

A. INTRODUCTION

This chapter of the Final Environmental Impact Statement (FEIS) summarizes and responds to the oral and written comments received during the public comment period for the Draft Environmental Impact Statement (DEIS) for the 606 West 57th Street project. The chapter also summarizes comments submitted by the Community Board and Borough President in December 2013. In addition, this chapter includes pertinent comments on the DEIS made by the City Planning Commissioners at the public hearing. The public hearing on the DEIS was held concurrently with the hearing on the project's Uniform Land Use Review Procedure (ULURP) draft application on January 22, 2014 at Spector Hall at the New York City Department of City Planning (DCP) located at 22 Reade Street, New York, NY 10007. The comment period for the DEIS remained open through February 3, 2014.

Section B identifies the organizations and individuals who provided comments relevant to the DEIS. Section C contains a summary of comments and a response to each. These summaries convey the substance of the comments made, but do not necessarily quote the comments verbatim. Written comments received on the DEIS and a transcript of the public hearing are included in **Appendix E**.

B. LIST OF ORGANIZATIONS AND INDIVIDUALS WHO COMMENTED ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT**CITY PLANNING COMMISSIONERS**

1. Kenneth J. Knuckles, Esq., Vice Chair (Knuckles)
2. Angela M. Battaglia (Battaglia)
3. Irwin G. Cantor, P.E. (Cantor)
4. Alfred C. Cerullo, III (Cerullo)
5. Anna Hayes Levin (Levin)

ELECTED OFFICIALS

6. Linda B. Rosenthal, New York State Assembly, 67th District, oral and written comments submitted January 22, 2014 (L. Rosenthal)

¹ This chapter is new to the FEIS.

7. Gale A. Brewer, Manhattan Borough President, oral and written comments submitted January 22, 2014 (Brewer)
8. Scott M. Stringer, Manhattan Borough President, written comments dated December 31, 2013 (Stringer)
9. Corey Johnson, New York City Council, 3rd District, oral and written comments submitted January 22, 2014 (Johnson)
10. Helen Rosenthal, New York City Council, 6th District, oral comments submitted January 22, 2014 (H. Rosenthal)

COMMUNITY BOARD

11. Manhattan Community Board Four, Corey Johnson and Robert J. Benfatto, Jr., written comments dated December 9, 2013; Joe Restuccia, oral comments submitted January 22, 2014 (CB4)

INTERESTED INDIVIDUALS AND ORGANIZATIONS

12. Citizens for Responsible, Organized Westside Development with Environmental Deference (CROWDED), written comments received February 2 and 13, 2014 (CROWDED)
13. Service Employees International Union (SEIU) Local 32BJ, Melissa Amernick and Steve Cohen, oral and written comments submitted January 22, 2014 (SEIU)
14. Jessica Bondy, oral and written comments submitted January 16, 2014 (Bondy)
15. Frank Carucci, oral and written comments submitted January 22, 2014 (Carucci)
16. Kathy Gaffney, oral comments submitted January 22, 2014 (Gaffney)

C. COMMENTS AND RESPONSES

PROJECT DESCRIPTION

Comment 1: By requesting a C4-7 zone over the entire area to be rezoned, the applicant's proposal is not consistent with the rezoned block to the north, and the projected density of 11.6 FAR is much higher than the pattern CPC has established for this area. Considering the very recent approval of the latest rezoning, and the close relationship of the two sites across the street from each other, the applicant has presented no reason for CPC to depart from its longstanding rezoning policy. Consequently we would expect CPC to adhere to that policy by rezoning the site with a combination of C4-7 on the wide streets and C6-2 on the narrow street, just as it did across the street. The resulting built FAR for the rezoned area, making the same development assumptions as the DEIS, and using a 100-foot depth for the C4-7 zone, would be 10.05. This FAR is higher than the built FAR expected for the Durst development across the street, but lower than the excessive FAR of 11.6 that will result if the applicant's request is granted. Only

a combination of C4-7 and C6-2 is compatible with CPC's longstanding policy for this area. (CROWDED)

The applicant intends to provide for affordable housing following an amendment to designate the area to be rezoned for inclusionary housing. As drafted, the amendment to the Clinton Special District would be tailored for a C4-7 zone with a base FAR of 9.0 and a housing bonus to FAR 12.0. Rezoning with a combination of C4-7 and C6-2 should not diminish the percentage of housing that would be affordable. Consequently, the amendment of the Clinton Special District should also provide for inclusionary housing in a C6-2 district (R8 equivalent) with a base FAR of 5.4 and a housing bonus to FAR 7.2. (CROWDED)

Response: Chapter 18 of the FEIS, "Alternatives," includes a new "C4-7 and C6-2 Reduced Density Alternative." Under this new alternative the rezoning area would be zoned C4-7 to the midblock along West 57th Street and within 100 feet of Eleventh Avenue, with the remainder of the rezoning area zoned C6-2. As noted in the chapter, this alternative would not avoid the significant adverse impact to child care that is expected with the proposed actions, as this alternative would result in a shortfall of seven child care slots requiring mitigation (compared to ten child care slots with the proposed actions).

With regard to transportation, this alternative would still be expected to result in significant adverse traffic and pedestrian impacts. Although these impacts could be expected to occur at possibly fewer locations and of lesser magnitude than the proposed actions. Furthermore, significant adverse traffic and pedestrian impacts at the intersection of Eleventh Avenue and West 57th Street could remain unmitigated under this alternative similar to the proposed actions. Potential impacts at other analysis locations in the study area under this alternative could be mitigated with the same types of mitigation measures as with the proposed actions.

For transit, this alternative would result in a reduction of peak hour bus trips. Nonetheless, the bus line-haul impacts predicted for the proposed project would be expected to still occur, requiring the same type of mitigation. This impact could be similarly addressed with the same measures recommended to mitigate the proposed project's significant adverse transit impact.

In addition, as noted in Chapter 18, "Alternatives," the applicant believes that this alternative would not be compatible with the goals of the proposed project. While this alternative would provide some affordable housing, there would be 29 fewer affordable units built than with the proposed project and this alternative would therefore contribute less to the goal of the proposed project of introducing much-needed affordable housing units to the rezoning area.

Comment 2: We question the density that would make this one of the largest housing complexes in New York City. Lots with FARs of 2 and 5 are asking for variances up to 12. (Carucci)

Response: As noted in Chapter 2, “Land Use, Zoning, and Public Policy,” development with the proposed actions would be compatible in use and scale with the surrounding area, and would continue the existing trend toward higher-density mixed-use development in the study area, particularly new residential units and ground level retail. As noted in Chapter 1, “Project Description,” with the proposed actions the western third of the block, which is occupied by the New York City Department of Sanitation (DSNY) garage, will remain in an M1-5 district. The aggregate density of the block, with the zoning map amendments, corresponds to the densities of neighboring, recently-rezoned blocks—the overall density on the project block would be approximately 8.16 FAR.

Comment 3: The DEIS assumes that the outparcel on the southeast corner of the rezoning could become a small hotel. While there is no reason to believe that this parcel is reasonably expected to be developed in the near future, were it to be developed it could also become a 125-unit residential building, which would have an additional impact on available open space and public schools. (Stringer)

Response: As described in Chapter 1, “Project Description,” as part of the planning process and development of the RWCDs for consideration in the EIS, the property at the southeast corner of the rezoning area (Lots 25 and 29) was evaluated to determine what type of development would be most likely to occur on this site under the proposed actions. As part of this process, the applicant and its architects considered the potential for this site to be developed as a mixed-use residential building with ground floor retail and determined that it would not be likely, due to site constraints and financial considerations. A hotel was determined to be the most reasonable and practical scenario.

