

Chapter 27: Response to Comments on the Draft Scope of Work and DEIS¹

A. INTRODUCTION

This chapter summarizes and responds to all substantive comments on the Draft Scope of Work (Draft Scope) and the Draft Environmental Impact Statement (DEIS) for the Hudson Square Rezoning made during the public review period. For the Draft Scope, these consist of oral comments and written comments received during the public scoping meeting held by the New York City Planning Commission (CPC) on October 27, 2011. Written comments on the Draft Scope were accepted through the public comment period, which ended November 7, 2011. Thereafter, the Department of City Planning (DCP) accepted additional comments, which are included in this document. For the DEIS, comments consist of spoken or written testimony submitted at the public hearing held by the CPC on November 28, 2012. Written comments were accepted through the public comment period, which ended on December 10, 2012. Thereafter, DCP accepted additional comments, which are included in this document. Written comments received on the Draft Scope and DEIS are included in **Appendices 10** and **11**, respectively.

Sections B and D list the elected officials, community boards, government agencies, organizations, and individuals who commented on the DEIS and Draft Scope, respectively. Sections C and E summarize and respond to the substance of these comments on the DEIS and Draft Scope, respectively. The organization and/or individual that commented are identified after each comment. These summaries convey the substance of the comments but do not necessarily quote the comments verbatim. Comments are organized by subject matter and generally parallel the chapter structure of the Draft Scope and the DEIS. Where more than one commenter expressed a similar view, the comments have been grouped and addressed together.

Some commenters did not make specific comments related to the proposed approach or methodology for the impact assessments. Where relevant and appropriate these edits, as well as other substantive changes to the DEIS, have been incorporated into the Final Environmental Impact Statement (“FEIS”).

B. LIST OF ELECTED OFFICIALS, ORGANIZATIONS, AND INDIVIDUALS THAT COMMENTED ON THE DEIS

ELECTED OFFICIALS AND COMMUNITY BOARD

1. United States Representative Jerrold Nadler, written comments dated November 28, 2012, and oral comments delivered by Katie Smith on November 28, 2012 (Nadler)
2. New York State Senator Thomas K. Duane, written comments dated November 28, 2012 and oral comments delivered by Robert Atterbury on November 28, 2012 (Duane)

¹ This chapter is new to the FEIS.

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3. New York State Senator Bill Perkins, written comments dated November 28, 2012 (Perkins)
4. New York State Assemblymember Deborah Glick, oral comments on November 28 2012, and written comments dated November 28, 2012 and December 20, 2012 (Glick)
5. Manhattan Borough President Scott Stringer, recommendation issued by the office of the Manhattan Borough President, dated November 26, 2012, and oral comments delivered by Brian Cook on November 28, 2012 (Stringer)
6. Community Board 2, written comments dated November 30, 2012 (CB2)
7. Community Board 2 recommendation, dated October 25, 2012 (CB2 [2])
8. Tobi Bergman, Chair, Land Use Committee, Community Board 2, oral and written comments dated November 28, 2012 (CB2/Bergman)
9. Terri Cude, Vice Chair, Land use Committee, Community Board 2, oral comments on November 28, 2012 (CB2/Cude)
10. David Gruber, Chair, Community Board 2, oral comments on November 28, 2012 (CB2/Gruber)

ORGANIZATIONS AND INTERESTED PUBLIC

11. Association for a Better New York, oral comments delivered by Eftihia Thomopoulous and written comments dated November 28, 2012 (ABNY)
12. Elyssa Ackerman, written comments, undated (Ackerman)
13. Ann Warner Arlen, oral comments on November 28, 2012 (Arlen)
14. Kristi Avram, written comments, undated (Avram)
15. Richard Blodgett, president, Charlton Street Block Association, oral comments on November 28, 2012. (Blodgett)
16. Marc Chalom, oral comments on November 28, 2012 (Chalom)
17. Yi-an Chou, oral comments on November 28, 2012 (Chou)
18. Amanda Davis, oral comments on November 28, 2012 (Davis)
19. Frank Dobbs, oral and written comments on November 28, 2012 (Dobbs)
20. Drew Durniak, oral comments on November 28, 2012 (Durniak)
21. Edison Properties, LLC, Wachtel, Masyr & Missry, LLP, oral comments delivered by Ethan Goodman on November 28, 2012 and written comments dated December 4, 2012; oral comments delivered by Anthony Borelli on November 28, 2012 (Edison)
22. Richard Gamba, oral comments on November 28, 2012 (Gamba)
23. Zach Weinstein, co-chair, Greenwich Village Community Task Force, oral comments on November 28, 2012 (GVCTF)
24. Greenwich Village Society for Historic Preservation, oral comments delivered by Andrew Berman on November 28, 2012 and written comments dated October 18, 2011, March 26, 2012, April 5, 2012, April 10, 2012, and November 28, 2012 (GVSHHP)

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25. Historic District Council, oral comments delivered by Nadezha Willims and written comments dated November 28, 2012 (HDC)
26. Emily Hellstrom, resident, written comments dated November 28, 2012 (Hellstrom)
27. Hudson Square Connection, written and oral comments dated November 28, 2012 (HSC)
28. Anita Isola, oral comments on November 28, 2012 (Isola)
29. David Kaplan, oral comments on November 28, 2012 (Kaplan)
30. Jeannine Kiely, member of CB2 and resident, oral comments and written comments dated November 28, 2012 (Kiely)
31. Joon Kim, representing owner of 111 Varick Street, oral comments on November 28, 2012 (Kim)
32. Sandro La Ferla, President 92-94 Vandam Building Corporation, oral and written comments dated November 28, 2012 (La Ferla)
33. Justine Leguizamo, oral comments on November 28, 2012 (Leguizamo)
34. T. Procter Lippincott, written comments dated November 29, 2012 (Lippincott)
35. Andito Lloyd, oral comments on November 28, 2012 (Lloyd)
36. Connie Masuelo, oral comments on November 28, 2012 (Masuelo)
37. Judith Monaco-Callet, oral comments on November 28, 2012 (Monaco-Callet)
38. Phil Mouquinho, oral comments on November 28, 2012 (Mouquinho)
39. Christina Nakraseive, oral comments on November 28, 2012 (Nakraseive)
40. Robert Neborak, oral comments on November 28, 2012 (Neborak)
41. Archdiocese of New York, oral comments delivered by Edward Newman on November 28, 2012 (Newman)
42. Bridget O'Driscoll, written comments dated October 5, 2012 (O'Driscoll)
43. Sylvia Rackow, oral comments on November 28, 2012 (Rackow)
44. Real Estate Board of New York, Inc., oral comments delivered by Carol Van Guilder and written comments dated November 28, 2012 and November 29, 2012 (REBNY)
45. David Reck, board member, Hudson Square Connection, oral comments on November 28, 2012 (Reck)
46. Russell Roberts, resident and board member, 145 Avenue of the Americas, oral comments on November 28, 2012 (Roberts)
47. Regional Planning Association, oral comments delivered by Brian Dennis and written comments dated November 28, 2012 (RPA)
48. Sandra Russo, oral comments on November 28, 2012 (Russo)
49. SEIU Local 33, oral comments delivered by Jerdnino Saldana on November 28, 2012 (Saldana)
50. Dana Schultz, oral comments on November 28, 2012 (Schultz)

51. Renee Scolley, oral comments on behalf of Mindy Goodfriend on November 28, 2012 (Scolley/Goodfriend)
52. Brendon Sexton, oral comments on November 28, 2012 (Sexton)
53. SoHo Alliance, written and oral comments dated November 28, 2012 (SoHo Alliance)
54. Soho AOA Owner, LLC, Greenberg Traurig, LLP, oral comments by Nick Hockens and Leslie Jabs on November 28, 2012 and written comments dated December 10, 2012 (Soho AOA)
55. Greenberg Traurig, LLP, Deidre Carson, oral comments on behalf of Shalimar Management (100 Varick Street) on November 28, 2012; oral comments by John Sore (100 Varick Street) on November 28, 2012 (Sore)
56. Toll Brothers City Living Division, oral comments delivered by Alan Silver, acquisitions manager, on November 28, 2012 (Toll Brothers)
57. Jacques Torres, oral comments on November 28, 2012 (Torres)
58. Coral Dawson, written comments dated November 28, 2012 (Dawson)

C. COMMENTS AND RESPONSES ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

GENERAL

Comment 1: The community has been having meetings for over ten years on what should happen at Hudson Square. Overall, I feel that the community input has been very strongly received here and strongly considered. (Reck)

I support the proposed rezoning. I have seen Trinity working very closely with the community and I think it will be great for the residents and the businesses in Community Board 2 and great for the City. (Kaplan)

I support the proposed rezoning as it is written, with its goal to create a revitalized, mixed use, live-work community, built upon arts and commercial interests. (Roberts)

Response: Comment noted.

Comment 2: I support the rezoning proposal. A lot of people work in the neighborhood but don't live there and it's very deserted in the evenings after 6 pm. More residential would certainly create more business, create employment, and would make the streets safer and cleaner. (Torres, Mouquinho)

Hudson Square is young and mobile business community. Introducing residential, 24/7 community is critical for necessary amenities and retail to maintain Hudson Square's commercial center viability. (HSC)

Response: Comment noted.

Comment 3: I strongly support the proposed rezoning. I have owned 286 Spring Street, the L-shaped building that surrounds the Port Authority parking lots, for 20 years. The building has recently served creative businesses that now have better alternatives in the neighborhood. My building is a perfect example of a building fitting for adaptive renovation to residential. Its small size will contribute to the preservation of the eclectic historic character of the area. (Scolley/Goodfriend)

We strongly support the proposed rezoning, which is critical to develop the vibrant, mixed use neighborhoods that both residents and commercial tenants want. Trinity has been our partner over the years, demonstrating repeatedly that they are a good employer and good neighbor. Not every developer is committed to the creation of high quality jobs that strengthen communities and allow workers to care for their families; Trinity is committed to creating quality jobs, and that will have a real economic impact for all New Yorkers. (Saldana)

We support the Hudson Square Rezoning because we believe it is important to plan for the future of the Hudson Square area so that it can become a mixed-used neighborhood that includes residential units. The plan would also include protections for the large commercial buildings which house the commercial activity. (REBNY)

Response: Comment noted.

Comment 4: We are pleased to strongly support the vision for a rezoned Hudson Square and commend Trinity Real Estate for creating this thoughtful plan. The current M1-6 zoning prohibits the development of cultural and educational institutions, as well as residential development. Ultimately this results in little to no foot traffic on nights and weekends, deterring world-class institutions and quality retailers from coming to the area. At the same time, there is no height restriction in the district, which leads to over-building of certain sites and an abundance of hotel development.

Similar to what we have witnessed in Lower Manhattan, a growing residential population in Hudson Square would give the critical mass needed to support retail and cultural organizations that provide a neighborhood with a real vibrancy and energy. A mixed-use rezoning would help to ensure that the neighborhood remains an attractive option for new creative and tech firms that are highly mobile. As such, the rezoning is truly a critical economic development and job creation project for the neighborhood and the city. (ABNY)

Response: Comment noted.

Comment 5: The proposed rezoning allows for adequate residential usage similar to their neighboring community, the SoHo-Cast Iron Historic District and ensures that height and build out of any new development will be contextual. It will also

allow for the creation of new educational and cultural institutions and prevent big-box retail stores from locating to the area. Lastly, it will limit the size of hotels without special permit. RPA supports the zoning proposals because they promote moderate, residential development and main-street style retail that create sustainable live and work opportunities. (RPA)

Response: Comment noted.

Comment 6: The rezoning, as proposed, would have a negative impact on preserving what is left of our community's culture and historic character. (Masuelo)

It's sad what they are doing to this neighborhood, in the name of progress. Keep the poor people in mind when you consider this proposal. (Gamba)

Response: Comment noted. As discussed in Chapter 1, "Project Description," the purpose of the Proposed Action is to create a vibrant mixed-use neighborhood in Hudson Square by introducing a limited amount of residential development while preserving its essential character. By allowing residential use, incentivizing the creation of affordable housing pursuant to the city's Inclusionary Housing program, and promoting local retail and cultural activity that responds to genuine community demand, the proposed rezoning would encourage the creation of a mixed-income neighborhood with the street life and services it currently lacks. Protecting the neighborhood's large-scale manufacturing buildings will provide the infrastructure for the continued growth of creative industry jobs in the neighborhood, while helping to preserve Hudson Square's built character. The Proposed Action would help sustain the Applicant's core mission by ensuring the long-term viability of the Hudson Square neighborhood. Overall, the Proposed Action would create a unique set of use regulations that would, among other things, allow the full range of commercial and light manufacturing uses appropriate in a mixed-use environment, provide protections for existing concentrations of commercial and light manufacturing uses, and require a special permit for hotels with more than 100 rooms to ensure that hotel development does not conflict with the goals of preserving existing commercial uses, creating a vibrant community, and encouraging residential uses and affordable housing.

In addition, the "Socioeconomic Conditions" chapter of the FEIS considers the potential for the Proposed Action to result in increased property values, and thus increased rents, throughout a study area, making it difficult for some existing residents to continue to afford to live in the area. This analysis (the detailed indirect residential displacement analysis) finds that while the number of market-rate units introduced by the Proposed Action would be substantial, the Proposed Action would not initiate a trend toward increased rents in the study area, nor does the data indicate the presence of a substantial population at risk of indirect residential displacement if rents were to increase.

With respect to the Proposed Action's potential effect on the historic character of the area, the "Historic and Cultural Resources" chapter of the FEIS assesses the Proposed Action's potential to result in significant adverse impacts to architectural resources in the 400-foot study area. The analysis concludes that the Proposed Action could potentially result in construction-related impacts to six potential architectural resources, due to their location within 90 feet of anticipated development and enlargement sites that are not under the Applicant's control. The analysis also concludes that the Proposed Action would not result in adverse visual or contextual impacts on the majority of architectural resources in the study area.

Comment 7: Today, Hudson Square's majestic art deco industrial buildings are a magnet for creative companies from around the City and around the world. But a collection of buildings only becomes a true neighborhood when the streets and sidewalks—the connective tissue of urban areas—become an integral part of our daily experience. The Hudson Square Connection (HSC), a Business Improvement District (BID), has set out to reclaim our public spaces for people to make Hudson Square a socially, environmentally and economically connected neighborhood. The BID was created to improve open space and streetscape, address pedestrian safety and pedestrian experience issues stemming from the Holland Tunnel.

