternoon. Can you hear me?
MS. ABINADER: Yes, we can.
MR. BOULWARE: Thank you for the opportunity to testify today.
My name is Jonathan Boulware. I am a resident of downtown. I live in the South Street Seaport Historic District, where my wife and I are raising our son.
I also serve as the president and CEO of South Street Seaport Museum, an institution that I have known and loved for nearly 30 years.
I offer the following comments for your consideration.
The CEQR Code indicates the cultural and economic needs are within the purview of scoping. The Seaport Museum has for more than 50 years been a leader in education,

interpretation, an elevation of the maritime roots of New York City.

Founded in the old Port of New York, the museum delivers education and programming in ships, shops and buildings of 19th century New York, a city that was a port before it was a city.

We've been a leader in environmental education, professional mariner development and maritime history for decades.

If you've been to the South Street Seaport Museum, you know, that the 19th century buildings are incredible. They are also challenging to use as museum space and costly to operate and maintain and they are vulnerable to events like Sandy, a flooding event which we have not yet recovered.

A museum at the water's edge knocked out by a flooding event on the very shores that make the growth of this City possible.

The Seaport Museum connects New Yorkers to our cultural and economic history with broad city nationwide narratives of shipping, trade, immigration, slavery, the bold and the shameful stories of how New York was made, stories

of the people who built a global metropolis and world financial capital from the seaside trading port.

Despite myriad programmatic achievements for which the museum is known world wide, the institution has struggled perennially, entirely because of a lack of reliable revenues, those that were originally intended to come from the real estate in the district.

We've been kept alive by the hard work and devotion of staff, board and volunteers. But if we're to successfully come out of this crisis, we'll need a plan.

The proposal for 250 Water Street under consideration here today, subsequent to DCP's proper review, will create a stronger South Street Seaport Historic District, one without a surface parking lot that supports an outdated and fossil fuel driven transportation model, one with a strong vibrant, sustainable and resilient South Street Seaport Museum.

It will support a stronger New York City by introducing affordable and market rate housing in a community that has the infrastructure

to support it. The new housing and museum together are emblematic of the City we seek to become, especially in the aftermath of a crippling pandemic.

The greatest city in the world deserves a world-class maritime museum reflective of its port roots. I aim to make that so. We aim to make that so.

I urge you to move forward in review with all possible speed and to consider the importance of this comprehensive project to the future of the seaport and of the City.

Thank you again for the opportunity to testify today.

MS. ABINADER: Thank you for your testimony.

Our next speaker is, speaker No. 3, Brendon Sexton;

Followed by Laura Norwitz.

Brendon Sexton, please unmute yourself.

MR. SEXTON: Does that work?

MS. ABINADER: Yes.

MR. SEXTON: Thank you very much.

Thank you to the Commission, to you Olga, to staff for allowing the South Street Seaport Museum to speak clearly on this matter.

We are -- I think everybody who knows this area, knows we are -- we like to think of ourselves as the beating hear, to use Jonathan's phrase, of the district. And we are keenly aware of the history, condition and cultural mien of the district and also keenly aware of our responsibility to interpret and expand and make plain for the public and make available for use by the public, this history and cultural condition, the wealth of maritime and early economic tradition that made New York the greatest port in the world for a very long time and still, of course, the greatest City in the world.

We have at the Bound Printing Shop, an aspect of maritime history of our town that is not usually appreciated. It was, in fact, for many years the greatest -- our client for local printers, were the shipping companies. Everybody had to get the schedules, who was arriving and who wasn't.

And then after that, of course,

the trade - what was arriving and how much was it worth. And financial press got started here. The financial press became, of course, at one point it seemed to consume about half our neighborhood. The thriving employment rich financial printers were a major part of New York City for a long time and it still exists by the way. But they were closely linked to the maritime functions of the Seaport.

Cotton and textile trades that New York became famous for, because the cotton came here, the textiles came in here. The fabrics went out from there. We are at risk. Our museum and our district are on a knives edge, a razor's edge. And this proposal provides for the first time in a long time, and I'm, by the way, on my second tour of duty on the board of the South Street Seaport Museum, and in this whole time this proposal is the first one that provides for a regular, ongoing income stream, an actual wealth creation for the Seaport Museum. Quite remarkable.

So although affordable housing and things like this are legitimately a focus of much public attention, I have to make the plea that the museum is what we think of when we think of the

South Street Seaport. And we are at risk. And this proposal can save us and, therefore, what we think of as the Seaport District.

MS. ABINADER: Thank you for your testimony.

Our next speaker is Laura Norwitz.

Laura Norwitz, please unmute yourself.

MS. NORWITZ: Hi. My -- am I on?

MS. ABINADER: You're on.

MS. NORWITZ: Okay.

Thank you.

My name is Laura Norwitz. I'm the senior director of programs and education at South Street Seaport Museum.

I read the Draft Scope of Work for the project for 250 Water Street and I was struck by the significance of cultural resources to the scoping process and the components such as urban design, visual resources, neighborhood character and pedestrian experience are included in the impact statement.

The greatest cultural impact of this project is the survival of South Street

Seaport Museum. And the greatest impact of failure of this project would be the likely demise of South Street Seaport Museum.

The Seaport Museum has a critical and non-duplicated role to play in the City of New York. I wasn't born or raised in the City. And I've lived in New York for about 15 years already before I happened to come to the Seaport Museum and it was then, doing an exhibition about New York and the Erie Canal that I got it.

What made New York New York? Trade, shipping, the seaport. Suddenly I got it.

Through educational programs at the Seaport Museum, thousands of students per year of all demographics and from all parts of the City have the opportunity to make this connection. Programs for school children and exhibitions and programs for the public encourage students and others to make connections, to see how people using the City's waterways made New York and to see the parallels in their own lives and decisions and the lives and decisions of other New Yorkers in other times, past and future.

Pedestrian experience and

neighborhood character are components of environmental scope. In this case, a pair of towers on the edge of the district and across the street from other tall buildings is unlikely to change the neighborhood character much.

What will be the experience from the street? When I lived in Cobble Hill Brooklyn, we were furious about a structure being built on top of an existing building on Court Street. Once it was built, you didn't even know it was there.

In Harlem, I live a couple of blocks from the new building that is too tall and really ugly and totally mismatched for the neighborhood. But I have to say, even though it is the ugliest building in creation, on ground level, it's set back and it doesn't make me miserable whenever I walk past it.

And the proposed construction for 250 Water Street isn't even ugly and mismatched. The proposed project would not significantly affect visual resources in the neighborhood. It would, however, be a step forward environmentally.

As the South Street Seaport Museum knows first hand, the district's location on the

waterfront is prone to climate change effects. Our work connecting people to the waterfront, past, present and future, helps in achieving awareness and action regarding the climate crisis.

So a project that will allow South Street Seaport Museum to stay alive, is environmentally preferable to one that will lead to its demise.

I hope you will support this project.

Thank you.

MS. ABINADER: Thank you for your testimony.

Our next speakers -- I will now call on speakers numbered 5 through 10, just so you're aware that you are coming up very soon.

No. 5 is Maggie Flanagan;

No. 6 is Jonathan Kabak;

No. 7 is Stefan Edick;

No, 8 is Joanne Gorman;

No. 9 is Michael Kramer; and,

No. 10 is Stacey Shub.

Maggie Flanagan, please unmute yourself.

MS. FLANAGAN: Hello. This is Maggie Flanagan.

Can you hear me?

MS. ABINADER: Yes.

MS. FLANAGAN: Wonderful.

Thank you.

I'm Maggie Flanagan.

Thank you for the opportunity to speak with you all today.

I work as relief crew at South Street Seaport Museum, after being a member of the volunteer crew, the staff and an employee in the Historic District for a very long time.

Through all this experience, I'd like to share that I believe that the 250 Water Street is a necessary project. And that any concerns about it can be addressed and the project could even potentially be made better through this public review process where we all get to discuss it.

As you know, the historic and cultural resources are an important part of the scoping for environmental review and an important component of this project is its significant

benefits to South Street Seaport Museum, the cultural leader in the district.

The museum is truly the soul of the South Street Seaport Historic District. It was its first champion and its most authentic champion as well.

The museum reveals and interprets how the past of the City and the port are entwined. How they're part of our DNA of who we are now. And the museum also teaches us about a sustainable and vibrant future which must also include our waterways.

Luckily the museum has persisted as the cultural anchor of the district, even thriving through a half century, I think it is, of highs and lows in our region.

I commend the dedication of the museum staff and volunteers but massive capital and economic needs that are presented now are just too much to overcome to guarantee the museum's future.

So it's welcome to see a project like 250 Water Street to under go environmental review in order to support the sustainability of the museum and its cultural leadership into the

future.

In addition to the cultural category of environmental review, which should receive heavy consideration, it will be good through the public review process to look at other categories of environmental review and where community concerns can be addressed, particularly through any cumulative effects.

For example, the sanitation and community facilities categories are below threshold level in this study. Yet there may indeed be a cumulative effect. For example, the parking lot that exists now is actually the home for many small businesses who have necessary vehicles, such as a florist delivery and things like that.

So in those details as we work it out, how can we continue to have the necessary vehicular access that this parking lot has provided over the years while still taking advantage of improving this site and supporting the museum.

MS. ABINADER: Thank you for your comments. You're out of time.

We'll move on to our next speaker.

And I do remind everyone that we

are accepting comments in writing.

Our next speaker, speaker No. 6, Jonathan Kabek.

And my apologies if I mispronounced your name.

Jonathan Kabek, please unmute your phone.

MR. KABEK: You got it right.

Can you hear me?

MS. ABINADER: Yes, we can.

MR. KABEL: Good afternoon, members of the committee.

I'm honored to have the opportunity to speak with you today.

My name is Captain Jonathan Kabek. I'm the chief executive officer of Oliver Hazard, Perry Rhode Island, operator of the flag ship of the Ocean State.

I grew up on a small island on the mid Atlantic coast, just over 13 miles long and two miles wide. I know it's not Martha's Vineyard or Long Beach Island but rather Manhattan, the island at the center of the world, to borrow a popular book title.

I often start out public speaking engagements with this fact about myself to contextualize my career as a mariner, marine educator and to highlight how important it is to understand our relationship with the maritime ecosystem, to fully embrace the concepts of ocean literacy as defined by the National Oceanographic and Atmospheric Administration.

And most importantly, today, to share with you how important the South Street Seaport Museum was in my own understanding of what it means to live in a coastal community and how the experiences that I had have had their influence and impact over some three decades of program development and delivery that I've been a part of across the country.

I am a proud product of the South Street Seaport Museum, having visited often as a young child and beginning my connection to the institution as a volunteer at the age of 12.

For me and so many others, it provided a gateway to experiences that were otherwise unimaginable to a person growing up in a metropolis such as New York. I built boats, fished

the waters of New York Harbor. Was introduced to an industry that to this day is responsible for 90 percent of the transport of the world's goods and most importantly, gave me the opportunity to work shoulder to shoulder with people of all genders, races and backgrounds, a true microcosm of Gorham.

I'm one of hundreds of people I know for whom the intrinsic link between the prosperity of New York City and the sea was forged by the South Street Seaport Museum. And I know that we in turn are just a small number who share the same experience.

It should not take a super storm to showcase the both tremendous relevance of an institution like the South Street Seaport Museum or its vulnerability whether environmental or economic.

Five years ago, Peter Stanford and others fought to preserve this neighborhood as a testament to what made New York City great.

Today I implore you to keep that beacon lit.

As I have often shared over the course of this last year, the only way to ensure

defeat is to stop fighting, to acquiesce. Instead, now is the time to muster our forces, to answer the rallying cry and defend what is most dear to us.

New York would not be the City without its maritime heritage and history. And New York City must not be without its South Street Seaport Museum.

The Seaport District must not go the way of Radio Row, Vinegar Hill, Kips Bay and others, a meaningless name. The time to act is now and the pathway is clear.

New York City has always had a tenuous relationship with the relics of its past and much has been lost because of this attitude.

Today we can embark on a different course, investing in an institution that not only shares the valuable lessons of our history but equally educates about the future.

I urge the Department of City Planning to give this project their full attention as its progress will have a deep impact on both the City, district and its anchor, the museum.

Thank you so much.

MS. ABINADER: Thank you.

Our next speaker is Stefan Edick.

Once again, I apologize if I've mispronounced your name.

Please unmute yourself.

MR. EDICK: That's quite all right.

Thank you.

It's Stefan Edick.

And thank you all for the opportunity to speak this afternoon.

I am a Captain and the Executive Director of the National Historic Landmark Schooner, Adventure, in Gloucester, Massachusetts.

And I spent the formative part of my career at the South Street Seaport Museum in command of one of their ships, taking students of all ages to sea and serving as a platform for an unparalleled program in -- in maritime education.

I like to think of the South Street Seaport Museum as occupying a unique space at the intersection between history, culture and commerce. And it serves as a portal for understanding for so many people and at so many different levels.

It -- in an era when America's connection to the working waterfront in the history of maritime commerce in particular, and as a result their distance from the importance of maritime commerce to our current economic structure, the South Street Seaport maintains its position as a beacon, not just for New York and New Yorkers, but a beacon for all of the residents whose cities whose working waterfronts and museums have disappeared completely.

It is impossible to understate the importance of this project to the history, the future -- both to the history and the future of the museum and I can tell you that when I lived and worked in this remarkable historic district, I found the parking lot a curiosity and an eyesore in what otherwise is a remarkable -- a remarkable space.

I think the project represents a great development both to the street level culture and to the capacity for the museum to fulfill its mission to introduce people to the -- the working waterfront and everything it represents.

The South Street Seaport Museum

also stands as an avatar for the impact of climate change. We'd seen that most recently with the impact of Hurricane Sandy and all of the -- the damage to the museum and the remarkable district.

It -- it is also positioned uniquely to serve not just as an avatar of impact but as a force to interpret that climate change so that it's more widely understood and appreciated and folks are better positioned to make decisions and support the positive change that's going to be required.

Thank you.

MS. ABINADER: Thank you for your testimony.

Our next speaker is Joanne Gorman.

Joanne Gorman, please unmute yourself.

MS. GORMAN: Can you hear me?

MS. ABINADER: Yes.

MS. GORMAN: My name is Joanne Gorman. I'm speaking on behalf of Friends of South Street Seaport.

Attempting to reap a profit off an investment gamble, Howard Hughes corporation claims

it wants to save the Seaport all the while treating with utter contempt the existing contextual zone and design to protect this historic area.

The height and mass of the structure proposed would have significant negative impacts within and outside its protected landmarked borders. There's no way to mitigate the visual damage that this project would impose on the seaport and on the Brooklyn Bridge.

A tower would become an inappropriate de facto location marker, usurping the iconic Brooklyn Bridge, long standing and historically appropriate reference for the seaport.

In the scoping notice of November 16th, the bullet item regarding the proposed action selectively applies low scale as if it only applies to the immediate waterfront. And I quote, "Preserve and maintain the low scale character of the waterfront by distributing unused floor area to the currently unutilized development site."

But the seaport's low scale is not just linked to the water's edge. It's a defining aspect of the entire district.

And I have a few comments on

affordable housing. Affordable housing has been incorporated into developments in lower Manhattan well before being made a requirement under mandatory inclusionary housing. It continues to be included in Lower Manhattan developments outside of MIH. And there are at least two recent examples in lower Manhattan, new, as-of-right developments along Fulton Street just outside the seaport, where 127 new units were included in 2018.

Howard Hughes continually states that its proposal would be the first to incorporate affordable housing in lower Manhattan under MIH. And while that's true, it's certainly misleading to the general public. Howard Hughes needs a zoning change for its project. That zoning change would require MIH. Howard Hughes is not offering affordable housing gratis. It has to be included.

A new building within the zoning, the existing zoning code at 250 Water, in no way precludes the developer from adding affordable housing to the site. And some tax credits may also be available under this scenario.

An affordable housing component can also be a part of any public air rights

transfer for use outside the Historic District.

Nothing that was in the geographic scope of the development site has changed in the years since the 1977 designation of the district and the 2000 zoning amendment, which reinforced the landmark's designation.

To justify a change it so blatantly dismisses the district's guidelines in favor of a developer's private profit intent. In fact, the Seaport, as well as other historic areas have only reinforced the importance of our historic setting to the vitality, health and economic value they bring to the City.

When considering unavoidable, adverse impacts, you might just consider this. The damage is avoidable by simply not allowing projects like this.

One final word from the Board of Standards and Appeals. The taxpayers are not here to bail out poor, private choices.

Thank you.

MS. ABINADER: Thank you for your testimony.

We'll move on to our next speaker.

And I'll actually call on numbers 9 through 13.

Michael Kramer, No. 9;

Stacey Shub, No. 10;

Paul Goldstein, No. 11;

Emily Hellstrom; No. 12;

Caroline Miller, No. 13.

Michael Kramer, please unmute yourself.

MR. KRAMER: Hi. Can you hear me?

MS. ABINADER: I can hear you.

MR. KRAMER: Our Seaport coalition considers this Draft Scope of Work to be deficient in may key areas.

We will provide our comments in writing indicating all of the changes needed to conduct a fully compliant Environmental Impact Statement.

Prior to the issuance of any 250 Water Street permits and/or authorizations under the zoning resolution, these mega towers must be lawfully permitted and undertaken.

The lack of in person meetings has limited our opportunity to give testimony and for

face-to-face discussions and made attendance impossible for those who are technology challenged.

We'd like to go on record asking City Planning to postpone further action until the Executive Order 202 has been lifted by Governor Cuomo.

The inclusion of the South Street Seaport Museum in this application mixes apples with oranges. It is conservatively assumed that the South Street Seaport Museum would not remain open in the future without this action. This statement is demonstrably false.

Any linkage of the museum's future to this application as being the price to pay to provide political cover for elected officials to approve this development is both cynical and fantastical.

The Seaport Coalition asks that this scoping document remove all references to the South Street Seaport Museum.

The Seaport Coalition encourages the applicant to build up to 100 percent affordable housing units at 250 Water Street without exceeding zoning regulations on this site. This option

should also be studied.

Losing the 400-car parking lot may result in the direct displacement of residents or businesses and is a potential outcome that must be studied rather than ignored.

The applicant claims no students, visitors, concert goers, et cetera could be impacted by this proposal. We ask they make crowds of up to 3,400 concert goers for each summer concert and other events on the Pier 17 rooftop. There are more than 1,000 students and faculty attending the immediately adjacent Peck Slip and Blue Schools, who would be forced to endure 60 months of remediation and construction. This was never contemplated when the Department of Education acquired the adjacent Post Office site for a public school, nor when parents signed up their students to be enrolled.

This Draft Scope of Work should only reference development options that are consistent with the zoning, density and neighborhood recognition provisions as defined by the 2014 Seaport Working Group, which finally -- whose final summary was approved by a consensus

that included the applicant, contained principles and guidelines. These findings were site specific for 250 Water Street.

Thank you for the opportunity to testify.

MS. ABINADER: Thank you for your testimony.

I'll now call on Stacey Shub.

Please unmute yourself.

MS. SHUB: Great.

Thank you.

My name is Stacey Shub, a resident of the South Street Historic District for over 20 years.

I've thrown out my written testimony to address some misleading statements or untruths that have been stated so far today.

The infamous parking lot to refer to the present use of the lot as a surface parking lot that has been there for 50 years, a blight on the community and eyesore.

Sure, we don't like it either. But keep in mind, it's only a parking lot because the previous owners have refused to build as of

right, waiting for an opportunity like this to pierce the zoning envelope of 120 feet to serve their own bottom line.

Eight previous options were rejected by Landmarks. And when the final -- the community finally compromised and a ninth rendition was approved, the owners refused to build on it.

The environmental impact. To hear Mr. Boulware refer to the surface parking lot as supporting an outmoded method of transportation today would be laudable if it were not for the fact that the 470 foot twin towers that will replace it, will have even more parking spaces. It will be more impactful on the environment through its carbon output to operate it and supporting building on that lot that was completely submerged by Sandy is laughable at best.

Mr. Boulware himself said that great flooding event closed since Sandy, knocked out the museum. Yet somehow it's safe to build 470 feet. Look no more than two blocks over and see a tall building that construction has ceased on because it's leaning three inches over.

The contextual towers. As

everyone keeps referring to them, along the ground that you show in the background is just that, towers of lower Manhattan and not the Historic District itself. They're outside the district. It's ridiculous to suggest that this building is in any way contextual when you compare it to the World Trade Center or the skyline of the City at large.

Water versus uplands. To say that somehow by building 470-foot twin towers save the low scale nature of the waterfront is preposterous. What preserves the low scale nature of the waterfront is not moving the towers to the other side of the district. What saves it is that you tried to build and you were denied the ability to build on the waterfront. So it's a perpetuation of the same false option you presented at the community meetings.

Do you want towers on the water or do you want towers at 250 Water Street? The community rejects both.

Apologies to the speaker who said this, but you won't even know it's there. Tell that to the children who go to school next door, the people who live in shadows, the people who from

the street will no longer be able to see the bridge.

I'm sorry, but that feels like one of the most preposterous things I've ever heard.

And finally, here's what my mother always said. When someone says they have money problems, money usually isn't the problem. Why is the museum, as the CEO said himself, not operating? Where is the dehumidification to protect the artifacts in your care?

Eight years since the disaster, five years since the grant, cries for money to reopen. When there's $15 million of untouched money, $10 million from FEMA that may disappear if unused. Why should I or anyone else believe that even $50 million will somehow save the museum? There are options to save the museum and options to save the seaport.

Please seriously consider them.

Thank you for listening.

MS. ABINADER: Thank you for your testimony.

We'll now move on to speaker No. 11, Paul Goldstein.

Please unmute yourself.

MR. GOLDSTEIN: Thank you.

It's hard to imagine that less than 20 years after the community came together to put into place new zoning for the Seaport Historic District, intended to guide future development that would respect and maintain the special low scale character of this Historic District, we have a developer looking to gain City approval to completely violate that zoning. They are proposing to -- 470-foot towers that would totally dwarf buildings that predominate in this district, characterized by structures that average four to five stories in height.

In 2003, City Planning joined with Community Board 1 in sponsoring and supporting this new zoning that reflected a broad consensus on how to properly build new structures in this 11-block Historic District.

In fact, that zoning as was mentioned, came about after the Landmarks Commission denied nine buildings in the district calling them inappropriately tall and not fitting in with the district.

It should be noted that the zoning approved by City Planning and the City Council, had the support of Community Board 1, every local elected official, the Downtown Alliance, the Seaport Museum, the Economic Development Corporation and all the other property owners in the seaport.

Now the proposal to transfer air rights is also something that was never envisioned. There is a system, Seaport Development Rights Program, where there are certain receiving sites and they're almost all located outside the district.

250 Water Street is not a receiving site. And this would be an abomination to move air rights into a site within the district. That was never the purpose. The purpose was to move those development rights outside the district where they belong and keep the character, the low scale character of the district intact.

I will move on the chair of the Community Board, which I serve on, already talked about the Brownfield and we don't have the data yet. So we should probably wait for that.

And we also don't yet have a plan that the City is putting together for making resiliency measures for the seaport.

City Planning proceeding with this project at this time seems totally geared towards satisfying a single private developer and helping them make good on a very questionable purchase of this property for a price that could only make sense of they win the zoning approvals they seek.

The City should not be partnered to this. The zoning put in place in 2003 should be preserved so that the Seaport District remains the very special part of lower Manhattan that it is today. And we need not ruin the Historic District to save the museum. There are --

MS. ABINADER: Thank you for your testimony.

Our next speaker is speaker No. 12, Emily Hellstrom.

Please unmute yourself.

MS. HELLSTROM: Hi. Can you hear me?

MS. ABINADER: Yes.

MS. HELLSTROM: Thank you.

My name is Emily Hellstrom and I'm a former PTA president of the Pecks Slip School and a founding member of Children First, representing over 800 parents and families whose children go to school directly adjacent to 250 Water Street, as well as other area schools.

It is difficult to overstate the devastating impacts this set of monster towers would have on the surrounding area. Of course, it feels like a fools errand to spend time to testify when we've been told by many folks in favor of this project that it's in the bag and that it's a done deal and with all the fancy lobbyists, lawyers, PR people and money that have been thrown at this application.

In fact, on Monday, September 17th, 2018, I was invited to a meeting with Sol Shurl (phonetic) at the Peck Slip School, along with Principal Maggie Siena, Megan Malvern and Louie Sanchez, the head of school operations. Where Mr. Shurl asked us quite directly what we wanted in the way of a community benefit for the school in exchange for our complicit acceptance of these behemoth towers, a sort of carve the dead

horse up before it's dead, style of gathering.

Wisely, our principal said, we are quite fortunate to have a beautiful new building and do not need to be bribed. What I want is for our children to be able to learn in an environment free of dust and noise and the play street outside our building to remain in full use to enable our children to have recess outside.

And this really cuts to the heart of it. The environmental impact on these children for a years long build is untenable. Building a 12-story structure versus two, out-of-scale, 470-foot towers is incomparable. Years more construction, pile driving, dust, debris, closed streets, dangerous cranes, heavy trucks and machinery and in the end a monster development which would loom menacingly over the school, wrecking forever this Historic District, the first of its kind and the birth place of our City.

But one cannot speak of environmental impact without getting at the heart of the dangers that are just below the blacktop cap at the 250 Water Street site. I would love to be able to comment on the soil sample borings that

were taken there and see what the scientists have tested for and the warnings they have for our children. But somehow the remedial investigative report was not available for us to review before this meeting. No fewer than two Community Board meetings have passed where we were supposed to hear exactly what was in that report.

We'll get it to you, we heard at both the environmental committee and the full board meeting. Convenient that we will get it after this Environmental Impact Statement meeting.

Trust the process many say. Trust the process? How can we trust when at the start of this process, Howard Hughes, Sol Shurl and Langan Engineering Company came into our school building, spoke at a public PTA meeting and told us to our face that the mercury that was under the ground was just organic mercury found in landfill all over the City.

Well, when Children First looked into this, it was not organic mercury but instead elemental mercury left over from multiple thermometer factories located at the lot at a time when disposal of these chemicals was not under the

stringent restrictions we have today.

Elemental mercury is highly dangerous toxin, unprecedented and devastatingly dangerous to small children and pregnant mothers, people we have an abundance at both Peck Slip and Blue School.

I call on you to stop this process of -- until Children First and the greater community has a chance to see what is in those reports. And after that --

MS. ABINADER: Thank you for your comments.

We will now move on to the next speaker in the interest of time.

But we will accept all comments in writing, as I will present throughout this scoping meeting.

Our next speaker is No. 13, Caroline Miller.

MS. MILLER: Hello.

I am a resident of the -- of the Seaport area. And I want to speak today to several impacts that I think this project would have, including land use and zoning, neighborhood

character, historic and cultural resources and the pedestrian experience.

I think all of these things are impacted by the fact that this project is egregiously out of context for the Seaport Historic District.

It's four times the 120-foot allowable under current zoning. And it's five times -- it's higher than the current existing building, any current existing building in the district.

The argument it is okay to transfer development rights, which were meant to be taken out of the district, within the district, based on the notion that 250 Water Street is located on the upland side of the district, is just a bold invention.

The zoning applies to the whole district and it was passed in 2003 with an eye specifically to this site.

Eight earlier projects for this site were rejected by the LPC as out of context for the district because they would overwhelm the small collection of low rise historic buildings. And

none of them were anywhere near as tall as this building.

To put this project in a broader perspective, an examination of the records of all 114 buildings approved, or in the approval process for Historic Districts around the City over the last 16 years, shows not one building anywhere near this height or this far out of scale with the neighboring buildings.

Each approved building in the Historic District is carefully scaled to the districts that they're in. Breaking that record would have a huge impact on City policy and the fate of Historic Districts.

This project would make not only this district but all Historic Districts in the City targets for high rise development by commercial interests. It would send a message to developers that all they have to do to get a project approved is to throw in the minimum number of affordable housing units and support a worthy cause in exchange.

I urge the -- the committee in this process to consider the effect on all Historic

Districts and not just this one. And to keep in mind that everyone in the community is up for building something on this site within the allowable high limit that could include affordable housing and nobody -- there's no rule that says that this has to be either a parking lot or this monster.

MS. ABINADER: Thank you for your testimony.

At this time, I'd like to take a brief pause to address any members of the public who have joined our meeting via telephone.

I will now note that those members of the public who have dialed in, would like to provide verbal testimony, please indicate that you would like to speak by dialing star nine on your telephone. That will help our team identify that you would like to provide verbal testimony. Dial star nine. Once again, dial star nine if you would like to speak.

As a reminder, we do encourage any telephone dial-in participants who wish to provide testimony to please register via telephone using the dial-in participant hotline. If they are able

to, the phone number to the dial-in participant hotline is one of our toll free numbers. And I'll note few of them here. 877-853-5247; 877-853-5247.