Following publication of the DEIS, the owner of development site 2 stated that it could be redeveloped as some combination of residential/office/hotel. In addition, the proposed actions have been revised to include a text amendment that would allow transient hotel uses by CPC special permit only, in the portion of the rezoning area currently mapped M2-3. Therefore, a conceptual analysis of a mixed-use residential and commercial development has been added to the FEIS as **Appendix F**. This analysis finds that the conceptual development would not result in any new significant adverse impacts. While the effects of the conceptual development on schools and open space would be somewhat different than those identified elsewhere in the EIS, it would not result in any significant adverse impacts to those categories.

LAND USE, ZONING, AND PUBLIC POLICY

Comment 4: Is the street level above the floodplain or below the floodplain? (Cantor)

Response: As noted in Chapter 2, “Land Use, Zoning, and Public Policy,” the rezoning area is located on a steeply sloping block and a portion of the proposed project site is located within the 500-year floodplain. Since the rezoning area falls within the City’s proposed Coastal Zone, the EIS considers policies related to climate change and sea level rise pursuant to the Waterfront Revitalization Program (WRP). Part G of Chapter 2 “Waterfront Revitalization Program,” describes aspects of the proposed project that take into consideration the potential for climate change and sea level rise to result in flooding. The assessment, included as finds that the proposed actions are consistent with applicable WRP policies.

SOCIOECONOMIC CONDITIONS

Comment 5: The surge in development on the West Side has drastically increased rents in the Hell Kitchen’s/Clinton neighborhoods and displaced a large population of longtime residents. The applicant has received over \$40 million dollars in public tax subsidies. Contributing to a secondary displacement fund to prevent and mitigate secondary displacement issues as they arise must be part of this process. (Johnson)

Response: Chapter 3 of the EIS, “Socioeconomic Conditions,” includes an assessment prepared in accordance with the guidelines of the *CEQR Technical Manual* that concludes that the proposed actions would not result in significant adverse impacts due to indirect residential displacement. The proposed actions would not introduce a trend or accelerate an existing trend of changing socioeconomic conditions in a manner that would have the potential to substantially change the socioeconomic character of the neighborhood. In addition, the proposed actions would add affordable housing units to the area that would help ensure housing opportunities for lower-income residents and would maintain a more diverse demographic composition within the study area.

Comment 6: The affordable housing targets 40 to 50 percent Area Median Income (AMI). That is not necessarily the affordable housing population that we are concerned about. The loss of middle income housing is a serious concern for the community. (H. Rosenthal)

Will all of the low units be at 40 to 50 percent AMI, and will they be permanently affordable? (Knuckles)

Response: As noted in the preceding comment, Chapter 3, “Socioeconomic Conditions,” includes an assessment prepared in accordance with the guidelines of the *CEQR*

Technical Manual that concludes that the proposed actions would not result in significant adverse impacts due to indirect displacement of low- or middle-income residents. The affordable housing units provided by the proposed development would target households between 40 to 50 percent AMI and would be permanently affordable. The income ranges are determined by the various housing programs used in 80/20 developments. In particular, the 40 to 50 percent range is a requirement of HFA tax exempt bonds as well as the Federal Low Income Housing Tax Credit Program.

COMMUNITY FACILITIES

Comment 7: The applicant should explore opportunities to mitigate potential building impacts on schools and child care centers. (Stringer)

Response: The DEIS identified the potential for the proposed actions to result in a significant adverse impact to child care, and discussed the need for mitigation. As part of the Restrictive Declaration to be recorded for the project, the applicant will be required to provide child care mitigation, developed and implemented in coordination with ACS. This would partially mitigate the proposed actions' significant adverse impact. This is described in the FEIS in Chapter 19, "Mitigation."

The proposed actions would not result in significant adverse impacts to schools, and mitigation is therefore not warranted.

Comment 8: The project will bring 143 new elementary school students to schools in Community School District 2 by 2017. Elementary schools in this district will operate with a shortage of seats without the proposed actions, but the proposed actions would increase that shortage of seats by 4.7 percent. This is less than the CEQR guideline of five percent for a significant adverse impact, but is close enough that it should be treated as a legitimate impact and should be planned for. (Stringer, Brewer, L. Rosenthal, H. Rosenthal)

This application's impact on public services and amenities must be viewed within the context of the larger development along Eleventh Avenue. If every development further increases seat shortages at local schools without appropriate mitigation, CSD 2 could face a serious overcrowding crisis. (L. Rosenthal)

The EIS schools analysis was unusual in that it came close to the impact threshold but did not go over it. Can you help us understand the context in which you analyzed school utilization in order to conclude that this project does not have a school impact? (Levin)

Response: Based on the standards of the *CEQR Technical Manual*, the lead agency has determined that the proposed actions would not result in a significant adverse

impact to elementary schools. Based on data prepared by the School Construction Authority (SCA) and Department of Education (DOE), conditions with the proposed actions would not exceed the CEQR guidance of a five percent increase used in determining impact significance. The City's projections of school capacity and utilization and capital planning efforts do take into account planned growth, including demographic changes and anticipated development projects.

SCA and DOE prepare a Capital Plan every five years and each year, capital plan amendments are prepared. The capital plan prepared by SCA and DOE includes a multi-dimensional review and analysis of localized capacity and enrollment patterns within each CSD. This process results in a set of recommendations for each CSD that takes into account the needs within each area of the CSD. These recommendations are reviewed annually based on updated enrollment projections, capacity changes and housing information. Annual plan amendments allow DOE to reassess priorities, to take into account shifts in enrollments, variations in housing growth, changes in building conditions, new educational initiatives, and adjustments in the construction marketplace. In addition, DOE and SCA annually undertake a comprehensive assessment of conditions in order to determine the need for realignment strategies, such as increasing the utilization of existing facilities, changing grade configurations of schools, and adjustments to local school zones. It should be noted that the DEIS schools analysis relied on the most recently available data at the time of publication, which included DCP's 2010-2014 Capital Plan. Since then, the new 2015-2019 Five Year Capital Plan has been released, which outlines plans for several other school capacity projects for CSD 2. The plan includes design funding for an 806 seat school in Sub-district 3, as well as construction funding for a 456 seat school in Sub-district 3. Sites for both projects have not been identified yet, and construction funding is not available in the 2015-2019 plan; therefore, although these projects are expected to increase school capacity in the future, they are not included in the quantitative analysis. The FEIS has been updated to acknowledge the new Capital Plan, but the schools analysis conservatively does not take credit for any future addition of school seats.

Comment 9: Adding 1,050 residential units to the neighborhood will no doubt increase the demands on PS 111. The applicant should commit to providing funding to area public schools for their immediate needs. (Johnson)

Response: As noted in the EIS, the proposed actions would result in new school-aged children that would use public schools, including PS 111, but not to the degree that there would be significant adverse impacts requiring mitigation in the form of funding or other measures.