On October 10, 2012, the BID released its \$27 million Hudson Square Streetscape Improvement Plan. The Plan, which is exclusively for the improvement of city-owned land, is intended as public-private partnership between BID and City; the BID is prepared to fund up to half capital costs and assume operating costs of new and renovated open space.

The Plan calls for the renovation and expansion of SoHo Square on Sixth Ave at Spring Street, potentially doubling its current size. Three public spaces (SoHo Square, Father Fagan Park, and Duarte Square) could be connected with a widened sidewalk on the west side of Sixth Avenue and an alley of trees with seating areas. The result would be a connection with SoHo and a beautiful gateway to Hudson Square, which would provide a meaningful open space. (HSC)

Response: The Applicant has worked closely with the BID since its inception and intends to continue to do so. The Applicant serves on the BID's Board of Directors and has supported the BID's work plans. Specifically regarding open space, the FEIS assesses the Proposed Action's potential to result in significant adverse impacts on open space resources in Chapter 5, "Open Space," and describes measures to partially mitigate significant adverse impacts on open space resources in Chapter 20 "Mitigation."

Comment 8: A number of issues have been raised about open space and traffic issues. This zoning proposal needs to be looked at in conjunction with proposals from the HSC, which identify a number of new open space opportunities. From the combination of what is being done with the HSC and this rezoning plan, I think this is an outstanding piece of urban planning and I strongly urge you to move forward with this. (Reck)

Response: Comment noted. Specifically regarding open space, the FEIS assesses the Proposed Action’s potential to result in significant adverse impacts on open space resources in Chapter 5, “Open Space,” and describes measures to partially mitigate adverse impacts on open space resources in Chapter 20 “Mitigation.” Regarding traffic, the FEIS assesses the Proposed Action’s potential to result in significant adverse traffic impacts in Chapter 13, “Transportation,” and describes measures to mitigate many of the adverse traffic impacts in Chapter 20 “Mitigation.”

PROPOSED ACTION

SUBDISTRICT B

Comment 9: The Manhattan Borough President recommends conditional approval provided that the applicant fulfills several conditions, including: continuing to pursue alternative language, which would eliminate Subdistrict B and allow it to follow the rules of the rest of the special district. The community overwhelmingly supports the elimination of Subdistrict B, which better aligns with this rezoning’s intent to create more housing opportunities in Hudson Square. (Stringer)

Subdistrict B should be completely eliminated from the proposal, as it does not serve the goals of the rezoning and unfairly penalizes property owners in the proposed Subdistrict. (Glick)

REBNY supports the amendment of the application that would eliminate Subdistrict B. (REBNY)

CB2 does not believe the proposed Subdistrict B achieves its intended goals. Therefore, we do not support the establishment of Subdistrict B. (CB2 [2], CB2/Crude)

I support the amended proposal that eliminates Subdistrict B. (Dobbs, Sore, Newman, Kim, Chalom, Neborak)

Response: In response to numerous comments received in opposition to the establishment in the originally proposed special district text of an area designated as Subdistrict B and subject to bulk controls imposing lower heights and floor area ratios, the Applicant has filed an amended ULURP application which removes Subdistrict B from the proposed zoning text. Under the proposed amended zoning text, the area that would have been subject to special controls in

Subdistrict B would instead be subject to the same zoning controls as the remainder of the proposed Special District (with the exception of Subdistrict A). This modification to the Proposed Action is assessed in Chapter 21, “Alternatives” (“No Subdistrict B Alternative”) and Chapter 26, “Potential Modifications Under Consideration by the CPC.”

Comment 10: We are very gratified that under the proposed amendment to eliminate Subdistrict B we are ready to proceed with the construction of a new residential building on our 9,500 square foot block long vacant property, located at 100 Varick Street immediately across the street from Freeman Plaza, which may include up to 3 FAR of inclusionary housing. That would lead to the creation of as many as 35 or more apartments on this site for inclusionary housing.

If built under the proposed amended zoning, this development would provide a strong physical presence in closing the eastern side of the plaza, helping to create a square that we know the local BID is hoping to improve as this rezoning takes effect. And the form of the building to be constructed within the proposed height and setback regulations applicable to developments on wide streets, such as Varick Street, will be entirely consistent with the existing character and context of Varick Street. A street that, like West End Avenue, has a grand progression of substantial buildings that define its character. Ground floor retail will be created along the property's Varick Street frontage, materially improving the pedestrian experience, that is really only available on the east side of the street at this location because of the plaza condition on the west side, which somewhat discourages pedestrians going from the northern to the southern end of the district. (Sore)

Response: Comment noted.

Comment 11: I support the inclusion of Subdistrict B, because it reduces the utility of the parcel containing the now vacant Our Lady of Vilnius Church and increases this building's chance for survival. The church has been there since 1910 and the archdiocese has closed it. We have fought through civil litigation and canon litigation to have the archdiocese reopen it. If this neighborhood becomes residential, I am hoping that there will once again be a need for a Roman Catholic church and they will institute a parish. (Nakrasieve)

Response: The inclusion of Subdistrict B is assessed as part of the Draft and Final EIS. The Applicant's filing of an amended ULURP application, which removes Subdistrict B from the proposed zoning text, was in response to extensive public testimony and requests from the Community Board and Borough President for the elimination of this subdistrict. The decision to close the Our Lady of Vilnius Church is not connected to or a result of this application.

PROPOSED HEIGHT LIMITS AND FLOOR AREA RATIO (FAR)

Comment 12: The Manhattan Borough President recommends conditional approval provided that the applicant fulfills several conditions, including: reducing the height on the avenues to 290 feet by widening the proposed tower portion on the base to 175 feet wide, and requiring an additional setback for the portion of the tower greater than 120 feet wide.

The rationale to raise the building height to 320 feet is that new buildings would be limited to a width of 150 feet above the base. This regulation moves bulk vertically rather than horizontally. While this bulk control is intended to break up the building's mass, alternative urban design controls with a lower height limit could be implemented to achieve a similar goal.

Instead of a narrow tower, the tower could be allowed to widen, and set back another five feet for a portion of the tower, which would create two planes to break up the building's mass. By allowing the building's tower to be 175 feet wide instead of 150 feet wide above the base, the total height of the proposed building could be reduced to 290 feet, while maintaining an average of 11 feet floor to floor heights. However, to ensure that the building's mass remains broken, the tower should be broken up to two segments. A portion of the building fronting wide streets no greater than 120 feet should be required to set back 10 feet and the remaining portion should be required to set back 15 feet. Narrow street setbacks should remain at 15 feet. (Stringer)

I encourage the CPC to adopt the Borough President's recommendations, which include an assurance from the applicant that they are open to modifying the wide street building maximum height to 290 feet, and also examine whether any further reductions are possible. (Nadler)

Response: The modifications recommended by the commenter are under consideration by the CPC and have been assessed in the FEIS in Chapter 26, "Potential Modifications Under Consideration by the CPC."

Comment 13: The zoning text amendment sought by the applicant, as modified through negotiations with Borough President Stringer, would cap building heights at 290 feet on wide streets. This reduced maximum height is still out of scale with much of the area's existing built character as well as that of the surrounding neighborhoods. (Duane)

Response: In response to comments received regarding the proposed height limits, the Draft and Final EIS assessed a Lower Height Alternative. On wide streets, Lower Height Alternative considers a maximum building height of 180 feet and a maximum base height of 150 feet. The establishment of a height limit where none currently exists sets a maximum scale for new buildings. It is the Applicant's position that the proposed height limits are appropriate for the

district and—as noted in FEIS Chapter 26, “Potential Modifications Under Consideration by the CPC,” which considers a reduction in the proposed height limit on wide streets from 320 to 290 feet—that reducing the height limit on wide streets to less than 290 feet would prevent the achievement of the goals of the rezoning, including the development of a critical mass of residential use, incentivizing and maximizing the amount of affordable housing provided, and encouraging the development of mixed use buildings (considering that higher floor to floor heights are required for commercial use).

Comment 14: The proposed height and bulk of this rezoning is inappropriate. Buildings that are 320 feet in height, as currently proposed, will overwhelm the neighborhood and will permanently alter the face of the community. (Glick, Durniak)

This height is closer to the Trump SoHo, universally accepted as the definition of inappropriate, than other buildings in the neighborhood that are on average closer to 250 feet. I could support new buildings rising as high as 250 feet but only if they included inclusionary zoning for affordable housing. On side streets I believe that the height limit of 185 feet is out of character for the neighborhood. However, I might be willing to accept buildings at such a height, if and only if, affordable housing is incorporated into any development through inclusionary zoning. (Glick)

We recommend a maximum building height in the district of 250 feet, and that is only for buildings that fully develop the affordable housing incentive. To assure the success of the affordable housing incentive, the wide-street height limit for residential buildings that do not provide the full component of affordable housing should be 210 feet. A similar differential should also be established for narrow streets, with 185 feet available if affordable housing is provided and a lower limit of 165 feet if not. (CB2 [2], CB2/Crude, Blodgett)

I am concerned about the provision of affordable housing. I support CB2’s request to lower the maximum height for buildings without inclusionary housing to 210 feet on wide streets and 165 feet on narrow streets, while capping heights at 250 feet and 185 feet, respectively, for those with inclusionary housing, in order to foster more contextual development and stimulate the development of affordable housing. (Duane)

Response: As noted in the response to the previous comment, the establishment of a height limit where none currently exists sets a maximum scale for new buildings and it is the Applicant’s position that the proposed height limits are appropriate for the district. There are currently tall buildings located on wide streets within the district. Aside from the Trump SoHo building on Varick Street (454 feet) there are buildings that reach 253 and 266 feet on Hudson Street and a 317-foot high building on Avenue of the Americas (existing building heights provided in Table 1-3 in the FEIS). As noted in Chapter 26 of the FEIS, reducing the height limit on wide streets to less than 290 feet would prevent the achievement of the

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goals of the rezoning. Specifically, a reduction in height on wide streets to 250 feet would not allow for the development of buildings with floor-to-floor heights sufficient to accommodate new commercial uses in mixed use buildings. With respect to affordable housing, as identified in the Project Description of the FEIS, the proposed zoning provides an incentive for the development of affordable housing pursuant to the city's Inclusionary Housing program, an established governmental program which provides a significant floor area bonus as an incentive for the provision of affordable housing.

Comment 15: Since 2006, GVSHP has called for a rezoning of Hudson Square. The current zoning encourages woefully out-of-scale development, as exemplified by the Trump SoHo. However, as proposed, the rezoning would encourage development of a size and density more commonly found in, and more appropriate for, Midtown Manhattan. The proposed 430 ft. height limit for Subdistrict A is much too great, and should be substantially reduced. (GVSHP, Lippincott, SoHo Alliance)

The 320 ft. height limit for major avenues is also much too great, and contradicts the purported goal of preserving Hudson Square's character. For example, C6-4A and R10-A contextual districts allow the same 12 FAR as proposed here, but limit height to 210 feet. This reflects the preponderance of existing building heights in the area and we believe would be much more reasonable, and thus we recommend such a limit instead. (GVSHP, Lippincott)

Response: See the responses to Comments 13 and 14. With respect to Subdistrict A, it is the Applicant's position that the proposed 430-foot height limit is appropriate for this location. As discussed in the Project Description of the FEIS, this unique site is bordered by three exceptionally wide streets (Canal Street, Varick Street and Avenue of the Americas) as well as Duarte Square Park. The height is required to maximize the permitted FAR and provide adequate floor to floor heights for the proposed uses (i.e., residential, retail, and a 75,000-square-foot school facility).

Comment 16: We object to the 320 height and 12 FAR requested for residential elsewhere. Such height is out of character with just about every building in this area of west SoHo. (SoHo Alliance, GVCTF)

We suggest that Trinity's request be reduced by about a third, say, a height of about 200 to 225 feet and an FAR of 9. (SoHo Alliance)

The 320 height limits are simply too large. Reducing it to 290 is just a token gesture. A 210-foot height limit is more appropriate. That is the height limit of the C6-4A and R10-A contextual districts. (GVCTF)

Response: See the responses to Comments 13 and 14. As stated in the Project Description of the FEIS, the Proposed Action (outside of the proposed subdistricts) would

allow residential development at 9 FAR bonusable to 12 FAR through the provision of affordable housing pursuant to the city's Inclusionary Housing Program. Thus, reducing the maximum permitted FAR for residential uses to 9 would eliminate the Inclusionary Housing bonus, and would not be consistent with one of the goals of the Proposed Action - to incentivize and maximize the provision of affordable housing in the district.

Comment 17: I echo Community Board 2's suggestion that a building with a school (in Subdistrict A) could extend beyond 250 feet, but the proposed 430 feet is excessive, and frankly outrageous. (Glick)

We strongly object to the 430-foot height of the proposed building on Canal and Sixth Avenue. (CB2/Bergman)

The 430-foot height limit at this site is inexcusable. It sounds like spot zoning, and the rationale presented by the applicant for that special treatment is not convincing. (GVCTF)

Response: As discussed in the response to Comment 15, with respect to Subdistrict A, it is the Applicant's position that the proposed 430-foot height limit is appropriate for this location. As discussed in the Project Description of the FEIS, this unique site is bordered by three exceptionally wide streets (Canal Street, Varick Street and Avenue of the Americas) as well as Duarte Square Park. The height is required to maximize the permitted FAR and provide adequate floor to floor heights for the proposed uses (i.e., residential, retail, and a 75,000-square-foot school facility).

Comment 18: With respect to Subdistrict A, we believe that this site can accept more height without undermining the existing built character, but the differential between this site and the rest should be based on the additional height attributable to space provided for a school and a 50,000 square foot recreation center. (CB2 [2], CB2/Crude)

To meet the open space requirements, a community center should be constructed adjacent to the proposed school. This center should be at least 90,000 square feet and would be operated by a non-profit. (Glick, CB2/Gruber)

Response: It is the Applicant's position that the inclusion of a 50,000 sf recreation center within a new development in Subdistrict A would present numerous technical impediments, as discussed below. A facility of this type is typically constructed with wider structural spacing and taller floor-to-floor heights in order to accommodate programming requiring large, unobstructed spaces. These structural standards are incompatible with a residential development based on smaller and more efficient structural dimensions. It would also necessitate a separate HVAC system, designed to specific standards of the recreation facility, and the inclusion of an additional dedicated elevator and stair core within the

building. Additional regulatory requirements would include enhanced fire separation between program uses, along with separate exiting and life safety measures. The pre-K through Grade 5 public school that is proposed at the base of the building would bring its own special needs for vertical circulation, floor spacing, HVAC systems and open space (within a 4,200 square foot open center courtyard).