And if you are prompted, and you will be prompted for a meeting ID. Your meeting ID is 9334246465 and the password is the number one.

All right.

It does look like we do have one speaker who has dialed in who would like to provide testimony. The phone number ends in 428. Last three digits, 428.

Please unmute yourself by dialing star six and state your name for the record.

MS. WINBUSH: Good afternoon.

Can you hear me now?

MS. ABINADER: We can.

MS. WINBUSH: Great.

Good afternoon.

This is Tiffany Winbush.

I am a resident of the community. I have lived in the area for the past 16 years.

I'm not too far from the proposed site at 250 Water Street. I'm a public school parent and my daughter attends Peck Slip School,

directly by the proposed site.

And as well, I'll have a son who will be starting there on -- next year.

I first want to thank everyone within the Peck Community Board for keeping us informed of this process, as well as our local Community Board.

I would like to add my thoughts on number one, as you've heard throughout the times, it's about keeping our children safe. I think most parents are well aware that there is an opportunity to build on this site, which we understand they have a right to.

One of the things that we are most concerned about, especially as it relates to our children and their learning experience and their learning environment is the long-term building that would take place should the mega towers be on the table.

I know that so many of us parents (inaudible) have really dealt with a lot this year as it pertains to education and school. Many students have been hybrid and many more students are doing remote. And we are all hopeful that by

next September we will be able to bring back the school full time.

Once that occurs, you know, naysayers will have to work overtime to ensure that students who have lost all of those skills (inaudible) within the last year will simply have to play catchup and be prepared for the new grade that they are in.

Our students are playing catchup with the education as their social and emotional learning is being focused on and they do not have to deal with an extended period of construction that is so close to the building they'll be learning in a place which is essentially their second home.

So I thought as a resident of the community, as well as a parent of the nearby school there, that ultimately the final decision that is made has to really put the children first because they are the ones who will be most impacted.

Thank you for your time today.

MS. ABINADER: Thank you.

If you can kindly state your name for the record once more, that would be helpful.

MS. WINBUSH: Yes. Tiffany Winbush. T-i-f-f-a-n-y, W-i-n-b-u-s-h.

MS. ABINADER: Thank you very much.

MS. WINBUSH: Thank you.

MS. ABINADER: We will now move on to participants who would like to provide testimony who have registered on line and will call speakers numbers 14 through 20. Please wait for your name to be spoken before you unmute yourself.

No. 14, Megan Malvern;

No. 15, Linda Hellstrom;

No. 16, Linda Roche;

No. 17, Adrienne Sosin;

No. 18, Grace Lee;

No. 19, David Sheldon;

No. 20, Julie Fitch.

Megan Malvern, please unmute yourself, if you're able to.

MS. MALVERN: Hi. Can you hear me?

MS. ABINADER: Yes.

MS. MALVERN: Excellent. Sorry. There's so many unmute and mute buttons.

Thanks.

Thank you for allowing me to testify today.

My name is Megan Malvern. I am a parent of a third grade student at Peck Slip Elementary, a small business owner and Seaport area resident for nearly 15 years.

This Draft Scoping Document fails to thoroughly consider new citywide text amendments to Code being tailored for coastal flood resilience, as they are still in development and will not be set into law for many months.

It would be a dereliction of duty by this commission to consider this EIS until the laws governing the changing code are adopted.

Knowing the specifics and the pervasive incentives being offered, the FAR give always and additional height bonuses to build more flood resilient structures, are supremely applicable and impactful in this acre-wide, enormous development and it is critical to ensure a true assessment.

The new mandated flood proof, water-tight code in the high risk flood zones being

encouraged where 250 Water Street is located, will cause massive flood water deflection, displacement and high pressure from storm surge into the adjacent Front Street historic homes built there in the late 1700s and the rest of the fragile neighborhood.

Furthermore, the historic scale and style enshrined in the 2003 CCP downzoning was not codified therein just to uphold character. It's also there to physically protect the structures and integrity of irreplaceable landmarks near by.

What isn't represented in this Draft Scope Document and should be considered, is how the current acre wide, open parcel at 250 Water Street during Sandy's devastating landfall, allowed water to naturally diverge and dissipate, saving millions of dollars in damage and possibly lives.

As the Code as so dramatically changed to reinforce and fortify and make resilient new buildings, the impact of those changes are the area and buildings around them must be fully understood and studied. Likely, it will be found that without any flood mitigation measures for

buildings in the neighborhood, which the City has failed to do in eight years since Sandy, the only type of development that can possibly and responsibly be safely built at 250 Water, must incorporate underground site-wide, storm surge containment tanks and flow-through ground floor.

Currently both proposed action and no action builds in this anemic Environmental Impact Statement Scope of Work for this highly prone flood zone and supremely cherished and valued district is woefully incomplete and clearly being rushed through this review.

Placing this watertight mega structure inside the Historic District will create an environmental situation that has never been experienced before in the City history.

Damn the City and REBNY-compromised politicians who are turning a blind eye on the absurdity of shoehorning in two, 470-foot tall mega towers into a high risk flood plane in an already over-saturated luxury market by overturning 50 years of previous City Planning and preservation to do so.

The process governing this

development needs to be thorough and thoughtful, none of which is represented herein.

I therefore insist that the Draft Scoping Document be sent back to the drawing board until the aforementioned data is included.

Thank you.

MS. ABINADER: Thank you for your testimony.

Our next speaker is Linda Hellstrom.

MS. HELLSTROM: Can you hear?

MS. ABINADER: We can hear. We can also hear a bit of background noise.

MS. HELLSTROM: Sorry.

Thank you.

I'm Linda Hellstrom and with husband, Jay Hellstrom, we live at 273 Water Street in the Captain Rose House, the third oldest surviving building in Manhattan, built in 1773.

Our centuries old building is an integral part of the fabric of the entire Historic District. We are within the district, not on the edge and certainly not in some transitional area, a label Howard Hughes is trying to put on Water

Street.

The South Street Seaport Historic District is more than merely a neighborhood. It is a designated Historic District and its zoning mandates a height limit of 120 feet. This is not a random zoning but purposeful and negotiated years ago to protect the historic authenticity of the entire 11-block neighborhood of mostly six-story buildings.

And this zoning is maintained by using the mechanism of transferring air rights out, not in.

The reason this area looks historic with its cobblestone streets and century old buildings is because these buildings are not squashed intermittently among high rise towers but instead exist as an integral part of an entire low rise area. And the whole is equal to more than the sum of its parts.

Once one developer is allowed to transfer in air rights, the precedent is set. Nothing stands in the way of other developers transferring their unused air rights into the district and building their own housing towers.

Just picture buildings, cantilevered over Mr. C's Seaport or the historic Paris Cafe. There would be no going back. The entire Historic District is in jeopardy. Make no mistake.

Before buying in the area, we did much historical research on the district and on our own building and made a decision to buy knowing it was in a protected, historic, low rise district.

Howard Hughes bought and overpaid for his parcel of land knowing full well that only 120-foot zoning is allowed. Howard Hughes now asks to be bailed out by smashing that zoning and ruining an Historic District enjoyed by all the citizens of New York and hundreds of tourists on their tour buses every summer day.

Howard Hughes will leave and go to Texas and leave behind a destroyed gem of history, of the founding of New York City that can never be recaptured.

Thank you very much.

MS. ABINADER: Thank you for your testimony.

Our next speaker is No. 16, Linda

Roche.

Please unmute yourself.

(No response.)

MS. ABINADER: Linda Roche, if you're able to hear me, please unmute yourself. We are ready for your testimony.

(No response.)

FEMALE VOICE: I believe she may have an older version of Zoom. We'll try reaching it.

MS. ABINADER: Oh.

Linda Roche, one more time, if you're able to unmute yourself.

MS. ROCHE: I've got it now. Sorry. I couldn't find the unmute button.

MS. ABINADER: Please hold on one moment. It appears that we're experiencing technical difficulties at the moment. I'm just going to ask our back of house team to please prepare the video. We are not allowed to project video on the scoping meeting.

There we go.

All right.

You may begin.

MS. ROCHE: As you said, my name is Linda Roche, a long time resident of the Seaport area for 48 years.

Please accept this oral testimony as it regards to the application proposal by the Howard Hughes Corporation to build a new, mixed-use development, including mandatory inclusionary housing at the 250 Water Street site, currently a parking lot.

Howard Hughes proposes to build twin, 470-foot towers on this lot within the boundary of the South Street Seaport Historic District.

The current approved 2003 zoning height limit for the site is 120 feet. Approving a building at the height proposed, 470 feet by Howard Hughes, would dramatically change the context and scale of the Historic District and set a dangerous precedent for all current historic and landmarked areas throughout New York City, to be eroded.

A structure at the bulk and height would create extreme shadows throughout the area, including that of the iconic Brooklyn Bridge, residences, as well as the two public schools --

the two schools adjacent to this lot.

Flood resiliency is a major concern due to the site being included in the FEMA 100 year flood plan and in the New York City Coastal Zone. And this also includes concerns for the impact of the already overloaded water and shore infrastructure.

As an active member of this community, I can fairly state that our community is in full support of affordable housing and we would be happy to support 100 percent MIH building at the 120 zoning height limit.

Our objection to this proposal has nothing to do with affordable housing, as some would suggest. The objection is to the outlandish and disrespectful construction proposed for this Historic District. Any approved construction should be within the zoning, density and contextual architecture of the South Street Seaport Historic District.

The approval of this proposal should be based on the current zoning limits and should not destroy the historic atmosphere of the area.

In conclusion, I would also like to add my objection to Zoom methods for these proceedings, which are extremely exclusionary and open to only those who have the technology. These meetings were meant to be public. This is not a public meeting.

Further, I would also go on record as requesting that any further action on this application be postponed at least until Governor Cuomo rescinds the current Executive Order.

I will also be sending my complete testimony to DCP.

Thank you very much.

MS. ABINADER: Thank you for your testimony.

We'll now move on to speaker No. 17, Adrienne Sosin.

Adrienne Sosin, please unmute yourself.

MS. SOSIN: Am I unmuted?

MS. ABINADER: Yes, we can hear you.

MS. SOSIN: Very good.

Thank you.

The fate of 250 Water Street is existential to me as a resident of South Bridge Towers and to the entire South Street Seaport community, the City and the nation.

The Seaport area is a living example of 18th and 19th century buildings nestled under the engineering achievement of the Brooklyn Bridge that brings worldwide attention and visitors to New York City.

I call on the City Planning Commission to consider the long term interests of the City's residents and save the historic seaport.

Considering the lack of community participation that COVID has imposed on the City, it is unfair to me and to the public that any changes in zoning or sales of their rights be ruled upon until restrictions are lifted on in-person meetings.

Even though I am participating here, many of my neighbors and family are not able to do so even if they so desire, which makes this meeting demonstrative of the unequal access to City government.

The Howard Hughes Corporation's

plans for 250 Water are totally inappropriate and offensive to me. They propose a behemoth taking up a full block with high apartment towers rising above it. The building plan is an offense to the Seaport Historic District because towers themselves are unhistoric.

Literal towers looming over the low rise blocks will ruin the Seaport's historic ambience by being viewable from anywhere in and around the district.

As it continues to engage in multiple deceptions of the public and officials, HHC, the Howard Hughes Corporation's renderings hide their tower design showing them as invisible or street level and implying that these towers will be part of the background skyline as compared to the Freedom Tower, not to the low rise seaport.

Previously, HHC has also dangled an incentive, an endowment and building plan for the South Street Seaport Museum. While the museum is important to me, and I was an early member, I now ask you to reject the premise that HHC can link approval of 250 Water Street's towers, including the purchase and inappropriate transfer of

City-owned air rights to the immediate survival of the museum.

Even dedicated elected officials, who have the City's best interests in mind, seem to be swayed by support of the Seaport Museum but Howard Hughes is duplicitously presenting only its side of the issues without telling the full story of the museum situation.

I personally would be pleased to welcome new neighbors in affordable housing if those homes were contextual in the historic area, not in inappropriate towers.

These and -- these problems and the existential problem of flood mitigation in this area are primary and should be considered before anything else.

Thank you.

MS. ABINADER: Thank you for your testimony.

We'll now move on to speaker No. 18, Grace Lee.

MS. LEE: Hi. Can you hear me?

MS. ABINADER: Yes.

MS. LEE: Okay. Hi. My name is

Grace Lee. I'm a mother of three children, ages 3, 5 and 8 and a lower Manhattan resident for over a decade.

I am also the co-founder of a parent-led coalition called, Children First.

We are today talking about the environmental impact this project will have on this community yet people with commercial interests in the Seaport Museum have completely ignored how this will affect the many vulnerable and sensitive centers in this community.

Let me start by giving a little background on this site. Last year, my mom's friends called me to tell me that this site was submitted to the Brownfield Cleanup Program, just across the street from our children's schools.

The developer tried to tell the community that there was nothing to be concerned about. There was just a little mercury and not to worry.

The mothers in this community went down to the City archives and discovered that this site used to be the former site of the largest thermometer factory in the country in the late

1800s, producing over 600,000 thermometers a year.

We looked at the soil testing records and found that the mercury levels were at 120 parts per million, multiples above safe levels.

Minuscule amounts of mercury can cause permanent brain damage in children. There are over 400 students who attend the schools, less than 20 feet from this site, as young as two years old, just like my pre-school daughter.

We will not be receiving any date from the remedial investigation from the Brownfield Cleanup that was performed over the last several months until we -- far after the deadline for the public comment period for this EIS Draft Scope process closes.

We are living in unprecedented times. There are hundreds of families sending their children to school across the street from this site. We are working families, trying to balance work with taking care of children, doing a mix of remote and in-person learning at these schools, dealing with health and employment concerns during this pandemic.

Our children depend on the open

air rooftop spaces at our schools to get badly needed physical activity during their school days and out on the street. They depend on open windows for fresh air circulation during this pandemic for safe places to learn.

It is unacceptable for this process to move forward without allowing our families to convene in person, to have discussions about this issue and without being provided with adequate time to review the Brownfield Cleanup Program remedial investigation data.

Mercury is not only -- is not the only concern for our families, the scope of the EIS needs to include a comprehensive review of how construction at this site will affect our children. Research has shown that noise has detrimental effects upon children's performance at school.

Five years of construction is nearly a child's entire elementary school career. Our children are more valuable than a museum, a high rise and the private interests of the Mayor that is unequivocal.

Thank you.

MS. ABINADER: Thank you for your

testimony.

We'll now move on to speaker No. 19, David Sheldon.

Please unmute yourself.

MR. SHELDON: Good afternoon.

MS. ABINADER: Good afternoon.

MR. SHELDON: I want to thank you for the opportunity to testify today.

I have been an activist in the Seaport community now for ten years. For 20 years, I have been a volunteer, a sailor, a member and a contributor to the South Street Seaport Museum.

It has been my privilege to sail with four of the museum speakers this afternoon. I certainly look forward to doing so again in the coming year.

I ask that the Commission consider what New York values in the South Street Seaport Historic District, why it was created and why we continue to remain Historic Districts and this district in particular.

Here are the buildings, artifacts, ships, waterfront and the living practices of our City's maritime roots. Another time and another

world are brought into the present with a step into an otherwise contemporary New York neighborhood.

The neighborhood is characterized by low rise buildings, many of historic vintage, landmarked and registered in their own right.

As a waterfront district, it still comprises a bridge between maritime practice and work ashore, a connection missing from too much of the City.

Consider then the effect of the proposed building for 250 Water Street, start with a wall seven stories high, 100 feet around the entire lot. This is the facade of the lower portion of the building. It will over shadow and dominate the venerable architecture around it.

Over this parapet are two buildings, 470-feet tall. The mass of tall ships and the towers of the Brooklyn Bridge, once the visual icon of the district, will be dwarfed.

But to truly grasp the impact of this building, consider it in the context of the developer's work here to date. The visual connection to the horizontal monolith of Pier 17 is evident in the presentation of the project in

overview. The new Pier 17 unable to accommodate the visiting tall ships that thrill the neighborhood with their arrival.

Follow the outlines in the project area mapped in figure one. Ask the failed, high end retail, which is the product of the developer's re-imagined and renamed Seaport District, once a popular destination for the City and for the world.

Walk up to 250 Water Street where the developer proposes to complete the streets of the seaport. Perhaps finish would be a better word.

The outlines of the project area leave little doubt that the place of 250 Water Street as the district's headstone.

Howard Hughes Corporation talks to its stockholders the synergy of the commercial retail and residential aspects of its developments. The impact of the proposal for 250 Water Street must therefore be understood in terms of the developer's planning for the district as a while.

To quote CEO David O'Reilly, of HHC, fully connected the rich environments featuring outstanding dining, shopping and

entertainment options in a walkable urban core, are defining elements of the master planned communities and mixed-use, small cities throughout our portfolio. No one has a problem with dining, shopping or retail but they are not the defining elements of the Seaport Historic District. They were charged to --

MS. ABINADER: Thank you for your testimony.

We are out of time and we will now move on to our next speaker.

Speaker No. 20 is Julie Finch.

MS. FINCH: Hello. Can you hear me?

MS. ABINADER: We can.

MS. FINCH: So I am against this. The outrageously tall building that would be blocking the view of the Brooklyn Bridge. And I want to say that I volunteered at the museum for about ten years.

They are inappropriately tall and 120 feet was agreed upon in the 2003 zoning. Do not move air rights to Water Street. They do not belong in the Historic District. This is terrible.

A Texas developer, Howard Hughes Corporation, is trying to pull a trick holding the museum as a ransom. This is very unfair to the community.

And there is poisonous mercury beneath the Brownfield at 250 Water Street and it's endangering the children as other speakers have mentioned.

Howard Hughes' proposal to build in an Historic District is a farce. This is a nightmare and as Aida Lily Huxtible has mentioned, she was the architecture critic in the *Times* in the '70s. She said, I am so weary of those stupid alliances between developers and cultural institutions, in which the cultural institution is given a block of space and the developers overbuild the rest and make an enormous profit.

And on page 296 in the book, which you cannot see because I am hidden, it's preserving South Street Seaport by Jane Glendron. It says that the EDAC refused to repair the -- the air conditioning and that -- and that the EDC was an intrigue and there was a conflict of interest. This is really outrageous and I am very upset about

this.

I am also an historic preservationist working on another -- I'm co-chair of the Friends of Underground Railroad site.

Thank you.

MS. ABINADER: Thank you for your testimony.

At this time, we do not have any other speakers, members of the public or otherwise who have registered and who have indicated to us that they wish to provide testimony.

I'd now like to ask our production team to please display our instructions slide and at this moment, it is approximately 3:42 p.m.

We will now wait approximately five minutes for any members of the public to complete the online registration process before closing this meeting.

In the event that there is someone who would like to provide testimony and has not yet had a chance to speak.

We will take a brief pause and return to this meeting at 3:47 p.m.

Thank you.

(Brief recess.)

MS. ABINADER: Good afternoon and welcome back everyone.

We are resuming the public scoping meeting for the 250 Water Street proposal.

Once again, for the record, this proposal is CEQR No. is 21DCP084M.

My name is Olga Abinader. I'm the Director of the New York City Department of City Planning Environmental Assessment and Review Division.

We are currently on part three of today's public scoping meeting where members of the general public are providing testimony.

Once again, a three-minute time tracker will start when members of the public provide their testimony.

Now I will note that we haven't had anyone register to provide testimony over the break but it does appear that we have several dialers join us after -- during the break. So at this point, I'd like to ask anyone who has dialed in to please indicate if they would like to provide testimony by pressing star nine on their telephone.

Start nine on your telephone. And that will indicate to the Department of City Planning that you wish to provide verbal testimony.

Okay. It does appear that we have someone who would like to provide testimony.

Their phone number ends in the last three digits, 638. Six, three, eight.

If your phone number ends in 368, please unmute yourself by dialing star six and state your name for the record.

MR. YAEMAN: My name is Michael Yaeman. And I want to express my strong objection to the 250 Water Street development.

This is a violation of the zoning of the Historic District and there is no reason for the developer to try to transfer air rights into the district.

I have been a long time volunteer for the museum sailing, going back to the days of Peter Stanford and I am a bit too old now to be as active but I am a member of the SOS organization.

We are determined that the museum be preserved but that the Historic District height limitation not be broken.

We urge the City Planning Commission to prevent that from happening.

The environmental disaster, which has been described to you is only a part of the tragedy of the development of 250 Water Street.

We urge the City Planning Commission not to support the proposal of the Howard Hughes Corporation.

Thank you very much for your time.

MS. ABINADER: We thank you for your testimony.

It looks like we have another dialer who would like to provide testimony. The phone number ending in 369. Once again, last three digits of the phone number, 369.

Please unmute yourself by pressing star six and state your name for the record.

(No response.)

MS. ABINADER: Once again, phone number ending with the last three digits, 369. It looks like we have --

MS. GLASER: Can you hear me?

MS. ABINADER: We are able to hear you.

Please state your name for the record.

MS. GLASER: Can you hear me?

MS. ABINADER: Yes, we can.

MS. GLASER: Hi. My name is Tamara Glaser and I'm a resident of the Historic South Street Seaport District.

I am 17 years old and I would just like to say that I am in opposition of this building. I feel that it does not align with how this district should be and I feel that I have to do my duty as a citizen of this district to protect it for my potential future children.

Thank you.

MS. ABINADER: Thank you very much for your testimony.

At this time, is there anyone else who wishes to provide testimony today, who has not done so?

(No response.)

MS. ABINADER: If we have anyone else who has dialed in, please dial star nine and that will tell us that you would like to join us or please otherwise alert our team via Zoom by raising

your hand that you would like to provide testimony at this time.

(No response.)

MS. ABINADER: Please stand by as our team provides a list of anyone else who may wish to testify at the moment.

(Off the record.)

MS. SHELLOOE: At this time it doesn't look like we have any other speakers.

MS. ABINADER: Thank you very much, Stephanie.

All right.

So if no one else wishes to speak at this time, we will move ahead to close today's public scoping meeting.

Once again, for those of you who had difficulties providing testimony today, we would like to provide our instruction slide -- excuse me, our slide that provides our e-mail address and our mailing address on the screen for anyone who has joined us on line.

So please give us a moment to project that information.

I want to make sure that everyone

recalls that you may provide written testimony by selecting this public scoping meeting on the upcoming meetings page of the NYCengage portal.

Please give us a moment as we project our presentation. I believe it's slide No. 14 so that we can project that information on the screen.

There we go.

Thank you.

All right.

So once again, recall that you may provide written comments until Monday, January 11th, 2021, unless otherwise notified, via mail at 120 Broadway, 31st Floor, New York, New York 10271, Attention Olga Abinader, or via e-mail at 21DCP084M_DL@planning.nyc.gov.

Once again, the deadline is Monday, January 11, 2021 for submitting your written comments unless otherwise notified on the DCP website.

The time is approximately 3:54 p.m.

And today's public scoping meeting is now closed.

Thank you to everyone who made this public scoping possible.

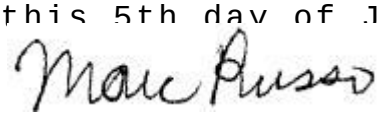
Have a great afternoon.

(At 3:54 p.m., the proceedings were concluded.)

STATE OF NEW YORK )
SS.
COUNTY OF NEW YORK )

I, MARC RUSSO, a Shorthand (Stenotype) Reporter and Notary Public within and for the State of New York, do hereby certify that the foregoing pages 1 through 110, taken at the time and place aforesaid, is a true and correct transcription of my shorthand notes.

IN WITNESS WHEREOF, I have hereunto set my name this 5th day of January, 2021.



MARC RUSSO

# Concordance


**< Dates >**
**December 17, 2020** 1:11, 6:20
**December 17th** 34:12
**January 11, 2021** 108:19
**January, 2021** 110:14
**November 16th** 57:15
**September 17th, 2018** 70:17
**$10** 66:15
**$15** 66:14
**$50** 66:17
**----------x** 1:4, 1:9

**< 1 >**
**1** 8:4, 16:15, 28:22, 67:17, 68:4, 110:10
**1,000** 62:12
**1.** 33:17
**10** 18:16, 46:16, 46:23, 60:4
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**10271** 108:16
**10271.** 14:24
**104** 4:3
**106** 4:4
**11** 60:5, 67:1
**11-block** 67:19, 85:9
**110** 110:10
**114** 75:6
**11th** 6:9, 9:11, 14:21, 35:16, 108:14
**12** 60:6, 69:20
**12-story** 71:13
**12.** 51:21
**120** 14:23, 64:3, 85:6, 88:16, 89:13, 95:5, 100:23, 108:15
**120-foot** 74:8, 86:13
**127** 58:10
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# APPENDIX C
# METHODOLOGY MEMOS

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# Memorandum

| | |
|---|---|
| **To:** | New York City Department of City Planning |
| **From:** | Denise Miller / AKRF, Inc. |
| **Date:** | January 8, 2020 |
| **Re:** | 250 Water Street — Noise Methodology Approach |
| **cc:** | Daniel Abatemarco, Owen DiMarzo / AKRF, Inc. |

The purpose of this memorandum is to describe the noise analysis approach for the proposed development sites for the 250 Water Street Environmental Impact Statement (EIS). The project involves development at 250 Water Street (Block 98, Lot 1) and the South Street Seaport Museum site at the corner of South Street and John Street/Burling slip (a portion of Block 74, Lot 1) in the South Street Seaport neighborhood of Manhattan, Community District 1. The Proposed Action involves the construction of a mixed-use building containing market-rate and affordable housing, retail, office, and community facility spaces as well as parking at 250 Water Street (the development site). The proposed project would also facilitate the restoration, reopening, and potential expansion of the South Street Seaport Museum (the museum). The analysis year is 2026.

## GENERAL NOISE ANALYSIS METHODOLOGY

This memorandum presents a summary of the proposed approach to the noise analysis for the Proposed Actions. Specifically, the proposed methodology includes the following:

- Selection of noise receptor locations;
- Establishment of existing ambient noise levels and traffic volumes and vehicle classifications;
- Determination of noise levels in the future with the Proposed Actions based on expected future changes in vehicular traffic volumes;
- Determination of whether there are any locations where there is the potential for the Proposed Actions to result in significant adverse noise impacts (i.e., doubling Noise Passenger Car Equivalents [PCEs]);
- Calculation of total noise levels including adjacent stationary sources such as any playground adjacent to the development sites; and
- Determination of minimum necessary levels of building attenuation to provide acceptable interior noise levels at the development sites under guidelines contained in the 2020 *New York City Environmental Quality Review* (*CEQR) Technical Manual*.

**SELECTION OF NOISE RECEPTOR LOCATIONS**

As the first step in this process, a field visit was performed to identify potential noise receptor locations. According to AKRF's field observations, vehicular traffic, including buses, is the dominant noise source throughout the study area, although stationary sources (e.g., playgrounds, building HVAC equipment) contribute to noise levels at some locations. It is expected that measurements from one monitoring location could apply to multiple sites along the same road corridor as well as to sites along similar road corridors.

A total of seven receptor sites were selected for the noise analysis in the Project Area. The proposed noise receptor locations were selected based on the following three criteria: 1) locations of the projected development sites under the RWCDS; 2) providing comprehensive geographic coverage across the study area in order to get a characterization of the ambient noise environment; and 3) existing neighborhood characteristics (e.g., along major commercial road corridors, bus routes, cobbled roadways, etc.).

**NOISE MONITORING**

AKRF plans to conduct a noise survey to measure existing noise levels at seven locations in the rezoning area. Traffic counts will be conducted for the roadway immediately adjacent to each receptor site during each noise level measurement. The noise receptor sites are shown in **Figure 1** and described in **Table 1.**

**Table 1**
**Proposed Noise Measurement Locations**

| Site | Location |
|---|---|
| 1 | Pearl Street between Beekman Street and Peck Slip |
| 2 | Peck Slip between Pearl Street and Water Street |
| 3 | Water Street between Beekman Street and Peck Slip |
| 4 | Beekman Street between Pearl Street and Water Street |
| 5 | John Street adjacent to Museum Project Site |
| 6 | South Street adjacent to Museum Project Site |
| 7 | Elevated measurement on rooftop of 91 South Street with direct line of sight to FDR Drive |

At receptor sites 1 through 6, 20-minute spot noise measurements will be conducted during the typical weekday AM (7:15 AM—9:15 AM), midday (12:00 PM—2:00 PM), and PM (4:00 PM—6:00 PM) peak periods, approximately 5 feet above grade. At receptor 7, a 24-hour duration measurement will be conducted on the rooftop of 91 South Street with direct line of sight of the Franklin D. Roosevelt East River Drive (FDR Drive) to document above-grade noise levels due to traffic on the FDR Drive as well as helicopter noise at the project site. Measurements will be performed according to noise measurement guidance contained in the *CEQR Technical Manual*. Noise level measurements will only be collected between Tuesday and Thursday and only on days when the noise measurement location is not within a Red or Orange Zone, indicating operation restrictions on schools, businesses and houses of worship according to New York State Cluster Action Initiative to address COVID Hot Spots.