Comment 10: With the proposed actions, local schools will not have enough seats to accommodate children from this development. The applicant inaccurately represented public school data in its tables in Chapter 4, “Community Facilities,” of the DEIS. The proposed actions exceed threshold guidelines of the *CEQR Technical Manual* on schools. Data secured from schools.nyc.gov and directly from principals at listed schools contradict the applicant’s data. It puts their proposed actions above the threshold and mandates further investigation before approval can be granted. Contrary to their statements, there will be a large deficit in school seats. The applicant underestimated the number of available elementary school seats by approximately 194, and underestimated available middle school seats by approximately 371. (Bondy)

Response: The EIS analysis of the proposed actions’ potential to result in significant adverse impacts to schools follows the guidance of the *CEQR Technical Manual*. Accordingly, the EIS analysis utilizes several sources of data including: DOE Enrollment Projections; DOE Utilization Profiles: Enrollment/Capacity/ Utilization; and DOE Five-Year Capital Plans. The EIS does disclose that there would be a deficit of elementary school seats in Subdistrict 3, either with or without the proposed actions. However, the increase due to the proposed actions would not be considered a significant adverse impact based on the guidance of the *CEQR Technical Manual*.

Comment 11: Hearing that the population coming into this building will more likely than not send their children to private schools raises red flags, as this was also said of the Trump buildings which, fifteen years later, had an overwhelming impact on local schools. (H. Rosenthal)

Response: Neither the DEIS nor the public hearing indicated that residents of the proposed building would “more likely than not” send their children to private schools. To the degree that some residents have the opportunity to send their children to private schools and choose to do so, there would be a corresponding reduction in the number of children sent to public schools. However, the EIS analysis uses the standard borough-wide student generation rates presented in the *CEQR Technical Manual* and does not make any deductions for children attending private schools.

Comment 12: The development’s impact on public libraries, daycare centers, and other community centers should be studied, and viewed within the context of the larger development along Eleventh Avenue. (L. Rosenthal)

Response: The analysis of the proposed actions’ potential to affect community facilities, included in Chapter 4, Community Facilities,” follows the guidance of the *CEQR Technical Manual*. In the case of daycare centers and libraries, the EIS does take into account other projects and their associated populations as part of background conditions in the future without the proposed actions.

Comment 13: When gauging impact on local libraries, the applicant conveniently divided their project population between two local libraries. The most probable scenario is tenants using the closest branch on Tenth Avenue. Along with the new residents from the development at 53rd Street, their numbers will overwhelm this library, increasing the population using it by more than 30 percent, which is far greater than the *CEQR Technical Manual* threshold of a five percent population increase, compelling further investigation and analysis. (Bondy)

Response: The analysis of libraries provided in Chapter 4, “Community Facilities,” conservatively assumes that the full building residential population (estimated at 1,962 people, based on an average household size of 1.65 persons—the average household size for Community District 4 according to 2010 U.S. Census data) uses *both* libraries. As shown in Table 4-9 of the EIS, even with 1,962 new residents added to the area, there would be an increase in the library user population of 1.97 percent at the Columbus Branch and 1.67 percent at the Riverside Branch. This is well below the CEQR guideline for a significant adverse impact.

Comment 14: The applicant admits to the negative impact of the proposed actions on local childcare options. Local childcare facilities are operating at maximum capacity. (Bondy)

Response: The DEIS identified the potential for the proposed actions to result in a significant adverse impact to child care, and discussed the need for mitigation to address conditions. As part of the Restrictive Declaration to be recorded for the project, the applicant will be required to provide child care mitigation, developed and implemented in coordination with Administration for Children’s Services (ACS). This would partially mitigate the proposed actions’ child care impact. This is described in the FEIS in Chapter 19, “Mitigation.”

Comment 15: Roosevelt Hospital will be stressed by this project. Because the project creates a sizeable new neighborhood where none existed before, the *CEQR Technical Manual* requires further analysis. (Bondy)

Response: The analysis of the proposed actions’ potential to affect community facilities, included in Chapter 4, Community Facilities,” follows the guidance of the *CEQR Technical Manual*, and it was determined that an analysis of healthcare facilities is not warranted. As noted in the chapter, the proposed actions would not result in a “sizeable new neighborhood,” as defined by the *CEQR Technical Manual*. The proposed rezoning and other actions would affect less than one city block and would be fairly modest compared to large-scale, area-wide projects. As an example of what constitutes a “sizeable new neighborhood,” the *CEQR Technical Manual* identifies Hunters’ Point South, which is an approximately 30-acre development with up to 5,000 units of housing, as well as retail space, community/cultural facilities, school space, parking, and a

continuous waterfront park. Therefore, an analysis of indirect effects on health care facilities is not warranted.

OPEN SPACE

Comment 16: The proposed actions do not meet City Planning’s guidelines of 2.5 acres of open space for every 1,000 residents. (L. Rosenthal, Bondy, Stringer)

Response: As described in Chapter 5 of the EIS, “Open Space,” although open space ratios in the project area would be below the planning guidelines, it is recognized that these goals are not feasible for many areas of the City, particularly densely populated areas such as Manhattan, and they are not considered impact thresholds. For areas that are not considered underserved by open space, such as the study area, the 2012 *CEQR Technical Manual* indicates that a decrease in the open space ratios of five percent or more would be considered a substantial change that could be considered a significant adverse impact. As described in the chapter, the decreases in the total, active, and passive open space ratios would not be five percent or more. Therefore, the proposed actions would not result in a significant adverse open space impact.

Comment 17: The applicant should explore opportunities to mitigate potential building impacts on parks. (Stringer)

Response: As noted in the preceding comment, the proposed actions would not result in a significant adverse impact to open space. Therefore, mitigation is not warranted.

Comment 18: This project in conjunction with all of the other projects in the area will contribute to a neighborhood that is starved of parks. (Brewer, Stringer)

The EIS comes close to the impact threshold, but does not quite go over it for finding significant adverse open space impacts. (Levin)

Response: Following the methodology of the *CEQR Technical Manual*, the open space analysis presented in Chapter 5, “Open Space,” uses U.S. Census data to determine the study area population and also takes into account other projects that are expected to occur by the 2017 analysis year. As discussed above, the analysis indicates while the area’s open space ratios would be below the City’s planning guideline, the proposed actions would not result in a significant adverse open space impact.

In addition, as noted in the analysis, there are a number of qualitative factors that are considered as part of the open space analysis. For example, the quantitative assessment does not account for other major open space resources outside of the study area that nonetheless may serve the study area’s residents (such as the northern portion of Riverside Park South, Riverside Park itself, portions of Hudson River Park outside the study area, and Central Park). In

addition to the open spaces identified in the quantitative analysis, residents introduced to the rezoning area would likely seek out these other resources to partially fulfill their open space needs.

Comment 19: The applicant assumes that Pier 97 of Hudson River Park will be completed by 2017 despite the fact that, at present, the project is not fully funded. (L. Rosenthal, Stringer)

Response: For the FEIS analysis presented in Chapter 5, “Open Space,” the proposed improvements to Pier 97 have been removed from the future without the proposed actions.

Comment 20: Recreation centers and parks will become more crowded and competition for the limited public fields and courts at Dewitt Clinton Park will increase. (Bondy)

Response: As described in Chapter 5, “Open Space,” although open space ratios would be below the planning guidelines set forth in the 2012 *CEQR Technical Manual*, the proposed actions would not result in a significant adverse open space impact.

In addition, as noted above, there are a number of qualitative factors that are considered as part of the open space analysis that would be expected to partially fulfill the open space needs of the new residents that would be introduced to the rezoning area by the proposed actions, thereby lessening the demand on other open spaces in the study area.