With respect to open space, the FEIS assesses the Proposed Action’s potential to result in significant adverse impacts on open space resources in Chapter 5, “Open Space,” and describes measures to partially mitigate significant adverse impacts on open space resources in Chapter 20 “Mitigation.”

Comment 19: We support the proposal for 9 FAR for mixed use without inclusionary housing and 12 FAR with inclusionary housing. (CB2/Cude)

Response: Comment noted. As discussed in the Project Description of the FEIS, this is consistent with the bulk regulations that would apply throughout the proposed Special District outside of Subdistricts A and B under the Proposed Action, and outside of Subdistrict A under the modified application [pursuant to ULURP No. 120381(A)ZRM].

Comment 20: The proposed allowable density of 12 FAR is too great. The proposed rezoning offers a large increase in allowable residential FAR—generally the most desirable and most profitable form of development—from the current zero to as high as 12. The built form of the surrounding buildings and the current and projected problems with traffic and burden upon infrastructure and open space would suggest a lower density would be preferable. Therefore we strongly recommend lowering the maximum allowable FAR for all types of development to 9. (GVSHP, Lippincott)

Response: It is the Applicant’s position that the proposed residential floor area ratio—9 FAR bonusable to 12 FAR for residential use—is crucial to the Proposed Action’s goal of achieving the critical mass of residential density necessary to sustain 24-hour street life and retail services in the district. The Proposed Action would not change the proposed density for commercial use from what is permitted under the current zoning.

Specifically regarding the concerns raised by the commenter (traffic, infrastructure, and open space) the potential for the Proposed Action to result in significant adverse impacts with respect to those areas is assessed in Chapter 13, “Transportation,” Chapter 10, “Water and Sewer Infrastructure,” and Chapter 5, “Open Space.” As discussed in Chapter 10, the Proposed Action would not result in any significant adverse impacts on the city’s water supply, wastewater treatment or stormwater conveyance infrastructure. Chapter 20, “Mitigation,”

describes measures to mitigate or partially mitigate significant adverse open space and traffic impacts that would result from the Proposed Action.

Comment 21: The 9 FAR should be the maximum FAR for commercial-only development. (CB2 [2], CB2/Cude)

Response: As noted in response to the previous comment, the Proposed Action would not increase the proposed density for commercial use from what is permitted under the current zoning. In fact, the Proposed Action would reduce the potential commercial density by eliminating the currently available Plaza and Arcade bonuses, as discussed in the Project Description of the FEIS in Section B “Description of the Proposed Action”.

Comment 22: By replacing the M1-6 zoning, building heights would be capped for the first time. The new heights proposed here are intended to allow property owners to use all of the FAR and maximize the amount of affordable housing provided. Lowering these heights would prevent the district from fully achieving its goals. (REBNY)

Response: Comment noted.

Comment 23: We strongly urge the Commission to adopt the height limits proposed by Trinity. Lowering height limits further would undermine the goals of the rezoning to develop a threshold amount of residential growth. (ABNY)

Proposed rezoning will increase residential population from 4 to 25 percent of total square footage; any reduction in FAR will fall short of this goal and is not satisfactory; we strongly support proposed height and density. (HSC)

Response: Comments noted. As discussed in response to Comment 13, it is the Applicant’s position that the proposed height limits are appropriate for the district and—as noted in FEIS Chapter 26, “Potential Modifications Under Consideration by the CPC,” which considers a reduction in the proposed height limit on wide streets from 320 to 290 feet—that reducing the height limit on wide streets to less than 290 feet would prevent the achievement of the goals of the rezoning, including the development of a critical mass of residential use, incentivizing and maximizing the amount of affordable housing provided, and encouraging the development of mixed use buildings (considering that higher floor to floor heights are required for commercial use).

Comment 24: In the case of midblock sites, the proposed height of 185 feet on narrow streets does not provide for a large enough envelope to permit the construction of marketable residential buildings that utilize the full permitted FAR—and thus reduces the amount of affordable housing being developed. Allowing marginally taller buildings by special permit does not solve this problem

because the burdens of obtaining the special permit far outweigh the benefits a developer could realize from the additional floor area. The Real Estate Board therefore recommends that the Commission amend the current text (i) to allow developments that provide the full amount of inclusionary housing be permitted to reach a height of 210 to 230 feet and (ii) to create a special permit to authorize developments that require height, setback and street wall waivers to take advantage of unique site conditions and provide needed neighborhood open space. (REBNY)

Response: In response to comments requesting that the proposed zoning text include a special permit to allow bulk modifications on uniquely narrow blocks to facilitate the full development of the allowable FAR, two alternatives are considered in the Alternatives chapter of the Draft and Final EIS: one in which the proposed Special District text would include a special permit to allow height and setback waivers for midblock sites located on blocks with narrow north-south street-to-street depth (the Midblock Special Permit Alternative); and one which includes the aforementioned special permit but would also eliminate the Subdistrict B regulations from the proposed Special District zoning text (No Subdistrict B With Midblock Special Permit Alternative). Additionally, Chapter 26, "Potential Modifications Under Consideration by the CPC," considers the special permit in combination with other potential modifications to the proposed zoning text under consideration by the CPC. Furthermore, the Draft and Final EIS considers a proposal to allow for a taller building on a midblock through-lot site in exchange for the provision of public open space (the Modified Midblock Site Alternative).

Comment 25: The proposed zoning text permits a maximum 320-foot height on the avenues (which is 30 feet higher than what is permitted in the M1-6D district it was modeled after), and it limits midblock height to 185 feet (which is 25 feet lower than M1-6D). The M1-6D zoning was crafted specifically to facilitate the massing of 12FAR buildings with affordable housing. But Trinity has discarded those metrics here. The midblock zoning affects several properties, including ours. There are four development sites affected (although one, controlled by Trinity, has wide street frontage so the 185-foot restriction does not apply there).

One example of the consequences of these regulations can be seen at Edison's midblock development site between Spring and Dominick Streets. This site is only 175 feet deep from street to street. With the proposed streetwall regulations, required rear yards, and a 185-foot height limit, the zoning does not provide enough envelope to mass the available floor area. As a result, the inclusionary housing bonus is unusable and affordable housing is unlikely to be built.

We have two recommendations to address this massing concern:

1. Increase the as-of-right height limit on narrow streets to 230 feet to allow an additional 3 to 4 stories of development. This will allow midblock sites to mass a building with affordable housing just as corner sites can, and still result in buildings that are within the established character of the area.

At the public hearing, owners of similarly-affected mid-block properties, as well as another developer that is investigating the feasibility of building housing on a mid-block site, expressed concerns about an inability to build affordable housing under the proposed 185-foot height limit on narrow streets. As such, the lead agency must ensure that the Final Environmental Impact Statement includes a full assessment of the potential effects of increasing the maximum as-of-right height on narrow streets to 230 feet so the CPC and other decision makers can make an informed decision as to the potential benefits and impacts of such a modification to the filed application.

2. Provide for height and setback relief for shallow midblock sites such as Edison's through a special permit mechanism (which proposed text is attached here). A special permit would provide for flexibility to build affordable housing on sites that are substantially shallower than standard NYC blocks, while giving the Community and the Commission continued oversight over the massing, design, and neighborhood compatibility of the resulting buildings.

We believe the FEIS will indicate that neither of these solutions would create any additional, adverse environmental impacts. Furthermore, both of them improve the likelihood that the district will grow into the vibrant mixed-use community everybody seeks. (Edison, La Ferla)

The empirical evidence demonstrates that Trinity's assessment of the feasibility of developing 12 FAR within the 185 foot envelope on midblock sites is just wrong. The proposed provisions create a zoning envelope that is too small to accommodate a residential building that has marketable floor to ceiling heights, efficient floor plates, the full three FAR of inclusionary housing, and the full 12 FAR overall. (Extell, Toll Brothers)

They also appear to provide an inadequate envelope for 10 FAR commercial development, especially the development of new office space. Their overall effect is to reduce the FAR to less than the 12 permitted today, and thus to impact unfairly on independently owned mid-block properties. Existing commercial development within the Hudson Square area, where the average 10 FAR building has a height of 203 feet and the average 12 FAR building has a height of 243 feet, offers further evidence that the height limit of 185 feet and a rear yard setback could foreclose the development of 10 FAR commercial buildings and 12 FAR residences on mid-block parcels. This problem is not solved by a special permit allowing additional midblock height. The price of that special permit in terms of time, money, and uncertainty associated with the ULURP and CEQR processes, far exceeds the benefits that the builder might

realize from the additional height. And it's not going to be the market rate apartments that suffer, it's going to be the affordable housing. (Extell)

We ask the CPC to increase the midblock height limit to 210 feet, so that developers like ourselves are appropriately incentivized to provide affordable housing. (Toll Brothers)

Any new mid-block residential developments are likely to have less light and air than comparable sites in other parts of the city. Allowing buildings to rise higher in the mid-block as of right would permit taller buildings with less lot coverage, thus opening up space in the rear of those buildings and enhancing the quality of life for future residents. (La Ferla)

Response: The Reasonable Worst Case Development Scenario shows anticipated development of 12 FAR on all midblock projected development sites (development sites 6, 8, 14 and 16) within the proposed height of 185 feet except for Projected Development Site 12, where 10.8 FAR is anticipated. Projected Development Site 12 is located on a block that is 175 feet in depth, narrower than the depth of at least 200 feet on the other blocks on which midblock projected development sites were identified. Regarding the commenter's request for a special permit to allow bulk modifications on shallow midblock sites, see the response to Comment 24.

Regarding the commenter's statement that neither raising the as-of-right midblock height limit to 230 feet nor creation of a special permit to allow bulk modifications on shallow midblock sites would create any additional, adverse environmental impacts, the Alternatives chapter in the Draft and Final EIS considered the following alternatives: one in which the proposed Special District text would include a special permit to allow height and setback waivers (up to 210 feet) for midblock sites located on blocks with narrow north-south street-to-street depth (the Midblock Special Permit Alternative); and one in which a taller building (up to 320 feet) would be permitted as-of-right on a midblock through-lot site (Projected Development Site 12) in exchange for the provision of public open space (the Modified Midblock Site Alternative). As discussed in the Alternatives chapter, the Midblock Special Permit Alternative (with inclusion of Subdistrict B) would result in similar significant adverse impacts as the Proposed Action, including the same unmitigated impacts. As discussed in the Alternatives chapter, the Modified Midblock Site Alternative would not be consistent with the Proposed Action's urban design policy goals and objectives and was not assessed further.

Comment 26: The Manhattan Borough President urges the applicant and the city to continue to work on creating a special permit to allow appropriate modification of the mid-block heights. As an alternative, the DEIS contemplates the creation of a special permit, which would allow applicants to waive building height and bulk requirements after public review. Such a process would allow building forms to

be evaluated on a case-by-case basis and provide a role for community comment through ULURP. Therefore, this application should be modified to include a special permit to allow modification of building forms in the mid-block. (Stringer)

Response: See the response to Comment 24.

Comment 27: Bulk studies of my property at 92 Vandam Street (Block 597, Lot 10) indicate that a 185 foot building will accommodate 9 FAR, or possibly 10 FAR with low ceiling heights, thus undermining the proposal's residential goals. (La Ferla)

Response: As noted in the Alternatives chapter of the FEIS (under the Midblock Special Permit Alternative, in response to comments on the Draft Scope regarding ability of midblock sites to utilize 12 FAR, the analysis closely studied potential building massings on midblock development sites and found that all but one, Projected Development Site 12, could be built to 12 FAR under the proposed bulk controls. Also see the response to Comment 25.

OTHER ASPECTS OF THE PROPOSED ZONING

Comment 28: Our client is the owner of three parcels of property located at 161 Avenue of the Americas/231-233 Spring Street (Block 505, Lots 24, 31 and 36). The Property is currently improved with three buildings.

The Spring Street buildings are underbuilt by approximately 75,000 square feet. Our client acquired the property in April of this year and has filed plans with the Department of Buildings for a redevelopment project (the "project") that would modernize and upgrade the office buildings and maximize ground floor retail while allowing existing tenants—and jobs—to remain in place. The project would consist of the demolition of the 1-story loading facility located at 231 Spring Street and the vertical and horizontal enlargement of the 233 Spring Street building with:

- a 3-story penthouse containing approximately 45,000 sf of new office space; and
- a 15-story core, which would contain approximately 30,000 sf of lobby, passenger and service elevators, stairways, restrooms and mechanical spaces serving both the 233 Spring Street and 161 Avenue of the Americas buildings (the "Core").

Following the completion of the Core, the 233 Spring Street building and 161 Avenue of the Americas buildings would be combined into a single building, on a merged zoning lot, with a single certificate of occupancy.

As currently designed, the 20-foot wide Core would not comply with the height and setback requirements proposed under the rezoning in Section 88-33. In

order to vest you need a validly-issued building permit and a foundation for it, and we don't think we will have that before the zonings approvals.

We are respectfully requesting modifications to the proposed rezoning text that would allow the project to be developed as proposed. Specifically, we would request language allowing the project to vest under the current M1-6 zoning, or language, similar to the following, to be added immediately after the last sentence of Section 88-33(b)(S)(ii):

(6) Horizontal #enlargements#

Existing #buildings# on #through lot# portions of a #zoning lot# may be horizontally #enlarged# by up to 20 feet without regard to the requirements of this section, provided that the ground floor #street walls# of such #enlargement# are located on the #street line# and the maximum height of such #enlargement# does not exceed a height of 195 feet.

In addition, to ensure that following the issuance of a temporary certificate of occupancy, the enlarged 233 Spring Street building could be merged with 161 Avenue of the Americas into a single building, we would request adding a new sentence to the end of Section 88-33(b)(4):

(4) Maximum length of #building wall#

The maximum length of any #story# located entirely above a height of 150 feet shall not exceed 150 feet. Such length shall be measured in plan view by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a level of 150 feet. The provisions of this paragraph (b)(4), however, shall not prohibit the merger of two existing #buildings# into a single #building#.