Measurements will be performed using Class 1 Sound Level Meter (SLM) instruments according to ANSI Standard S1.4-2014. The SLMs will have laboratory calibration dates within one year of the date of the measurements. All measurement procedures will be based on the guidelines outlined in ANSI Standard S1.13-2005.

Traffic volume and vehicle classification will be documented during the noise monitoring at all receptor sites. Additionally, traffic volumes will be collected on the nearby FDR Drive for comparison to 2018 pre-COVID volumes. At each receptor site, the collected traffic data will be evaluated to determine if adjustments to the noise data would be necessary.

Additionally, it is also proposed that noise from air traffic would not be omitted during the noise measurements. This would ensure that the building attenuation requirements resulting from the analysis include contribution from all noise sources within the study area and ensure acceptable interior noise levels.

12.11.20




0 400 FEET

*Project Area*

1 *At-grade Noise Receptor Location*

7 *Elevated Noise Receptor Location*

Noise Receptor Locations

**250 WATER STREET**

**Figure 1**

Further, AKRF will collect information to compare the contribution of helicopter noise in a pre-pandemic condition to the noise levels that will be measured at the project site. Based on AKRF's previous project experience at the Downtown Manhattan Heliport, it is difficult to obtain complete helicopter volume data due to multiple operators using the helipad for varying uses (e.g., shuttles, sight-seeing, etc.) on independent and often non-regular schedules, with independent record keeping. Furthermore, it would not be possible to count all helicopter activity over the course of a long-term continuous measurement. As an alternative method to ensure that measured noise levels at the Museum Site would not understate noise levels that could be generated by helicopters, AKRF proposes to review noise level data from the 2008 Downtown Heliport at Pier 6 EAS (CEQR# 08BS008M) as a point of comparison. Receptor Site 3 from that EAS represents the open space associated with 55 Water Street, which is located at an elevated location 600 feet away across the FDR Drive from the Heliport, whereas the museum site is located 2,280 feet away from the Heliport. Accordingly, this location provides a very conservative representation for the Museum Site with respect to helicopter noise because it is much closer to the Heliport. Table 1 of Appendix A of this EAS (attached) indicates a maximum level of helicopter noise of approximately 72 dBA at that receptor. If the noise levels measured at the Museum Site are louder than the 72 dBA helicopter noise level at Receptor 3 from the Heliport EAS, then noise from traffic on the FDR Drive would be the dominant source and would reliably exceed the contribution from helicopters. After the noise survey data is available, it will be submitted to DCP for review with the potential to revisit the possible contribution of helicopter to noise exposure at the Museum Site, depending on the measured levels at Receptor Sites 5, 6, and 7.

## NOISE MEASUREMENT APPLICATION TO DEVELOPMENT SITES

**Table 2** lists the Proposed Project development sites with noise-sensitive uses and the noise receptor sites upon which existing noise levels at the development site would be based.

**Table 2**
**Noise Measurement Locations Associated with Project Development Sites**

| Development Site | Block | Lot | Façade(s) | Associated Noise Measurement Site(s) |
|---|---|---|---|---|
| 250 Water Street | 98 | 1 | North | 1 |
| | | | East | 2 |
| | | | South | 3 |
| | | | West | 4 |
| South Street Seaport Museum | 74 | Partial Lot 1 | North | 5 |
| | | | West | 5, 6, 7 |
| | | | South, East | 6, 7 |

## PLAYGROUND NOISE

The Imagination Playground on John Street, and the P.S. 343 Peck Slip School and Blue School rooftop playgrounds are located within the Project Area and would have the potential to contribute noise exposure at the adjacent development sites. At each proposed development site with line of sight to these playgrounds, the maximum predicted level of vehicular traffic noise will be combined with playground noise levels projected to the development to determine a total level of noise exposure. **Table 3** shows measured maximum hourly playground boundary noise levels. These values are based upon measurements made at a series of New York City school playgrounds for the New York City School Construction Authority (SCA).[1]

[1] SCA Playground Noise Study, AKRF, Inc., October 23, 1992.

**Table 3**
**Playground Boundary Noise Leq(1) Noise Levels (dBA)**

| Early Childhood | Elementary Schools | Intermediate Schools | High Schools |
|---|---|---|---|
| 71.5 | 71.4 | 71.0 | 68.2 |

**Source:** SCA Playground Noise Study, AKRF, Inc., October 23, 1992.

Geometric spreading and the consequent dissipation of sound energy with increasing distance from the playground decreases noise levels at varying distances from the playground boundary. Based upon measurements and acoustical principles, hourly noise levels are assumed to decrease by the following values at the specified distances from the playground boundary: 4.8 dBA at 20 feet, 6.8 dBA at 30 feet, and 9.1 dBA at 40 feet. For all distances between 40 and 300 feet, a 4.5-dBA drop-off per doubling of distances from the playground boundary is assumed.

Noise associated with the playground will be estimated using the Early Childhood playground boundary noise level (to conservatively represent children of any age using the playground) and the noise level reductions with distances as described above at the development sites with direct line of sight to the Imagination Playground or school rooftop playgrounds. Façade noise attenuation requirements will be established based on the maximum projected vehicular traffic noise level combined with the playground noise level at the site.

**FAÇADE NOISE ATTENUATION REQUIREMENTS**

As shown in **Table 4**, the New York City *CEQR Technical Manual* has set noise attenuation quantities for buildings based on exterior $L_{10(1)}$ noise levels to maintain acceptable interior noise levels. The acceptable interior noise level thresholds for the EIS noise analysis will be 45 dBA or lower for residential or community facility uses and 50 dBA for commercial uses, and are determined based on exterior $L_{10(1)}$ noise levels.

**Table 4**
**Required Attenuation Values to Achieve Acceptable Interior Noise Levels**

| | Marginally Unacceptable | | | | Clearly Unacceptable |
|---|---|---|---|---|---|
| Noise Level with the Proposed Project | $70 < L_{10} \leq 73$ | $73 < L_{10} \leq 76$ | $76 < L_{10} \leq 78$ | $78 < L_{10} \leq 80$ | $80 < L_{10}$ |
| Attenuation[A] | (I) 28 dBA | (II) 31 dBA | (III) 33 dBA | (IV) 35 dBA | $36 + (L_{10} - 80)$[B] dBA |

**Notes:**
[A] The above composite window-wall attenuation values are for community facility uses. Commercial office spaces and meeting rooms would be 5 dBA less in each category. All the above categories require a closed window situation and hence an alternate means of ventilation.
[B] Required attenuation values increase by 1 dBA increments for $L_{10}$ values greater than 80 dBA.
**Source:** New York City Department of Environmental Protection.

Minimum façade noise attenuation ratings are established based on projected $L_{10(1)}$ noise levels in the future with the Proposed Actions. The projected future $L_{10(1)}$ noise levels comprise of a combination of vehicular traffic noise and stationary source noise from the surrounding uses.

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# Memorandum

| | |
|---|---|
| **To:** | New York City Department of City Planning |
| **From:** | Kenny Mui (AKRF, Inc.) |
| **Date:** | May 14, 2021 |
| **Re:** | 250 Water Street EIS – Construction Air Quality Analysis Methodology |
| **cc:** | Owen DiMarzo, Charlie Fields, Teresa Lin (AKRF, Inc.) |

The purpose of this memorandum is to summarize the methodology and assumptions to be used for the construction air quality analysis for the 250 Water Street Environmental Impact Statement (EIS).

The applicant, 250 Seaport District, LLC, proposes the construction of an approximately 680,500-gsf mixed use building, including 394 dwelling units (DUs), up to 99 of which would be affordable), 267,747 gsf of office uses, 13,353 gsf of retail uses, 5,000 gsf of community facility uses, and 108 parking spaces in an underground garage (the Proposed Project) at 250 Water Street (the Development Site) in the South Street Seaport neighborhood of Manhattan, Community District 1. The new development would consist of a full-block base with mixed-uses up to approximately 105 feet tall on which a tower would be set, which would reach a total height of up to approximately 395 feet. The Proposed Project would also include the restoration, reopening, and potential development of a seven-story (approximately 62-foot tall), approximately 32,383-gsf expansion to the existing South Street Seaport Museum on the Museum Site at the corner of South Street and John Street/Burling slip. The Development Site and museum, constituting the project area, are located within the South Street Seaport Subdistrict of the Special Lower Manhattan District. In the event of a change to the proposed actions, the project area will be reevaluated and modified as appropriate.

Construction of the Proposed Project would proceed in a single phase and is anticipated to take approximately five years, with the completion and occupancy expected in 2026. The renovation, reopening, and potential expansion of the South Street Seaport Museum are also expected to be completed and open by 2026.

## CONSTRUCTION AIR QUALITY ANALYSIS METHODOLOGY

Emissions from on-site construction equipment and on-road construction vehicles, as well as dust-generating construction activities, all have the potential to affect air quality. The analysis of potential construction air quality impacts will include an analysis of both on-site and on-road sources of air emissions, and the combined impact of both sources, where applicable.

In general, much of the heavy equipment used in construction is powered by diesel engines that have the potential to produce relatively high levels of nitrogen oxides ($NO_x$) and particulate matter (PM) emissions. Fugitive dust generated by construction activities is also a source of PM. Gasoline engines produce relatively high levels of carbon monoxide (CO). Since the United States Environmental Protection Agency (EPA) mandates the use of ultra-low sulfur diesel (ULSD) fuel for all highway and non-road diesel engines, sulfur oxides ($SO_x$) emitted from the Proposed Project' construction activities would be negligible. Therefore, the pollutants to be analyzed for the construction period are nitrogen dioxide ($NO_2$)—which is a component of $NO_x$ that is a regulated pollutant, particles with an aerodynamic diameter of less than or equal to 10 micrometers ($PM_{10}$), particles with an aerodynamic diameter of less than or equal to 2.5 micrometers ($PM_{2.5}$), and carbon monoxide (CO). **Table 1** shows the pollutants to be analyzed in the construction air quality analysis and the corresponding averaging periods.

**Table 1**
**Pollutants for Analysis and Averaging Periods**

| Pollutant | Averaging Period |
|---|---|
| $PM_{2.5}$ | 24-hour |
| | Annual Local and Neighborhood |
| $PM_{10}$ | 24-hour |
| $NO_2$ | Annual |
| CO | 1-hour |
| | 8-hour |

Concentrations will be predicted using dispersion models to determine the potential for air quality impacts during on-site construction activities and due to construction-generated traffic on local roadways. Concentrations for each pollutant of concern due to construction activities at each sensitive receptor will be predicted during the most representative worst-case time period.

The potential for significant adverse impacts will be determined by comparing modeled $PM_{10}$, $NO_2$ and CO concentrations to National Ambient Air Quality Standards (NAAQS), and modeled $PM_{2.5}$ and CO increments to applicable *de minimis* thresholds. If the analysis concludes that there is a potential for significant adverse impacts, specific control measures required to reduce the effects of construction and to eliminate any significant adverse air quality impacts will be identified.

The detailed approach for assessing the effect of construction activities resulting from the proposed actions on air quality is discussed further below.

*DATA SOURCES*

A preliminary construction phasing schedule will be developed for the Proposed Project, as well as the construction workforce, truck, and equipment projections, and preliminary construction logistics plans.

*ON-SITE CONSTRUCTION ACTIVITY ASSESSMENT*

To determine which construction periods constitute the worst-case periods for the pollutants of concern (PM, CO, $NO_2$), construction-related emissions will be calculated for each calendar year throughout the duration of construction on a rolling annual and peak day basis for $PM_{2.5}$. $PM_{2.5}$ is selected for determining the worst-case periods for all pollutants analyzed, because the ratio of predicted $PM_{2.5}$ incremental concentrations to impact criteria is anticipated to be higher than for other pollutants. Therefore, initial estimates of $PM_{2.5}$ emissions throughout the construction years will be used for determining the worst-case periods for analysis of all pollutants. Generally, emission patterns of $PM_{10}$ and $NO_2$ would follow $PM_{2.5}$ emissions, since they are related to diesel engines by horsepower. CO emissions may have a somewhat different pattern but would also be anticipated to be highest during periods when the most activity would occur.

Based on the resulting multi-year profiles of annual average and peak day average emissions of $PM_{2.5}$, and the proximity of the construction activities to residences, other sensitive uses, and publicly accessible open

spaces, worst-case short-term and annual periods for construction will be identified for dispersion modeling of annual and short-term (i.e., 24-hour, 8-hour, and 1-hour) averaging periods. Dispersion of the relevant air pollutants from the construction sites during these periods will then be analyzed. Broader conclusions regarding potential concentrations during other periods, which will not be modeled, will be presented as well, based on the multi-year emissions profiles and the reasonable worst-case period results.

*Engine Emissions*

The sizes, types, and number of units of construction equipment will be estimated based on the construction activity schedule developed by the Construction Manager for the Proposed Project. Emission rates for $NO_X$, CO, $PM_{10}$, and $PM_{2.5}$ from truck engines will be developed using the EPA Motor Vehicle Emission Simulator (MOVES2014b) emission model. Emission factors for $NO_x$, CO, $PM_{10}$, and $PM_{2.5}$ from on-site construction engines will be developed using the NONROAD emission module included in the MOVES2014b emission model. The emission factor calculations will take into account any emissions reduction measures (i.e., the application of diesel particulate filters, etc.) that is required for the Proposed Project.

*On-Site Dust Emissions*

In addition to engine emissions, fugitive dust emissions from operations (e.g., excavation and transferring of excavated materials into dump trucks) will be calculated based on USEPA procedures delineated in AP-42 Table 13.2.3-1. Since construction is required to follow the New York City Air Pollution Control Code regarding construction-related dust emissions, a 50 percent reduction in particulate emissions from fugitive dust will be conservatively assumed in the calculation (dust control methods such as wet suppression would often provide at least a 50 percent reduction in particulate emissions).

*Analysis Periods*

The construction periods with activities closest to sensitive receptors (see "Receptor Locations" section below for a discussion of the receptor locations to be included in the analysis) as well as the most intense activities and highest emissions will be selected as the worst-case periods for analysis. The dispersion analysis will include modeling of the worst-case annual and worst-case short-term (i.e., 24-hour, 8-hour, and 1-hour) averaging periods, as identified in **Table 1**. The worst-case short-term and annual periods will be selected once the estimated construction activities have been developed. These periods will be selected based on the maximum construction intensity predicted and their proximity to nearby sensitive receptors (i.e., residential buildings, schools).

*Dispersion Modeling*

Potential impacts from the Proposed Project's construction sources will be evaluated using a refined dispersion model, the EPA/AMS AERMOD dispersion model. AERMOD is a state-of-the-art dispersion model, applicable to rural and urban areas, flat and complex terrain, surface and elevated releases, and multiple sources (including point, area, and volume sources). AERMOD is a steady-state plume model that incorporates current concepts about flow and dispersion in complex terrain and includes updated treatments of the boundary layer theory, understanding of turbulence and dispersion, and handling of terrain interactions.

*Source Simulation*

For short-term model scenarios (predicting concentration averages for periods of 24 hours or less), all stationary sources, such as compressors, cranes, or concrete trucks, which idle in a single location while unloading, will be simulated as point sources. Other engines, which would move around the site on any given day, will be simulated as area sources. For periods of 8 hours or less (less than the length of a shift), it will be assumed that all engines would be active simultaneously. All sources with the exception of tower cranes would move around the site throughout the year and will therefore be simulated as area sources in the annual analyses.

*Meteorological Data*

The meteorological data set will consist of five consecutive years of latest available meteorological data to be provided by the New York State Department of Environmental Conservation (DEC): surface data collected at the nearest representative National Weather Service Station (La Guardia Airport) from 2016 to 2020 and concurrent upper air data collected at Brookhaven, New York. The meteorological data provide hour-by-hour wind speeds and directions, stability states, and temperature inversion elevation over the five-year period. These data will be processed using the USEPA AERMET program to develop data in a format which can be readily processed by the AERMOD model.

*Background Concentrations*

To estimate the maximum expected total pollutant concentrations for CO, $NO_2$, and $PM_{10}$, the calculated impacts from the emission sources must be added to a background value that accounts for existing pollutant concentrations from other sources. The background levels are based on concentrations monitored at the nearest New York State Department of Environmental Conservation (NYSDEC) ambient air monitoring stations, as shown in **Table 2**.

**Table 2**
**Background Pollutant Concentrations**

| Pollutant | Average Period | Location | Concentration ($\mu g/m^3$) | NAAQS ($\mu g/m^3$) |
|---|---|---|---|---|
| CO | 1-hour[1] | Queens College | 2.5 ppm | 35 ppm |
| | 8-hour[1] | | 1.2 ppm | 9 ppm |
| $NO_2$ | Annual[2] | Queens College | 28.7 | 100 |
| $PM_{10}$ | 24-Hour[4] | Division Street | 39.3 | 150 |

**Notes:**
[1] The highest of the second high value from 2017-2019.
[2] Annual average $NO_2$ background concentration is based on the 3-year highest value from 2017-2019.
[3] $PM_{10}$ is based on the 3-year average from 2017-2019.
**Source:** New York State Air Quality Report Ambient Air Monitoring System, NYSDEC, 2017-2019.

*Receptor Locations*

Receptors will be placed at locations that would be publicly accessible, at residential and other sensitive uses at both ground-level and elevated locations (e.g., residential windows), at adjacent sidewalk locations, at publicly accessible open spaces, and at the schools on the adjacent blocks. In addition, a ground-level receptor grid will be placed to enable extrapolation of concentrations throughout the study area at locations more distant from construction activities.

*On-Road Sources*

Since emissions from on-site construction equipment and on-road construction-related vehicles may contribute to concentration increments concurrently, on-road emissions adjacent to the construction sites will be included with the on-site dispersion analysis (in addition to on-site truck and non-road engine activity) to address all local project-related emissions cumulatively.

*On-Road Vehicle Emissions*

Vehicular engine emission factors will be computed using the EPA mobile source emissions model, MOVES2014b.[1] This emissions model is capable of calculating engine emission factors for various vehicle types, based on the fuel type (gasoline, diesel, or natural gas), meteorological conditions, vehicle speeds, vehicle age, roadway type and grade, number of starts per day, engine soak time, and various other factors that influence emissions, such as inspection maintenance programs. The inputs and use of MOVES incorporate the most current guidance available from NYSDEC.

[1] EPA, Motor Vehicle Emission Simulator (MOVES), User Guide for MOVES2014a, November 2015.

*On-Road Dust Emissions*

$PM_{2.5}$ emission rates will be determined with fugitive road dust to account for their impacts. However, fugitive road dust will not be included in the annual average $PM_{2.5}$ microscale analyses, as per current *CEQR Technical Manual* guidance used for mobile source analysis. Road dust emission factors will be calculated according to the latest procedure delineated by EPA[2]. An average weight of 20 tons and 2.5 tons will be assumed for construction trucks and worker vehicles in the analyses, respectively.

*Impact Criteria*

The 2020 *CEQR Technical Manual* states that the significance of a predicted consequence of a project (i.e., whether it is material, substantial, large or important) should be assessed in connection with its setting (e.g., urban or rural), its probability of occurrence, its duration, its irreversibility, its geographic scope, its magnitude, and the number of people affected.[3] In terms of the magnitude of air quality impacts, any action predicted to increase the concentration of a criteria air pollutant to a level that would exceed the concentrations defined by the NAAQS would be deemed to have a potential significant adverse impact. In addition, to maintain concentrations lower than the NAAQS in attainment areas, or to ensure that concentrations will not be significantly increased in non-attainment areas, threshold levels have been defined for certain pollutants; any action predicted to increase the concentrations of these pollutants above these thresholds would be deemed to have a potential significant adverse impact, even in cases where violations of the NAAQS are not predicted. Predicted concentrations from the modeling analysis will be compared with NAAQS for $NO_2$, $SO_2$ and $PM_{10}$, and the City's CEQR *de minimis* criteria for $PM_{2.5}$.

*Potential Mitigation Measures*

The analysis will assume that all emissions reduction measures required by law, such as dust control measures and idling restrictions, would be implemented. Furthermore, to further reduce air emissions, the analysis may also assume the use of ULSD fuel, Best Available Technology (BAT) for equipment (i.e., diesel particulate filters) at the time of construction, and the use of newer equipment that would meet specific U.S Environmental Protection Agency (EPA) emissions standards.

[2] EPA, Compilations of Air Pollutant Emission Factors AP-42, Fifth Edition, Volume I: Stationary Point and Area Sources, Ch. 13.2.1, NC, http://www.epa.gov/ttn/chief/ap42, January 2011.

[3] New York City. *CEQR Technical Manual*. Chapter 1, section 222. November 2020; and New York State Environmental Quality Review Regulations, 6 NYCRR § 617.7

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# Memorandum

| | |
|---|---|
| **To:** | New York City Department of City Planning |
| **From:** | Libby Cohen (AKRF, Inc.) |
| **Date:** | March 17, 2021 |
| **Re:** | 250 Water Street EIS – Construction Noise Analysis Methodology |
| **cc:** | Owen DiMarzo, Charlie Fields, Kenny Mui, Dan Abatemarco (AKRF, Inc.) |

The purpose of this memorandum is to describe the construction noise analysis approach for the 250 Water Street Environmental Impact Statement (EIS).

The applicant, 250 Seaport District, LLC, proposes the construction of an approximately 680,500-gsf mixed-use building containing market-rate and affordable housing, retail, office, and community facility spaces as well as parking (the Proposed Project) at 250 Water Street (the Development Site) in the South Street Seaport neighborhood of Manhattan, Community District 1. The proposed building would consist of a six-story, full-block base with mixed uses (up to 90 feet tall before setback) on which towers would be set. A tower containing residential uses would rise from the base to a total height of up to 395 feet. The proposed project would also include the restoration and reopening of the South Street Seaport Museum on the Museum Site at 89-93 South Street, 2-4 Fulton Street, and 167-175 John Street, as well as the potential development of a seven-story (approximately 62-foot tall), approximately 30,000-gsf expansion to the existing museum on the vacant lot at the corner of John Street and South Street within the Museum Site. The Development Site and Museum Site are located within the South Street Seaport Subdistrict of the Special Lower Manhattan District. The Project Area also includes existing museum spaces located outside boundaries of the Museum Site, as well as several additional areas that may include streetscape, open space, or other improvements (e.g., planters) under the Proposed Actions. The Project Area also includes the area of the Pier 17 Large-Scale General Development, containing Pier 17 and the Tin Building. No development is anticipated in these additional areas. In the event of a change to the Proposed Actions, the project area will be reevaluated and modified as appropriate.

Construction of the Proposed Project would proceed in a single phase and is anticipated to begin in 2022 with completion and occupancy expected in 2026. The renovation, reopening, and potential expansion of the South Street Seaport Museum are also expected to be completed and open by 2026.

## CONSTRUCTION NOISE ANALYSIS METHODOLOGY

A detailed modeling analysis will be conducted to quantify potential construction noise effects at existing noise receptors (e.g., receptors, schools, etc.) near the proposed development site as well as at completed and occupied proposed buildings.

The construction noise methodology will involve the following process:

1. Select analysis hours for construction mobile source noise analysis. The 6:00 AM to 7:00 AM hour is selected as the analysis hour because this would be the hour when the highest number of construction worker auto and construction truck trips to and from the construction site would simultaneously occur.
2. Conduct construction mobile source noise analysis. At each of the roadway segments analyzed for construction traffic, the construction worker vehicle and construction truck trips during the analysis hour will be converted to Noise PCEs and compared to the existing level of Noise PCEs to determine whether there would be a potential doubling, which would result in an exceedance of CEQR construction noise screening thresholds (i.e., a 3 dBA increase in noise levels).
3. Select analysis hours for cumulative on-site equipment and construction truck noise analysis. The 7:00 AM to 8:00 AM hour is selected as the analysis hour because this would be the hour when the highest number of truck trips to and from the construction site would overlap with on-site equipment operation.
4. Select receptor locations for cumulative on-site equipment and construction truck noise analysis. Selected receptors will represent open space, residential, or other noise-sensitive uses potentially affected by the construction associated with the proposed actions during operation of on-site construction equipment and/or along routes taken to and from the development site by construction trucks. Project elements (i.e., buildings) that would be completed and occupied while construction under the proposed actions is still ongoing will also be included in the analysis as receptors.
5. Establish existing noise levels at selected receptors. Measured noise levels from the operational noise analysis will be relied upon for the construction noise analysis as well. A CadnaA model representing the existing conditions (including existing building geometry and existing condition traffic levels) will be validated or calibrated based on the measured existing noise levels and used to calculate baseline noise levels at the other noise receptor locations included in the analysis.
6. Establish worst-case noise analysis periods under the anticipated construction schedule. The worst-case noise analysis periods are the periods during the construction schedule that are expected to have the greatest potential to result in construction noise effect. The selected time periods are described below in the "Analysis Periods" section.
7. Calculate construction noise levels for each analysis period at each receptor location. Given the on-site equipment and construction truck trips expected during each of the analysis periods, and the location of the equipment, which is based on construction logistics diagrams and construction truck and worker vehicle trip assignments, a CadnaA model file for each analysis period will be created. All models will include each of the construction noise sources during the analysis period and hour, calculation points representing multiple locations on various façades and floors of the associated receptors previously identified, as well as the noise control measures that would be used on the construction site.
8. Determine total noise levels and noise level increments during construction. For each analysis period and each noise receptor, the calculated level of construction noise will be logarithmically added to the existing noise level to determine the cumulative total noise level. The existing noise level at each receptor will then be arithmetically subtracted from the cumulative noise level in each analysis period to determine the noise level increments.
9. Compare construction noise increments to impact criteria. For each analysis period and each noise receptor, the predicted noise increments due to construction will be compared to CEQR noise impact thresholds and additional incremental noise impact criteria as described below.
10. Establish construction noise duration. For each receptor, the noise level increments in each analysis period will be evaluated to determine the duration during construction that the receptor would experience exceedances of impact criteria.

11. Identify potential construction noise impacts. At each existing receptor where exceedances of construction noise impact criteria are predicted, a determination will be made as to whether the proposed actions would have the potential to result in significant adverse construction noise impacts.

*CONSTRUCTION MOBILE SOURCE ANALYSIS*

A Noise Passenger Car Equivalent (PCE) screening will be conducted for noise levels from construction mobile sources. At each of the roadway segments analyzed for construction traffic, the construction worker vehicle and construction truck trips during the analysis hour will be converted to Noise PCEs and compared to the existing level of Noise PCEs to determine whether there would be a potential doubling, which would result in an exceedance of CEQR construction noise screening thresholds (i.e., a 3 dBA increase in noise levels). The 6:00 AM to 7:00 AM hour is selected as the analysis hour because this would be the hour when the highest number of worker vehicle and construction truck trips to and from the construction site would occur. At any receptor locations where a doubling of Noise PCEs would occur as a result of construction trips, baseline noise levels will be measured, and the predicted noise level increment will be added to determine the total future noise level during the construction period.

Construction truck trips that would occur during the construction work day (i.e., after 7:00 AM) will be included in the modeling of construction noise as discussed below.

*NOISE RECEPTOR SITES*

A noise-sensitive receptor is defined in Chapter 19, "Noise" Section 124 of the 2020 *CEQR Technical Manual* and includes indoor receptors such as residences, hotels, health care facilities, nursing homes, schools, houses of worship, court houses, public meeting facilities, museums, libraries, and theaters. Outdoor sensitive receptors include parks, outdoor theaters, golf courses, zoos, campgrounds, and beaches.

Within the study area, multiple receptor locations close to the construction areas will be selected for the construction noise analysis to represent buildings or noise-sensitive open space locations that have the potential to experience elevated noise as a result of construction. These receptors will be located adjacent to planned areas of activity or streets where construction trucks would pass. At some buildings, multiple façades will be analyzed as receptors. At high-rise buildings, noise receptors at multiple elevations will be analyzed. Receptors at street level will be used to represent open space locations. The receptor sites selected for detailed analysis will represent locations where maximum project effects due to construction noise would be expected.