SHADOWS

Comment 21: Shadows cast by the proposed building will encase the surroundings in darkness for many hours. (Bondy)

Response: Chapter 6, “Shadows,” includes a full analysis of the proposed actions’ potential to result in new shadows. The analysis shows that project-generated incremental shadow would fall on open spaces at various times throughout the year. However, the analysis concludes that the affected resources would still receive adequate direct sunlight, and that the incremental shadow would not adversely impact the usability of the publicly accessible open spaces or the vegetation that grows within them. Overall, the proposed actions would not result in significant adverse shadow impacts.

URBAN DESIGN AND VISUAL RESOURCES

Comment 22: The building itself will forever mar the open beauty that is revered by many when facing southwest on 57th Street from the street level and above. (Bondy)

Response: An analysis of urban design and visual resources was undertaken for the proposed actions in the EIS (Chapter 8, “Urban Design and Visual Resources”). As noted in the chapter, there are no visual resources on the project site, rezoning area, or the remainder of the project block. The proposed actions would not change urban design features so that the context of a natural or built feature is adversely altered, and would not partially or fully block any significant public views to a visual resource. Therefore, the analysis concludes that the proposed actions would not result in significant adverse impacts to visual resources.

Comment 23: I think that the project’s architecture is very unique and desirable. (Battaglia)

Response: Comment noted.

WATER AND SEWER INFRASTRUCTURE

Comment 24: The project’s impact on sewage should be studied. (H. Rosenthal)

Response: Chapter 10 of the EIS, “Water and Sewer Infrastructure,” does evaluate the proposed actions’ potential impacts on sanitary sewage and stormwater flows. In terms of sanitary sewage the proposed actions are estimated to generate an incremental increase of approximately 0.23 percent of the average daily flow to the North River Wastewater Treatment Plant (WWTP). As noted in the chapter, this volume would not result in an exceedance of the WWTP’s permitted capacity, and would not create a significant adverse impact on the City’s sewage conveyance or treatment systems.

TRANSPORTATION

Comment 25: The proposed special permit for a 500-space parking garage would worsen existing congestion and pedestrian safety problems in the neighborhood. (L. Rosenthal)

The public parking garage should be reduced in size to a maximum of 400 permitted spaces without an automobile use or 295 spaces with an automobile use. (Stringer, CB4, L. Rosenthal)

Response: As presented in Chapter 11, “Transportation,” the proposed garage of up to 500 spaces would replace an existing 1,000 space garage currently operating at the project site. An assessment of traffic and pedestrian operating conditions was conducted per the *City Environmental Quality Review (CEQR) Technical Manual*. This assessment included detailed analyses of traffic and pedestrian conditions. At locations where congestion was identified resulting in significant adverse impacts—based on the *CEQR Technical Manual’s* impact criteria—measures have been proposed to mitigate these potential impacts, except for

traffic and pedestrian conditions at the intersection of Eleventh Avenue and West 57th Street. As presented in the DEIS and the FEIS, an assessment of vehicular and pedestrian safety conditions was conducted per the *CEQR Technical Manual* guidelines. This assessment concluded that the proposed actions are not anticipated to exacerbate conditions at existing high pedestrian accident locations in the study area. Nonetheless, consistent with the approach outlined in the *CEQR Technical Manual*, safety measures—such as the restriping of faded crosswalks, installation of pedestrian warning signs and the installation of countdown timers—have been identified that could improve pedestrian safety at existing high accident locations. Furthermore, pedestrian safety conditions at this intersection could be evaluated in the future as part of the TMP, as discussed in Chapter 19, “Mitigation,” at which time additional pedestrian safety remedies can be implemented subject to NYCDOT consultation and approval.

Based on the parking analysis conducted for the EIS, there would be a need for additional parking spaces in the study area during the weekday midday peak hour, even with a 500-space garage. The parking shortfall would be even more profound if the number of spaces were to be reduced from a total of 500 spaces to either 400 or 295 spaces. Furthermore, as stated in the *CEQR Technical Manual*, a parking shortfall resulting from a project located in Manhattan does not constitute a significant adverse parking impact, due to the multitude of available modes of transportation.

Comment 26: The applicant appears to claim that the 248 parking spaces it is entitled to as-of-right are needed as accessory to building uses. But the DEIS shows that no more than 150 parking spaces are needed for accessory purposes (DEIS, Table 11-46, p. 11-70). (CROWDED)

Response: As discussed in Chapter 1, “Project Description,” 248 parking spaces are permitted under current zoning regulations. The 248 as-of-right parking spaces are based on the proposed development program of 1,189 residential units and 42,000 square feet of commercial uses.

As described in Chapter 11, “Transportation,” the projected parking demand would be approximately 150 spaces, calculated based on CEQR methodology and the RWCDs assumed for transportation analyses. However, the analysis of parking also takes into account the displacement from the project site of an existing 1,000-space public parking garage, as well as parking demand generated by other anticipated projects in the area. Overall, the analysis concludes that there would be a parking shortfall in the study area, even with the proposed 500-space parking garage. As noted above, the shortfall would be even greater with a garage of lesser capacity. Furthermore, as stated in the *CEQR Technical Manual*, a parking shortfall resulting from a project located in Manhattan does not constitute a significant adverse parking impact, due to the multitude of available modes of transportation.

Comment 27: The applicant claims that it followed standard CEQR assumptions and methodologies. A key assumption in its calculations is that garages can operate at no more than 90 percent occupancy. But the *CEQR Technical Manual* contradicts this assumption, instructing that no additional cars should be assigned to a garage only if the utilization rate is at or above 98 percent of capacity (*CEQR Technical Manual*, p. 16-51). (CROWDED)

As stated in Chapter 11, "Transportation," the traffic and parking analyses utilize the methodologies of the *CEQR Technical Manual*. In terms of the traffic analysis for the purposes of assigning trips, 98 percent capacity is used for garages, which is a more conservative assumption than 90 percent. For the parking analysis, the utilization of available parking spaces was determined, following CEQR methodology, by conducting field surveys of all garages in the study area. Based on this survey and accounting for the demand generated by future anticipated development in the study area, as well as demand from the proposed actions, the overall parking utilization was estimated. As shown in the EIS, there would be a parking shortfall in the study area in the future conditions.

Furthermore, as stated in the *CEQR Technical Manual*, a parking shortfall resulting from a project located in Manhattan does not constitute a significant adverse parking impact, due to the multitude of available modes of transportation.

Comment 28: In approving Riverside Center, CPC determined that the project requires 1,260 parking spaces (CPC report on C 1000296(A) ZSM, Oct 27, 2010). The City Council subsequently granted Riverside Center 1,500 parking spaces. The additional 240 parking spaces should be available to accommodate many of the 700 parkers displaced by the 606 West 57th Street project. (CROWDED)

Response: As shown in Chapter 11, "Transportation," the individual Riverside Center buildings' parking supply and demand used in the CEQR parking analysis are based on the information presented in the Riverside Center FEIS. While 240 spaces in Riverside Center would be available to accommodate area parking demand, including displaced demand from the project site, the analysis takes into account overall demand for parking in the area. Accounting for the demand generated by future anticipated development of other projects, as well as demand from the new uses of the proposed project itself, the overall parking utilization was estimated and it was determined that there would be a shortfall in parking even with the proposed 500-space parking garage.