The proposed modification would allow a street wall continuity and will work better internally for the future tenants of this building. (Soho AOA)

Response: As discussed in Chapter 26, "Potential Modifications Under Consideration by the CPC," the FEIS considers the potential modifications to the proposed zoning text that would allow the development described by the commenter (referred to as One SoHo Square in the FEIS) to proceed as planned.

Comment 29: The Manhattan Borough President recommends removing the hotel special permit expiration, which would strengthen the special district. (Stringer)

Allowing large hotels would endanger the unique character of this neighborhood, be inconsistent with surrounding neighborhoods, and create an environment that is not friendly to area residents and workers. Trinity should work with the CPC to remove the expiration provision for the hotel special permit. This provision should be structured so that hotels of this size are only allowed by special permit regardless of the development goals. (Nadler)

Hotels with more than 100 rooms should not be allowed in the district. If the provision for a special permit for hotels is not eliminated, CB2 strongly favors the elimination of this sunset clause for the important limitation of hotels in the district. (CB2 [2], CB2/Crude)

Response: As discussed in Chapter 1, “Project Description,” numerous hotels have been developed in the Hudson Square area in recent years, as many property owners have undertaken hotel development as the only viable option for new development under the current M1-6 zoning. It is the Applicant’s intention that allowing for the development of new residential uses as-of-right and requiring a special permit for the development of large hotels would reduce the potential for the development of new large hotels in the Rezoning Area.

As described in the “Project Description” and “Conceptual Analysis” chapters of the Draft and Final EIS, the special permit requirement for changes of use of existing buildings to hotel use with more than 100 rooms would not “expire” once the residential development goal is met, as the special permit requirement for new construction and/or enlargement for a hotel use with more than 100 rooms would. As stated in the “Project Description” chapter of the FEIS, it is assumed that a critical mass of residences and the goal of establishing a vibrant mixed-use community will have been reached when 2,255 new residential units have been created. At this point, the development of additional large hotels would not interfere with the land use goals of the proposed special district.

As discussed in Chapter 2, “Land Use, Zoning, and Public Policy,” and Chapter 22, “Conceptual Analysis,” there are several existing hotels within the Rezoning Area and the surrounding area, and any hotel construction or conversion that could occur pursuant to the proposed special permit would be compatible with the surrounding land uses, zoning, and public policies applicable to the land use study areas. After the neighborhood achieves a residential balance and the special permit sunsets, new hotels on a limited basis can be a compatible use in an already stabilized mixed-use district.

Comment 30: The rezoning prevents the conversion of any large building to residential use, regardless of its existing use. The Department of City Planning has said this is an effort to protect the existing job base and preserve "Class B and C office space". Edison Properties owns two self-storage facilities in the proposed district, containing a combined 484,000 square feet of floor area. Neither is Class B or C office space, and combined they provide a total of 15 jobs. If we could convert them to residential, the required ground-floor retail alone would generate four times that many jobs. And the affordable housing above would total more than 100 units. We would request that existing self-storage facilities be permitted to convert to residential use as-of-right. (Edison)

Response: The requested modification to the Special District zoning text, to eliminate storage as a use subject to restrictions on conversion/demolition, was considered

in Chapter 21 of the Draft and Final EIS, and determined to be inconsistent with the goals and objectives of the Proposed Action. The proposed zoning controls do not require the preservation of a particular use, but rather require the preservation of a pre-existing amount of non-residential use of any kind that is otherwise permitted in the Rezoning Area. Therefore, for example, storage use could be changed to a use with a higher employment rate such as offices. As discussed in Chapter 21, “Alternatives,” (under the Modified Midblock Site Alternative), the proposed zoning control is consistent with the goals and objectives of the proposal with respect to preservation of existing non-residential uses in manufacturing districts and is based on the precedent established by the M1-6D district that was recently mapped in an existing manufacturing district in midtown Manhattan, with a similar goal of preserving non-residential uses while allowing for limited new residential development.

Comment 31: Development of dormitories should not be allowed in the district. (CB2 [2])

Response: Consistent with standard zoning use groups that apply citywide, the proposed Special District would allow for the development of college or school dormitories. However, as discussed in Chapter 1, “Project Description,” the proposed Special District would allow for the development of new residential uses as-of-right, the potential future development of dormitories or similar uses is expected to be limited if occurring at all, and the Applicant does not intend to develop any college or school dormitories on the properties under its control.

Comment 32: We're concerned about the cap on the size of buildings which could be converted to residential or demolished. That cap is now 70,000 feet, and the original draft proposal was 50,000 feet. We believe that that 50,000 square foot number would be much more appropriate and would do more to protect the existing neighborhood than the 70,000 square feet. (GVCTF)

Response: The proposed Special Hudson Square District text was amended to change the “qualifying building” threshold from 50,000 sf to 70,000 sf in response to comments on the Draft Scope. The Draft and Final EIS analyzed a Special District, which would prohibit the creation of new residential use (or community facility use with sleeping accommodations) on zoning lots that, as of the date of certification of the Proposed Action, contain 70,000 sf or more of non-residential floor area (“qualifying buildings”), unless the amount of non-residential floor area within such qualifying building or buildings is replaced on the zoning lot on a one-for-one basis, thereby preserving existing commercial or manufacturing uses. This provision of the proposed zoning is intended to provide a powerful disincentive to demolition of existing commercial or manufacturing uses.

Comment 33: The applicant should commit to building the core and shell for an additional floor for the school upon SCA approval. This core and shell must have adequate space to accommodate facilities such as a gymnasium, auditorium, urban farm garden, cafeteria, science and art classrooms, computer lab, cooking classroom, and other spaces found in state-of-the-art elementary schools, and must adhere to the most up-to-date ADA mandates at the time that the school is constructed. The building housing the school must incorporate some form of architecturally designed overhang or canopy above the school yard that protects the children from the adjacent edifice and also permits light to stream through to the play yard. The play yard should also have a heated surface and be protected from the elements due to the considerable shadows of the building with only northeast exposure. The school must be a zoned school serving to reduce overcrowded conditions in CB2 before accommodating children of other areas (not charter school). The school playground must be ADA-compliant and contain handicap-accessible playground structures. Trinity must guarantee proper maintenance of the school playground space, especially if the space will regularly be open to the public during non-school hours, and, therefore, endure additional wear and tear. (CB2 [2])

Response: As discussed in Chapter 4, “Community Facilities” and presented in Appendix 2, the Applicant has expressed a commitment to the development of a public elementary school on Projected Development Site 1 and has entered into a letter of intent with the New York City School Construction Authority (SCA). In accordance with the letter of intent, the Applicant is prepared to build out space (to core and shell) that would accommodate a 444-seat elementary school, along with an outdoor playground. Furthermore, as discussed in Chapter 20, “Mitigation,” the Applicant will enter into a Restrictive Declaration in order to address the Proposed Action’s potential significant adverse impact on elementary schools. Development of a new school, including the provisions for the facilities described in the comment above, would be subject to the approvals and requirements of the SCA. ADA compliance would be in accordance with all applicable laws.

Comment 34: Senior services are also an essential part of a well-functioning mixed-use area, and space for these services should be provided either in the proposed Duarte Square Building or another appropriate space within the proposed Special District. (CB2 [2])

Response: As described in Chapter 1, “Project Description,” the Proposed Action would allow a broad range of community facility uses, including uses that would provide services for seniors. Although the Proposed Action does not include a specific proposal for the development of community facility space providing senior services, such uses could locate within the Rezoning Area under the Proposed Action.

Hudson Square Rezoning FEIS

Comment 35: As the Hudson Square area has a rich history of arts and currently includes many creative businesses, CB2 requests that a portion of the inclusionary housing be designated Joint Live/Work Quarters for Artists (JLWQA). (CB2 [2])

Response: As discussed in Chapter 1, “Project Description,” the Proposed Action would provide a floor area bonus in exchange for the creation of affordable housing, pursuant to the city’s Inclusionary Housing Program. Joint Live/Work Quarters for Artists are not considered affordable housing under the requirements of the city’s Inclusionary Housing Program.

ANALYSIS FRAMEWORK

Comment 36: Trinity estimates some 3,500 plus units will be built as a result of the rezoning, although we believe the projection of 1.8 people per unit is a little low, especially as Trinity desires to have families root themselves in the district. (CB2/Gruber)

Response: As discussed in the Project Description in the FEIS, the assumption of 1.84 persons per household is based on the average household size in Manhattan Community Districts 1 and 2 in the U.S. Census 2007-2009 American Community Survey. This was determined to be a reasonable assumption for the average size of new households under the Proposed Action.

SOCIOECONOMIC CONDITIONS

Comment 37: Trinity describes this district in its current form as flourishing, the most important creative hub in the city. The Commission should think long and hard before making changes to zoning which is apparently so successful in its current form, and introducing residential uses which would compete with those existing creative and commercial uses, and potentially drive up rents for precisely those kinds of uses and chase them out of the area. (GVCTF)

Response: As described in Chapter 3, “Socioeconomic Conditions,” the Proposed Action would not result in any significant adverse impacts related to indirect business displacement due to increased rents. The Proposed Action would provide protections for existing concentrations of commercial and light manufacturing uses. Specifically, the Proposed Action would prohibit the conversion to residential use or demolition of the larger buildings in the area that contain 70,000 square feet (sf) or more of floor area, unless such floor area is replaced on a one-for-one basis, thereby preserving the existing commercial and industrial buildings—and the uses within.

Furthermore, as described in Chapter 1, “Project Description,” creative companies and their workers seek out neighborhoods that provide not only office space that meets their specific requirements, but also street level activity

driven by retail uses. Because the current zoning prohibits the development of residential use, there is only a small number of residents in the Rezoning Area, (where such use is either grandfathered or has been allowed pursuant to variances), resulting in sparse activity in the area in the evenings and on weekends. The Proposed Action would allow for carefully controlled residential development, which would protect and strengthen the neighborhood's current commercial and creative usage.

COMMUNITY FACILITIES

Comment 38: Trinity's provision of built-out space for a new elementary school with approximately 444 seats in a tower it will construct in the proposed Subdistrict A is insufficient. While this school would accommodate the area's new pre-kindergarten through fifth grade residents as well as a small percentage of other Subdistrict 2 of Community School District 2 students, it would neither alleviate the current community-wide elementary school overcrowding issue nor address the lack of seats for older students. An additional floor should be added to the school, and Trinity should work with both the New York City Department of Education and the Community Education Council for District 2 in order to ensure that the proposed school is a zoned, neighborhood school and not a charter school. (Duane)

The Manhattan Borough President recommends encouraging the SCA to meet the needs and concerns of the community in planning the school (e.g., the community has proposed several design improvements to the public school in Subdistrict A, including: ensuring its compliance with the Americans With Disabilities Act, providing a playground, and creating cluster rooms like science laboratories for students). (Stringer)

Response: As discussed in the Draft and Final EIS, the Applicant has expressed a commitment to the development of a public elementary school and has entered into a letter of intent with the SCA with respect to the provision of the core and shell for a pre-K through Grade 5 elementary school in a standard format specified by the SCA. Furthermore, as discussed in Chapter 20, "Mitigation," of the FEIS the Applicant will enter into a Restrictive Declaration in order to address the Proposed Action's potential significant adverse impact on elementary schools. The proposed school is expected to accommodate all demand for elementary school seats expected to be generated as a result of the Proposed Action and is expected to include a playground adjacent to Duarte Square Park. As discussed in Chapter 4, "Community Facilities," the Proposed Action would not result in any significant adverse impacts to intermediate or high schools. The existing shortfall of public school seats in the area is outside the scope of this environmental review.

Comment 39: The DEIS states that the proposed school would decrease the utilization rate of elementary schools in SD2/CSD2 by five percent and that area elementary schools would then have a utilization rate of 126 percent. These numbers are based on the New York City School Construction Authority's (SCA) conservative and historically inaccurate projected public school ratio of students generated per new housing units. (Duane)

Response: The Draft and Final EIS analysis of public schools follows the latest guidance and methodologies provided in the 2012 *CEQR Technical Manual*, which is the city's guidance document for use in the preparation of environmental review analyses. As noted in Chapter 4, "Community Facilities," the public schools analysis relies on annual enrollment projections data provided by the School Construction Authority and Department of Education.

Comment 40: The Borough President has noted in his recommendation that the elimination of Subdistrict B would result in an increase in the number of residents in the neighborhood, and I encourage SCA and the applicant to reevaluate the likely increase in the need for school seats in light of that change. (Nadler)

Response: As discussed in the No Subdistrict B Alternative analyzed in Chapter 21, "Alternatives," the elimination of Subdistrict B would result in a total demand for approximately 420 elementary school seats, compared to a demand for approximately 399 elementary school seats under the Proposed Action. As the proposed school would include approximately 444 seats, it would accommodate all of the demand for elementary school seats created by the Proposed Action, with or without Subdistrict B.

Comment 41: Adding a large new population has the potential to overburden medical infrastructure diminished by the closing of St. Vincent's Hospital and local police precincts. (CB2 [2])

Response: As discussed in Chapter 4, "Community Facilities," according to the *CEQR Technical Manual*, if a proposed action would create a sizeable new neighborhood where none existed before, there may be increased demand on local public health care facilities, which may warrant further analysis of the potential for indirect impacts on outpatient health care facilities. The Proposed Action would not result in the creation of a sizeable new neighborhood where none existed before, as the Proposed Action is located within the existing Hudson Square neighborhood of Manhattan and is adjacent to the Tribeca, SoHo, and West Village neighborhoods. Therefore, the Proposed Action would not have the potential to result in significant adverse impacts to health care facilities.

With respect to police protection services, the *CEQR Technical Manual* recommends detailed analyses of impacts on police service in cases where a

proposed action would affect the physical operations of, or direct access to and from, a precinct house, or where a proposed action would create a sizeable new neighborhood where none existed before. The Proposed Action would not result in these direct effects on police services, nor would it create a sizeable new neighborhood where none existed before. Moreover, as stated in Chapter 4, the New York City Police Department (NYPD) independently reviews its staffing levels against a precinct's population, area coverage, crime levels, and other local factors. Therefore, the Proposed Action would not have the potential to result in significant adverse impacts to police protection services.