*CONSTRUCTION NOISE MODELING*

Noise effects from construction activities will be evaluated using the CadnaA model, a computerized model developed by DataKustik for noise prediction and assessment. The model can be used for the analysis of a wide variety of noise sources, including stationary sources (e.g., construction equipment, industrial equipment, power generation equipment), transportation sources (e.g., roads, highways, railroad lines, busways, airports), and other specialized sources (e.g., sporting facilities). The model takes into account the reference sound pressure levels of the noise sources at 50 feet, attenuation with distance, ground contours, reflections from barriers and structures, attenuation due to shielding, etc. The CadnaA model is based on the acoustic propagation standards promulgated in International Standard ISO 9613-2. This standard is currently under review for adoption by the American National Standards Institute (ANSI) as an American Standard. The CadnaA model is a state-of-the-art tool for noise analysis and is approved for construction noise level prediction by the *CEQR Technical Manual*.

Geographic input data used with the CadnaA model will include CAD drawings that define site work areas, adjacent building footprints and heights, locations of streets, and locations of sensitive receptors. For each analysis period, the geographic location and operational characteristics—including equipment usage rates (percentage of time operating at full power) for each piece of construction equipment operating at the proposed development site, as well as noise control measures—will be input to the model.

Construction equipment source strength will be determined by the $L_{max}$ levels presented in **Table 22-1** of the 2020 *CEQR Technical Manual.* For construction equipment not included in this table, manufacturer specifications or field measured noise levels will be used.

In addition, reflections and shielding by barriers erected on the construction site and shielding from adjacent buildings will be accounted for in the model. In addition, construction-related vehicles will be assigned to the adjacent roadways. The model will produce A-weighted $L_{eq(1)}$ noise levels at each receptor location for each analysis period, as well as the contribution from each noise source. The $L_{10(1)}$ noise levels will be conservatively estimated by adding 3 dBA to the $L_{eq(1)}$ noise levels, as is standard practice[1].

*DETERMINATION OF NON-CONSTRUCTION NOISE LEVELS*

Noise generated by construction activities (calculated using the CadnaA model as described above) will be added to baseline (i.e., non-construction) noise levels, including noise generated by non-construction traffic on adjacent roadways, to determine the total noise levels at each receptor location. Baseline noise levels will be calculated using the CadnaA model using existing condition traffic data. The existing condition CadnaA model will include receptors representing the noise measurement locations from the operational analysis to be used for the purpose of validating or calibrating the existing condition results. If the existing condition CadnaA model results at the measurement locations differ from estimated existing levels by more than 3 dBA (for example because of contribution from noise sources not included in the model such as aircraft overflights), an adjustment factor will be added to analysis receptors nearest that measurement location.

*ANALYSIS TIME PERIOD SELECTION*

The construction noise analysis will estimate construction noise levels based on projected activity and equipment usage as well as the level of construction traffic for various stages of construction of the proposed project. Based on the anticipated construction schedule and preliminary construction estimates are developed for the proposed project, specific time periods during construction will be selected for detailed analysis. The periods selected will capture each major construction stage (e.g., excavation/foundation work, superstructure work, interior fit-out work) at the buildings to be constructed under the proposed actions, including major overlaps of construction stages between individual sites. These will be the time periods with the potential to result in the maximum incremental construction noise at nearby receptors (i.e., time periods when multiple buildings would be under construction using noisy equipment) as well as resulting in the maximum levels of construction noise at the proposed buildings that would be completed and occupied during subsequent construction associated with the proposed actions. Each analysis time period will conservatively represent 1 to 12 months of time based on the duration of activities that would be underway during the time period.

The selected analysis periods are shown in **Table 1**. The selected analysis periods are subjected to change pending receipt of additional information on the construction program.

[1] Federal Highway Administration Roadway Construction Noise Model User's Guide, Page 15. http://www.fhwa.dot.gov/environment/noise/construction_noise/rcnm/rcnm.pdf

**Table 1**
**Summary of Construction Noise Analysis Periods**

| Time (Year / Month) | Construction Activities |
|---|---|
| 2022 / December | 250 Water Street – Foundation |
| 2023 / March | Seaport Museum Expansion – Excavation and Foundation<br>250 Water Street – Foundation and Superstructure |
| 2023 / June | Seaport Museum Expansion – Superstructure<br>250 Water Street – Foundation and Superstructure |
| 2023 / July | Seaport Museum Expansion – Superstructure and Exteriors<br>250 Water Street – Superstructure |
| 2023 / December | Seaport Museum Expansion – Exteriors and Interiors<br>250 Water Street – Superstructure, Exteriors, and Interiors |
| 2024 / July | Seaport Museum Expansion – Interiors<br>250 Water Street – Exteriors and Interiors |
| 2024 / September | 250 Water Street – Interiors |

*CONSTRUCTION NOISE IMPACT CRITERIA*

Chapter 22 of the *CEQR Technical Manual* breaks construction duration into "short-term" and "long-term" and states that construction noise is not likely to require analysis unless it "affects a sensitive receptor over a long period of time." Consequently, the construction noise analysis considers the potential for construction of a project to create high noise levels (the "intensity"), whether construction noise would occur for an extended period of time (the "duration"), and the locations where construction has the potential to produce noise ("receptors") in evaluating potential construction noise effects.

The noise impact criteria described in Chapter 19, Section 410 of the *CEQR Technical Manual* serve as a screening-level threshold for potential construction noise impacts. If construction of the proposed project would not result in any exceedances of these criteria at a given receptor, then that receptor would not have the potential to experience a construction noise impact. The screening level noise impact criteria for mobile and on-site construction activities are as follows:

- If the No Action noise level is less than 60 dBA $L_{eq(1)}$, a 5 dBA $L_{eq(1)}$ or greater increase would require further consideration.
- If the No Action noise level is between 60 dBA $L_{eq(1)}$ and 62 dBA $L_{eq(1)}$, a resultant $L_{eq(1)}$ of 65 dBA or greater would require further consideration.
- If the No Action noise level is equal to or greater than 62 dBA $L_{eq(1)}$, or if the analysis period is a nighttime period (defined in the CEQR criteria as being between 10PM and 7AM), the threshold requiring further consideration would be a 3 dBA $L_{eq(1)}$ or greater increase.

Additionally, the *CEQR Technical Manual* characterizes noise exposure into "acceptable," "marginally acceptable," "marginally unacceptable," or "clearly unacceptable" categories based on the $L_{10(1)}$ noise level and land use. For the purposes of construction noise evaluation, noise levels in the "acceptable" or "marginally acceptable" categories are not considered to exceed the screening threshold. If construction of the proposed project would result in "marginally unacceptable" or "clearly unacceptable" noise levels that exceed these noise impact criteria at a receptor, then further consideration of the intensity and duration of construction noise is warranted at that receptor. Generally, exceedances of these criteria for 24 consecutive months or longer are considered significant impacts. Noise level increases that would be considered objectionable (i.e., equal to or greater than 15 dBA) lasting 12 consecutive months or more and noise level increases considered very

objectionable (i.e., equal to or greater than 20 dBA)[2] lasting three months or more would also be considered significant impacts.

*EVALUATION OF CONSTRUCTION NOISE LEVELS*

*Existing Noise-Sensitive Receptors*

The predicted exterior noise level increments during construction of the proposed project at the analyzed receptor sites will be compared to the construction noise impact thresholds described above. At the noise-sensitive receptors that experience exceedances of these thresholds during the analysis periods as determined above, the duration of exceedance of each impact threshold will be determined. The significance of the exceedances will be determined based on the predicted magnitude and duration of the construction noise at these locations according to the criteria described above. Based on the incremental noise level increase, overall exterior noise levels for each analysis period will also be determined. ✷

[2] Definition of "objectionable" and "very objectionable" noise level increases based on Table B from New York State Department of Environmental Conservation Assessing and Mitigating Noise Impacts policy manual, revised February 2001.

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# Construction Transportation Methodology Memorandum

| | |
|---|---|
| **To:** | 250 Water Street Project File |
| **From:** | AKRF, Inc. |
| **Date:** | April 7, 2021 |
| **Re:** | Construction Travel Demand Estimates and Analysis Methodology |
| **cc:** | Project Team |

The construction transportation analysis assesses the potential for construction activities to result in significant adverse impacts to traffic, parking conditions, and transit and pedestrian facilities. The analysis is based on the peak worker and truck trips during construction of the Proposed Project, which are developed based on several factors including worker modal splits, vehicle occupancy and trip distribution, truck passenger car equivalents (PCEs), and arrival/departure patterns. Similar to the procedures used to assess operational transportation impacts, the evaluation of potential construction transportation impacts begins with a screening assessment to determine if further detailed analyses are warranted and the required scope of such analyses.

## CONSTRUCTION TRAVEL DEMAND PROJECTIONS

For the 250 Water Street Project, the anticipated construction sequencing and worker/truck projections for both the 250 Water Street Development Site and the Museum Site at 89-93 South Street, 2-4 Fulton Street, and 167-175 John Street will be reviewed to determine the peak quarter of construction. The estimated average numbers of daily workers and truck deliveries during this peak quarter will be used to develop the construction travel demand projections.

Based on established practice, the temporal distributions of construction worker and truck trips are assumed to follow the patterns summarized in **Table 1**. As shown, construction workers would arrive in the early morning and depart in the mid-afternoon, while truck deliveries are expected to peak in the early morning and diminish through the rest of the day.

For the construction workers, the 2000 U.S. Census reverse journey-to-work (RJTW) data for workers in the construction and excavation industry were reviewed to establish a reasonable set of modal split assumptions. At the direction of DCP, census data for tracts 15.01, 15.02, 25, 29, and 31 were used to estimate trips for the operational analyses. In consideration of the locations of the project sites and their proximity to nearby public transportation options, only data from tracts 15.01 and 15.02 were considered for the construction work modal split assumptions, as summarized in **Table 2**. These percentages are also comparable to those used in the recently published *Phased Redevelopment of Governors Island—South*

*Island Development Zones Final Second Supplemental Generic Environmental Impact Statement (FSSGEIS*, 11DME007M), which analyzed a study area that is adjacent to the project sites.

**Table 1**
**Temporal Distributions of Construction Worker and Truck Trips**

| | Construction Workers | | Construction Trucks | |
|---|---|---|---|---|
| **Beginning Hour** | **Arrival** | **Departure** | **Arrival** | **Departure** |
| 6 AM | 80% | 0% | 25% | 25% |
| 7 AM | 20% | 0% | 10% | 10% |
| 8 AM | 0% | 0% | 10% | 10% |
| 9 AM | 0% | 0% | 10% | 10% |
| 10 AM | 0% | 0% | 10% | 10% |
| 11 AM | 0% | 0% | 10% | 10% |
| Noon | 0% | 0% | 10% | 10% |
| 1 PM | 0% | 0% | 5% | 5% |
| 2 PM | 0% | 5% | 5% | 5% |
| 3 PM | 0% | 80% | 5% | 5% |
| 4 PM | 0% | 15% | 0% | 0% |
| **Daily Total** | **100%** | **100%** | **100%** | **100%** |

**Table 2**
**Construction Worker Modal Splits**

| Travel Mode | Modal Split |
|---|---|
| Auto | 27% |
| Taxi | 1% |
| Subway | 50% |
| Railroad | 13% |
| Bus | 8% |
| Walk | 1% |
| **Total** | **100%** |
| Auto Occupancy | 1.23 |

**Sources:** 2000 U.S. Census, RJTW data (tracts 15.01, 15.02) for workers in the construction and excavation industry.

## CONSTRUCTION TRANSPORTATION SCREENING ASSESSMENTS

A Level 1 screening assessment, considering the projected trips from the above, will be prepared to determine if a Level 2 screening assessment and/or additional detailed analyses would be warranted.

*TRAFFIC*

For purposes of construction traffic screening, each truck trip would be considered as two (2) PCEs. If the total construction worker and truck PCEs are 50 or more during the AM and/or PM construction peak hours, a Level 2 screening assessment, involving the assignment of the projected trips to the surrounding roadway network, would be undertaken to determine if any area intersections would also exceed the 50-PCE threshold for a detailed analysis. Impact conclusions for potential construction traffic impacts will then be made based on the corresponding operational analysis results. If warranted to further refine the analysis, a detailed construction traffic analysis may be undertaken and the same procedures used for the operational impact analysis would be followed, using either original or prorated construction peak hour traffic data. Where significant adverse construction traffic impacts are identified, feasible mitigation measures will be explored to mitigate those impacts to the extent practicable.

*TRANSIT*

The projected transit trips will be compared to the CEQR analysis thresholds of 200 peak hour subway trips at a station or along a subway line segment, and 50 peak hour bus trips on a bus route in a single direction of travel. New York City Transit (NYCT), as the expert agency on public transportation, does not typically require an analysis of conditions outside the weekday AM and PM commuter peak hours. Hence, the transit assessment of construction conditions will be limited to a description of the anticipated construction worker trips made by transit and whether existing transit facilities near the project sites would be temporarily affected by project construction (i.e., temporary relocation of existing bus stops).

*PEDESTRIANS*

The same procedure as described for traffic will be followed to assess the estimated construction worker pedestrian trips. Nearby sidewalks, corner reservoirs, and corners that are expected to incur 200 or more construction peak hour worker trips may be subject to a detailed construction pedestrian analysis, and impact conclusions for potential construction pedestrian impacts would be made based on the corresponding operational analysis. If warranted to further refine the analysis, it will be prepared following the same methods used to evaluate operational pedestrian impacts. Where significant adverse construction pedestrian impacts are identified, feasible mitigation measures will be explored to mitigate those impacts to the extent practicable.

*PARKING*

Construction workers traveling via auto would also generate a demand for the area's parking resources. Due to COVID conditions, a conventional inventory of the area's off-street parking supply and utilization cannot be performed. However, the locations of those within reasonable walking distances from the project sites have been identified and will be used to assign project-generated construction worker vehicle trips. A qualitative discussion of how these worker trips are expected to be accommodated at these area parking resources will be provided.

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# Final Travel Demand Factors (TDF) Memorandum

| | |
|---|---|
| **To:** | 250 Water Street Project File |
| **From:** | AKRF, Inc. |
| **Date:** | May 13, 2021 |
| **Re:** | CEQR Travel Demand Analysis |
| **cc:** | Project Team |

## A. INTRODUCTION

This memorandum details the trip generation assumptions and travel demand estimates for the proposed 250 Water Street development (the "Proposed Project") in the South Street Seaport neighborhood of Manhattan. The Proposed Project entails constructing a mixed-use building with accessory parking spaces at 250 Water Street (the "Development Site") and facilitating the restoration, reopening, and potential expansion of the South Street Seaport Museum on the block where it is currently located (the "Museum Site"). The Proposed Project may also include streetscape, open space, or other improvements under the proposed actions within the neighborhood. The Development Site at 250 Water Street (Block 98, Lot 1) is generally bounded by Pearl Street to the north, Water Street to the south, Peck Slip to the east, and Beekman Street to the west. The Museum Site occupies the southern portion of the block located between John Street, South Street, and Fulton Street (a portion of Block 74, Lot 1). In the future without the proposed actions (the "No Action" condition), an approximately 327,400 gross square feet (gsf) mixed-use building would be constructed at the Development Site with 302 dwelling units, 19,730 gsf of local retail space, 5,000 gsf of community facility space, and 65 accessory parking spaces. The South Street Seaport Museum would be assumed to close permanently absent the Proposed Project and there would be no renovated spaces or potential expansion to the museum. In the future with the proposed actions (the "With Action" condition), an approximately 680,500 gsf mixed-use building would be constructed at the Development Site with 394 dwelling units, 13,353 gsf of local retail space, 267,747 gsf of office space, 5,000 gsf of community facility space, and 108 accessory parking spaces. The Museum Site would be redeveloped with approximately 86,691 gsf, consisting of 32,383 gsf of potential expansion space, 27,996 gsf of renovated space, and 26,312 gsf of "collection" space that would not be renovated but would reopen with the Proposed Project. **Table 1** provides a comparison of the development programs between the No Action and With Action scenarios.

**Table 1**
**Comparison of No Action and With Action Development Programs**

| Components | No Action | With Action | Increment |
|---|---|---|---|
| Residential (DUs) | 302 | 394 | 92 |
| Office (gsf) | 0 | 267,747 | 267,747 |
| Local Retail (gsf) | 19,730 | 13,353 | -6,377 |
| Museum (gsf)[1, 2] | 0 | 86,691 | 86,691 |
| Community Facility (gsf) | 5,000 | 5,000 | 0 |
| Accessory Parking (Spaces) | 65 | 108 | 43 |

**Note:**
[1] The South Street Seaport Museum is located on a separate site. All other uses would be located at the Development Site (250 Water Street).
[2] It is conservatively assumed that the Museum would close in the future without the Proposed Project.

## B. TRANSPORTATION PLANNING ASSUMPTIONS

Trip generation factors used to estimate trips for the above land uses are based on information from the 2020 *City Environmental Quality Review (CEQR) Technical Manual*, the 2012 *Seward Park Mixed-Use Development Project FGEIS*, the 2003 *No. 7 Subway Extension FGEIS*, and U.S. Census Data. These assumptions are summarized in **Table 2**.

**Table 2**
**Travel Demand Assumptions**

| Use | Office | | | Residential | | | Local Retail | | |
|---|---|---|---|---|---|---|---|---|---|
| **Total Daily Person Trip** | (1) Weekday 18.00 Trips / KSF | | | (1) Weekday 8.075 Trips / DU | | | (1) Weekday 205.00 Trips / KSF | | |
| **Trip Linkage** | 0% | | | 0% | | | 25% | | |
| **Net Daily Person Trip** | Weekday 18.00 Trips / KSF | | | Weekday 8.075 Trips / DU | | | Weekday 153.75 Trips / KSF | | |
| | **AM** | **MD** | **PM** | **AM** | **MD** | **PM** | **AM** | **MD** | **PM** |
| **Temporal** | (1) | | | (1) | | | (1) | | |
| | 12.0% | 15.0% | 14.0% | 10.0% | 5.0% | 11.0% | 3.0% | 19.0% | 10.0% |
| **Direction** | (2) | | | (2) | | | (2) | | |
| **In** | 96% | 48% | 5% | 15% | 50% | 70% | 50% | 50% | 50% |
| **Out** | 4% | 52% | 95% | 85% | 50% | 30% | 50% | 50% | 50% |
| **Total** | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 100% |
| **Modal Split** | (2)(3) | | | (4) | | | (2) | | |
| | **AM** | **MD** | **PM** | **AM** | **MD** | **PM** | **AM** | **MD** | **PM** |
| Auto | 20.0% | 2.0% | 20.0% | 8.0% | 8.0% | 8.0% | 2.0% | 2.0% | 2.0% |
| Taxi | 1.0% | 3.0% | 1.0% | 2.0% | 2.0% | 2.0% | 3.0% | 3.0% | 3.0% |
| Subway | 49.0% | 6.0% | 49.0% | 51.0% | 51.0% | 51.0% | 6.0% | 6.0% | 6.0% |
| Railroad | 11.0% | 0.0% | 11.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% |
| Ferry | 1.0% | 0.0% | 1.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% |
| Bus | 11.0% | 6.0% | 11.0% | 2.0% | 2.0% | 2.0% | 6.0% | 6.0% | 6.0% |
| Walk | 7.0% | 83.0% | 7.0% | 37.0% | 37.0% | 37.0% | 83.0% | 83.0% | 83.0% |
| Total | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 100% |
| **Vehicle Occupancy** | (2)(3) Weekday | | | (2)(4) Weekday | | | (2) Weekday | | |
| Auto | 1.10 | | | 1.16 | | | 1.65 | | |
| Taxi | 1.40 | | | 1.40 | | | 1.40 | | |
| **Daily Delivery Trip Generation Rate** | (1) Weekday 0.32 Delivery Trips / KSF | | | (1) Weekday 0.06 Delivery Trips / DU | | | (1) Weekday 0.35 Delivery Trips / KSF | | |
| **Delivery Temporal** | **AM** | **MD** | **PM** | **AM** | **MD** | **PM** | **AM** | **MD** | **PM** |
| | (1) | | | (1) | | | (1) | | |
| | 10.0% | 11.0% | 2.0% | 12.0% | 9.0% | 2.0% | 8.0% | 11.0% | 2.0% |
| **Delivery Direction** | (1) | | | (1) | | | (1) | | |
| In | 50% | 50% | 50% | 50% | 50% | 50% | 50% | 50% | 50% |
| Out | 50% | 50% | 50% | 50% | 50% | 50% | 50% | 50% | 50% |
| Total | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 100% |

**Table 2 (cont'd)**
**Travel Demand Assumptions**

| Use | Museum | | | Community Facility | | |
|---|---|---|---|---|---|---|
| **Total Daily Person Trip** | (1) Weekday 27.00 Trips / KSF | | | (1) Weekday 44.70 Trips / KSF | | |
| **Trip Linkage** | 0% | | | 0% | | |
| **Net Daily Person Trip** | Weekday 27.00 Trips / KSF | | | Weekday 44.70 Trips / KSF | | |
| | **AM** | **MD** | **PM** | **AM** | **MD** | **PM** |
| **Temporal** | | (1) | | | (1) | |
| | 1.0% | 16.0% | 13.0% | 4.0% | 9.0% | 5.0% |
| **Direction** | | (5) | | | (2) | |
| In | 50% | 63% | 52% | 61% | 55% | 29% |
| Out | 50% | 37% | 48% | 39% | 45% | 71% |
| Total | 100% | 100% | 100% | 100% | 100% | 100% |
| **Modal Split** | | (5) | | | (2) | |
| | **AM** | **MD** | **PM** | **AM** | **MD** | **PM** |
| Auto | 12.0% | 12.0% | 12.0% | 5.0% | 5.0% | 5.0% |
| Taxi | 10.0% | 10.0% | 10.0% | 1.0% | 1.0% | 1.0% |
| Subway | 29.0% | 29.0% | 29.0% | 3.0% | 3.0% | 3.0% |
| Railroad | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% |
| Ferry | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% |
| Bus | 7.0% | 7.0% | 7.0% | 6.0% | 6.0% | 6.0% |
| Walk | 42.0% | 42.0% | 42.0% | 85.0% | 85.0% | 85.0% |
| Total | 100% | 100% | 100% | 100% | 100% | 100% |
| **Vehicle Occupancy** | (5) Weekday | | | (2) Weekday | | |
| Auto | 2.34 | | | 1.65 | | |
| Taxi | 1.90 | | | 1.40 | | |
| **Daily Delivery Trip Generation Rate** | (5) Weekday 0.05 Delivery Trips / KSF | | | (2) Weekday 0.29 Delivery Trips / KSF | | |
| **Delivery Temporal** | **AM** | **MD** | **PM** | **AM** | **MD** | **PM** |
| | | (5) | | | (2) | |
| | 9.6% | 11.0% | 1.0% | 10.0% | 11.0% | 1.0% |
| **Delivery Direction** | | (5) | | | (2) | |
| In | 50% | 50% | 50% | 50% | 50% | 50% |
| Out | 50% | 50% | 50% | 50% | 50% | 50% |
| Total | 100% | 100% | 100% | 100% | 100% | 100% |

**Sources:**
(1) 2020 *CEQR Technical Manual*
(2) *Seward Park Mixed-Use Development Project FGEIS* (2012)
(3) U.S. Census ACS 2012–2016 RJTW Data for Manhattan Census tracts 15.01, 15.02, 25, 29, and 31
(4) U.S. Census ACS 2015–2019 JTW Data for Manhattan Census tracts 15.01, 15.02, 25, 29, and 31
(5) *No. 7 Subway Extension FGEIS* (2003)

## RESIDENTIAL

The daily person trip rate and temporal distributions are from the *CEQR Technical Manual*. The directional distributions and taxi vehicle occupancy are from the 2012 *Seward Park Mixed-Use Development Project FGEIS*. Modal splits and the auto vehicle occupancy are based on the Journey-to-Work (JTW) data from the 2015–2019 U.S. Census Bureau American Community Survey (ACS) for Manhattan Census Tracts 15.01, 15.02, 25, 29, and 31. The daily delivery trip rate and temporal and directional distributions are from the *CEQR Technical Manual*.

## OFFICE

The daily person trip rate and temporal distributions are from the *CEQR Technical Manual*. Directional distributions are from the 2012 *Seward Park Mixed-Use Development Project FGEIS* and modal splits are based on Reverse Journey-to-Work (RJTW) data from the 2012–2016 U.S. Census Bureau ACS and 2012 *Seward Park Mixed-Use Development Project FGEIS*. The vehicle occupancies are from the 2012 *Seward Park Mixed-Use Development Project FGEIS* and the 2012–2016 U.S. Census ACS RJTW estimates. The daily delivery trip rate and temporal and directional distributions are from the *CEQR Technical Manual*.

### LOCAL RETAIL

The daily person trip rate and temporal distributions for the local neighborhood retail component are from the *CEQR Technical Manual*. In line with standard City practice, a 25-percent linked trip credit (e.g., a trip with multiple purposes, such as stopping at a retail store while commuting to or from work, or at lunch time) has been applied to the local retail trip generation estimates. The directional distributions, modal splits, and vehicle occupancies are from the 2012 *Seward Park Mixed-Use Development Project FGEIS*. The daily delivery trip rate and temporal and directional distributions are from the *CEQR Technical Manual*.

### MUSEUM

The daily person trip rate and temporal distributions for the museum use are from the *CEQR Technical Manual*. The directional distributions, modal splits, and vehicle occupancies, as well as the delivery trip rate and delivery temporal and directional distributions are from the 2003 *No. 7 Subway Extension FGEIS*.

### COMMUNITY FACILITY

The daily person trip rate and temporal distributions for the community facility use are from the *CEQR Technical Manual*. The directional distributions, modal splits, and vehicle occupancies, as well as the delivery trip rate and delivery temporal and directional distributions are from the 2012 *Seward Park Mixed-Use Development Project FGEIS*.

## C. CEQR TRANSPORTATION SCREENING ASSESSMENTS

The *CEQR Technical Manual* identifies procedures for evaluating a proposed project's potential impacts on traffic, transit, pedestrian, and parking conditions. This methodology begins with the preparation of a trip generation analysis to determine the volume of person and vehicle trips associated with the proposed project. The results are then compared with the *CEQR Technical Manual*-specified thresholds (Level 1 screening assessment) to determine whether a Level 2 screening assessment is warranted. If the proposed project would result in 50 or more peak hour vehicle trips, 200 or more peak hour transit trips (200 or more peak hour transit riders at any given subway station or 50 or more peak hour bus trips on a particularly route in one direction), and/or 200 or more peak hour pedestrian trips, a Level 2 screening assessment would be undertaken.

For the Level 2 screening assessment, project generated trips would be assigned to specific intersections, transit routes, and pedestrian elements. If the results of this analysis show that the proposed project would generate 50 or more peak hour vehicle trips through an intersection, 50 or more peak hour bus riders on a bus route in a single direction, 200 or more peak hour subway passengers at any given station, or 200 or more peak hour pedestrian trips per pedestrian element, further quantified analyses may be warranted to evaluate the potential for significant adverse traffic, transit, pedestrian, and parking impacts.

### TRIP GENERATION SUMMARY

As summarized in **Table 3**, under the No Action scenario, the as-of-right redevelopment of the 250 Water Street Development Site would generate 346, 718, and 583 person trips during the weekday AM, midday, and PM peak hours, respectively. Approximately 32, 39, and 38 vehicle trips would be generated during the corresponding peak hours. As stated above, the South Street Seaport Museum is assumed to be closed under the No Action scenario and therefore would not generate any trips.

As summarized in **Table 4**, under the With Action scenario, the Proposed Project, which includes new uses at both the Development and Museum Sites, would generate 992, 1,671, and 1,544 person trips during the weekday AM, midday, and PM peak hours, respectively. Approximately 158, 123, and 210 vehicle trips would be generated during the corresponding peak hours.

The net incremental peak hour person and vehicle trips resulting from the Proposed Project are shown in **Table 5**.