Comment 29: CPC's analysis of Riverside Center was careful to provide accommodation for long-term parkers who lived in the two zip code areas that the site straddles, but assumed that long-term parkers from more distant locations could reasonably be expected to find parking in their neighborhoods or at another distant location (CPC report on C 1000296(A) ZSM, Oct 27, 2010, p. 102). Indeed now that

Riverside Center is under construction, all the displaced parkers have found other spaces. The relevant question is: “Which ones will return in several years when the new garages are finished?” Although the 700 parkers who would be displaced are long-term parkers, the applicant made no similar analysis for the 606 West 57th Street project. (CROWDED)

Response: A comprehensive parking analysis was conducted for the DEIS which assessed conditions of parking supply and demand for both the weekday (morning, midday, evening and overnight hours) and Saturday peak periods in the study area. Based on the *CEQR Technical Manual*, no distinction is made between long-term and short-term parkers. However, the analysis does assess the overall parking utilization in the study area, accounting for all types of parkers including both long-term and transient. Therefore, the assertion made by the commenter about not including the long term parkers in the analysis is not accurate; the parking analysis does include both the long-term and transient parkers using the parking facilities in the study area.

The parking analysis is based on the methodology of the *CEQR Technical Manual*. Existing parking conditions were determined by conducting field surveys of all garages in the study area. Based on this survey and accounting for the demand generated by future anticipated development in the study area, as well as demand from the proposed actions, the overall parking utilization was estimated. The specific issue of whether parkers displaced by Riverside Center would or would not return to the area is beyond the scope of the EIS.

Comment 30: The applicant assumes that there will be unmet need for 35 additional spaces by the Durst development across the street. But CPC carefully considered the demand for parking on the Durst site, and granted a special permit for all the spaces that were needed (see CPC report on C 120397 ZSM, Dec 19, 2012), as verified by the FEIS (Durst FEIS, p. 10-12 and Tables 10-15, 16). (CROWDED)

Response: The Durst project will provide 285 accessory parking spaces in addition to the existing 100-space accessory parking garage in The Helena residential building. The parking analysis for the Durst project determined that there would be a peak parking demand of 385 spaces during the weekday peak period, including the existing demand from The Helena building. The analysis also determined that this demand would be accommodated within the proposed project’s 285-space accessory parking garage and the existing 100-space accessory parking garage in The Helena residential building.

The proposed actions’ parking analyses for both the FEIS and ULURP application have been revised to include the 100 parking spaces from The Helena building, which were not previously accounted for. The comment is correct in that including these spaces in the overall parking supply, there would not be an unmet demand for 35 additional spaces. Nonetheless, even taking the

100 additional accessory spaces into account, the revised FEIS analysis and ULURP application still conclude that there would be a parking shortfall during the weekday midday peak hour.

Comment 31: The applicant appears to have reversed two numbers in the parking demand for Riverside Center Building 5. According to the FEIS, there will be demand for 349 spaces, not 439 (Riverside Center FEIS, Table 16-17). (CROWDED)

Response: Table 16-17 of the Riverside Center FSEIS presents the total parking demand for the Building 5 public parking garage including the accessory and the transient public parking demand. For the weekday midday period (12-1 PM), the Building 5 parking demand projections presented in Table 16-17, there would be an accessory parking demand of 307 and a public parking demand of 132. Therefore, this would result in a total parking demand of 439 spaces and not 349 spaces.

Comment 32: The scale of the garage being requested is not warranted by the applicant's assessment of existing supply and anticipated demand, but the applicant does show that there is some amount of unmet demand created by the removal of the 1,000-space parking garage. As such, CB4's request that the total permitted parking spaces be reduced by 100 spaces is appropriate. (Stringer)

Response: As noted in previous responses, following the methodology of the *CEQR Technical Manual* and guidance provided by DCP, the parking analyses presented in Chapter 11, "Transportation," conclude that there would be a parking shortfall in the area, even with a 500-space garage.

Comment 33: The project would remove an existing parking garage for 1,000 cars and replace it with one for about 500 cars. People will now be traveling around expecting to find parking and spending more time in their cars in the neighborhood. (Cerullo, Carucci)

Response: As presented in Chapter 11, "Transportation," a traffic and parking analysis was conducted pursuant to *CEQR Technical Manual* guidelines. As part of the analysis, a portion of trips associated with the displaced parkers were reassigned to other area garages and were accounted for in the traffic impact analysis. Therefore, any changes to the study area traffic conditions resulting from displaced parkers have been accounted for in the traffic analysis presented in the EIS.

Comment 34: As noted in the DEIS, this project would negatively affect at least 13 intersections. Traffic along 57th Street is bad during most times of every day and cannot sustain additional car and foot traffic from 1,189 more units (2,065 with the development across the street) with 500 more parking spaces. (Bondy)

Response: As noted above and presented in the EIS, an assessment of traffic and pedestrian conditions was conducted following the guidelines of the *CEQR Technical Manual*. As presented in Chapter 19, “Mitigation,” measures have been proposed to fully mitigate these potential impacts at all of the impacted locations, with the exception of the significant adverse traffic and pedestrian impacts at Eleventh Avenue and West 57th Street. The significant adverse traffic and pedestrian impacts could not be fully mitigated by standard traffic engineering measures.

Comment 35: Extended curbs will exacerbate traffic issues. The building’s 22-foot curb cut for the entry and egress of 400 vehicles will be approximately 100 feet or less from the entrance and exit to the West Side Highway. All travelers using the West Side Highway and, subsequently, 56th or 57th Streets will be adversely affected by this construction. (Bondy)

This project adds thousands of people to an area that is at the very foot of 57th Street by the West Side Highway. That, included with the auto dealership, which will provide street services, plus all the other buildings would make 56th Street and 57th Street an obstacle course for all vehicle traffic entering or exiting the City. (Carucci)

Response: As noted in Chapter 1, “Project Description,” there are 6 existing curb cuts on the proposed project site along West 57th Street. The existing curb cuts measure between approximately 10 feet and 63 feet. With the proposed actions, 5 of the existing curb cuts would be eliminated and the remaining curb cut would be extended by approximately 2 feet, 6 inches.

The traffic analysis performed for the EIS included an assessment of traffic operating conditions, at key area locations, including the intersections of West 55th, 56th, and 57th Streets and Twelfth Avenue/Route 9A. While the proposed actions could result in significant adverse impacts, as presented in Chapter 19, “Mitigation,” measures have been proposed to fully mitigate these potential impacts at all of the impacted locations, with the exception of the significant adverse traffic and pedestrian impacts at Eleventh Avenue and West 57th Street. The significant adverse traffic and pedestrian impacts could not be fully mitigated by standard traffic engineering measures.

Comment 36: This project would be one of the largest housing complexes in New York City, located in one of the most problematic traffic areas of the City. This project will have a negative impact on bus line street crossings. And emergency vehicles already have to fight to get through traffic to Roosevelt Hospital. (Carucci)

Response: As noted above and presented in Chapter 11, “Transportation,” an assessment of bus line haul conditions was conducted following the guidelines of the *CEQR Technical Manual*. Where significant adverse impacts have been identified,

measures have been proposed to fully mitigate these potential impacts. For local bus routes, to mitigate line-haul impacts, an increase in the frequency of bus service is recommended for the M31 and M57 lines.

While emergency vehicles are not specifically considered under *CEQR*, vehicle delays and levels of service are considered in the traffic impact analysis in Chapter 11, "Transportation." As noted above, all of the significant adverse traffic impacts of the proposed actions could be mitigated except for one location at Eleventh Avenue and West 57th Street, This information is discussed in Chapter 19, "Mitigation." It should also be noted that the New York City Police Department (NYPD) and the New York City Fire Department (FDNY) regularly evaluate their overall response time and adjust their routings to better respond to emergency situations.