OPEN SPACE—IMPACTS AND MITIGATION

Comment 42: By the City Environmental Quality Review (CEQR) own definition, the applicant's proposal is 12 acres less than what is legally permissible. (Glick, CB2/Gruber)

Response: The open space ratios referenced in the *CEQR Technical Manual* represent planning goals and serve as city guideline ratios; they are not legal impact thresholds but rather are “benchmarks that represent how well an area is served by its open space”¹. The *CEQR Technical Manual* acknowledges that such ratios “may not be attainable for some areas of the City”². As discussed in the Open Space chapter of the FEIS, under the existing, No-Action, and With-Action conditions, the study area is well below the city's planning goal of 2.0 acres per 1,000 residents. The city guideline is seldom achieved in densely built portions of Manhattan; to achieve it in this study area would require approximately 137 acres of active open space. The 12 acres that the commenter refers to applies the city's planning goal of 2.0 acres of active open space per 1,000 residents to the 6,249 residents that may be generated by the Proposed Action. However, the *CEQR Technical Manual* assesses impacts based on the percentage of decrease in open space ratios with the Proposed Actions and whether those ratios are above or below the city's planning guidelines. Decreases in open space ratios of five percent or greater within the study area that also result in open space ratios that are below the city's guidelines would be deemed to be significant adverse impacts. As disclosed in Chapter 5, “Open Space,” the project's study area currently experiences significant open space deficits that would be exacerbated in the future with and without the Proposed Actions. Chapter 20, “Mitigation,” of the FEIS discusses measures that the Applicant will implement in order to mitigate the Proposed Action's significant adverse impacts to open space.

Comment 43: The Manhattan Borough President recommends conditional approval provided that the applicant fulfills several conditions, including: continuing to work with the Borough President's office and the community to identify open space

^{1,2} http://www.nyc.gov/html/oec/downloads/pdf/2012_ceqr_tm/2012_ceqr_tm_ch07_open_space.pdf

opportunities. The applicant should examine other ways to contribute to the open space needs of the community. These include but are not limited to exploring new open space options on Port Authority land or the DEP water tunnel site; and improving existing open spaces such as the Tony Dapolito Recreation Center and Hudson River Park. (Stringer)

If open space mitigation is not provided, it will harm existing vibrant neighborhoods; new families will head to nearby Vesuvio Playground and Bleecker Playground, which are already overcrowded. (CB2/Bergman, Avram)

The current proposal makes no meaningful contribution to open space that could be used for active recreation. The CPC should require, as a condition to any approval, the creation and support of meaningful and significant open space and active recreation by the applicant. (Dawson)

Response: As discussed in Chapter 20, “Mitigation,” in the FEIS, potential mitigation measures were further explored by the Applicant in consultation with DCP and DPR between the Draft and Final EIS. The significant adverse impact on open space would be partially mitigated by means of a Restrictive Declaration requiring a financial contribution by the Applicant towards the improvement of active open space, with a principal focus upon improvements to the Tony Dapolito Recreation Center operated by the DPR that would enhance its ability to attract additional members from the community and increase its potential utilization. The scope of those and other improvements to open space would be developed by DPR in consultation with the community. Improvements to the Tony Dapolito Recreation Center, among other recreational opportunities, would be appropriate mitigation as it would allow year-round access to active recreation space and would appeal to a wide range of users.

Comment 44: The Manhattan Borough President recommends conditional approval provided that the applicant fulfills several conditions, including: working with the community on the design of Duarte Square Park. If designed correctly, the park could address some open space needs such as in the inclusion of playgrounds or tot-lots. The applicant should work with the community on the design of the park to ensure that it meets community recreational and active space needs. (Stringer)

Trinity must consult with Community Board 2 in the planning of Duarte Park. (Glick)

Response: As discussed in Chapter 4, “Open Space,” the Applicant agreed to provide for the design and construction of improvements to Duarte Square Park and an adjacent easement area pursuant to a prior CPC approval. At the time of the prior CPC approval, a conceptual plan for the redesign of the park and the adjacent easement areas had been established, including increased seating, additional trees, a water feature, and a kiosk for the sale of food and drinks. In

connection with the proposed rezoning, the Applicant would reexamine the conceptual design for Duarte Square Park to provide amenities to serve the growing residential population in the area. With respect to open space mitigation, as noted in response to the previous comment, the significant adverse impact on open space would be partially mitigated by means of a Restrictive Declaration requiring a financial contribution by the Applicant towards the improvement of active open space, with a principal focus upon improvements to the Tony Dapolito Recreation Center operated by the DPR that would enhance its ability to attract additional members from the community and increase its potential utilization. The scope of those and other improvements to open space would be developed by DPR in consultation with the community (as discussed in the Mitigation chapter of the FEIS).

Comment 45: No real effort has been made to mitigate the open space impact, other than suggesting tiny pocket parks, one of which is proposed to be directly adjacent to the Holland Tunnel, a proposition that is difficult to fathom. (Glick)

So far, Trinity has offered no solutions to mitigate the active open space impact. Mostly, they have pointed to opportunities for small new parks suitable for passive recreation, which does not mitigate the impact of the new residents. The proposal offers a playground at Duarte Park, where Trinity promised a new park more than 10 years ago as part of an agreement with the city that de-mapped part of Sullivan Street to the benefit of the Trinity property there. With three lanes of tunnel traffic on two sides, including the commuter bus lane on Sixth Avenue and the only truck access to the tunnel on Canal Street, this is not a good place for a playground. (CB2/Bergman, Schultz)

Response: See the responses to Comments 43 and 44.

Comment 46: The Manhattan Borough President recommends conditional approval provided that the applicant fulfills several conditions, including: working with the SCA/DOE to ensure public access to the school's playground and other facilities during non-school hours. (Stringer)

The applicant should work with the SCA to maximize the school space and resources, including availability to the surrounding neighborhood as play and community space. (Nadler)

Response: As discussed in the Mitigation chapter of the FEIS, the Applicant has consulted with the SCA on providing public access to the future school yard on Projected Development Site 1 during non-school hours and times not being used for school functions, but no firm resolution regarding the implementation of this measure was reached by the publication of the FEIS. With respect to open space mitigation, as noted in response to Comment 43, the significant adverse impact on open space would be partially mitigated by means of a Restrictive

Declaration requiring a financial contribution by the Applicant towards the improvement of active open space, with a principal focus upon improvements to the Tony Dapolito Recreation Center operated by the DPR that would enhance its ability to attract additional members from the community and increase its potential utilization. The scope of those and other improvements to open space would be developed by DPR in consultation with the community.

Comment 47: During the November 28th public hearing, CB2 was asked to prioritize its recommendations for mitigation of the negative impacts of the proposal on open space. First, we emphasize that we do not oppose any improvements to neighborhood open space that emerge as part of this proposal; however, only improvements for active recreation are relevant to the negative impacts of the proposed rezoning. This is the negative impact that is identified in the EIS the one that must be mitigated. Our priorities are as follows:

1. Recreation center on Trinity's Projected Development Site 1/Duarte Square. In addition to helping to mitigate the negative impacts of the proposal by providing significant new opportunities for active recreation, a new recreation center (with a gym and a pool) will be an amenity that will significantly contribute to the goal of creating a vibrant mixed-use neighborhood in district that will face challenges because of the lack of open space and Holland Tunnel traffic.
2. BID or NID - The Hudson Square BID (Hudson Square Connection, or HSC) will be an asset to the new special district, but it is funded by an assessment on commercial uses only and has purposes primarily related to the needs of the business community. HSC has focused on the need for new open space in the district, but with its business improvement mission, it has not proposed open space for active recreation. The creation of a vibrant mixed-use district will benefit the commercial properties so there should be an expectation that HSC will contribute to the required mitigation as well. A transformation of this group to one with amended purposes focusing on the improvement of active open space and recreation resources could significantly reduce the negative impact of this project, with a new assessment of residential property for this purpose. Initial support by Trinity could be replaced by assessments as the anticipated residential development proceeds, providing a way to spread the costs of mitigation to other property owners. Alternatively, the proposed Hudson River Park Neighborhood Improvement District (NID) could include an overlay to assess the residential properties in the Hudson Square Special District. The NID could use the funds to improve access to Hudson River Park, which would contribute to the required mitigation.
3. Tony Dapolito Recreation Center Renovation - This Parks Department facility, which lies just outside the district, has good features, long-standing

successful programming, and a proud history. It is in need of major improvement and repair. If work on this center is done after the opening a new recreation center at Duarte Square, the Dapolito Center could be closed for the purposes of renovation, as needed. Ideally, amended bylaws for the BID would allow for expenditures to improve programming at this center.

4. Water Tunnel Shaft Site - Also just outside the district, the Department of Environmental Protection (DEP) is completing work on a shaft and valve chamber project in connection with the new water tunnel. DEP has committed to make the large lot available for use as a park. The site is close to neighborhood schools and other community resources and is ideally located for a park.

The following are NOT included in our list of priorities: 1) Spring Street Pedestrian Crossing—While this crossing would be beneficial to the community and improve its access to a key open space resource, its viability is questionable, and CB2 would only support this as a significant mitigation if a project design was completed with all required approvals prior to the completion of ULURP, which is unlikely. 2) Duarte Park—Trinity Church has a preexisting obligation to renovate this park prior to occupying the adjacent development. A new design will be needed to better conform the park to the proposed residential neighborhood and school. (CB2, CB2/Bergman)

As this neighborhood continues to add residential units and office space, as the proposed rezoning contemplates, the pressure on existing open space will only increase. CB2 has recommended locations where the applicant can create or enhance active recreation space and community facilities to mitigate this negative impact. I urge the applicant to work with CPC, Manhattan Borough President Scott Stringer, and CB2 to examine the options CB2 has identified. (Nadler)

Response: As discussed in Chapter 20, “Mitigation,” in the FEIS, potential mitigation measures were further explored by the Applicant in consultation with DCP and DPR between the Draft and Final EIS. The significant adverse impact on open space would be partially mitigated by means of a Restrictive Declaration requiring a financial contribution by the Applicant towards the improvement of active open space, with a principal focus upon improvements to the Tony Dapolito Recreation Center operated by the DPR that would enhance its ability to attract additional members from the community and increase its potential utilization. The scope of those and other improvements to open space would be developed by DPR in consultation with the community. The financial contribution to the Tony Dapolito Recreation Center would constitute partial mitigation because fully mitigating this impact would require the addition of new open space. Nonetheless, improvements to the Tony Dapolito Recreation Center, among other recreational opportunities, would be appropriate mitigation as it would allow year-round access to active recreation space and would appeal

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to a wide range of users. Regarding a recreation center on Projected Development Site 1, see the response to Comment 18. Regarding a new assessment of residential property through the BID or a NID, see the response to Comment 48, below. Regarding the Water Tunnel Site, the Applicant explored the possibility of open space improvements to the site at 388 Hudson Street (which is currently being utilized for construction related to DEP's City Water Tunnel No. 3) in consultation with DEP, DCP, and DPR; however, as discussed in the Mitigation chapter of the FEIS, no firm resolution regarding the implementation of this measure was reached by the publication of the FEIS.

Comment 48: As partial mitigation for the open space impact, the proposal should include a tax on every new residential unit as part of maintenance/common charges in perpetuity that will go directly to New York City Department of Parks and Recreation to fund maintenance and improvements of the playgrounds surrounding Hudson Square, including Vesuvio Playground, William F. Passanante Ballfield, Grand Canal Court, Playground of the Americas, Downing Street Playground, and Minetta Playground. (Dawson)

As this is a built area, a financial contribution to existing open spaces must be made. To meet open space requirements, Trinity should make annual payment to the Hudson River Park Trust. Hudson River Park (HRP) will be the main park that new residents will use. Trinity has openly acknowledged this fact in their concerted efforts to create an access point to the HRP at Spring Street. (Glick)

It is reasonable to require the rezoning proposal be modified to contribute significantly to the HRP as it will be one of the only active recreation options for the new Hudson Square residents. (Dawson, Neborak, Sexton)

The rezoning proposal should be modified so that the new residents contribute to the maintenance and improvement of Hudson River Park, which accounts for over two thirds of the open space near Hudson Square. (Kiely)

Response: Imposing a special tax levy on residential units for open space improvements would require legislative action and is not within the powers of the City Planning Commission in connection with the Proposed Action.

Comment 49: Trinity should contribute to the rehabilitation of the Tony Dapolito Center, which is located only one block north of the rezoning area. The Tony Dapolito Center is a City recreation center that has served the community for many years and how is in need to desperate repairs due to Hurricane Sandy. Trinity would be demonstrating a commitment to local institutions if it could offer any assistance to this rebuilding effort. (Glick, CB2/Gruber, CB2/Bergman, Kiely, Neborak, Sexton)

Response: As noted in response to Comment 43 and discussed in the Mitigation chapter of the FEIS, the significant adverse impact on open space would be partially

mitigated by means of a Restrictive Declaration requiring a financial contribution by the Applicant towards the improvement of active open space, with a principal focus upon improvements to the Tony Dapolito Recreation Center operated by the DPR that would enhance its ability to attract additional members from the community and increase its potential utilization. The scope of those and other improvements to open space would be developed by DPR in consultation with the community.

Comment 50: Trinity should give back something that the community as a whole truly needs, a community center as the community board recommended to fulfill the open public space requirement. (SoHo Alliance)

A proposal that may bring up to 3,500 new units should create a significant active open space, or a community center with a pool, gym, and athletic facilities. (Avram)

Trinity should be required to build a state of the art indoor recreation center including a heated pool. (Dawson)

While Soho has always had limited public and private facilities for children, over the past 5 years, we have been taking away instead of adding. With the neglect of both the Tony Dapolito recreation center and DeSalvio playground, there is a serious dearth of recreation facilities for children in this neighborhood. But there is an exciting opportunity to be had with this new development. There is a chance for the developer to build the kind of facility that will both serve the community and attract kind of upscale buyers who seek out and desire these amenities. The CPC should proactively require this Hudson Square development to include a recreational facility. (Hellstrom, Russo)

Build a state-of-the art indoor recreation center on the Duarte Square site that includes both a gym and pool. The facility could provide after-school programming for the adjacent public school and recreation opportunities for our community 16+ hours a day, 365 days a year. (Kiely)

Response: See the response to Comment 18.