**Table 3**
**Trip Generation Summary: No Action Scenario**

| Peak Hour | In/Out | Person Trip | | | | | | | | Vehicle Trip | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Auto | Taxi | Subway | Railroad | Ferry | Bus | Walk | Total | Auto | Taxi | Delivery | Total |
| AM | In | 4 | 2 | 22 | 0 | 0 | 4 | 57 | 89 | 4 | 5 | 1 | 10 |
| | Out | 18 | 5 | 109 | 0 | 0 | 7 | 118 | 257 | 16 | 5 | 1 | 22 |
| | Total | 22 | 7 | 131 | 0 | 0 | 11 | 175 | 346 | 20 | 10 | 2 | 32 |
| Midday | In | 12 | 10 | 48 | 0 | 0 | 19 | 271 | 360 | 9 | 10 | 1 | 20 |
| | Out | 11 | 10 | 48 | 0 | 0 | 19 | 270 | 358 | 8 | 10 | 1 | 19 |
| | Total | 23 | 20 | 96 | 0 | 0 | 38 | 541 | 718 | 17 | 20 | 2 | 39 |
| PM | In | 18 | 9 | 105 | 0 | 0 | 13 | 198 | 343 | 15 | 8 | 0 | 23 |
| | Out | 9 | 7 | 50 | 0 | 0 | 11 | 163 | 240 | 7 | 8 | 0 | 15 |
| | Total | 27 | 16 | 155 | 0 | 0 | 24 | 361 | 583 | 22 | 16 | 0 | 38 |

**Table 4**
**Trip Generation Summary: With Action Scenario**

| Peak Hour | In/Out | Person Trip | | | | | | | | Vehicle Trip | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Auto | Taxi | Subway | Railroad | Ferry | Bus | Walk | Total | Auto | Taxi | Delivery | Total |
| AM | In | 117 | 9 | 301 | 61 | 6 | 65 | 93 | 652 | 105 | 9 | 5 | 119 |
| | Out | 29 | 7 | 154 | 3 | 0 | 11 | 136 | 340 | 25 | 9 | 5 | 39 |
| | Total | 146 | 16 | 455 | 64 | 6 | 76 | 229 | 992 | 130 | 18 | 10 | 158 |
| Midday | In | 46 | 42 | 142 | 0 | 0 | 53 | 587 | 870 | 26 | 32 | 6 | 64 |
| | Out | 35 | 33 | 116 | 0 | 0 | 48 | 569 | 801 | 21 | 32 | 6 | 59 |
| | Total | 81 | 75 | 258 | 0 | 0 | 101 | 1,156 | 1,671 | 47 | 64 | 12 | 123 |
| PM | In | 48 | 24 | 194 | 4 | 0 | 26 | 247 | 543 | 32 | 22 | 1 | 55 |
| | Out | 156 | 26 | 416 | 71 | 6 | 89 | 237 | 1,001 | 132 | 22 | 1 | 155 |
| | Total | 204 | 50 | 610 | 75 | 6 | 115 | 484 | 1,544 | 164 | 44 | 2 | 210 |

**Table 5**
**Trip Generation Summary: Net Incremental Trips**

| Peak Hour | In/Out | Person Trip | | | | | | | | Vehicle Trip | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Auto | Taxi | Subway | Railroad | Ferry | Bus | Walk | Total | Auto | Taxi | Delivery | Total |
| AM | In | 113 | 7 | 279 | 61 | 6 | 61 | 36 | 563 | 101 | 4 | 4 | 109 |
| | Out | 11 | 2 | 45 | 3 | 0 | 4 | 18 | 83 | 9 | 4 | 4 | 17 |
| | Total | 124 | 9 | 324 | 64 | 6 | 65 | 54 | 646 | 110 | 8 | 8 | 126 |
| Midday | In | 34 | 32 | 94 | 0 | 0 | 34 | 316 | 510 | 17 | 22 | 5 | 44 |
| | Out | 24 | 23 | 68 | 0 | 0 | 29 | 299 | 443 | 13 | 22 | 5 | 40 |
| | Total | 58 | 55 | 162 | 0 | 0 | 63 | 615 | 953 | 30 | 44 | 10 | 84 |
| PM | In | 30 | 15 | 89 | 4 | 0 | 13 | 49 | 200 | 17 | 14 | 1 | 32 |
| | Out | 147 | 19 | 366 | 71 | 6 | 78 | 74 | 761 | 125 | 14 | 1 | 140 |
| | Total | 177 | 34 | 455 | 75 | 6 | 91 | 123 | 961 | 142 | 28 | 2 | 172 |

**LEVEL 1 SCREENING**

*TRAFFIC*

As shown in **Table 5**, the incremental trips generated by the Proposed Project would be 126, 84, and 172 vehicle trips during the weekday AM, midday, and PM peak hours, respectively. Since these peak hour incremental vehicle trips are greater than 50 vehicles, a Level 2 screening assessment (presented in the section below) was conducted to determine if a quantified traffic analysis is warranted.

*TRANSIT*

The Development Site and Museum Site are served by the New York City Transit (NYCT) Fulton Street (No. 2/3 trains) Station, Fulton Street (No. 4/5 trains) Station, Fulton Street (J/Z trains) Station, and Brooklyn Bridge–City Hall (No. 4/5/6 trains) Station. All of these subway lines operate in the north-south direction in the vicinity of the two sites. The A and C trains, which operate east-west in the area and cross

under the above subway lines, are also accessible via connections to each of the above Fulton Street stations. Local NYCT bus service is provided by the M9, M15, M15 Select Bus Service (SBS), M22, M55, and M103 bus routes. Public transportation connections to New Jersey are also available via the Port Authority Trans-Hudson Corporation (PATH) World Trade Center Station.

As detailed in **Table 5**, the incremental transit trips would be 324, 162, and 455 person trips by subway, 64, 0, and 75 person trips by railroad, and 65, 63, and 91 person trips by bus during the weekday AM, midday, and PM peak hours, respectively. The incremental railroad trips would not exceed the *CEQR Technical Manual* analysis threshold of 200 or more peak hour trips per station. For the projected subway trips, a Level 2 screening assessment was prepared, as presented below, to determine if a detailed analysis of subway facilities is warranted.

The projected bus trips would be dispersed to the six bus routes described above, such that no single bus route is expected to incur incremental bus trips that would exceed the *CEQR Technical Manual* analysis threshold of 50 or more peak hour bus riders on a bus route in a single direction. Therefore, a detailed bus line-haul analysis is not warranted and the Proposed Project is not expected to result in any significant adverse bus line-haul impacts.

*PEDESTRIANS*

All incremental person trips generated by the Proposed Project would traverse the pedestrian elements (i.e., sidewalks, corners, and crosswalks) surrounding the Development and Museum Sites, except for a percentage of residential auto trips that would connect directly from the on-site parking garage to the mixed-use building (in both the No Action and With Action scenarios). As shown in **Table 5**, the net incremental pedestrian trips would be greater than 200 during each of the weekday AM, midday, and PM peak hours. A Level 2 screening assessment (presented below) was conducted to determine if there is a need for additional quantified pedestrian analyses.

*PARKING*

The mixed-use building at the Development Site in the No Action and With Action scenarios would provide accessory parking spaces on-site. A parking demand projection will be prepared based on the travel demand estimates described above to determine if additional off-site resources would be needed to accommodate the projected demand. Due to COVID conditions, a survey of nearby off-site parking supply and utilization is not feasible. However, an inventory of these resources will be prepared as part of the Environmental Impact Statement, to qualitatively assess the extent of how they are expected to accommodate the overflow parking demand from the Development Site as well as that from the Museum Site.

**LEVEL 2 SCREENING**

As part of the Level 2 screening assessment, project generated trips were assigned to specific intersections, subway lines/stations, and pedestrian elements near the Development and Museum Sites. Further quantified analyses to assess the potential impacts of the Proposed Project on the transportation system would be warranted if the trip assignments were to identify key intersections incurring 50 or more peak hour vehicle trips, subway stations incurring 200 or more peak hour subway trips, or pedestrian elements incurring 200 or more peak hour pedestrian trips.

*SITE ACCESS AND EGRESS*

In the No Action scenario, at the Development Site, entrances for the residential use would be provided along Pearl Street and Peck Slip, entrances for the retail use would be provided along Pearl Street and Water Street, and entrances for the community facility use would be provided along Peck Slip. In the With Action scenario, entrances for the residential use would be provided along Pearl Street, Water Street, and Peck Slip, entrances for the office use would be provided along Pearl Street, entrances for the retail use would be provided along Pearl Street, Beekman Street, Peck Slip, and Water Street, and entrances for the community facility use would be provided along Peck Slip. There would be entrances to the Museum Site along Fulton Street, South Street, and John Street.

The mixed-used building at the Development Site under the No Action scenario would provide accessory parking on-site with access/egress along Beekman Street. The mixed-use building at the Development Site under the With Action scenario would provide accessory parking on-site with access along Pearl Street and egress along Beekman Street. Accordingly, project generated auto trips associated with the Development Site were assigned on-site in the No Action and With Action scenarios. For the Museum Site, auto trips would park at various off-street parking facilities within ¼-mile.

*TRAFFIC*

Vehicle trips were assigned to area intersections based on the most likely travel routes to and from the Development and Museum Sites, prevailing travel patterns, commuter origin-destination (O-D) summaries from the census data, the configuration of the roadway network, the anticipated locations of site access and egress, and nearby land use and population characteristics. Auto trips at the Development Site in the No Action and With Actions scenarios were assigned to the on-site parking garage. Taxi trips were distributed to the Development and Museum Sites' various frontages. Delivery trips were assigned to the Development Site and Museum Site via DOT-designated truck routes. Traffic assignments for autos, taxis, and deliveries for the various programmed uses are discussed below.

*Residential*

Auto trips generated by the residential use were assigned to the surrounding roadway network based on the 2012–2016 U.S. Census ACS JTW O-D estimates. Many of the residential trips would be traveling to work destinations within the local region of Manhattan (55 percent), with the remaining trips traveling to New Jersey (19 percent), Brooklyn (8 percent), Queens (8 percent), Upstate New York (6 percent), and Long Island (4 percent). Residential trips would originate from the on-site parking garage, and use the most direct routes for travel to their destinations. Taxi trips generated by the residential uses were assigned to the Pearl Street, Peck Slip, and Water Street frontages.

*Office*

Auto trips generated by the office use were assigned to the surrounding roadway network based on the 2012–2016 U.S. Census ACS RJTW O-D estimates. The office trips would originate from New Jersey (22 percent), Queens (22 percent), Long Island (14 percent), Brooklyn (14 percent), Upstate New York (11 percent), Staten Island (5 percent), the Bronx (5 percent), Manhattan (4 percent), Connecticut (2 percent), and Pennsylvania (1 percent). Auto vehicle trips for the office use were assigned to the on-site parking garage, and use the most direct routes to travel to their destinations. Taxi trips generated by the office use were assigned to the Pearl Street frontages.

*Local Retail*

The local retail auto trips were generally assigned from local origins within the neighborhood and adjacent residential areas. Approximately 50 percent of vehicle trips would originate from north of the Development Site (Hudson Square/Greenwich Village), 25 percent from east of the Development Site (Lower East Side/East Village), and 25 percent from west of the Development Site (Tribeca/Wall Street). The auto trips were assigned to the on-site parking garage. Taxi trips generated by the local retail use were assigned to the Pearl Street and Water Street frontages.

*Community Facility*

Similar to the local retail auto trips, the community facility auto trips were assigned from local origins within the neighborhood and adjacent residential areas in the same manner described above. Auto trips were assigned to the on-site parking garage and taxi trips were assigned to the Peck Slip frontage.

*Museum*

The museum auto trips were assigned from regional origins, including the five boroughs, New Jersey, Upstate New York, Connecticut, and Pennsylvania. Approximately 25 percent of vehicle trips would originate from north of the Museum Site, 35 percent from east/south of the Museum Site, and 40 percent

from west of the Museum Site. The auto trips were assigned to off-street parking facilities near the site and taxi trips were assigned to the South Street and John Street frontages.

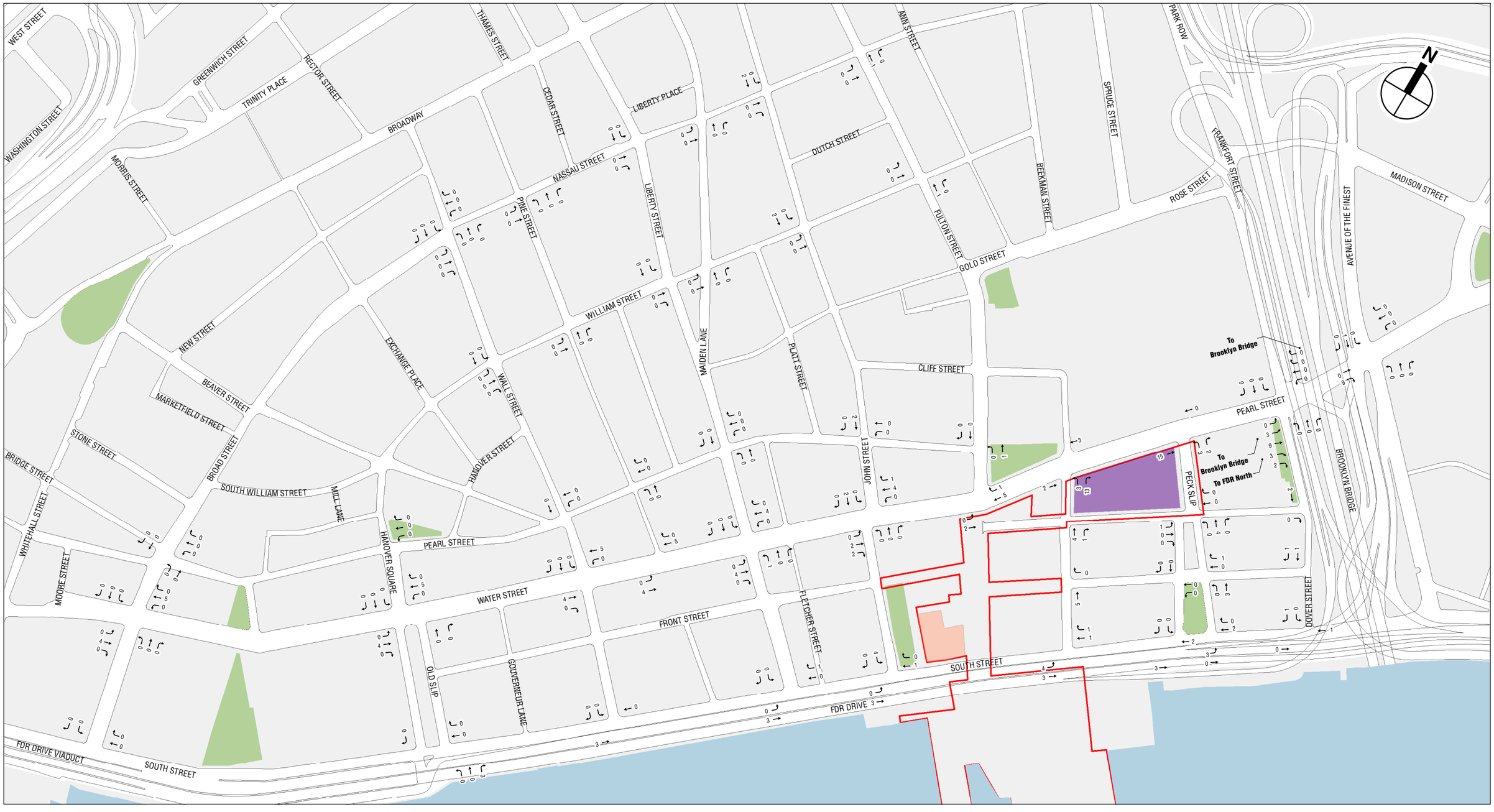
*Deliveries*

Truck delivery trips for all land uses were assigned to DOT-designated truck routes and assumed to stay on them as long as possible until reaching the area surrounding the Development and Museum Sites. Truck delivery trips at the Development Site in the No Action and With Action scenarios were assigned to the on-site loading dock frontage along Pearl Street. Truck delivery trips to the Museum Site were assigned to the South Street curbside.

*Summary*

**Figures 1 through 3** show the No Action vehicle trips generated by the as-of-right redevelopment of the 250 Water Street Development Site for the weekday AM, midday, and PM peak hours. The South Street Seaport Museum would be permanently closed and not generate any trips. **Figures 4 through 6** show the With Action project generated vehicle trips from the Development Site and the Museum Site for the weekday AM, midday, and PM peak hours. **Figures 7 through 9** show the With Action incremental vehicle trips for the weekday AM, midday, and PM peak hours. Based on the volume of incremental trips projected and the turning movements anticipated to occur at surrounding roadway intersections, four intersections along Pearl Street would exceed the *CEQR Technical Manual* analysis threshold and were selected for a detailed traffic analysis, as summarized in **Table 6**.