Comment 37: As part of a group of at least six new buildings that seriously impede traffic flow in and out of Manhattan, this project will negatively impact the flourishing tourism in the theater district and Lincoln Center areas. (Carucci)

Response: As presented in Chapter 11, "Transportation," an assessment of traffic conditions was conducted following the guidelines of the *CEQR Technical Manual*, which does take into account other projects in the area that have recently been built or are expected to be completed by the 2017 analysis year. As noted above, all of the significant adverse traffic impacts of the proposed actions could be mitigated except for one location at Eleventh Avenue and West 57th Street. There would be no expectation that traffic conditions at either Lincoln Center or the Theater District would be adversely affected.

Comment 38: We urge the applicant to work with the Department of Transportation (DOT) to install split phase traffic lights on West 57th Street and Eleventh Avenue. (CB4)

Response: Comment noted. Chapter 19, "Mitigation," identifies potential measures to address significant adverse transportation impacts that have been reviewed by DOT, which is responsible for implementation of these measures. Split phase traffic lights have not been identified as mitigation for the proposed actions and as such would be implemented by DOT only at its discretion.

Comment 39: This building will intensify already burdened bus routes and subways on the West Side. (Johnson)

The development's impact on public transportation should be studied, and viewed within the context of the larger development along Eleventh Avenue. (L. Rosenthal)

As noted in the DEIS, there will be a significant negative impact on buses along 57th Street, including the M57 and M31, which are already filled to capacity at

rush hours, often passing stops because they cannot fit additional passengers. (Bondy)

Subway stations at Columbus Circle are inundated with millions of travelers each day, servicing customers who go to Roosevelt Hospital, John Jay College, Fordham University, Time Warner, Hearst, and others. Adding 3,000 more people to this station and at least 8,000 more at the completion of other projects in the immediate vicinity within the next year will make matters worse and create a dangerous situation for all travelers. (Bondy)

Response: As presented in the DEIS, an assessment of public transit operating conditions was conducted per the *CEQR Technical Manual* and New York City Transit guidelines. This assessment takes into account other projects in the area that have recently been built or are expected to be completed by the 2017 analysis year. The assessment included detailed analyses of bus line-haul and subway station elements at the 59th Street/Columbus Circle and the 57th Street/7th Avenue stations. Based on the analyses, the proposed actions would not result in significant adverse subway impacts. For the local bus routes, to mitigate line-haul impacts, an increase in the frequency of bus service was recommended for the M31 and M57 lines.

Comment 40: The applicant admits a significant negative impact on street crowding. Street crowding affects the health and well-being of all residents. Older citizens and our youngest citizens in particular suffer greatly when they cannot safely get to and from their homes. (Bondy)

Traffic safety impacts related to this project should be studied. (H. Rosenthal)

Response: An assessment of pedestrian conditions was conducted for the EIS following the guidelines of the *CEQR Technical Manual* at key sidewalks, crosswalks, and corners in the study area. No significant adverse impacts were identified for either the sidewalks or corners. Significant adverse impacts were identified only for the south crosswalk of West 57th Street and Eleventh Avenue, which would remain unmitigated as detailed in Chapter 19, “Mitigation.”

As presented in the DEIS and the FEIS, an assessment of vehicular and pedestrian safety conditions was conducted per the *CEQR Technical Manual* guidelines. This assessment concluded that the proposed actions are not anticipated to exacerbate conditions at existing high pedestrian accident locations in the study area. Nonetheless, consistent with the approach outlined in the *CEQR Technical Manual*, safety measures—such as the restriping of faded crosswalks, installation of pedestrian warning signs and the installation of countdown timers—have been identified that could improve pedestrian safety at existing high accident locations. Furthermore, pedestrian safety conditions at this intersection could be evaluated in the future as part of the TMP, as discussed in

Chapter 19, "Mitigation," at which time additional pedestrian safety remedies can be implemented subject to NYCDOT consultation and approval.

Comment 41: It's a reality that many newer buildings in this area use shuttle bus service to get residents to the subways. How is this addressed in the EIS? (Levin)

Response: The EIS accounts for existing shuttle bus services in the study area, to the degree that they are reflected in the baseline traffic data. In order to analyze a reasonable worst-case for pedestrian conditions, the EIS transportation analysis presented in Chapter 11, "Transportation," conservatively assumed that shuttle buses for the proposed residential development would not be provided, resulting in higher pedestrian levels in the study area. The potential use of shuttle buses would represent a very minimal increase in the number of vehicle trips associated with the proposed actions and would not be expected to affect the overall conclusions of the transportation analysis.

Comment 42: While there is a need for some parking at this new site, the applicant has arrived at its stated parking needs by aiming for a 90 percent rate of use of the garage (which maximizes profit) rather than 100 percent (which minimizes impact). The rezoning of Eleventh Avenue has caused an explosion of residential development, and it is essential to keep new parking spaces to an absolute minimum to protect all users of the streets, even though (as with the Durst Pyramid site across the street) CPC has previously approved a special permit for more parking than is being requested. (L. Rosenthal)

Response: This comment does not relate to the analysis of parking as presented in the EIS.

NEIGHBORHOOD CHARACTER

Comment 43: The applicant seeks to rezone and construct the largest building ever erected in the Special Clinton District and the largest residential building in all of New York City. What they are requesting is in stark contrast to the character of the neighborhood. (Bondy)

Response: As noted in Chapter 16 of the EIS, "Neighborhood Character," the redevelopment that would take place with the proposed actions would be in keeping with the scale of other buildings in the study area, particularly the recently-built and planned modern high-rise buildings. As further detailed in Chapter 8, "Urban Design and Visual Resources," this includes a number of existing modern high-rise buildings such as 10 West End Avenue (400 feet), the Element Condominiums at 555 West 59th Street (380-foot-tall) and the Clinton Towers (346 feet), as well as tall new buildings that are planned for the area such as 625 West 57th Street and the Riverside Center buildings. Overall, the analyses conclude that the proposed actions would not have a significant

adverse impact on either neighborhood character or urban design and visual resources.

GENERAL

Comment 44: The applicant has grossly underestimated the strain the project will have on city resources, which include but are not limited to elementary, middle and high schools, libraries, the hospital (Roosevelt), childcare facilities, subway and bus stations, over 13 intersections and the West Side Highway entrance and exit points, which are approximately 100 feet from their proposed garage exits. Research using nyc.gov, the census bureau, and on the street observation of subway and bus stations, street crowding and traffic intersections, as well as the applicant's own assertions, reveal that they, in many instances, exceed the *CEQR Technical Manual* thresholds, mandating further investigation of the project's impact. (Bondy)

Response: The DEIS and FEIS analyze the potential for the proposed actions to result in significant adverse environmental impacts in a wide range of technical areas, following the guidance of the *CEQR Technical Manual*. For two of the technical areas mentioned in the comment—child care and transportation—the EIS does disclose that the proposed actions would result in significant adverse impacts and mitigation measures are identified that would avoid or minimize impacts to the extent feasible. Mitigation measures for child care, traffic, pedestrians and buses are described in Chapter 19, "Mitigation," and have been prepared in coordination between and among the lead agency and other reviewing agencies. In the areas of traffic, pedestrians, and child care, unmitigated or partially mitigated impacts are identified in Chapter 20, "Unavoidable Adverse Impacts." For other areas, such as libraries and health care facilities, the EIS analyses indicate that the proposed actions would not result in significant adverse impacts.