HISTORIC AND CULTURAL RESOURCES

Comment 51: The increased development activity catalyzed by the rezoning will no doubt increase pressure upon the adjacent proposed South Village Historic District, accelerating its already rapid destruction. The Environmental Impact Statement for the rezoning recognizes this, identifying the proposed but undesignated historic district as an "affected historic resource" which would suffer a "significant adverse impact" if the rezoning is passed. The only way to mitigate this impact will be to designate the proposed South Village district. In 2007 the NY State Historic Preservation Office found the South Village eligible for the State and National Registers of Historic Places, and earlier this year the

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Preservation League of NY State named it one of the seven most endangered and historically significant sites in New York State. The Landmarks Preservation Commission has actually determined the proposed district "landmark eligible," but they have thus far not kept the promise made in 2008 to consider the entire area for designation.

Under current conditions, demolitions, alterations, and out-of-character new construction will continue to slowly destroy the historic character of the South Village. If the Hudson Square Rezoning is adopted, that process will only accelerate. Therefore we request that the CPC not approve the proposed Hudson Square Rezoning unless the Landmarks Preservation Commission designates or calendars the remainder of the proposed South Village Historic District. (GVSHP, CB2, Stringer, Glick, Nadler, Duane, Perkins, Blodgett, Isola, Monaco-Callet, Chou, SoHo Alliance, Durniak, GVCTF, Masuelo, Rackow, Lloyd, Davis, Schultz, Arlen, Leguizamo, HDC)

We urge the Landmarks Preservation Commission to move ahead with designation of the entirety of the South Village. With proposals for rezonings by NYU and in Hudson Square on either side of the proposed South Village Historic District, now would be the right time for the Commission to move, as these proposals may increase development pressure on this fragile area. (GVSHP, Monaco-Callet)

In recent years, New York City has coupled rezoning actions with landmark designations for adjacent areas to protect them from development pressures created by the rezoning, including the Prospect Heights Historic District, adjacent to Atlantic Yards, and the West Chelsea Industrial District adjacent to West Chelsea rezoning. We call upon Mayor Bloomberg, Speaker Quinn, Borough President Stringer, the LPC, and the City Planning Commission to assure that this important rezoning is accompanied by an equally important action to achieve balance and protect our city's history. (CB2, CB2/Crude Glick)

Response: Chapter 7, "Historic and Cultural Resources" of the DEIS disclosed the potential for a significant adverse construction-related impact on three buildings in the proposed South Village Historic District because the DEIS analysis had estimated that they are located within 90 feet of projected development sites. Subsequent to the DEIS, it has been determined that all of the buildings located within the proposed South Village Historic District are located on the other side of Avenue of the Americas (the legal width of which is 100 feet in this area) and are therefore beyond a 90 foot lateral distance from a projected or potential development or enlargement site and that two of the three buildings are the subject of an application for an enlargement and redevelopment. After consultation with the Lead Agency and the Applicant, the New York City Landmarks Preservation Commission determined that the Proposed Action would not create the potential for significant adverse construction impacts on

sites within the proposed special district. Thus, the FEIS has been updated to reflect that there would be no potential for a significant adverse construction-related impact on these buildings. Further, it should be noted that the proposed South Village Historic District is not located within the rezoning district and the Proposed Action's land use approvals do not affect the landmarking status of South Village Historic District. The Applicant's land use actions and any future landmarking designation of the South Village Historic District are of independent utility and are separate, independent processes.

Comment 52: This rezoning proposal should not be linked to the landmarking of the South Village Historic District. Those are two separate issues. (Mouquinho, Neborak)

Response: Comment noted.

HAZARDOUS MATERIALS

Comment 53: To reduce the potential for adverse impacts associated with the projected and potential new construction in the area, all owners should be required to conduct environmental investigations and E-designations should be placed and posted at each work site. In addition to E-designations bring posted, the owner should be required to notify the Community Board of any oil spills, oil tank leaks, PCB soil or ground water contamination and the release of any significant quantity of toxic fumes into the atmosphere. (CB2 [2])

Response: As discussed in Chapter 9, "Hazardous Materials," an assessment of potential hazardous materials impacts was performed for the projected and potential development sites where ground disturbance from construction activities could occur as part of the anticipated future development. E-designations would be placed on projected and potential development and enlargement sites to ensure that further environmental investigations will be undertaken to reduce the potential for adverse impacts associated with projected and potential new construction resulting from the Proposed Action. If warranted by the findings of the subsurface investigation, site redevelopment would be conducted in accordance with an OER-approved RAP and CHASP. The RAP would provide general guidelines and measures for remediation and proper handling of soil during the development of a project site. The CHASP would ensure that there would be no significant adverse impacts on public health, workers' safety, or the environment as a result of potential hazardous materials exposed by or encountered during construction. As also discussed in Chapter 9, "Hazardous Materials," all demolition or renovation would be conducted in accordance with applicable requirements for disturbance, handling, and disposal of suspect lead-based paint, asbestos-containing materials (ACM) and PCB-containing equipment and/or lighting fixtures, and legal requirements regarding maintenance and/or closure of petroleum storage tanks, spill reporting if spills

are identified, and off-site disposal of soil/fill (e.g., associated with utility work or tank removal).

WATER AND SEWER INFRASTRUCTURE

Comment 54: Thousands of new residents from new residential development would tax the City’s already aging water and sewer infrastructure. Water main breaks and sewer overflows are already an issue, and the added structures would further stress these systems. Less absorption of rainwater and increased stormwater runoff also present unmitigated negative impacts. (CB2 [2])

Response: Chapter 10, “Water and Sewer Infrastructure,” finds that the Proposed Action would not result in any significant adverse impacts on the city’s water supply, wastewater treatment or stormwater conveyance infrastructure. With respect to stormwater runoff, future development pursuant to the Proposed Action would incorporate best management practices (BMPs) to manage runoff as a part of the New York City Department of Environmental Protection (DEP) site connection application process.

SOLID WASTE AND SANITATION SERVICES

Comment 55: The proposed increase in residences as well as other uses will greatly increase the pressure on solid waste collection and disposal. (CB2 [2])

Response: As discussed in Chapter 11, “Solid Waste and Sanitation Services,” no significant adverse impacts on solid waste and sanitation services are anticipated as a result of the Proposed Action. Given that there is an extensive system of solid waste collection and disposal services available in the Rezoning Area provided by the New York City Department of Sanitation (DSNY) (for residential and institutional solid waste) and by private carters (for commercial/industrial solid waste), and that the net increments of solid waste under the Proposed Action would be a minimal addition to the city’s solid waste stream, the Proposed Action would not result in a significant adverse impact on solid waste and sanitation services.

TRAFFIC AND TRANSPORTATION

TRAFFIC

Comment 56: Hudson Square is already overwhelmed by Holland Tunnel traffic 24 hours a day. The DEIS found that 17 of 22 intersections studied would face “unacceptable” levels of traffic, add that any as-of-right new hotel construction would worsen the conditions. (Duane)

Response: The Draft and Final EIS analyzed the potential effects of the proposed rezoning, which would make possible the redevelopment of sites in the Hudson Square area into primarily residential, office, school, and ground-floor retail uses; whereas, under the existing zoning, the current trend of hotel development would continue in this area. Based on reasonable worst-case development assumptions for both the Proposed Action and future No-Action condition, the DEIS identified significant adverse traffic impacts at 17 of the 22 intersections analyzed and provided recommended mitigation measures for some of these intersections. In the FEIS, significant adverse traffic impacts at 19 of the 28 intersections analyzed and mitigation measures were recommended for some of these intersections in Chapter 20, “Mitigation.”

Comment 57: According to the Environmental Impact Statement (EIS), 17 out of 22 intersections of the rezoning would suffer a significant adverse impact as a result of this proposed action. (Glick)

Response: Although 17 of the 22 analysis intersections were found to incur significant adverse traffic impacts, the number of impacted locations and the number of impacts that could be fully mitigated would vary across different peak periods. As detailed in Chapter 20, “Mitigation,” during the weekday AM peak hour, significant adverse traffic impacts were identified for 13 study area intersections, of which 11 could be fully mitigated. During the weekday midday peak hour, the significant adverse traffic impacts identified for all three intersections could be fully mitigated. During the weekday PM peak hour, when Holland Tunnel congestion restricts traffic flow for numerous roadways in the Hudson Square area, impacts at only three of the 13 impacted intersections could be fully mitigated. During the Saturday afternoon peak hour, significant adverse traffic impacts were found at five study area intersections. Again, due to Holland Tunnel constraints, impacts at only one of these intersections could be fully mitigated.

Comment 58: Historic streets like Charlton, King, and Vandam Streets will be overwhelmed with additional vehicles from the proposed action, thereby threatening the nature of the blocks. (Glick)

Response: Based on the FEIS traffic analysis, while significant adverse impacts were identified for numerous study area intersections, some of which could not be mitigated, those pertained to traffic flow on these three cross-streets—westbound Charlton Street at Hudson Street and westbound Charlton Street at Varick Street, both during the weekday PM peak hour—could be fully mitigated (see Table 20-2).

Comment 59: I support the mitigations proposed by Community Board 2, which include the creation of protected bike lanes on Hudson and Varick Streets, a planted median

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on Varick Street, and private traffic managers dispersed throughout the rezoning area to address especially problematic intersections. (Glick)

Response: Comment noted. As discussed in the Transportation chapter of the FEIS, where appropriate, the analysis accounted for BID's pedestrian recommendations that were implemented by July 2012. However, the implementation timing of the remaining recommendations in the BID's traffic management plan is not clear, and therefore they were not included in the traffic analyses.

Comment 60: Hudson Square is located proximate to the Holland Tunnel, and I can attest to the severe daily congestion along Varick Street and Canal Street as commuters leave Manhattan at the end of the workday. This congestion is already untenable, and raises not only quality of life concerns but also serious safety issues. I am concerned that the addition of so many new residents and workers will intensify this hazardous situation. The applicant must consider the traffic impacts of this proposal and work with CPC and other relevant city agencies to develop creative solutions to manage the increased congestion. (Nadler)

Response: The Draft and Final EIS provided an analysis of the reasonable worst-case development scenario for the Proposed Action, identified significant adverse impacts per *CEQR Technical Manual* guidelines, and recommended practical mitigation measures to address these impacts. The applicant has also been working with the Hudson Square Connection, in coordination with DOT, to identify additional improvement measures for the area beyond this environmental review that would further enhance and balance vehicular traffic needs and pedestrian experience for the Hudson Square area.

Comment 61: There are three categories of vulnerable road users – pedestrians, bicyclists and motorcyclists. The original scope of the EIS called for an analysis of the traffic and an examination of vehicular and pedestrian safety issues. I am concerned motorcycle and scooter safety issues being lumped together with passenger vehicles. Motorcycle and scooter use is highest in the spring, summer and fall months. Were powered two-wheeled vehicles specifically counted when the traffic data was collected? If so, how and when were the counts done? On what dates and times? If the counts were done in the colder weather, have those numbers been adjusted for the spring and summer months, when more people ride motorcycles and scooters?

I am concerned that the countermeasures which make the city streets safer for pedestrians and bicyclists (such as jersey barriers) make the roads more dangerous for motorcyclists and scooter riders. What effect will the rezoning of Hudson Square have on motorcycle and scooter safety? Please note that the NYMTC together with the NYCDOT is preparing a motorcycle safety study similar to those carried out on behalf of pedestrians and bicyclists. (O'Driscoll)

Response: The Draft and Final EIS's traffic analysis was prepared in accordance with *CEQR Technical Manual* guidelines. These guidelines mandate that traffic data collection be conducted during times of the year when traffic patterns are considered typical and representative. As such, spring and fall months are ideal for this effort and the data collection for the Draft and Final EIS's traffic analysis was conducted during these times. However, motorcycles and scooters were not specifically classified and were considered motor vehicles for the purpose of the traffic analysis. Regarding the examination of vehicular and pedestrian safety issues, CEQR requires a review of vehicular-related crashes, which would include those concerning motorcycles and scooters, with focus on those crashes that involve pedestrians and bicyclists. A summary of the above, which does not specify motorcycle or scooter-related crashes, is presented in the DEIS. However, although not required per CEQR guidelines, in response to this comment, a more detailed review of the crash data collected for the traffic study area was performed. These crash data, compiled for the last nine months of 2008 up to the first three months of 2011, show that there were up to 5 motorcycle/vehicle related accidents within a 12-month period and there has been also one motorcycle/pedestrian related accident within the 3-year period for which accident data were examined. No more than one of these motorcycle-related incidents occurred at any single intersection. Overall, per *CEQR Technical Manual* guidelines, there are no high-vehicular crash locations in the traffic study area. For the two high vehicular-pedestrian/bike crash locations (Varick Street at West Houston Street and Avenue of the Americas at West Houston Street), standard safety improvements, involving countdown timers and advance warning signs/assemblies, have been recommended and discussed in the Draft and Final EIS. Since none of these or those proposed to mitigate significant adverse traffic and pedestrian impacts involve physical "countermeasures," as referenced by the commenter, the proposed rezoning is not expected to adversely affect motorcycle and scooter safety.

Comment 62: Although the major goal of the Proposed Action is to allow new residential development to occur in the Rezoning Area and foster a mixed-use district, the scale of what's proposed would result in severely adverse transportation impacts unfavorable to creating a truly habitable residential neighborhood and well-functioning mixed use environment.

17 of 22 intersections studied would suffer significant adverse vehicular traffic impacts during weekday AM, Midday, and PM and Saturday Midday peak hours, affecting large segments of streets already overburdened with excessive congestion, such as Canal, Varick, Broome, Hudson, Spring and West Streets.

Small vulnerable thoroughfares with low-rise, historic buildings, such as Charlton, King, and Vandam Streets, would endure similar adverse impacts as they cross the larger streets, experiencing traffic backups and increases that

would overwhelm these sensitive blocks, threatening their infrastructure and their old-time, residential character.

Many of the intersections in the district are especially difficult and dangerous for pedestrians because the narrow streets cross the wide streets on an angle; as a result, pedestrians often have their backs to turning cars and trucks.