5.13.21




*Project Area*

*Development Site*

*Museum Site*

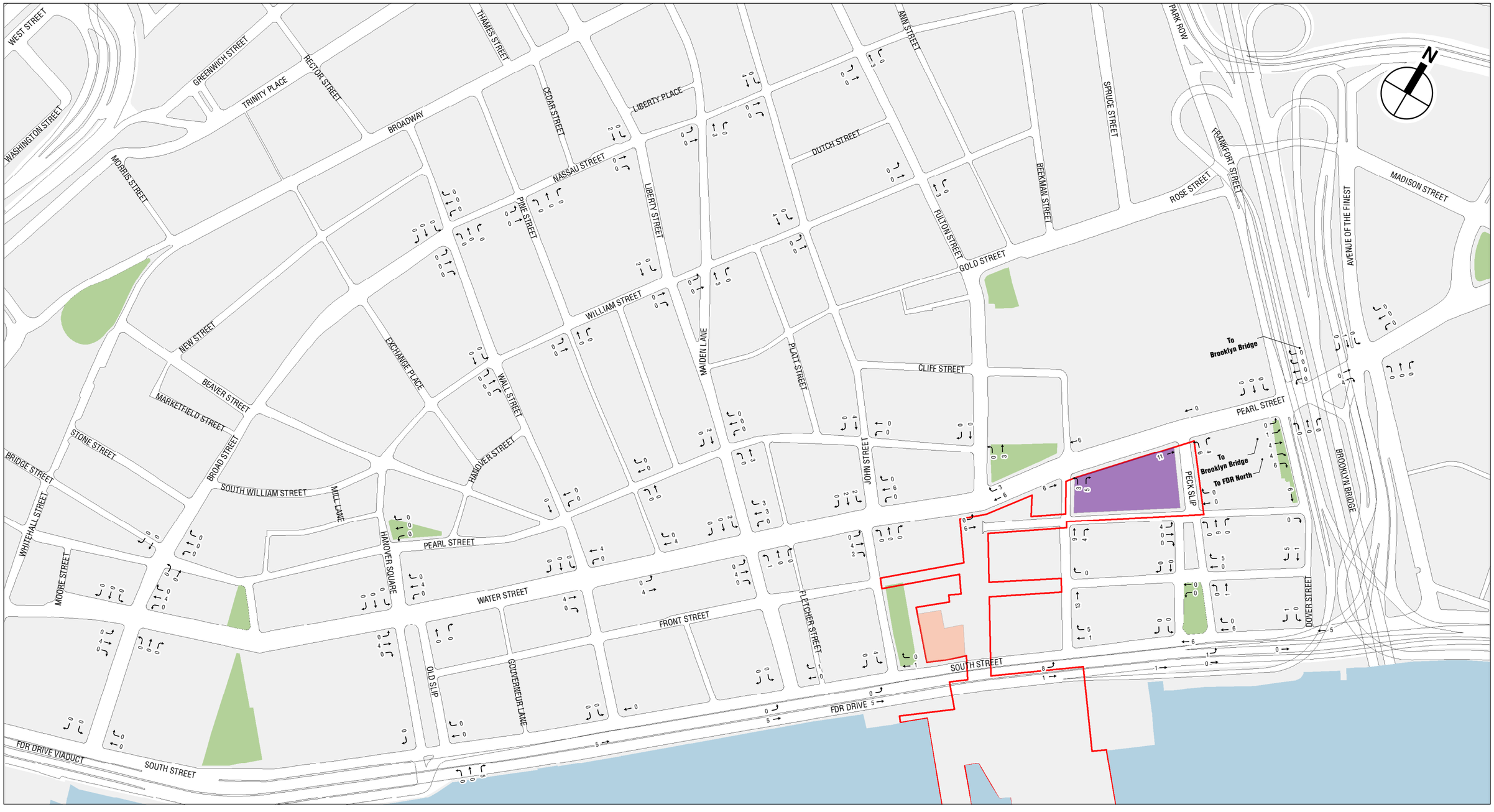
0 1,000 FEET

No Action Project Generated Vehicle Trips
Weekday AM Peak Hour

**250 WATER STREET**

**Figure 1**

5.13.21




*Project Area*

*Development Site*

*Museum Site*

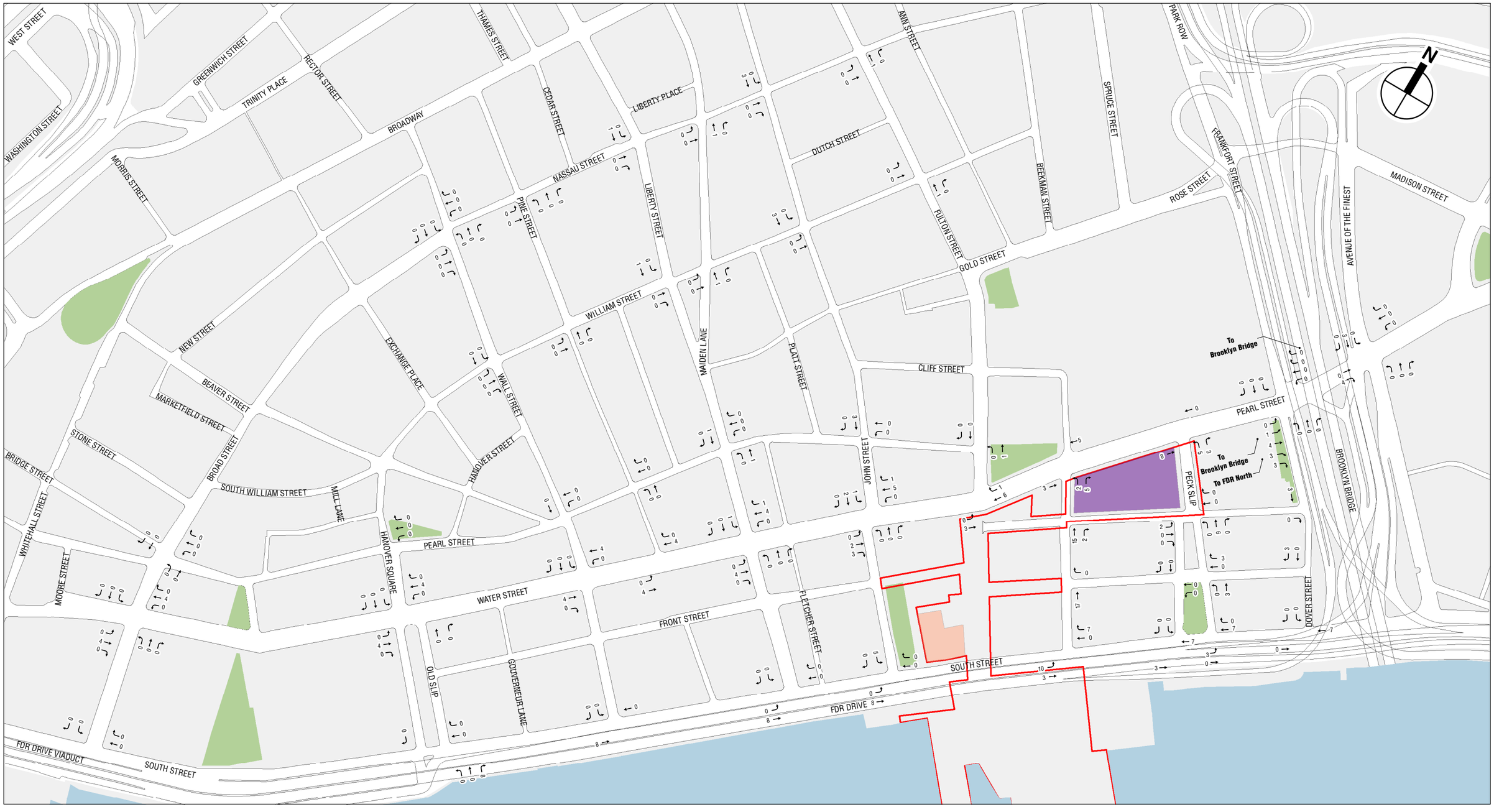
0 1,000 FEET

No Action Project Generated Vehicle Trips
Weekday Midday Peak Hour

**250 WATER STREET**

**Figure 2**

5.13.21




*Project Area*

*Development Site*

*Museum Site*

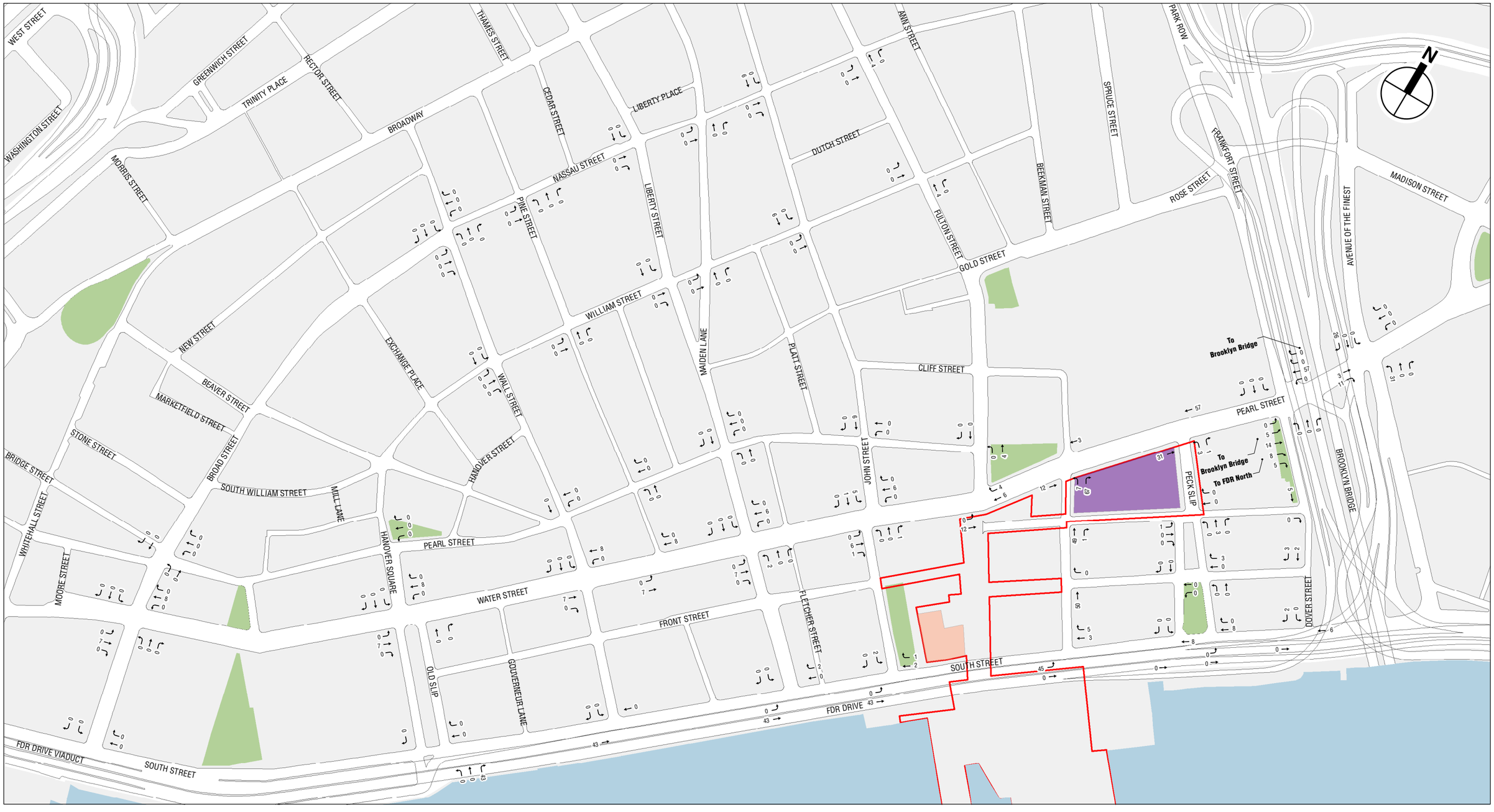
0 1,000 FEET

No Action Project Generated Vehicle Trips
Weekday PM Peak Hour

**250 WATER STREET**

**Figure 3**

5.13.21




*Project Area*

*Development Site*

*Museum Site*

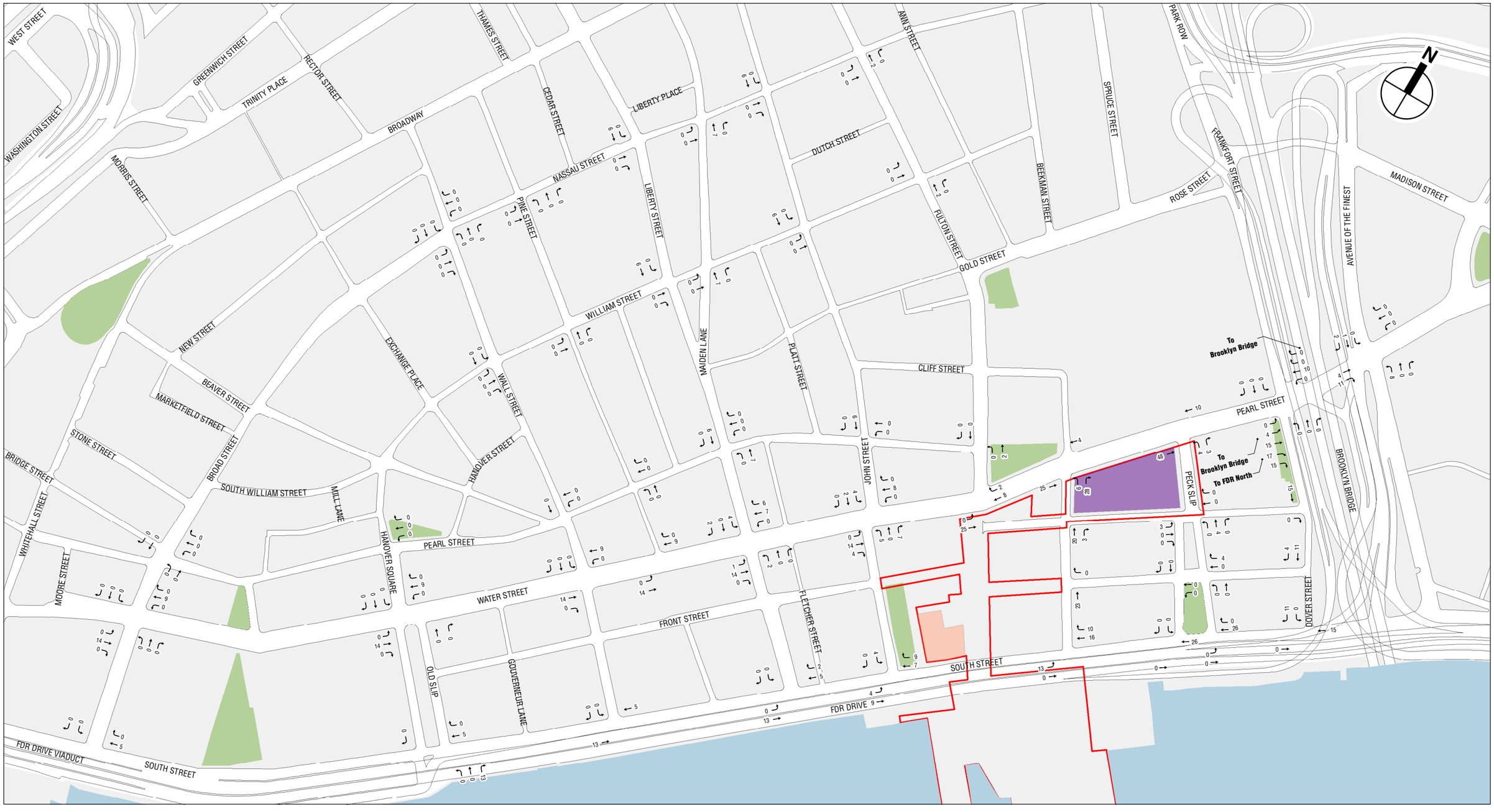
0 1,000 FEET

With Action Project Generated Vehicle Trips
Weekday AM Peak Hour

**250 WATER STREET**

**Figure 4**

5.13.21




*Project Area*

*Development Site*

*Museum Site*

0 1,000 FEET

With Action Project Generated Vehicle Trips
Weekday Midday Peak Hour

**250 WATER STREET**

**Figure 5**

5.13.21

*Project Area*

*Development Site*

*Museum Site*

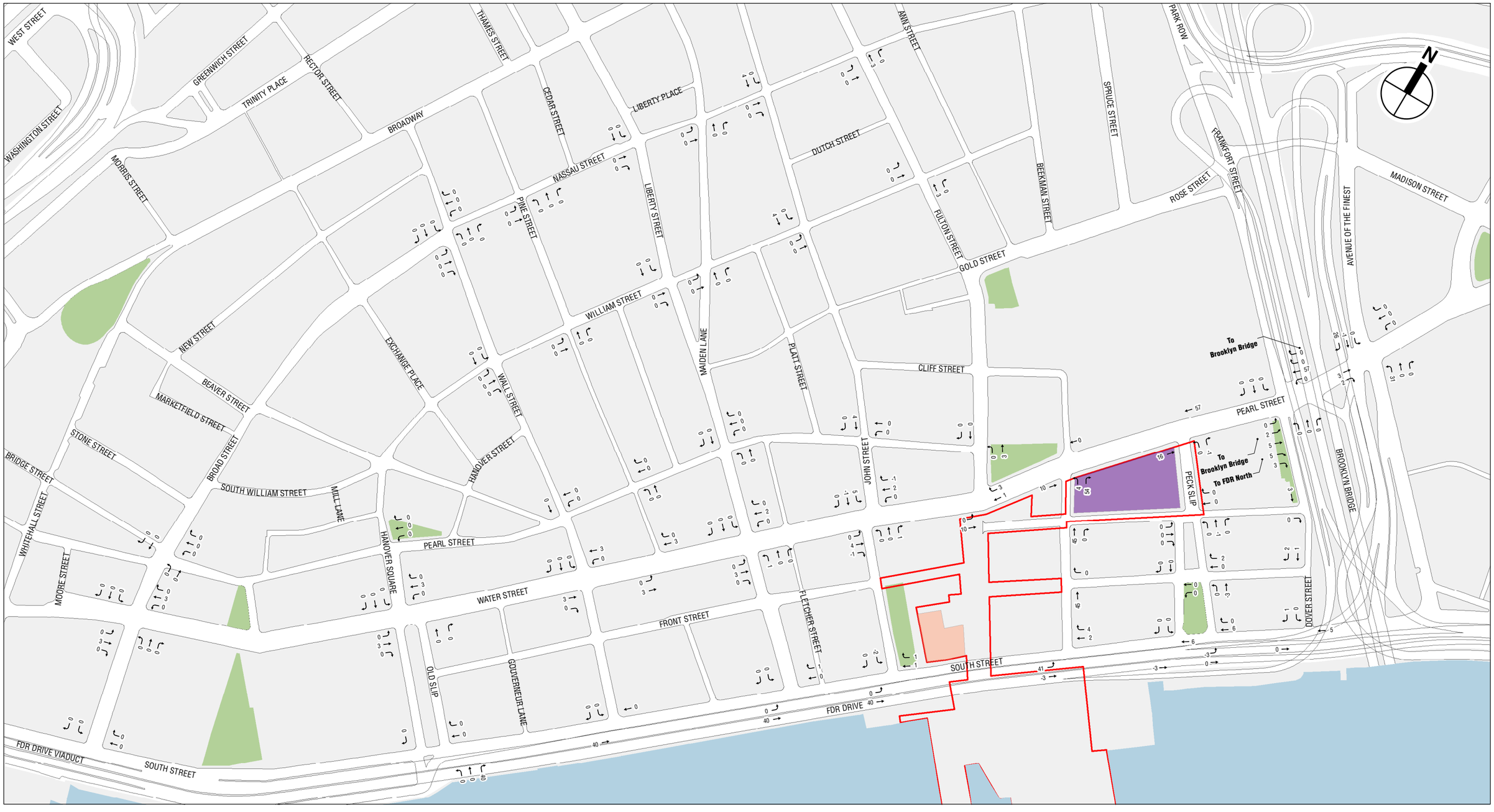
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With Action Project Generated Vehicle Trips
Weekday PM Peak Hour

**250 WATER STREET**

**Figure 6**

5.13.21




*Project Area*

*Development Site*

*Museum Site*

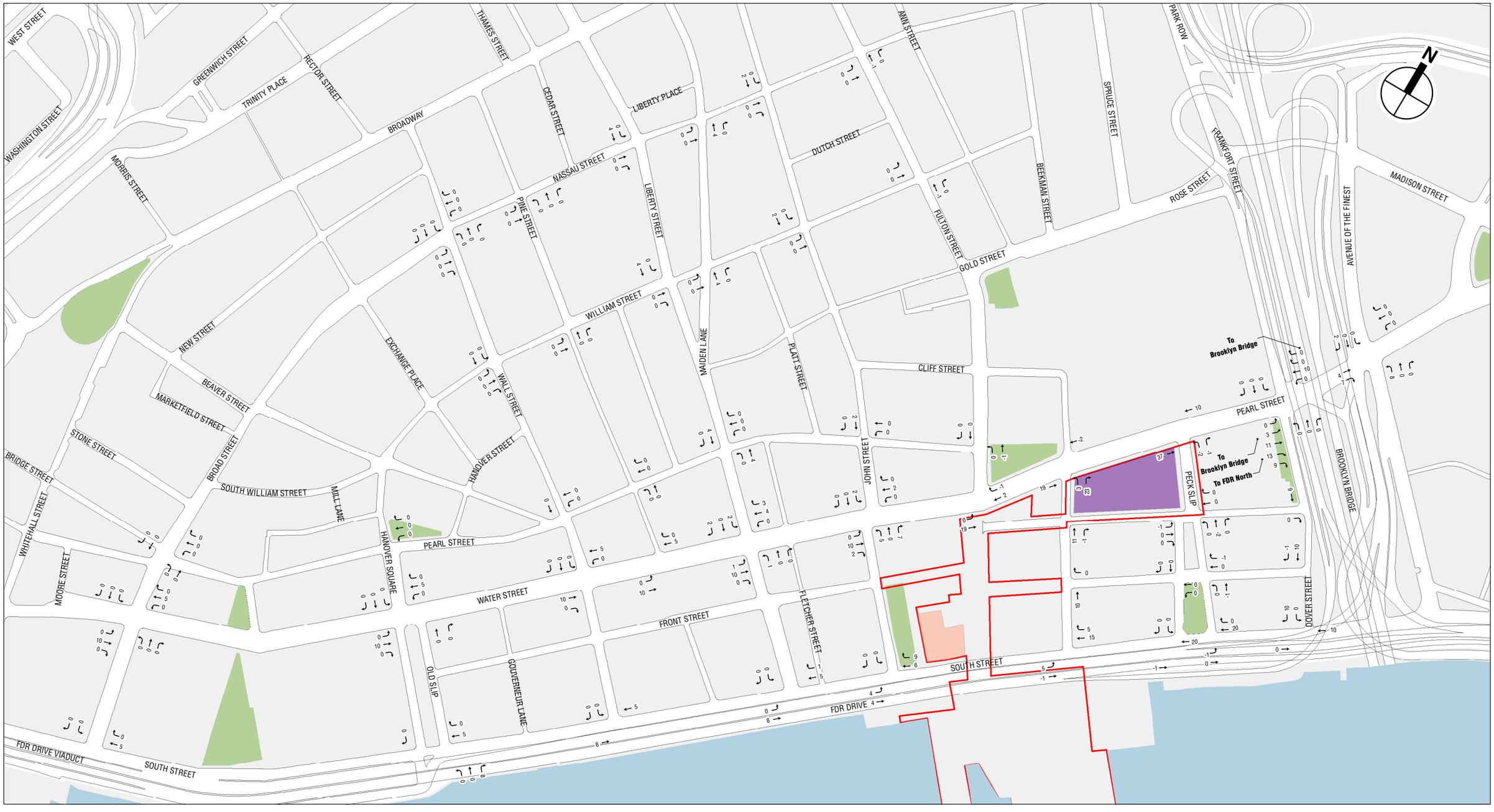
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With Action Incremental Vehicle Trips
Weekday AM Peak Hour

**250 WATER STREET**

**Figure 7**

5.13.21




*Project Area*

*Development Site*

*Museum Site*

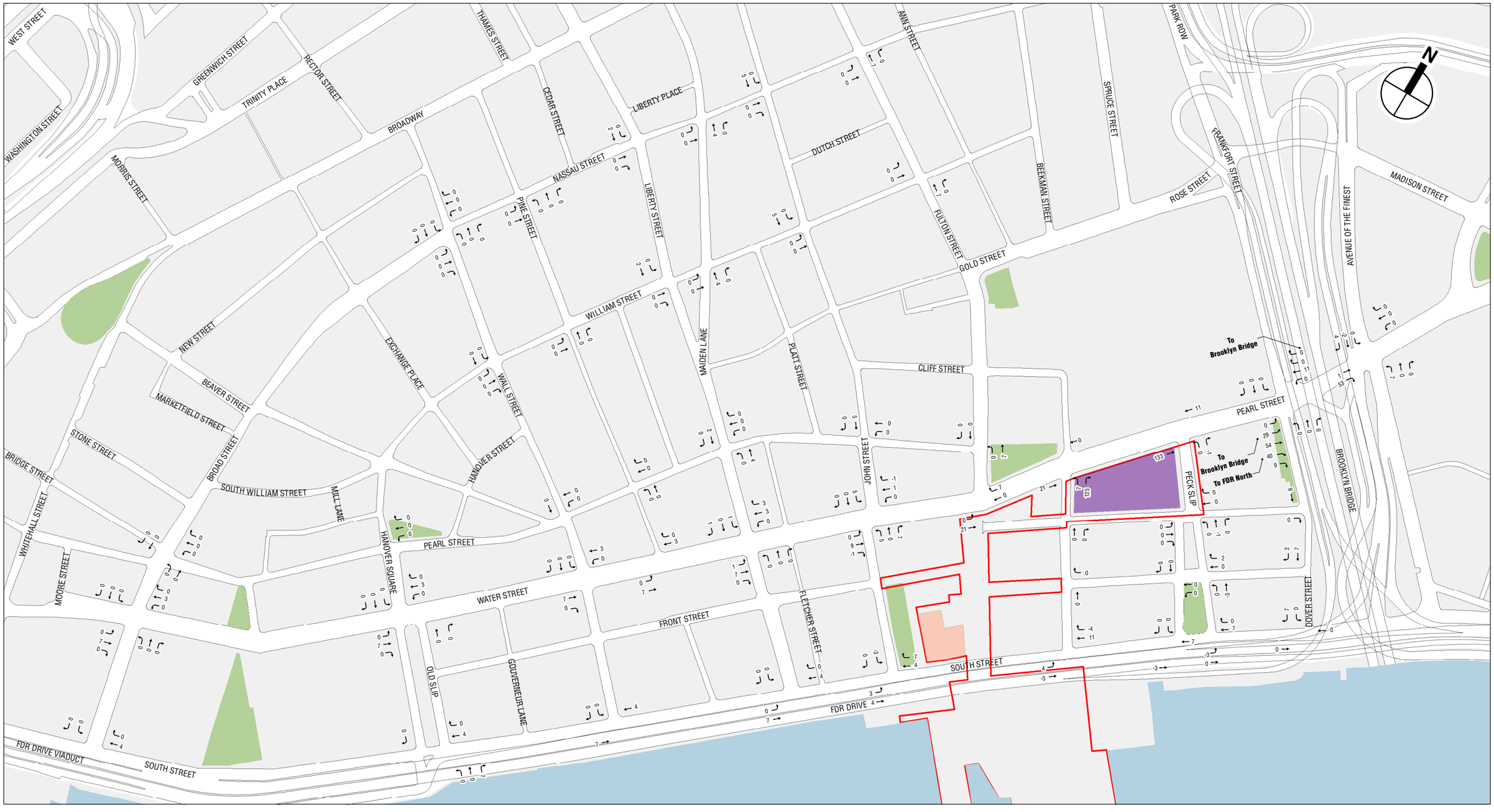
0 1,000 FEET

With Action Incremental Vehicle Trips
Weekday Midday Peak Hour

**250 WATER STREET**

**Figure 8**

5.13.21




*Project Area*

*Development Site*

*Museum Site*

0 1,000 FEET

With Action Incremental Vehicle Trips
Weekday PM Peak Hour

**250 WATER STREET**

**Figure 9**

**Table 6**
**Traffic Level 2 Screening Analysis Results**

| Intersection | Incremental Vehicle Trips (Weekday) | | | Selected Analysis Location |
|---|---|---|---|---|
| | AM | MD | PM | |
| Water Street and Broad Street | 6 | 15 | 10 | |
| Water Street and Old Slip | 6 | 15 | 10 | |
| South Street and Old Slip | 40 | 13 | 11 | |
| Water Street and Wall Street | 6 | 15 | 10 | |
| South Street and Wall Street | 40 | 13 | 11 | |
| Water Street and Pine Street | 6 | 15 | 10 | |
| Maiden Slip and Pearl Street | 0 | 8 | 6 | |
| Water Street and Maiden Lane | 6 | 23 | 16 | |
| South Street and Maiden Lane | 41 | 14 | 11 | |
| Water Street and John Street | 9 | 28 | 25 | |
| South Street and John Street | 40 | 23 | 15 | |
| Water Street and Fulton Street | 14 | 20 | 28 | |
| Water Street/Pearl Street and Beekman Street | **68** | 43 | **153** | ✓ |
| Beekman Street and Water Street | 45 | 10 | 0 | |
| Beekman Street and Front Street | 45 | 10 | 0 | |
| South Street and Beekman Street | 44 | 24 | 8 | |
| Pearl Street and Peck Slip | **72** | 44 | **143** | ✓ |
| South Street and Peck Slip Southbound | 3 | 19 | 4 | |
| South Street and Peck Slip Northbound | 3 | 19 | 4 | |
| Pearl Street and Frankfort Street/Dover Street | **72** | 46 | **143** | ✓ |
| Pearl Street and Avenue of the Finest | **61** | 21 | **63** | ✓ |
| Water Street and Dover Street | 3 | 9 | 9 | |
| Front Street and Dover Street | 3 | 9 | 9 | |
| South Street and Dover Street | 6 | 20 | 7 | |

**Note:** ✓ Denotes intersections selected for detailed analysis.

*TRANSIT*

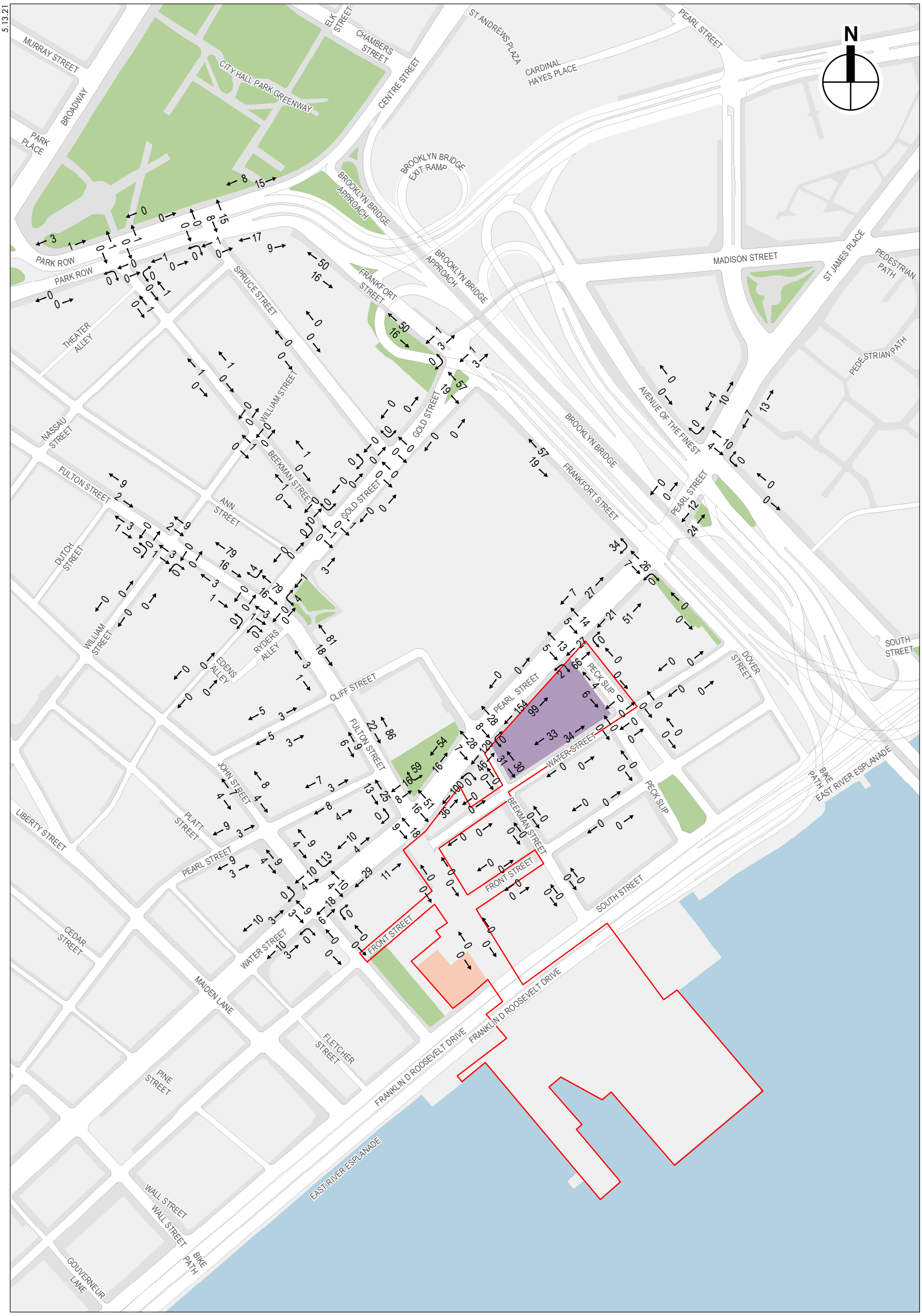
As described above, the Development and Museum Sites are served by four NYCT subway stations: the Fulton Street (No. 2/3 trains) Station, Fulton Street (No. 4/5 trains) Station, Fulton Street (J/Z trains) Station, and Brooklyn Bridge–City Hall (No. 4/5/6 trains) Station. All of these subway lines operate in the north-south direction in the vicinity of the two sites. The A and C trains, which operate east-west in the area and cross under the above subway lines, are also accessible via connections to each of the above Fulton Street stations. The assignment of the up to 455 incremental peak hour subway trips is based on current ridership levels per train line, commuter O-D summaries from the census data, and the distances between the nearest entrances to each station and the Development and Museum Sites. Correspondingly, the subway trips were assigned in the following manner: 42 percent to the Fulton Street (No. 2/3 trains) Station, 17 percent to the Fulton Street (No. 4/5 trains) Station, 17 percent to the Fulton Street (J/Z trains) Station, and 24 percent to the Brooklyn Bridge-City Hall (No. 4/5/6 trains) Station. This distribution pattern would yield no more than 191 incremental peak hour subway trips at any of the nearby subway stations. Since the incremental subway trips per station would not exceed the *CEQR Technical Manual* analysis threshold of 200 or more peak hour trips, a detailed subway analysis is not warranted and the Proposed Project would not result in any significant adverse subway impacts.

*PEDESTRIANS*

Level 2 pedestrian trip assignments were individually developed by peak hour for the No Action and With Action conditions. These trip assignments are shown in **Figures 10 through 15** and discussed below. The With Action peak hour pedestrian increments are presented in **Figures 16 through 18**.

- Auto Trips: Trips made by auto to the Development Site for the No Action and With Action conditions were assigned to the on-site accessory parking garage. Residential trips would connect directly to the mixed-use building without traversing any pedestrian elements, while all other auto trips to the Development Site would walk from the on-site garage to the various frontages along the adjacent