The information used in the preparation of all EIS analyses follows the recommended approaches set forth in the *CEQR Technical Manual*, including field surveys and field data collection, U.S. Census Data, and reports and data from SCA, DOE, and the New York Public Library.

Comment 45: Another project across the street already has 876 units underway. Combined, the two would add 2,065 new units with close to 4,000 new units on one street. That is equal to approximately 40 percent of Manhattan's average annual population increase based on census bureau estimates. Along with at least five other large-scale developments underway in the immediate vicinity, more than 21,000 new residents will be added to a five block area, which is equivalent to adding more than two times the borough of Manhattan's estimated annual average population

growth for one year. We cannot continue to view projects independent of one another. (Bondy, Gaffney)

The project is too large. Please reduce the size of the project by at least ten floors. We do not have the infrastructure to support the project as currently presented. And the transit options in this area are already too crowded. (Gaffney)

There is the common sense notion of looking at a neighborhood with a rising residential population and asking whether the City and developers are doing enough to provide the public facilities that the area needs. (Levin)

Response: Consistent with the methodology of the *CEQR Technical Manual*, all of the EIS analyses take into account other projects in the area, as appropriate. This includes anticipated population growth associated with these projects.

As noted above, the EIS does evaluate the proposed actions' potential impacts on infrastructure, including sanitary sewage and stormwater flows. That analysis concludes that the proposed actions would not result in significant adverse impacts to infrastructure as defined by the *CEQR Technical Manual*.

Responses to comments related to transit and community facilities are addressed above under "Transportation" and "Community Facilities."

Comment 46: It is the experience of residents in the Hell's Kitchen/Clinton neighborhood, and the membership of CB4, that this area has become a regional parking hub for commuters, and as a consequence, residents in the area are overburdened with very large parking facilities. This contributes greatly to Hell's Kitchen's high asthma rates, traffic accidents, and pedestrian fatalities. (Johnson)

Response: As discussed in Chapter 11, "Transportation," an analysis of vehicular and pedestrian safety conditions was conducted, and the proposed actions are not anticipated to exacerbate any of the current causes of pedestrian-related accidents in the study area. Similarly, Chapter 12, "Air Quality," includes an analysis of mobile source air quality, which determined that the proposed actions would not result in significant adverse air quality impacts from mobile sources.

COMMENTS NOT DIRECTLY RELATED TO THE DEIS

Comment 47: The City should not provide incentives for reducing the amount of new affordable housing, especially in a district created to preserve it and when market-rate commercial tenants already ensure substantial profit to developers. The New York City Planning Commission (CPC) should instead require that the total floor area of the building be used to determine the amount of affordable housing to be built on-site. (L. Rosenthal)

The proposed text incentivizes commercial uses above the first floor up to a FAR of 4.0 which, if utilized, would reduce the amount of affordable housing in the building. The marginal increase of approximately 10 units by including commercial spaces in the base calculation is by no means economically infeasible in a project of this size. Unless the amount of affordable housing in the project is increased to 20 percent of the total floor area of the building, rather than just the residential component, I recommend disapproval of Application No 1 130337 ZRM, for special regulations in the Northern Subarea C1 of the Special Clinton District. While I do not oppose the newly permitted use for auto repairs or the increased FAR from 9.0 to 12.0 pursuant to provisions of the Inclusionary Housing Program, I ask that all commercial and residential FAR be used as a base for discerning the size of the 20 percent affordable units. (Johnson)

Using the full FAR of the building would result in approximately 10 additional affordable housing units. While the planning rationale for excluding this space is well understood, more research should be undertaken to investigate where this type of inclusion is appropriate. In many parts of Manhattan, ground floor retail floor area rents for much higher prices than other parts of the City. In these areas, it may be appropriate to use a higher base for determining the number of required affordable units. (Stringer)

While the applicant, who has not yet found commercial tenants for this building, may want the flexibility to rent commercial or retail space above the first floor, they have not shown that this would be a benefit to the community over the potential affordable housing. The project being proposed is primarily a residential project, and it is going into a neighborhood that is increasingly residential as well. While the neighborhood-oriented ground floor retail could be an asset to the community by bringing street activity and services, there is no planning rationale for the City to incentivize additional commercial space in this area. (Stringer)

The proposed text amendment for special regulations within Northern Subarea C1 does not further the aims of the special district. The proposed zoning text would offer incentives, in the form of reduced obligations to provide affordable housing, for the addition of commercial floor area above the first floor. The proposed text has previously been used in rezonings where the City had a planning goal of preserving of broad mix of commercial and residential floor area. The applicant in this instance has not presented a case for why this is a valid goal in the Clinton neighborhood. CB4 has a longstanding goal of providing additional affordable housing, and this community planning goal should be respected. The proposed text amendment should be changed to match the underlying regulations of the Special Clinton District. These regulations would set the total floor area ratio of the building at 10, which could be

increased to 12 through the inclusion of affordable housing equal to 20 percent of the floor area of the building, excepting any ground floor retail. (Brewer)

We support the auto showroom with repairs but strongly believe that when providing a base FAR for the residential that the inclusionary housing be measured from 20 percent of the entire floor area (residential *and* commercial) and not just the residential. Otherwise the community is getting less affordable units for such a large project. (CB4)

We want to make sure automotive uses continue, if this building will be able to manage that. However, the unintended consequence is reducing the base FAR against which the affordable housing is bonused. We would like CPC to recommend that reducing the base FAR not be included. The Clinton Special District perimeter area (96-20) allows a bonus against the total floor area, not the total residential floor area, and that provision has been in existence since 1973, so it is not a new provision. The Inclusionary Housing regulations exempt the first floor and the text amendment exempts the second floor. The difference between the affordability could be 10 to 12 units. We would like 20 percent of the units, which is 237, as expressed on the application, and we want to make sure that, additionally, those 10 to 12 units are on top of it. (CB4)

Response:

Ground floor commercial and community facility space has been excluded from the calculation of “floor area” under the City’s Inclusionary Housing Designated Area program (generally and in the Clinton Special District). As described in Chapter 1, “Project Description,” all Inclusionary Housing-designated areas in New York City exclude ground floor non-residential floor area from the floor area required to receive compensation. Particularly along major corridors like West 57th Street, developers should not be discouraged from including ground floor commercial and community facility uses that are critical to activating the streetscape. It has been recognized that active ground floor uses are a desirable feature of new development, and the Inclusionary Housing Designated Area program has sought to avoid disincentives to the incorporation of retail uses in a building. In instances where rent from ground floor retail spaces are relatively low, owners would have an incentive to use as much of the ground floor as possible for residential units instead of retail space. With respect to the project site, the portion of West 57th Street between Eleventh Avenue and the Sanitation Garage is very difficult to lease for retail; there is little pedestrian traffic at this far western location. There are no destinations to the west (and no easy way to cross the highway to Hudson River Park at 57th Street). Consequently, the applicant expects commercial rents to be very weak in this area and, in fact, not to break even, let alone subsidize residential space.

The text change proposed by the applicant seeks similar treatment for commercial and community facility uses above the ground floor. The proposed text change seeks to exclude such floor area from the 20 percent calculation for

the same reasons the ground floor has historically been excluded—to facilitate non-residential uses near the street level.

Comment 48: The applicant should consider more than 20 percent affordable housing. (H. Rosenthal)

Response: Comment noted. As noted in Chapter 1, “Project Description,” the applicant indicates that the 80/20 Affordable Housing Program will be pursued and the project intends to participate in the Inclusionary Housing Program, pursuant to the proposed actions. Consistent with these programs, the proposed actions will provide 20 percent affordable housing.