Added vehicular congestion would interfere with timely and efficient emergency vehicle access for the increased residential population. (CB2 [2])

Response: As noted in the response to Comment 57 above, the identified significant adverse traffic impacts would vary across peak periods and many of these impacts could be fully mitigated with the recommended mitigation measures described in Chapter 20, "Mitigation." In this chapter, it was also discussed that because of the Holland Tunnel congestion, even small numbers of additional vehicles could trigger significant adverse impacts and/or unmitigatable impacts, as defined by the *CEQR Technical Manual*. Hence, it is not necessarily the scale of what's proposed that directly contributed to these impacts, but rather the existing conditions of the neighborhood. Nonetheless, as discussed in the Transportation chapter in Section F, 2011 Existing Conditions, there are currently traffic enforcement agents deployed at strategic locations to manage traffic flow and the applicant has continued to work with the Hudson Square BID, in coordination with DOT, beyond this environmental review to develop improvement strategies that would further enhance and balance vehicular traffic needs and pedestrian experience for the Hudson Square area.

Comment 63: Since hotels are known to be excessively high traffic generators, and the DEIS concurs that the hotel development scenario would result in increased vehicle, pedestrian, and transit trips during several peak hours, the proposal to require a special permit for hotels with over 100 sleeping units until the "residential development goal" of at least 75% of new dwelling units is met will only intensify adverse traffic impacts in an area already highly saturated with hotels. (CB2 [2])

Response: As discussed in Chapter 1, "Project Description," the proposed special permit for hotels with more than 100 rooms (whether created through new construction or change of use in existing "qualifying buildings") is intended to ensure that hotel development does not conflict with the goals of preserving existing commercial uses, creating a vibrant community, and encouraging residential uses and affordable housing. As discussed in Chapter 22, "Conceptual Analysis," for any new hotel construction or conversion that requires a special permit, any impacts, including transportation impacts, that result from such construction or conversion would be assessed and disclosed to the public under and pursuant to a separate environmental review.

PARKING

Comment 64: The net loss of more than 165 parking spaces will lead to additional traffic, as individuals will have to spend more time in their vehicles looking for places to park. (Glick)

Response: It is unclear where the referenced “165 parking spaces” is stated in the DEIS. The parking analysis in the FEIS states that in the With-Action condition, expected future development projects (No-Action and With-Action condition) are expected to displace 10 public parking facilities, for a total displacement of approximately 809 parking spaces, and the Proposed Action is expected to include a total of up to 630 off-street accessory parking spaces. However, loss of parking does not necessarily correlate with the need to circulate for available parking. Please also see responses to Comments 65 and 66 below.

Comment 65: With approximately 809 parking spaces displaced, not all offset by 640 new off-street accessory parking space, a frequent parking shortfall is expected within ¼-mile of the rezoning boundaries. This would lead to increased circling for spaces, causing added congestion, less street safety, and more pollution. The DEIS claim that sufficient parking is available within ½-mile assumes drivers would walk the extra distance, and ignores the negative impact that the additional vehicular traffic would have on nearby areas such as the proposed South Village Historic District. (CB2 [2])

Response: Within the ¼-mile rezoning boundaries, there are currently approximately 4,000 off-street public parking spaces as noted in Chapter 13, “Transportation.” Based on the parking analysis in the FEIS, there is and will continue to be an abundance of parking availability during most hours of the day. A parking shortfall was projected for only the weekday midday hours. Similar to the traffic analysis, the parking analysis used conservative estimates of future parking demand to arrive at the conclusions presented in the FEIS. These estimates also do not account for those who currently store their vehicles in the Hudson Square area because parking is more readily available and at comparatively lower rates and would likely not maintain their vehicles here once more public parking facilities are eliminated for redevelopment into mixed-use residential and commercial buildings. Reducing parking supply in highly dense areas where public transportation is readily available is also consistent with the City’s goal and policy of curbing congestion and reducing vehicle use.

Comment 66: The *CEQR Technical Manual* asserts that “a parking shortfall resulting from a project located in Manhattan doesn’t constitute a significant adverse parking impact due to the magnitude of available alternate modes of transportation.” This implies a modal switch, a welcome action that would not necessarily

happen and could itself create unmitigated transit impacts, like overcrowding. (CB2 [2])

Response: The guidance referenced by the commenter is consistent with City’s goal and policy of curbing congestion and reducing vehicle use, as described in the previous response. While the implied goal is to shift vehicle use to walking, bicycle use, and more primarily to public transportation, the likely effects on these other transportation systems would be minimal. For example, the FEIS reported that the Proposed Action would be expected to result in a weekday midday parking shortfall of nearly 400 parking spaces, which could presumably translate to 480 people (assuming an average auto occupancy of 1.20 persons per vehicle) potentially shifting to other modes of transportation. In comparison, a subway train, which typically has 8 to 10 cars, operates with a guideline capacity of 1,200 to 1,500 riders. The Hudson Square area is conveniently served by the No. 1, A, C, and E uptown and downtown trains at four different stations. Collectively, over 50 trains an hour operate through these stations during peak hours. Hence, if there is to be a shift from auto to transit because of a reduction in parking, there would be little effects on the area’s public transportation system.

Comment 67: I don't think the rezoning proposal includes any on-site parking, which is a problem. The few empty lots in the neighborhood that are parking lots are now stacked two, three and four high because we have so much of a parking demand in that area. And when you introduce 3,500 more residential units, there will be a lot more demand for parking. Also, maybe this is a concern for DOT, but they should revisit the parking requirements on the street. Since this is a commercial area, parking is restricted, sometimes all day, sometimes forever. If you're going to introduce residential to this neighborhood, you should revisit that. (Neborak)

Response: The proposed zoning would permit on-site accessory parking, as identified in Chapter 1, “Project Description.” However, some existing parking facilities are expected to be displaced by future development under the Proposed Action. Please see above responses to Comments 65 and 66 on the parking analysis conclusions made in the FEIS. With regard to on-street parking, DOT regularly reviews its parking regulations and makes the necessary adjustments that take into consideration of changing traffic conditions and adjacent land uses.

PEDESTRIAN SAFETY

Comment 68: The addition of thousands of new residents would substantially increase the pedestrian presence, as would new retail uses and the proposed school. The dangerous combination of a high concentration of pedestrians with the heavy volume of tunnel traffic requires that effective measures for reducing and

controlling traffic are fully evaluated and implemented. These include traffic mitigation proposals approved by CB2 in its June 21, 2012 and October 25, 2012 resolutions, and those put forth by the Hudson Square Connection in its Streetscape plan. (Duane)

Response: The FEIS evaluated vehicular and pedestrian/bike safety in accordance with *CEQR Technical Manual* guidelines and recommended several safety measures at two “high accident” locations. As stated above in the responses to traffic-related Comments 59 and 61, the Applicant has also been working with the Hudson Square BID, in coordination with DOT, to identify additional improvement measures for the area beyond this environmental review that would further enhance and balance vehicular traffic needs and pedestrian experience for the Hudson Square area. However, as such improvements are still under review by DOT, they were not included in the traffic analyses.

Comment 69: I support an increased utilization of the underground passage way that already exists as part of the Canal Street subway station as originally proposed in the Canal Area Transportation Study. Refurbishing this passageway to become more of a public space with amenities such as a newspaper stand and a florist, could help reduce the risk pedestrians face when they cross Canal Street above ground. I would also recommend the addition of clear signage and markings that could inform the public that such an option exists. (Glick)

Response: Comment noted.

GREENHOUSE GAS EMISSIONS

Comment 70: To ensure that all newly built, altered, reused, or expansions of existing buildings in the area result in the lowest possible impact on greenhouse gas emissions in the atmosphere, the following measures should be implemented, to the extent practicable, to limit those emissions:

1. All owners must declare and design their new buildings and/or redesign their existing building to meet the current standards for at least LEED Silver certification or equivalent.
2. Optimize daylighting, heat loss, and solar heat gain.
3. Utilize water-conserving fixtures exceeding current building code requirements.
4. Use high-efficiency heating and cooling systems with barriers, silencers, and other exterior noise controls.
5. Use clean power and reuse of renewable energy credits.
6. Use building materials that are recycled, rapidly renewable materials, and certified sustainable wood products with low carbon intensity.

Other measures that are encouraged to be incorporated include green roofs, motion sensors and lighting/climate control, efficiency lighting and elevators, energy star appliances, directed exterior lighting, and water-efficient landscaping. (CB2 [2])

Response: As described in Chapter 15, "Greenhouse Gas Emissions," of the FEIS the portions of the project that are under the Applicant's control would be designed to achieve the current standards for LEED Silver certification or equivalent. Specific measures listed in the comment will be implemented, to the extent practicable on a building-by-building basis, or considered, as described in Chapter 15. These may include, but are not limited to: energy-efficient building envelope; window glazing to optimize daylighting, heat loss, and solar heat gain; high-efficiency heating, ventilation, and air conditioning systems; water conserving fixtures exceeding building code requirements.

CONSTRUCTION

Comment 71: Any future development in the Special District, whether new construction or the conversion of existing buildings must incorporate CB2's recommendations for construction mitigation, include knowledgeable field representatives, scheduled and limited deliveries, sound and vibration mitigation, and air quality controls. (Duane)

Response: As stated in Chapter 18, "Construction," as part of general construction practices, it is the Applicant's intention that there would be a field representative designated to serve as the contact point for the community and local leaders to resolve concerns or problems that arise during construction for projected development and enlargement sites controlled by the Applicant. It is anticipated that the developers for the other development and enlargement sites would also designate field representatives to serve as contact points for the community with respect to construction on those sites. Material deliveries to the construction sites would be controlled and scheduled, and unscheduled or haphazard deliveries would be minimized. Any developer(s) constructing buildings on the projected development or enlargement sites would be required to follow the requirements of the New York City Noise Control Code for construction noise control measures. The Applicant intends to employ a wide variety of feasible and practicable measures that exceed standard construction practices to minimize construction noise and reduce potential noise impacts associated with the construction of their development sites. In addition, it is the Applicant's intention that an emissions control program would be implemented to the extent practicable and feasible during construction of all projected development and enlargement sites to ensure that the construction results in the lowest practicable diesel particulate matter (DPM) emissions.

Comment 72: We are very concerned about the potential negative impacts of construction in Hudson Square if the area is rezoned to permit residential development. The Development of any property in the rezoned area must accept, declare, and adhere to the following construction practices before any construction project can occur:

1. There must be a field representative designated to serve as contact point for the community and CB2 on a 24-hour basis.
2. Material deliveries to the construction site would be controlled and scheduled.
3. After normal work hours and on weekends, the site should be secured, locked, and security personnel would be required to patrol the area on a 24-hour basis.
4. Weekend work should be limited to emergent situations, defined as a dangerous condition and should not include monetary or scheduling considerations, and will be coordinated, to the extent permitted, with the affected surrounding community.
5. Noise Receptor Sites should be utilized that would be most likely affected by elevated noise, vibration and other construction-related activities. (CB2 [2])

Response: As noted in response to Comment 71, it is the intention of the Applicant that there be a field representative designated to serve as the contact point for the community and local leaders for projected development and enlargement sites controlled by the Applicant and for the other development and enlargement sites not controlled by the Applicant. In addition, material deliveries to all construction sites would be controlled and scheduled. As described in Chapter 18, "Construction," security guards may patrol the construction sites after work hours and over the weekends to prevent unauthorized access. Regular weekend work is not anticipated for any construction site. However, at limited times over the course of constructing a building, weekend work could be required to make up for weather delays or other unforeseen circumstances. In such cases, the numbers of workers and pieces of equipment in operation would be limited to those needed to complete the particular authorized task, and express permission from DOB would be required. Therefore, the level of activity for any weekend work would be less than a normal workday. All existing sensitive land uses in and adjacent to the Rezoning Area were identified as noise receptor sites since these are the locations most likely to experience elevated noise and/or vibration levels resulting from construction.

Comment 73: We recommend the following construction mitigation and noise/vibration reduction methods:

1. Electrical powered equipment, such as welders, water pumps, bench saws, and electric saws should be used in place of diesel- and/or gas-powered equipment.
2. Sites should be configured and designed to minimize back-up alarm noise.
3. All trucks entering the site should not be allowed to idle more than three minutes.
4. Contractors and subcontractors should be required to maintain their equipment and mufflers so as to reduce emissions and conserve energy consumption.
5. All noise receptor sites within a two-block radius of the construction site must be identified with the surrounding residential community and businesses.
6. Noisy equipment such as cranes, concrete pumps, and concrete and delivery trucks would be located away from and shielded from sensitive receptor locations.
7. Noise barriers with a minimum of 15 feet should be built at the construction site to provide shielding to identify sensitive receptor sites.
8. Portable noise barriers should also be utilized for certain dominant noise equipment, including asphalt pavers, drill rigs, excavators, back hoes, hoists, impact wrenches, jackhammers, power trowels, rivet busters, rock drills, concrete saws, and sledge hammers.
9. Quieter pile-driving methods must be used and pile foundations should be drilled with alternative hydraulic pile pushing methods and not hammered. Impact cushions must also be used unless otherwise identified and thoroughly discussed with the surrounding community. (CB2 [2])

Response: As described in Chapter 18, "Construction," any developer(s) constructing buildings on the projected development or enlargement sites would be required to follow the requirements of the New York City Noise Control Code for construction noise control measures. These measures would include the use of electrical powered equipment in place of diesel- or gas-powered equipment to extent practicable and feasible, the minimization of back-up alarm noise, truck idling restrictions, proper maintenance of equipment and mufflers, source location restrictions for noisy equipment, and utilization of noise barriers. In addition, all existing sensitive land uses in and adjacent to the Rezoning Area were identified since these are the locations most likely to experience elevated noise and/or vibration levels resulting from construction, all construction sites would have a minimum 8-foot barrier and all sites under the Applicant's control would have a minimum 12-foot barrier, and quieter pile-driving methods such as hydraulic pile pushing system, vibratory pile driving, hydraulic impact pile driving, drop-hammer

method, or diesel impact pile driving would be incorporated where feasible and practicable for sites under the Applicant's control.

Comment 74: To ensure that the construction in the area results in the lowest possible diesel particulate matter emissions, the owner and its contractor should implement the following measures:

1. Minimize use of diesel engines and diesel generators.
2. Apply for a grid power connection early on to reduce use of generators at the work site.
3. Use of clean fuel.
4. Utilize the best available tailpipe reduction technologies.
5. Utilize newer equipment.
6. Proposed dust control plans such as washing wheels of construction trucks leaving the work site.
7. Use of water sprays. (CB2 [2])

Response: As discussed in Chapter 18, "Construction," the Applicant intends to implement to implement a variety of emissions control measures to the extent practicable and feasible during construction of its projected development and enlargement sites to ensure that the construction results in the lowest practicable DPM emissions. These measures would include diesel equipment reduction, early grid power connection, clean fuel, best available tailpipe reduction technologies, utilization of newer equipment, source location, dust control such as the establishment of construction trucks wash off areas and the use of water sprays, and idle restrictions. In addition, it is expected that similar emissions control measures to those committed to by the Applicant would likely be implemented during construction of the other projected development and enlargement sites not controlled by the Applicant, to the extent practicable and feasible.