5.13.21




*Project Area*

*Development Site*

*Museum Site*

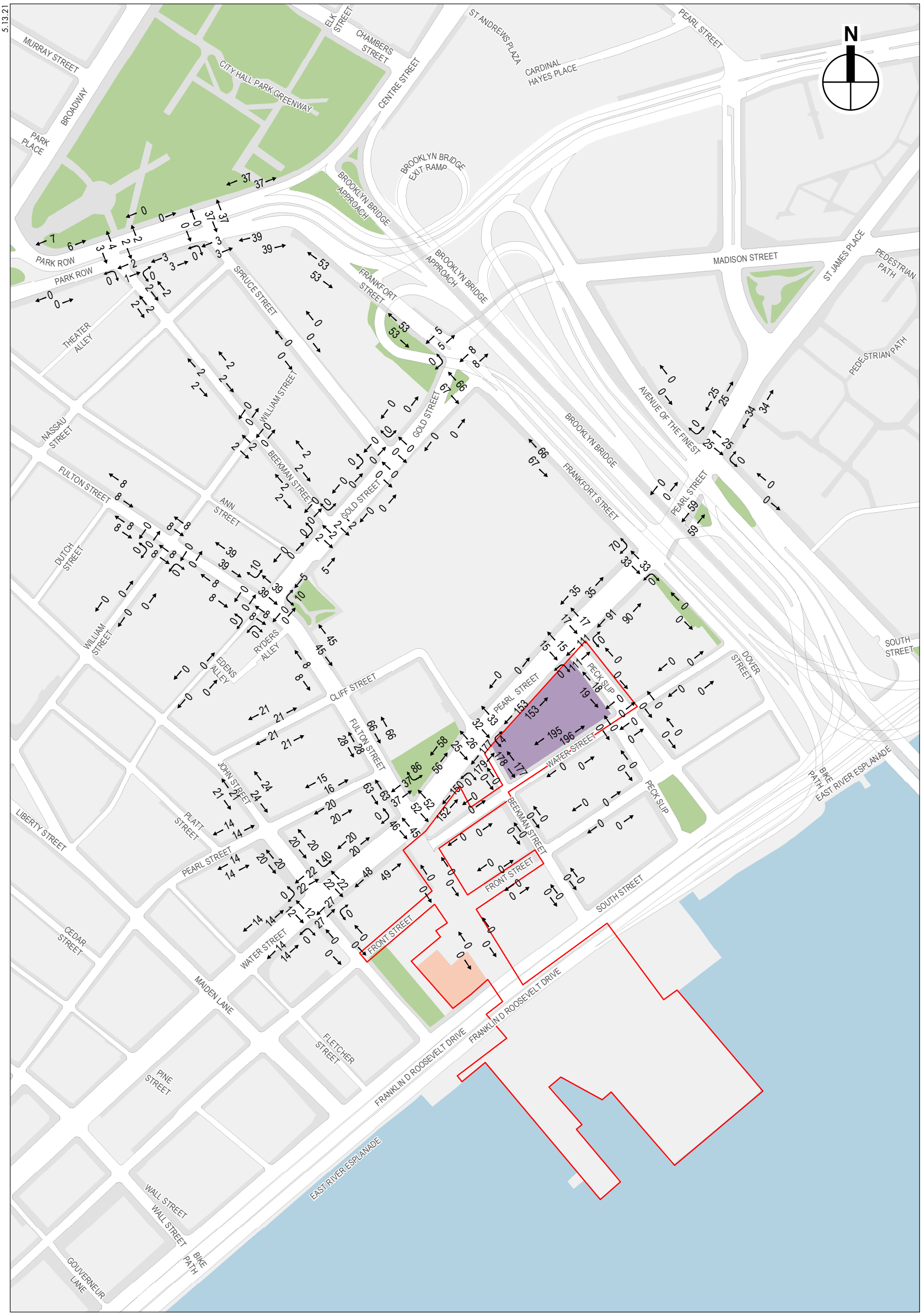
0 400 FEET

No Action Project Generated Pedestrian Trips
Weekday AM Peak Hour

**250 WATER STREET**

**Figure 10**

5.13.21




*Project Area*

*Development Site*

*Museum Site*

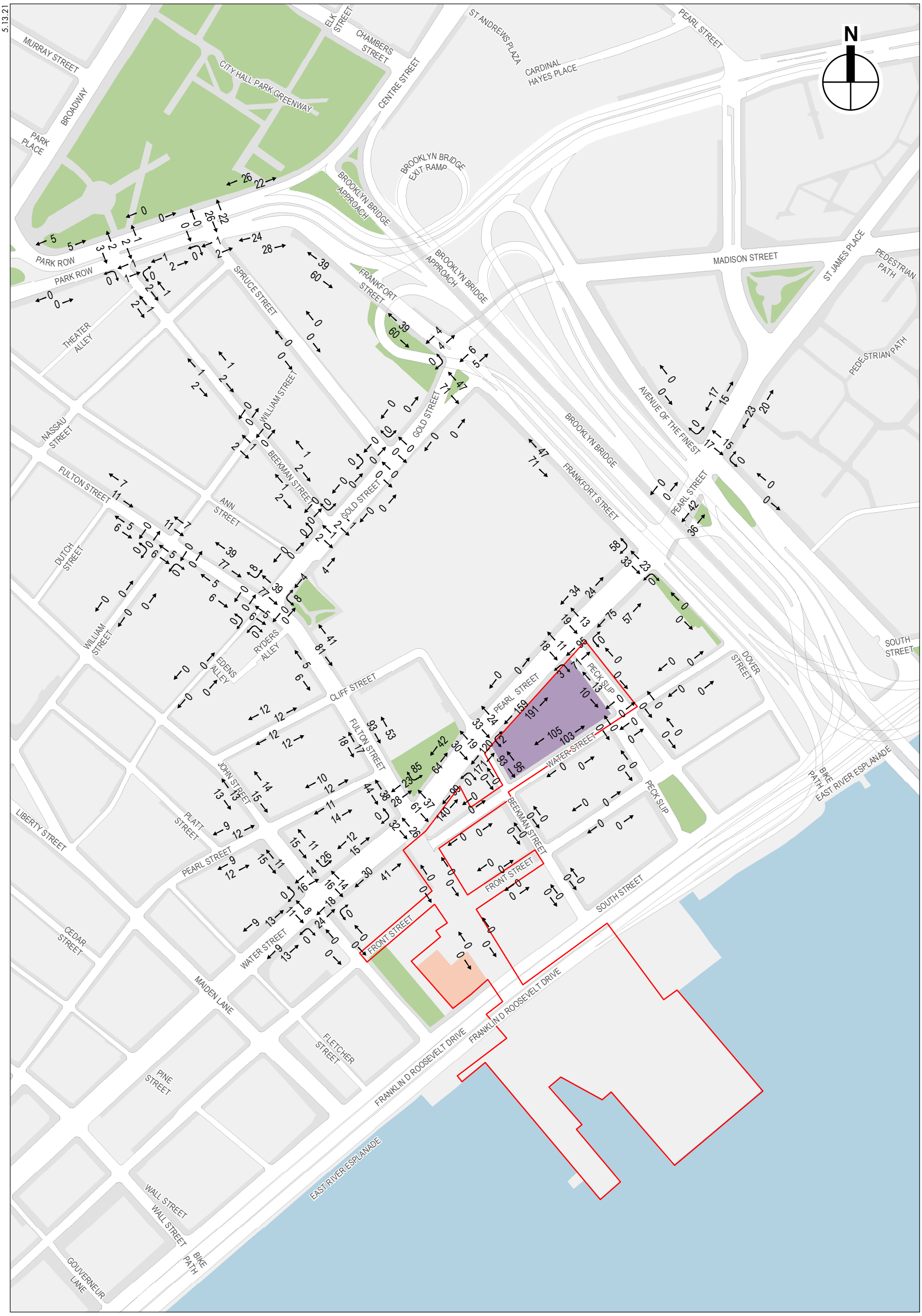
0 400 FEET

No Action Project Generated Pedestrian Trips
Weekday Midday Peak Hour

**250 WATER STREET**

**Figure 11**

5.13.21




*Project Area*

*Development Site*

*Museum Site*

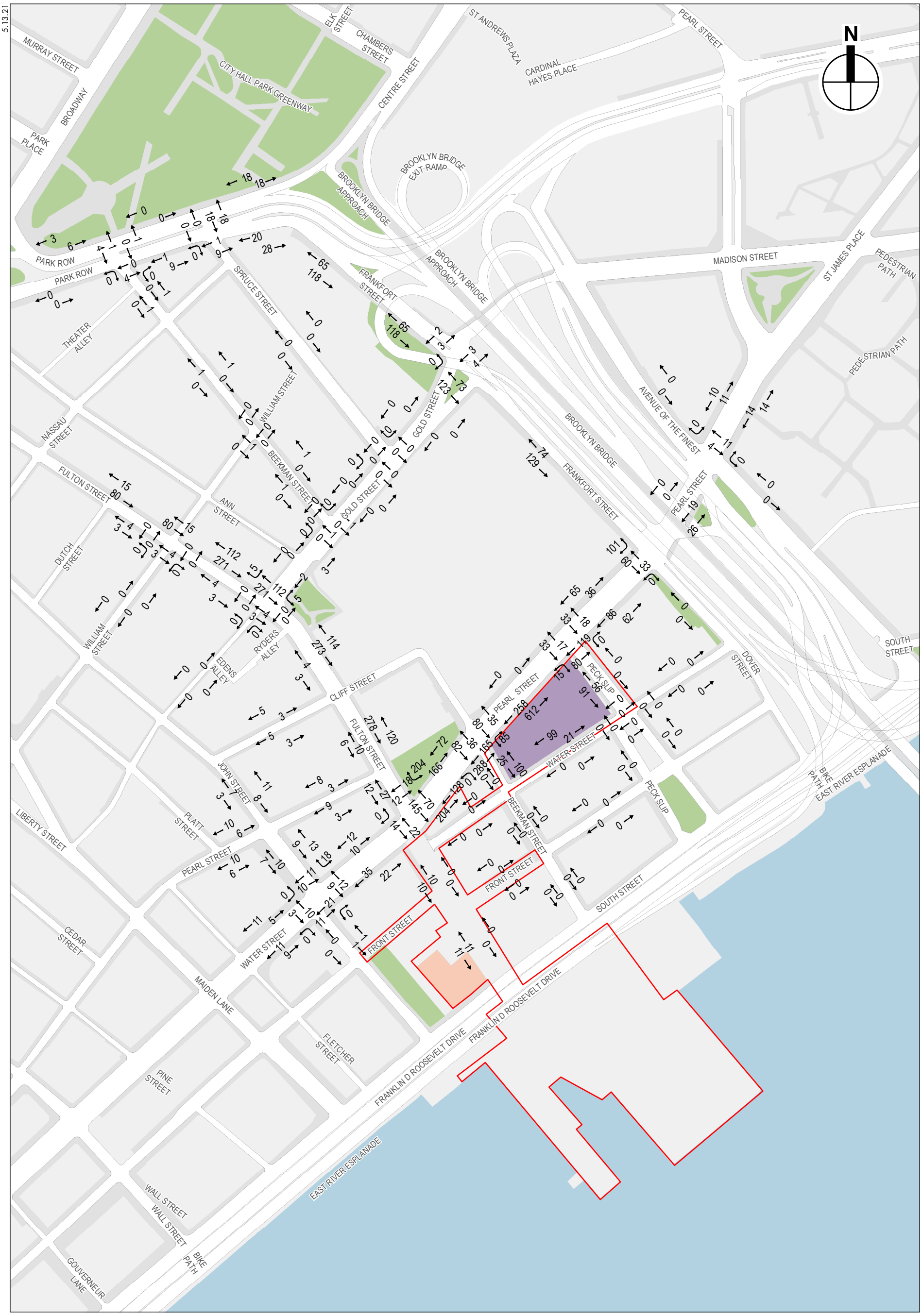
0 400 FEET

No Action Project Generated Pedestrian Trips
Weekday PM Peak Hour

**250 WATER STREET**

**Figure 12**

5.13.21




*Project Area*

*Development Site*

*Museum Site*

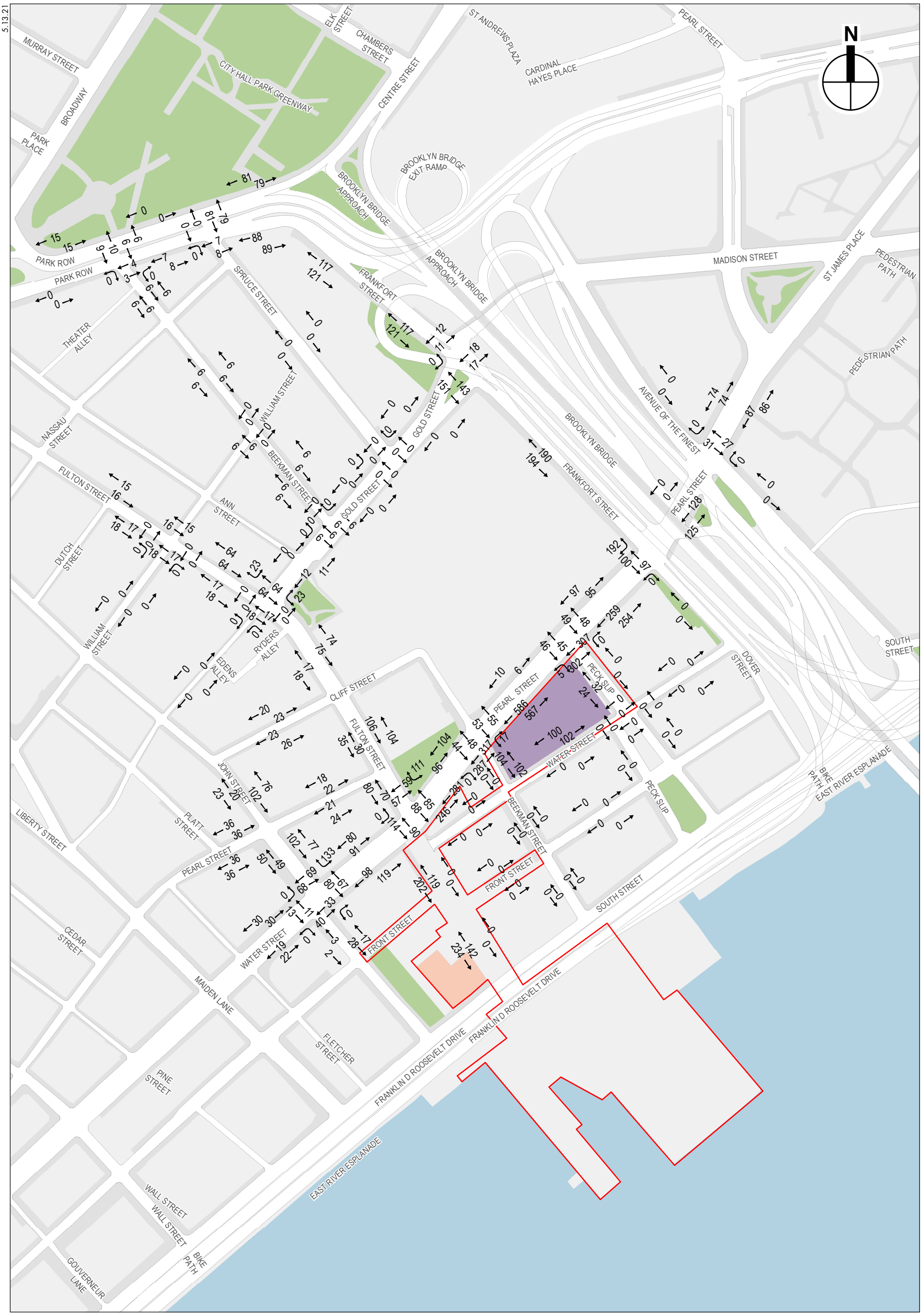
0 400 FEET

With Action Project Generated Pedestrian Trips
Weekday AM Peak Hour

**250 WATER STREET**

**Figure 13**

5.13.21




*Project Area*

*Development Site*

*Museum Site*

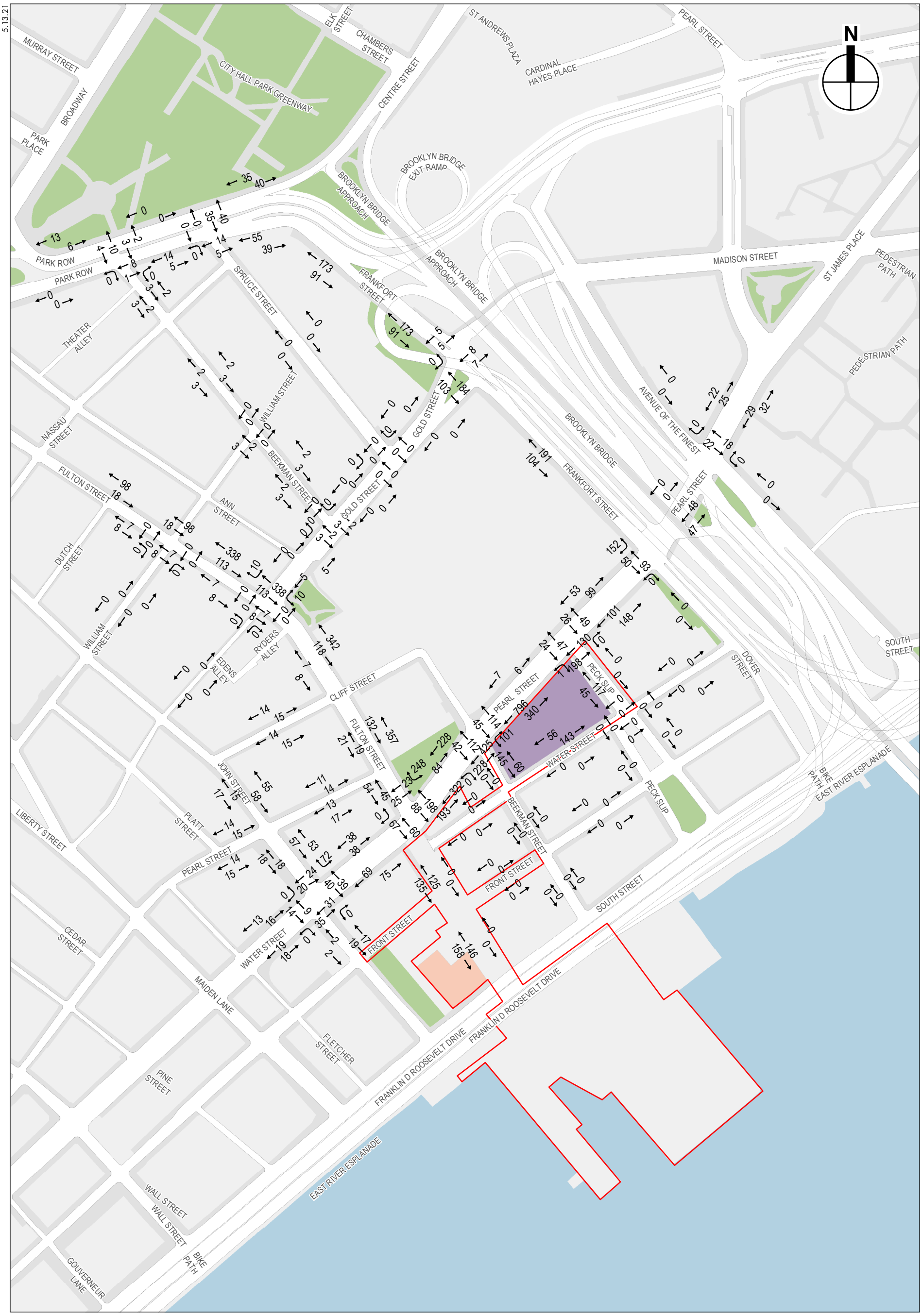
0 400 FEET

With Action Project Generated Pedestrian Trips
Weekday Midday Peak Hour

**250 WATER STREET**

**Figure 14**

5.13.21




*Project Area*

*Development Site*

*Museum Site*

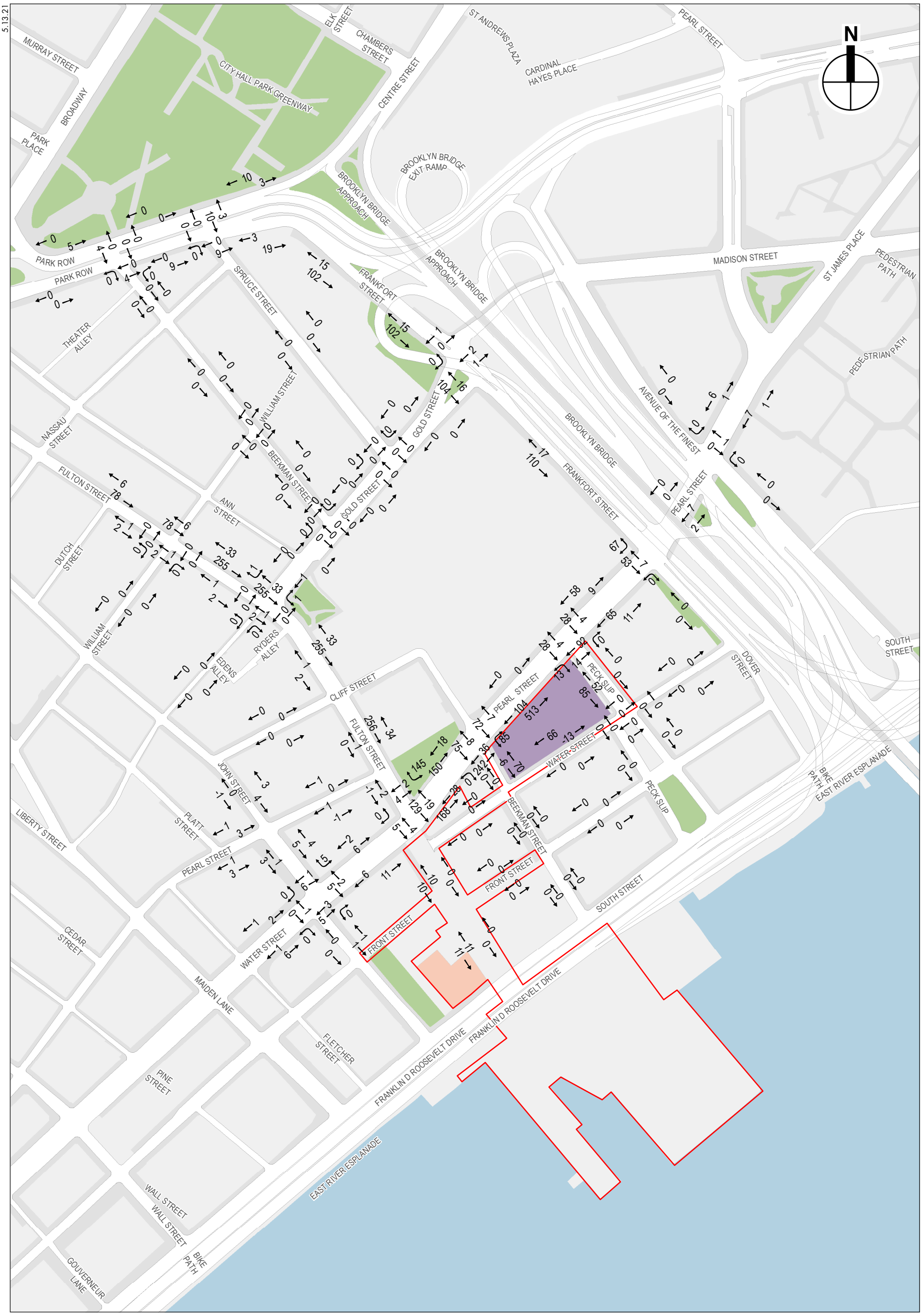
0 400 FEET

With Action Project Generated Pedestrian Trips
Weekday PM Peak Hour

**250 WATER STREET**

**Figure 15**

5.13.21




*Project Area*

*Development Site*

*Museum Site*

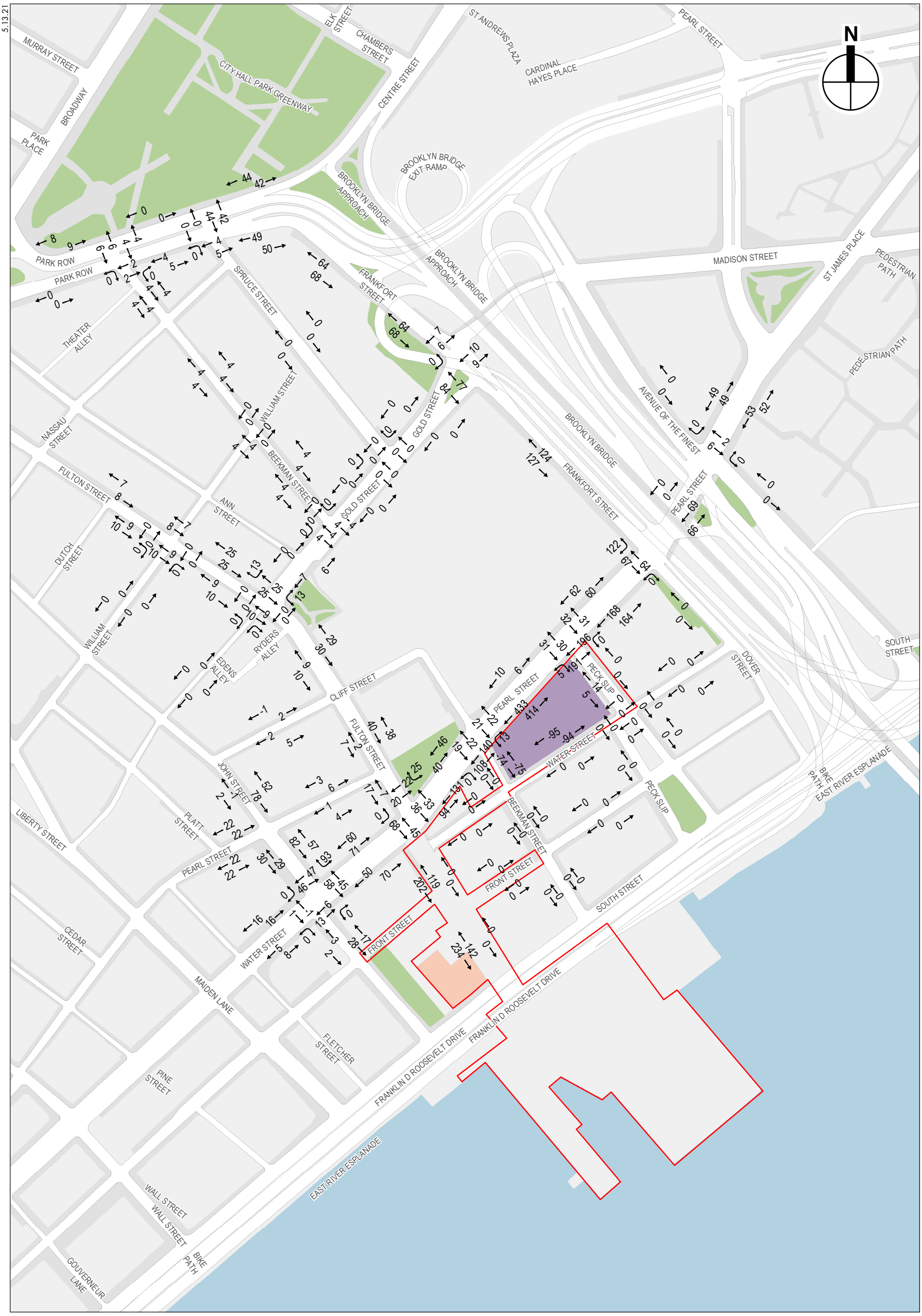
0 400 FEET

With Action Incremental Pedestrian Trips
Weekday AM Peak Hour

**250 WATER STREET**

**Figure 16**

5.13.21




*Project Area*

*Development Site*

*Museum Site*

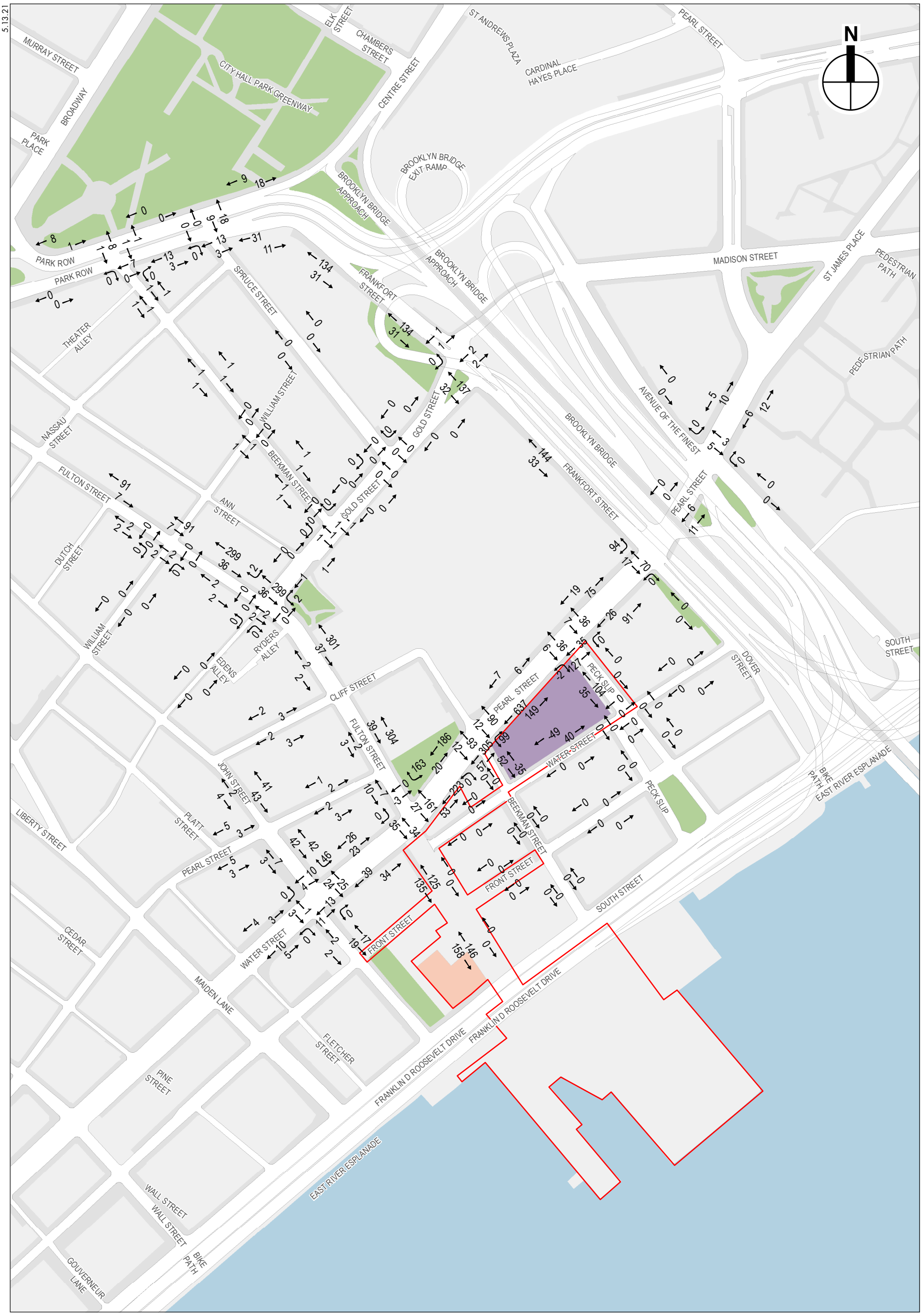
0 400 FEET

With Action Incremental Pedestrian Trips
Weekday Midday Peak Hour

**250 WATER STREET**

**Figure 17**

5.13.21




*Project Area*

*Development Site*

*Museum Site*

0 400 FEET

With Action Incremental Pedestrian Trips
Weekday PM Peak Hour

**250 WATER STREET**

**Figure 18**

sidewalks. For the With Action museum use, trips made by auto were assigned to walk to/from nearby off-street parking facilities via area sidewalks, corners, and crosswalks.

- Taxi Trips: Trips made by taxis trips were assigned to the Pearl Street, Peck Slip, Beekman Street, and Water Street frontages of the Development Site and to the Fulton Street, South Street, and John Street frontages of the Museum Site.
- City Bus Trips: City bus riders would use buses stopping on Pearl Street, Park Row, and Chambers Street, at bus stops nearest to the Development and Museum Sites.
- Subway Trips: Subway riders assigned to the above subway stations would walk to/from the Development and Museum Sites via the shortest paths, which are primarily along Fulton Street and Park Row.
- Walk-Only Trips: Walk-only trips were distributed to the surrounding pedestrian facilities (i.e., sidewalks, corners, and crosswalks) based on population density data, U.S. Census JTW O-D and RJTW O-D data, as well as the land use characteristics of the surrounding neighborhood.

Based on the incremental pedestrian trips illustrated in **Figures 16 through 18**, eight sidewalk segments, 10 corners, and three crosswalks were selected for a detailed pedestrian analysis, as summarized in **Table 7**.