Comment 49: CB4 is pleased that the development will result in at least 237 *permanently* affordable units. (CB4)

Response: Comment noted. As shown in Chapter 1, “Project Description,” the number of affordable units to be created would be 20 percent of the total residential units, pursuant to the applicant proceeding with Inclusionary Housing and the 80/20 program. Under RWCDs 1, a scenario that maximizes residential use of the project site, there would be up to 1,189 total units and approximately 238 affordable units.

Comment 50: The proposed application should not be allowed because of the applicant’s record of bad labor practices, irresponsible behavior, and outstanding complaints from tenants of their buildings. (SEIU)

Response: Comment noted.

Comment 51: The applicant has refused to negotiate in good faith with the Services Employees International Union, Local 32BJ, on labor standards for this and other of the applicant’s buildings throughout the City. Especially for a project that requires public approval to even be built, it is critical that this project provide both affordable housing and good union jobs like the ones represented by 32BJ. (SEIU)

The applicant should negotiate in good faith with 32BJ and any other unions that would be working on this project to finalize an agreement for labor standards at 606 West 57th Street and its other buildings. (L. Rosenthal, H. Rosenthal, Johnson)

Would the project sponsor be willing to enter into an agreement with 32BJ? (Battaglia)

Response: Comment noted.

Comment 52: It is important that tenants in the affordable units be treated as full residents of the buildings. The affordable units should be distributed throughout at least 80 percent of the building. The fixtures and finishes in all units of the building should be the same. (Battaglia, Johnson, CB4, Stringer, L. Rosenthal)

All building amenities must be equally available, including the provision of a reduced-fee schedule to assist the affordable tenants in enjoying the full breadth of the building's facilities. (Johnson, CB4, Stringer, L. Rosenthal)

Response: Comment noted.

Comment 53: The building must be Americans with Disabilities Act (ADA)-compliant. (Johnson)

Response: The applicant will comply with applicable ADA rules and building codes.

Comment 54: A 90 percent occupancy rate has not been reasonably established as a legitimate planning goal. Parking capacity is an absolute number, not a percentage of parking available. (Stringer)

Response: The 90 percent occupancy rate is not used in CEQR analysis. In terms of the CEQR traffic analysis, for the purposes of assigning trips, 98 percent capacity is used for garages, which is more conservative. Assuming 98 percent capacity is more conservative as it would allow more of the project-generated vehicle trips to be assigned to the study area based on the greater availability of parking spaces as compared to 90 percent capacity. For the CEQR parking analysis, the utilization of available parking spaces was determined, following CEQR methodology, by conducting field surveys of all garages in the study area.

Comment 55: Prior to the City's new Manhattan parking rules, special permit applications typically used a 100 percent utilization rate to measure existing capacity and there is significant precedent for this measure. Using the more accurate measure of existing capacity, the applicant's case for additional parking need is not as strong. Using 100 percent capacity, there are an available 441 spaces at existing facilities at weekday midday utilization. Looking to the 2017 Build year, the applicant found that projects currently being planned would increase parking demand by an additional 1,366 parkers but that only 991 additional parking spaces will be added (again, at a 90 percent utilization rate). Actual capacity for the expected projects will be 1,101 spaces, meaning a projected shortfall of 265, rather than the 375 claimed by the applicant. These 265 parkers can be accommodated in existing garages with 176 spaces to spare. (Stringer)

Response: This comment is referring to the ULURP special permit application and the methodology used to meet the findings. Therefore, this is not a comment on the EIS. The EIS utilizes *CEQR Technical Manual* methodologies and guidelines. As noted above, in terms of the traffic analysis for the purposes of assigning

trips, 98 percent capacity is used for garages, which is a more conservative assumption than 90 percent.

Comment 56: The applicant claims that CEQR procedures require when a garage, such as the one at 40 Riverside Boulevard, is located near the boundary of the 1/3-mile study area, only 20 percent of the unused spaces would be available to accommodate parking demand from the other No Build projects in the 1/3-mile study area. There is nothing in the *CEQR Technical Manual* that indicates such a requirement, and it would not make any sense as applied to 40 Riverside Boulevard because any parking deficit at buildings in Riverside Center, just as across the street, would certainly be satisfied at 40 Riverside Boulevard, despite the applicant's artificial restriction. (CROWDED)

The applicant uses questionable logic when estimating the amount of available parking at 40 Riverside Boulevard, which is near the boundary of the 1/3 mile study area. The project will create 535 spaces, and demand generated by the project itself is estimated at 105 cars. Because this project is near the boundary of the study area, the applicant uses CEQR guidelines and assumes that only 20 percent of the remaining space will be available to parkers in the study area. While Riverside Center is not immediately adjacent to the proposed development, it is immediately adjacent to other projects for which anticipated demand is being factored in, so the full amount of parking at this site should be counted. This adds an additional 344 spaces over what is claimed by the applicant, leaving 520 spaces available to accommodate the displaced 700 overnight parkers. (Stringer)

Response: This comment is referring to the ULURP special application and the methodology to meet the findings. Therefore, this is not a comment on the EIS. The EIS utilizes *CEQR Technical Manual* methodologies and guidelines. The 40 Riverside Center parking demand of 105 cars is based on CEQR methodology, which the ULURP parking demand findings do not employ.

Comment 57: If the restriction [that only 20 percent of the unused spaces would be available to accommodate parking demand from the other No Build projects] is applied to parking supply near a boundary, then it should also be applied to parking demand from buildings near a boundary, so that only part of that demand need be satisfied at garages within the boundary. For example, Harborview Terrace, which the applicant cites as having a 53-space parking deficit, is near this project's boundary. If those cars were evenly distributed within Harborview Terrace's 1/3-mile boundary, most of them would be outside this project's boundary. (CROWDED)

Response: This is a comment on the methodology used in the ULURP special permit application and not on the EIS transportation analysis, which follows the guidelines of the 2012 *CEQR Technical Manual*.

Comment 58: CB4 has no objection to an increase of 105 spaces over the 237 spaces permitted as-of-right by the zoning (20 percent of residences) in Manhattan Core to facilitate economic development in the form of an automotive use. However, since there are will be in excess of 1,000 public parking spaces within 500 feet of this proposed parking facility, we do not agree that the applicant has further met the findings prescribed in 13-451 (a) (2) that the number of off-street parking spaces in the proposed parking facility is reasonable and not excessive. (On 59th Street, 500 feet away, Riverside Center is under construction with 1,500 parking spaces, or 625 in excess of the maximum allowed by Manhattan Core zoning as-of-right. On the north side of 57th Street, 285 parking spaces were approved, or 122 in excess of the Manhattan Core zoning and there is another 399 spaces public parking garage on that block.) (CB4)

Response: Based on the content of this comment, it relates to the ULURP application and findings and not to the EIS. It is unclear what methods have been used in the calculations in the above comment. However, the parking analysis performed for the proposed actions to determine if the proposed actions would generate a parking shortfall under CEQR follows the methodology of the *CEQR Technical Manual*. Based on this approach, the analysis determined that there would be a parking shortfall even with a 500-space garage.

Comment 59: The developer should consider supporting local independent owners in terms of the commercial retail space in the project. (H. Rosenthal)

Response: Comment noted.

Comment 60: The applicant should follow through on the commitment to add street trees and greenery to the entire block. (Stringer)

Response: The applicant has agreed to add street trees to both the proposed development site as well as other locations on the block. *