**Table 7**
**Pedestrian Level 2 Screening Analysis Results**

| Pedestrian Elements | Incremental Pedestrian Trips | | | Selected Analysis Location |
|---|---|---|---|---|
| | AM | Midday | PM | |
| **Pearl Street and Robert F. Wagner Sr. Place / Avenue of the Finest** | | | | |
| North crosswalk | 1 | 8 | 8 | |
| East crosswalk | 9 | 135 | 17 | |
| Northeast corner | 10 | 143 | 25 | |
| **Pearl Street and Frankfort Street** | | | | |
| East crosswalk | 9 | 135 | 17 | |
| West crosswalk | 0 | 0 | 0 | |
| South crosswalk | 60 | 131 | 87 | |
| Southeast corner | 69 | 266 | 104 | ✓ |
| Southwest corner | 127 | 253 | 181 | ✓ |
| East sidewalk along Pearl Street between Frankfort Street and Peck Slip | 76 | 332 | 117 | ✓ |
| South sidewalk along Frankfort Street between Pearl Street and Gold Street | 127 | 251 | 177 | ✓ |
| **Pearl Street and Peck Slip** | | | | |
| North crosswalk | 32 | 63 | 43 | |
| East crosswalk | 106 | 387 | 162 | ✓ |
| South crosswalk | 32 | 61 | 42 | |
| Northeast corner | 138 | 450 | 205 | ✓ |
| Southeast corner | 151 | 453 | 202 | ✓ |
| South sidewalk along Peck Slip between Pearl Street and Water Street | 137 | 19 | 139 | |
| East sidewalk along Pearl Street between Peck Slip and Beekman Street | 617 | 847 | 786 | ✓ |
| **Pearl Street and Beekman Street** | | | | |
| North crosswalk | 79 | 43 | 102 | |
| East crosswalk | 278 | 248 | 362 | ✓ |
| South crosswalk | 83 | 41 | 105 | |
| Northeast corner | 442 | 304 | 563 | ✓ |
| Southeast corner | 361 | 289 | 467 | ✓ |
| North sidewalk along Beekman Street between Pearl Street and Water Street | 64 | -149 | 17 | |
| East sidewalk along Pearl Street between Beekman Street and Fulton Street | 196 | 225 | 276 | ✓ |
| West sidewalk along Pearl Street between Beekman Street and Fulton Street | 168 | 86 | 206 | ✓ |
| **Fulton Street and William Street** | | | | |
| North sidewalk along Fulton Street between William Street and Gold Street | 288 | 50 | 335 | ✓ |
| **Fulton Street and Gold Street** | | | | |
| North crosswalk | 288 | 50 | 335 | ✓ |
| East crosswalk | 0 | 0 | 0 | |
| West crosswalk | 0 | 0 | 0 | |
| Northeast corner | 289 | 63 | 337 | ✓ |
| Northwest corner | 289 | 63 | 337 | ✓ |
| North sidewalk along Fulton Street between Gold Street and Cliff Street | 288 | 59 | 338 | ✓ |
| **Fulton Street and Cliff Street** | | | | |
| North sidewalk along Fulton Street between Cliff Street and Pearl Street | 290 | 78 | 343 | ✓ |
| **Pearl Street / Water Street and Fulton Street** | | | | |
| North Crosswalk | 148 | 69 | 188 | |
| South Crosswalk | 9 | 113 | 69 | |
| West Crosswalk | 6 | 42 | -3 | |
| Northwest Corner | 299 | 136 | 348 | ✓ |
| Southwest Corner | 15 | 155 | 66 | |
| **Water Street and John Street** | | | | |
| North crosswalk | 7 | 103 | 49 | |
| West crosswalk | 7 | 93 | 14 | |
| Northwest corner | 19 | 289 | 109 | ✓ |

**Note**: ✓ denotes pedestrian elements selected for detailed analysis.

✷

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# Memorandum

| | |
|---|---|
| **To:** | New York City Department of City Planning |
| **From:** | Sheveta Sharma (AKRF, Inc.) |
| **Date:** | REVISED May 13, 2021 |
| **Re:** | 250 Water Street |
| **Cc:** | Henry Kearney, Owen DiMarzo, Charlie Fields (AKRF) |

The purpose of this memorandum is to describe the air quality analysis approach for the 250 Water Street Environmental Impact Statement (EIS). The project involves development at the Development Site, 250 Water Street (Block 98, Lot 1) and the Museum Site at 91-93 South Street, 2-4 Fulton Street, 167-171 John Street, and the corner of South Street and John Street/Burling Slip (a portion of Block 74, Lot 1) in the South Street Seaport neighborhood of Manhattan, Community District 1. The Proposed Actions would facilitate the Proposed Project, new construction at the Development Site located at 250 Water Street in the South Street Seaport neighborhood of Manhattan, Community District 1. The Proposed Project would also include the restoration, reopening, and potential expansion of the South Street Seaport Museum (the Museum). The Proposed Project would additionally include operational changes to facilitate passenger drop off on the Pier 17 access drive, and may include streetscape, open space, or other improvements (e.g., planters) under the Proposed Actions within the Project Area.

The Proposed Actions would result in the development of an up to 680,500-gsf mixed use building on the Development Site, including 394 dwelling units (DUs), up to 99 of which would be affordable), 267,747 gsf of office uses, 13,353 gsf of retail uses, 5,000 gsf of community facility uses, and 108 parking spaces in an underground garage. This represents an incremental (net) increase compared to No-Action conditions of approximately 92 DUs (up to 99 affordable DUs), 267,747 gsf of office uses, approximately 63 parking spaces, and a net decrease of 6,377 of retail space. The new development would consist of a full-block base with mixed-uses up to approximately 105 feet tall on which a tower would be set, which would reach a total height of up to approximately 395 feet. The Proposed Project also include restoration, reopening, and potential development of a seven-story (approximately 62-foot tall), 32,383-gsf expansion to the existing South Street Seaport Museum on the Museum Site. Construction of the Proposed Project is expected to be complete by 2026, including the potential expansion of the South Street Seaport Museum.

This memorandum presents a summary of the methodology and assumptions to be used for the both the mobile and stationary source air quality analyses of the Proposed Actions.

## MOBILE SOURCE ANALYSIS

*INTERSECTION SELECTION*

The mobile source analysis will evaluate the Proposed Actions for potential impacts from carbon monoxide (CO), and fine particulate matter less than 10 microns in diameter ($PM_{10}$) and less than 2.5 microns in diameter ($PM_{2.5}$) due to vehicular traffic anticipated to be generated by the Proposed Actions. The CO threshold is 170 vehicles in a peak hour at an intersection. For $PM_{10}$ and $PM_{2.5}$, the screening procedure outlined in the 2020 *CEQR Technical Manual* is based on determining whether the projected number of vehicle trips at an intersection exceeds thresholds based on heavy-duty diesel vehicle (HDDV) equivalents. The thresholds are as follows:

- 12 or more HDDV for paved roads with average daily traffic fewer than 5,000 vehicles;
- 19 or more HDDV for collector roads;
- 23 or more HDDV for principal and minor arterials; or
- 23 or more HDDV for expressways and limited access roads.

To determine whether any of these thresholds are exceeded, the worksheet referenced in Section 210 of the *CEQR Technical Manual* will be utilized to calculate the equivalent number of HDDV equivalents at intersections in the traffic study area. The worksheet uses vehicle classification information based on the traffic data collected for the project, and assigns these classifications to vehicle categories using a table referenced in the *CEQR Technical Manual*[1]. Roadway classifications will be determined by corridor at each intersection, based on NYCDOT functional class criteria and With-Action traffic volumes.

If any intersection is determined to exceed the CO and/or PM mobile source screening thresholds, it will be considered for detailed analysis. Selection of specific intersections for detailed analysis will depend on the baseline and No-Action traffic conditions along with the vehicular trip generation and distribution under the Proposed Actions. The overall worst-case intersection for CO and/or PM will be determined, which will then be submitted for review and approval to DCP, along with supporting information.

*DISPERSION MODELING*

Potential impacts from the Proposed Project's mobile sources would be predicted using the American Meteorological Society/EPA Regulated Model (AERMOD) Version 19191[2]. AERMOD is a state-of-the-art dispersion model, applicable to rural and urban areas, flat and complex terrain, surface and elevated releases, and multiple sources (including point, area, and volume sources). AERMOD is a steady-state plume model that incorporates current concepts about flow and dispersion in complex terrain, including updated treatments of the boundary layer theory, understanding of turbulence and dispersion, and includes handling of terrain interactions. AERMOD has been a recommended model for transportation air quality analyses for several years, and EPA mandated its use for transportation conformity purposes after a three-year transition period.[3]

The modeling analysis would be performed using an area source representation of emission sources in order to simulate traffic-related air pollutant dispersion.[4] In addition, the weighted average release height and initial vertical source parameters would be calculated for each modeled roadway.

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[1] MOBILE6 Input Data Format Reference Tables, August 14, 2003.

[2] EPA. *User's Guide for the AMS/EPA Regulatory Model (AERMOD)*. Office of Air Quality Planning and Standards. EPA-454/B-19-027. Research Triangle Park, North Carolina. August 2019.

[3] EPA. Revisions to the Guideline on Air Quality Models: Final rule. Federal Register, Vol. 82, No. 10, January 2017.

[4] EPA. *Project-Level Conformity and Hot-Spot Analyses*, available at: https://www.epa.gov/state-and-local-transportation/project-level-conformity-and-hot-spot-analyses#pmguidance

For the CO (eight-hour) and $PM_{2.5}$ and $PM_{10}$ analyses, 24-hour traffic volumes will be estimated using peak hour volumes as a baseline to determine volumes throughout the day. Off-peak traffic volumes will be determined by adjusting the peak period volumes by the 24-hour distributions from available data at appropriate locations.

*METEOROLOGY*

The AERMOD model includes the modeling of hourly concentrations based on hourly traffic data and five years of monitored hourly meteorological data. The meteorological data are provided by the New York State Department of Environmental Conservation (NYSDEC) and consist of surface data collected at LaGuardia Airport and upper air data collected at Brookhaven, New York for the period 2016–2020. The meteorological data provide hour-by-hour wind speeds and directions, stability states, and temperature inversion elevation over the five-year period. These data are processed using the EPA AERMET program to develop data in a format which can be readily processed by the AERMOD model. The land uses around the site where meteorological surface data were available will be classified using categories defined in digital United States Geological Survey (USGS) maps. All hours would be modeled, and the highest resulting concentration for each averaging period will be presented.

*ANALYSIS YEAR*

The microscale analyses would be performed for 2026, the year by which the Proposed Project is likely to be completed. The future analysis would be performed both without the Proposed Project (the No-Action condition) and with the Proposed Project (the With-Action condition).

*BACKGROUND CONCENTRATIONS*

The background concentrations that would be used in the mobile source analysis are concentrations recorded at a monitoring station representative of the county or from the nearest available monitoring station and in the statistical format of the National Ambient Air Quality Standards (NAAQS), as provided in the *CEQR Technical Manual*. These represent the most recent three-year average for 24-hour average $PM_{2.5}$ and $PM_{10}$, and the highest of the second-high value from the three most recent years of data available for CO. The background concentrations are presented in **Table 1**.

**Table 1**
**Maximum Background Pollutant Concentrations for Mobile Source Analysis**

| Pollutant | Average Period | Location | Concentration | NAAQS |
|---|---|---|---|---|
| CO | 1-hour | Queens College | 2.5 ppm | 35 ppm |
| | 8-hour | Queens College | 1.2 ppm | 9 ppm |
| $PM_{10}$ | 24-hour | Division Street | 39.3 µg/m3 | 150 µg/m3 |
| $PM_{2.5}$ | 24-hour | Division Street | 19.6 µg/m3 | 35 µg/m3 |
| **Source:** New York State Air Quality Report Ambient Air Monitoring System, NYSDEC, 2017-2019. | | | | |

*RECEPTOR PLACEMENT*

Multiple receptors (i.e., precise locations at which concentrations are predicted) would be modeled at the selected site; receptors will be placed along the approach and departure links at a 25 foot interval out to 200 feet in each direction. Ground-level receptors would be placed at sidewalk or roadside locations near intersections with continuous public access, at a pedestrian height of 1.8 meters. Based on the New York City Department of Environmental Protection (DEP) guidance for neighborhood-scale corridor $PM_{2.5}$ modeling, receptors in that analysis would be placed at a distance of 15 meters, from the nearest moving lane at each analysis location.

*EMISSION FACTORS*

Vehicular cruise and idle CO and PM emission factors to be utilized in the dispersion modeling would be computed using EPA's mobile source emissions model, Motor Vehicle Emission Simulator, or MOVES.[5] This emissions model is capable of calculating engine emission factors for various vehicle types, based on the fuel type (gasoline, diesel, or natural gas), meteorological conditions, vehicle speeds, vehicle age, roadway types, number of starts per day, engine soak time, and various other factors that influence emissions, such as inspection maintenance programs. Project specific traffic data obtained through field studies as well as county-specific hourly temperature and relative humidity data obtained from NYSDEC will be used.

To account for the suspension of fugitive road dust in air from vehicular traffic in the local microscale analysis, $PM_{2.5}$ emission rates will include fugitive road dust. However, since the DEP considers fugitive road dust to have an insignificant contribution on a neighborhood scale, fugitive road dust will not be included in the neighborhood scale $PM_{2.5}$ microscale analyses. Road dust emission factors will be calculated according to the latest procedure delineated by EPA[6] and the *CEQR Technical Manual*.

If maximum predicted $PM_{2.5}$ concentrations result in a potential impact, refinements to the analysis would be implemented. Seasonal and off-peak emission factors can be prepared using additional runs of the MOVES model to capture the effect of temperature differences as well as changing vehicular classification mixes in off peak hours. If further refinements are necessary, the potential for additional and/or more detailed traffic data to be used within the air quality analysis, or the use of traffic mitigation measures, will be discussed with DCP.

*PARKING GARAGE ANALYSIS*

The Proposed Project would include up to 108 accessory parking spaces. Therefore, an analysis of CO and PM emissions will be performed for the parking facility. The analysis will use the procedures outlined in the *CEQR Technical Manual* for assessing potential impacts from parking facilities. The analysis will consider potential impacts to sensitive receptors on the Proposed Project. Cumulative impacts from on-street sources and emissions from the parking facility will be calculated.

*ANALYSIS OF ELEVATED FDR DRIVE*

The renovation, reopening, and potential expansion of the museum would also introduce sensitive uses within 200 feet of the elevated section of the FDR Drive. The effect of this existing roadway will therefore be analyzed, as recommended in the *CEQR Technical Manual*.

Emission factors for CO and PM ($PM_{2.5}$ is the relevant pollutant for this analysis) will be estimated using estimated speeds and volumes obtained from existing studies along the highway. Annual background growth rates consistent with guidance in the *CEQR Technical Manual* will be used to project traffic volumes for the analysis year. Receptors will be placed at various locations on the potential museum expansion adjacent to the FDR Drive to predict concentrations from vehicles.

*EVALUATION OF IMPACTS*

Future pollutant levels with the Proposed Project will be compared with the CO NAAQS and the City's CO and PM *de minimis* criteria to determine the potential impacts of the Proposed Project.

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[5] EPA, MOVES Model, User Guide for MOVES2014b, December 2015.

[6] EPA, Compilations of Air Pollutant Emission Factors AP-42, Fifth Edition, Volume I: Stationary Point and Area Sources, Ch. 13.2.1, NC, http://www.epa.gov/ttn/chief/ap42, January 2011.

## STATIONARY SOURCES

*HEAT AND HOT WATER SYSTEMS*

*Initial Screening Analysis*

The analysis of fossil fuel-fired heat and hot water systems of the Proposed Project will consider impacts following the screening procedures outlined in the 2020 *CEQR Technical Manual* to determine the potential for impacts on existing developments. It is expected that the Proposed Project would contain a tower with a building height of approximately 332 feet under the current illustrative design, and a maximum development envelope of up to approximately 395 feet. In addition, the Proposed Project would also include restoration, reopening, and potentially a 32,383-gsf expansion to the existing South Street Seaport Museum on the museum site.

Initial screening will be undertaken using the methodology described in Chapter 17, Section 322.1 of the *CEQR Technical Manual*. This analysis determines the threshold of development size below which the action would not have a significant adverse impact relative to CO, $PM_{10}$, and annual average $NO_2$ NAAQS levels (see AERSCREEN Analysis below for additional standards). The screening is based on the distance from the development to the nearest building of similar or greater height. The screening procedure uses information regarding the type of fuel to be burned, the development type and maximum size, and the exhaust stack height to evaluate whether or not a significant impact is possible.

Based on the distance from the development to the nearest building of similar or greater height, if the maximum development size is greater than the threshold size in the *CEQR Technical Manual*, then there is the potential for significant air quality impacts and a refined dispersion modeling analysis would be required. Otherwise, the source passes the screening analysis and no further study is required.

*AERSCREEN Analysis*

Potential 1-hour average $NO_2$ and 24-hour and annual average $PM_{2.5}$ impacts from the Proposed Project's heat and hot water system's emissions will be evaluated using the latest version of EPA's AERSCREEN model (version 16216). The AERSCREEN model projects worst-case 1-hour average concentrations downwind from a point, area, or volume source, and longer-period averages are estimated by multiplying the 1-hour results by persistence factors established by EPA or provided in the *CEQR Technical Manual*. AERSCREEN generates application-specific worst-case meteorology using representative minimum and maximum ambient air temperatures, and site-specific surface characteristics such as albedo, Bowen ratio, and surface roughness length.[7] The AERSCREEN model will be used to calculate worst-case ambient concentrations of $NO_2$ and $PM_{2.5}$ from the Proposed Project downwind of the stack.

The model incorporates the Plume Rise Model Enhancements (PRIME) downwash algorithm, which is designed to predict concentrations in the "cavity region" (i.e., the area around a structure which under certain conditions may affect an exhaust plume, causing a portion of the plume to become entrained in a recirculation region). AERSCREEN uses the Building Profile Input Program for PRIME (BPIPPRM) to provide a detailed analysis of downwash influences on a direction-specific basis. AERSCREEN also incorporates AERMOD's complex terrain algorithms and utilizes the AERMAP terrain processor to account for the actual terrain in the vicinity of the source on a direction-specific basis.

The AERSCREEN model will be run both with and without the influence of building downwash, using urban diffusion coefficients that were based on a review of land-use maps of the area. Other model options were selected based on EPA guidance.

[7] Albedo is the fraction of the total incident solar radiation reflected by the ground surface. The Bowen ratio is the ratio of the sensible heat flux to the latent (evaporative) heat flux. The surface roughness length is related to the height of obstacles to the wind flow and represents the height at which the mean horizontal wind speed is zero based on a logarithmic profile.

Maximum 1-hour average $NO_2$ concentrations will be estimated using an $NO_2$ to $NO_x$ ratio of 0.8—the recommended default ambient ratio per EPA guidance.[8]

*Emission Estimates and Stack Parameters*

If design information on the proposed heating and hot water equipment and operations is available, it will be used in the AERSCREEN analysis. If design information is not available, the following assumptions will be utilized:

Emission factors: Emissions factors would be obtained from the EPA *Compilation of Air Pollutant Emission Factors, AP-42, Fifth Edition, Volume I: Stationary Point and Area Sources*. $PM_{10}$ and $PM_{2.5}$ emissions would include both the filterable and condensable fractions.

Fuel Usage: Annual fuel consumption rates for the heating and hot water systems of the proposed buildings would be calculated using energy use estimates based on type of development and size of the building as recommended in the *CEQR Technical Manual*. Short-term emissions would be conservatively estimated assuming a 100-day heating season.

Stack Parameters: If design information on the heat and hot water systems' design is not available, it would be assumed that exhaust stacks would be located three feet above roof height (as per the *CEQR Technical Manual*). The exhaust velocity would be calculated based on the exhaust flowrate for the estimated boiler capacity, using the energy use of the proposed buildings and EPA's fuel factors. Assumptions for stack diameter and exhaust temperature for the proposed systems would be obtained from a survey of boiler exhaust data undertaken and provided by DEP.

*Background Concentrations*

To estimate the maximum projected total 1-hour average $NO_2$ concentration at a given receptor, the projected concentration increment from the source would be added to corresponding background concentration of 103.8 $\mu g/m^3$. This background level represents the three-year average (2017–2019) of the annual 98th percentile of the daily-highest 1-hour average $NO_2$ concentrations (this is the statistical form of the standard) monitored at the nearest NYSDEC background monitoring station—Queens College, Queens. Note that the maximum concentration increment would not necessarily coincide with the maximum background levels, and, therefore, this approach results in a conservatively high estimate.

$PM_{2.5}$ impacts are assessed on an incremental basis and compared with the $PM_{2.5}$ *de minimis* criteria. The $PM_{2.5}$ 24-hour average background concentration of 19.6 $\mu g/m^3$ from the Division Street ambient monitoring station will be used to establish the *de minimis* value of 7.7 $\mu g/m^3$ (based on the 98th percentile concentration, averaged over the years 2017–2019).

*Receptor Placement*

Receptors (locations at which concentrations are projected) generally include operable windows in residential or other buildings, air intakes, and publicly accessible open space locations, as applicable. The nearest building of similar or greater height would be modeled as potential receptor.

Project-on-project and project-on-existing and No Build impacts will be determined. If the analysis determines the potential for a significant adverse air quality impact, a refined modeling analysis would be performed.

*Refined Analysis*

If required, a refined air dispersion analysis will be performed using the EPA AERMOD model. The AERMOD analysis of potential impacts from exhaust stacks will be performed assuming stack tip downwash, urban dispersion and surface roughness length, with and without building downwash, and elimination of calms. The AERMOD model also incorporates the algorithms from the PRIME model, which is designed to predict impacts in the "cavity region" (i.e., the area around a structure which under certain conditions

[8] EPA. Memorandum: Clarification on the use of AERMOD Dispersion Modeling for Demonstrating Compliance with the $NO_2$ National Ambient Air Quality Standard. September 30, 2014.

may affect an exhaust plume, causing a portion of the plume to become entrained in a recirculation region). The Building Profile Input Program (BPIP) program for the PRIME model (BPIPRM) will be used to determine the projected building dimensions modeling with the building downwash algorithm enabled. The modeling of downwash from sources accounts for all obstructions within a radius equal to five obstruction heights of the stack.

*Methodology for Estimating $NO_2$ Concentrations*

The 1-hour average $NO_2$ concentration increments from the Proposed Project's stationary combustion sources will be estimated using the AERMOD model's Plume Volume Molar Ratio Method (PVMRM) module to analyze chemical transformation within the model. The PVMRM module incorporates hourly background ozone concentrations to estimate $NO_x$ transformation within the source plume. Ozone concentrations will be taken from the Queens College monitoring station that is the nearest ozone monitoring station and has complete five years of hourly data available. An initial $NO_2$ to $NO_x$ ratio of 10 percent at the source exhaust stack will be assumed, which is considered representative for boilers.

*Meteorological Data*

The meteorological data set will consist of five consecutive years of meteorological data provided by NYSDEC: surface data collected at La Guardia Airport (2016–20120, and concurrent upper air data collected at Brookhaven, New York. The meteorological data provide hour-by-hour wind speeds and directions, stability states, and temperature inversion elevation over the five-year period. These data will be processed using the EPA AERMET program to develop data in a format which can be readily processed by the AERMOD model. The land uses around the site where meteorological surface data are available will be classified using categories defined in digital United States Geological Survey (USGS) maps to determine surface parameters used by the AERMET program.

*Receptor Placement*

A comprehensive receptor network (i.e., locations with continuous public access) will be developed for the modeling analysis. Discrete receptors (i.e., locations at which concentrations are calculated) will be modeled along the existing and proposed buildings' façades (including No-Action developments) to represent potentially sensitive locations such as operable windows and intake vents. To evaluate project-on-project impacts, receptors will be conservatively placed on the façades of the proposed development. Rows of receptors at spaced intervals on the modeled buildings will be analyzed at multiple elevations. Generally, receptors would be spaced at a three-meter interval vertically to represent individual floors of a building, while horizontally, receptor spacing would be a minimum of three meters and a maximum of 10 meters. Receptors will also be placed at publicly accessible ground-level locations.

*Background Concentrations*

To estimate the maximum expected pollutant concentration at a given location (receptor), the predicted impacts must be added to a background value that accounts for existing pollutant concentrations from other sources that are not directly accounted for in the model (see **Table 2**). To develop background levels, concentrations measured at the most representative NYSDEC ambient monitoring station over the latest available three-year period (2017-2019) will be used.

**Table 2**
**Background Pollutant Concentrations for Stationary Souce Analysis**

| Pollutant | Average Period | Location | Concentration ($\mu g/m^3$) | NAAQS ($\mu g/m^3$) |
|---|---|---|---|---|
| $NO_2$ | Annual[1] | Queens College | 28.7 | 100 |
| | 1-hour[2] | | 103.7 | 188 |
| $SO_2$ | 1-hour[3] | Queens College | 13.5 | 196 |
| $PM_{2.5}$ | 24-hour | Division Street | 19.6 | 35 |
| $PM_{10}$ | 24-Hour[4] | Division Street | 39.3 | 150 |

**Notes:**
[1] Annual average $NO_2$ background concentration is based on the 3-year highest value from 2017-2019.
[2] The 1-Hour $NO_2$ background concentration is based on the maximum 98$^{th}$ percentile 1-Hour $NO_2$ concentration averaged over three years of data, from 2017-2019.

[3] The 1-Hour $SO_2$ background concentration is based on the maximum 99th percentile concentration averaged over three years of data, from 2017-2019.
[4] $PM_{10}$ is based on the 3-year average from 2017-2019.
**Source:** New York State Air Quality Report Ambient Air Monitoring System, NYSDEC, 2017-2019.

$PM_{2.5}$ annual average impacts are assessed on an incremental basis and compared with the $PM_{2.5}$ *de minimis* criteria, without considering the annual background. Therefore, the annual $PM_{2.5}$ background is not presented in the table. The $PM_{2.5}$ 24-hour average background concentration of 19.6 µg/m$^3$ (based on the 2017 to 2019 average of 98th percentile concentrations measured at the Division Street monitoring station) will be used to establish the *de minimis* value for the 24-hour increment, consistent with the guidance provided in the *CEQR Technical Manual.*

Total 1-hour $NO_2$ concentrations will be calculated following methodologies that are accepted by the EPA and are considered appropriate and conservative. The methodology used to determine the compliance of total 1-hour $NO_2$ concentrations from the proposed sources with the 1-hour $NO_2$ NAAQS[9] will be based on adding the monitored background to modeled concentrations, as follows: hourly modeled concentrations from proposed sources will be first added to the seasonal hourly background monitored concentrations; then the highest combined daily 1-hour $NO_2$ concentration will be determined at each receptor location and the 98th percentile daily 1-hour maximum concentration for each modeled year will calculated within the AERMOD model; finally the 98th percentile concentrations will be averaged over the latest five years.

*Determining the Significance of Air Quality Impacts*

For the stationary source analysis, the exhaust stacks for the heat and hot water systems will be assumed to be located at the edge of the development massing closest to the receptor, unless the source and receptor were immediately adjacent to each other. In these cases, the stack will be assumed to be located at an initial distance of 10 feet from the nearest receptor. If a source could not meet the NAAQS or $PM_{2.5}$ *de minimis* criteria, the stack would then be set back in 20 foot (or similar) increments, until the source met the respective criteria. If necessary, further restrictive measures will be considered, including use of low $NO_x$ burners, increasing stack heights, or a combination of these measures.

Predicted values will be compared with NAAQS for $NO_2$, $SO_2$, (if No. 2 fuel oil is proposed) and $PM_{10}$, and the City's CEQR *de minimis* criteria for $PM_{2.5}$. In the event that violations of standards are predicted, an air quality E-designation would be proposed for the site, describing the fuel and/or heat and hot water system exhaust stack restrictions that would be required to avoid a significant adverse air quality impact.

*LARGE OR MAJOR SOURCES*

Existing large and major sources of emissions (i.e., sources having a Title V or State Facility Air Permit) within 1,000 feet of the development site and museum were reviewed. One source has been identified—an existing boiler plant at 100 Gold Street, which is within 1,000 feet of the development site. Therefore, an analysis of this source will be performed to assess the potential effects on the development site. Receptors will be conservatively placed on the façades of the maximum development envelope. Available data from NYSDEC including the existing permit and periodic emissions summaries and reports will be used. This data may be supplemented by air permit information available from DEP. Criteria pollutant concentrations will be predicted using the AERMOD model with the same set of meteorological data and background concentration values that will be used in the analysis of the heat and hot water systems, and compared with NAAQS for $NO_2$, $SO_2$, $PM_{10}$, and $PM_{2.5}$.

*INDUSTRIAL SOURCES*

An analysis of uses surrounding the Proposed Project will be conducted to determine the potential for impacts from any industrial emissions. Based on the zoning and land use characteristics of the study area,

[9] http://www.epa.gov/ttn/scram/guidance/clarification/Additional_Clarifications_AppendixW_Hourly-NO2-NAAQS_FINAL_03-01-2011.pdf.

it is unlikely that any industrial sources of emissions exist that will require analysis. However, a review of DEP and NYSDEC air permits will be performed to determine whether there are any permitted industrial sources of emissions within the commercial district portion of the study area. If any permitted industrial sources are identified, an analysis will be performed following the procedures outlined in the *CEQR Technical Manual*. Maximum pollutant concentrations would be compared to NYSDEC Annual Guideline Concentrations and Short-Term Guidelines Concentrations.