Comment 75: There must be a requirement on the construction vehicles for ultra low sulfur fuel, which means the newer vehicles. (Schultz)

Response: As noted in the response to the previous comment and as discussed in Chapter 18, "Construction," the Applicant intends to implement a variety of emissions control measures to the extent practicable and feasible including the use of clean fuel. Ultra-low sulfur diesel (ULSD) would be used exclusively for all diesel engines throughout the Applicant-controlled construction sites. It is also expected that ULSD would likely be implemented during construction of the other projected development and enlargement sites not controlled by the Applicant.

Comment 76: To ensure that the construction-related activities in the area result in the lowest possible impact in an area already burdened by unusually high traffic congestion due to the entrance of the Holland Tunnel, the owner and/or contractor should implement the following measures:

1. Employ pedestrian traffic managers with a minimum of five or more years of law enforcement and/or traffic control who must have flagger certification.
2. Traffic plans in mitigation for roadway closures and displacement of existing parking facilities and spaces must be discussed with the DOT and this Community Board.
3. The numbers of construction vehicles parked, idling, or used at any particular site must be minimized at all times.
4. Dedicated gates, driveways or ramps should be used for delivery vehicle access.
5. Fully trained and certified flag persons must be used at all active driveways.
6. Pedestrian flow around the work site should be maintained at all times. (CB2 [2])

Response: As stated in Chapter 18, “Construction,” it is standard New York City practice for construction sites to manage delivery access with on-site flaggers, detail roadway and sidewalk closures in approved maintenance and protection of traffic (MPT) plans, and comply with other local laws governing construction practices.

MITIGATION

Comment 77: This rezoning will create hundreds of millions of dollars in revenue for developers while severely impacting the current residents of the neighborhood. While Trinity has claimed that it only has 40 percent of the properties affected, and therefore can’t address much of the necessary mitigations, they are experienced real estate players who chose to be the applicant. I certainly believe other developers can and should be included in providing the resources necessary for mitigations, as they, too, will profit greatly. (Glick)

Response: In accordance with the 2012 *City Environmental Quality Review (CEQR) Technical Manual*, where significant adverse impacts are identified, mitigation to reduce or to eliminate the impacts to the fullest extent practicable has been identified and evaluated in Chapter 20, “Mitigation.” Although the proposed land use actions are being requested by a private applicant, the Proposed Action entails a district wide rezoning that encompasses more than the Applicant-owned sites. For certain environmental areas such as for air quality, noise, and hazardous materials, E-designations may be placed on properties to ensure that

appropriate measures are undertaken to address or avoid the potential for significant adverse impacts for those technical areas.

TRAFFIC

Comment 78: Any mitigation offered by the applicant must consist of creative approaches that will improve both current and future traffic conditions. Traffic is overwhelming now but will only be exacerbated as thousands of new residents move into the District. Trinity should study the possibility of more intensive traffic mitigation measures at Houston and Canal Streets, such as red light cameras, pedestrian-only green light phase, block the box striping, fines for honking, and an increased presence by the NYPD. (Glick)

Response: The proposed mitigation measures, described in Chapter 20, “Mitigation,” were reviewed and deemed appropriate by DOT in addressing the projected significant adverse traffic impacts in the study area.

Comment 79: Addressing transportation mitigation, the DEIS states that many of the impacted land groups/movements already operate at congested levels (mid-LOS D or worse) under existing conditions and are expected to operate under such levels under No-Action conditions, implying that the adverse impacts that would result from the Proposed Action would not make a significant difference.

Suggested measures cited in the DEIS to mitigate operational traffic impacts, such as signal timing adjustments to increase green time and installation of No Standing or No Parking signs, would be limited in offsetting adverse effects and might even exacerbate negative conditions, e.g., more green time could endanger crossing pedestrians, and daylighting might attract more traffic. Several intersections would have completely unmitigated adverse impacts.

Since the major goal is to create a new, livable mixed use area, mitigation must address approaches to improve both current and future traffic conditions that would hinder the attainment of community-building streets and a comfortable, appealing, safe place.

The prospect of significant adverse impacts from automotive traffic points to the pressing need to increase and accommodate alternative transportation options, such as walking, bicycling and public transportation. The following should be considered:

1. Protected bike lanes on Hudson and Varick Streets, as well as bicycle parking and other facilities both indoors and out.
2. Enhancement of public transportation, such as attractive bus shelters and seating at bus stops, and eye-catching signage identifying and leading to subway stations, would increase their appeal and usage. This desirable

increased use will necessitate additional mitigation, such as widened platforms, better lighting and added trips.

3. Angle crossings should be eliminated using curb changes, paint, and signs.
4. Private traffic managers should be funded for stationing throughout the newly zoned area to ensure safer crossings and smoother traffic flow and facilitate emergency vehicle access.
5. High visibility widened crosswalks with distinctive graphics, as proposed by the Hudson Square Connection plan, are highly desirable to hold back vehicular traffic from pedestrians and ensure pedestrians a modicum of safety.
6. Adverse pedestrian safety impacts, like those expected at already dangerous intersections like Houston Street/Avenue of the Americas, Houston Street/Varick Street, and crossings at Avenue of the Americas, Varick, and Hudson Streets at Canal and Watts Streets where Holland Tunnel traffic will impact residents, will require mitigations beyond Yield to Pedestrian signs, crosswalk striping, and countdown signals, e.g., at Houston Street/Avenue of the Americas CB2 is requesting a red light camera re-staggered traffic lights, a pedestrians-only green light phase, neckdowns, island barriers, and intensive enforcement activities.
7. New York City should create an implement a district-wide pedestrian safety plan as part of this ULURP application, not only for the commercial neighborhood as done by the Hudson Square BID, but also for residents and visitors. (CB2 [2])

Response: As stated in the response to Comment 78, the proposed mitigation measures were reviewed and deemed appropriate by DOT in addressing the projected significant adverse traffic impacts in the study area. However, the applicant has also been working with the Hudson Square BID, in coordination with DOT, to identify additional improvement measures for the area beyond this environmental review that would further enhance and balance vehicular traffic needs and pedestrian experience for the Hudson Square area.

Comment 80: The proposed new 75,000-gsf public school is welcomed; however, its location at the dangerous convergence of Avenue of the Americas, Canal, and Varick Streets will necessitate extensive mitigation to ensure the students' safety.

1. Diligent enforcement by traffic enforcement agents, as well as the presence of crossing guards, are minimum requirements for students' safety at the proposed new 75,000-gsf public school.
2. As proposed in the CATS study, the Canal Street station underpass provides safe access across that hazardous thoroughfare, and it should be used for across-the-street access, being refurbished as an attractive and safe public space for both pedestrians and subway riders with enhancements like public art, extra lighting and commercial activities. Wayfinding signage and

markings should be established above ground to show the availability of this underground crossing. AN elevator for disabled access should also be there.

3. Clear, attractive signage should be installed on sidewalks and painted on the street to clarify directional paths.
4. Space must be set aside for safe, accessible school bus parking.
5. CB2 favors rerouting commuter buses out of the district. Buses to the Holland Tunnel should use Canal Street. While this would not eliminate the buses' impact on pedestrians, it will reduce the impact on the proposed Duarte Square building. (CB2 [2])

Response: As with most public schools in New York City, the SCA would consult DOT upon development or construction of the school to implement appropriate safety measures, such as adding school crosswalks at adjacent intersections, hiring crossing guards, and modifying on-street parking regulations to facilitate safe school bus operations. DOE may also be consulted on the likely zones from which the students may travel to identify, where appropriate, "safe routes to school" and the need for additional school crosswalks.

Comment 81: With respect to parking, the following should be considered:

1. To offset the parking shortfall, at least one public parking lot is required.
2. Curb cuts leading to accessory parking should be minimized to protect pedestrians on the sidewalk and ensure their access.
3. Curbside parking needs to be maintained to provide sufficient commercial delivery drop-offs/pickups.
4. A metered-parking program for both private and commercial vehicles should be employed, especially the DOT Park Smart program, to ensure parking turnover.
5. Reduction of accessory parking and re-apportionment with public parking should be considered.

Response: Introducing additional public parking in highly dense areas where public transportation is readily available, such as Hudson Square, is counter to this proposal's goals of curbing congestion and reducing vehicle use. Hence, it is unlikely that the City would consider the first and last bullets of this comment. With regard to curb cuts leading to accessory parking, DCP and the Department of Buildings have strict design and operational requirements to ensure safe vehicular access/egress and pedestrian passage, which would be required of future developers of sites within Hudson Square. In terms of on-street parking, DOT regularly reviews its parking regulations and makes the necessary adjustments that take into consideration of changing traffic conditions and adjacent land uses.

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Comment 82: Interests of Tunnel-bound commuter must be weighed against those of local community. From point of view of pedestrians and local merchants, sometimes it is better to leave adverse traffic impacts unmitigated. (HSC)

The Proposed changes to parking regulations may have negative impact on merchants and passenger loading and unloading. (HSC)

Response: Feasible mitigation measures were identified and evaluated in the Mitigation chapter of the FEIS; these are subject to DOT review and approval.

Comment 83: We are concerned about proposed traffic mitigation along Varick Street; we plan to study feasibility of planted median to better organize Varick for all users; our study will have comprehensive approach to mitigation on Varick Street. (HSC)

Response: Comment noted.

ALTERNATIVES

Comment 84: I'm glad to see that the DEIS contained a No Subdistrict B Alternative. And in that alternative, it was clearly stated that eliminating Subdistrict B will have no significant negative impacts on open space, parking, schools or any of the important environmental characteristics of the neighborhood. (Sore)

Response: Comment noted.

D. LIST OF ELECTED OFFICIALS, ORGANIZATIONS, AND INDIVIDUALS WHO COMMENTED ON THE DRAFT SCOPE OF WORK

ELECTED OFFICIALS, GOVERNMENT AGENCIES, AND COMMUNITY BOARDS

1. New York State Senator Thomas K. Duane, written comments dated October 27, 2011 and oral comments delivered by Robert Atterbury on October 27, 2011 (Duane)
2. New York State Assemblymember Deborah Glick, written comments dated October 27, 2011 and oral comments delivered by Sarah Malloy Good on October 27, 2011 (Glick)
3. Public Advocate for the City of New York Bill de Blasio, written comments dated November 7, 2011 (de Blasio)
4. Manhattan Borough President Scott Stringer, written comments dated October 27, 2011 and oral comments delivered by Lin Zeng on October 27, 2011 (Stringer)
5. Manhattan Community Board No. 2, Brad Holyman, Chair, oral comments delivered by David Reck on October 27, 2011 and written comments dated October 27, 2011 and February 29, 2012 (CB2)

ORGANIZATIONS AND INTERESTED PUBLIC

6. Hudson Square Business Improvement District, Ellen Baer, President, oral comments on October 27, 2011 and written comments dated October 27, 2011 (Baer)
7. Anthony Barrett, representing 315 Spring Street and 30 Vandam Street, oral comments on October 27, 2011 and written comments dated October 27, 2011 (Barrett)
8. Gloria Baume, 145 Avenue of the Americas, oral comments on October 27, 2011 and written comments dated October 27, 2011 (Baume)
9. Silvia Beam, resident, oral comments on October 27, 2011 (Beam)
10. Tobi Bergman, resident, oral comments on October 27, 2011 (Bergman)
11. Greenberg Traurig, LLP, Deidre Carson, written comments dated January 9, 2012 (Carson)
12. Denise Collins, oral comments on October 27, 2011 (Collins)
13. Charlton Street Block Association, oral comments delivered by Richard Blodgett on October 27, 2011 (CSBA)
14. Edison Properties, LLC, oral comments delivered by Anthony Borelli on October 27, 2011 and written comments dated October 27, 2011, March 29, 2012, and August 10, 2012 (Edison)
15. Mark Epstein, oral comments on October 27, 2011 (Epstein)
16. Extell Development Company/Charlton Soho, LLC, Kramer Levin Naftalis & Frankel LLP, Paul D. Selver, written comments dated November 7, 2011 (Extell)
17. New York Hotel and Motel Trades Council, AFL-CIO, Joshua Gold, Director of Political and Strategic Affairs, written comments dated November 1, 2011 (Gold)

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18. Mindy Goodfriend, oral comments on October 27, 2011 and written comments dated October 24, 2011 (Goodfriend)
19. Greenwich Village Community Task Force, Katy Bordonero and Zack Winestine, written comments dated November 7, 2011 (GVCTF)
20. Greenwich Village Society for Historic Preservation, Andrew Berman, oral comments on October 27, 2011 and written comments dated October 27, 2011 (GVSHP)
21. Shulie Hallett, 145 Avenue of the Americas, oral comments on October 27, 2011 (Hallett)
22. 92-94 Vandam Building Corporation, Sandro La Ferla/Anderson Kill & Olick, P.C., Robert Cook, Jr., oral comments delivered by Sandro La Ferla on October 27, 2011 and written comments dated October 27, 2011, November 3, 2011, and January 11, 2012 (La Ferla)
23. HERE Arts Center, Kristin Marting, oral comments on October 27, 2011 and written comments undated (Marting)
24. Packer Lack Joint Venture, LLC, Jon D. Packer, written comments dated November 4, 2011 (Packer)
25. Russell Roberts, 145 Avenue of the Americas, oral comments on October 27, 2011 (Roberts)
26. Jacques Torres, business owner, oral comments on October 27, 2011 (Torres)
27. Vandam Street residents: James Cottrell, (first name unknown) Lovett, Candace Worth, Richard Tuttle, written comments dated November 4, 2011 (Vandam)
28. Watts Street residents: Marc Chalom, Esther Mizicovsky, Elie Chalom, Dan Aquilante, Kathy Aquilante, written comments dated October 27, 2011 and oral comments delivered by Marc Chalom on October 27, 2011 (Watts)

E. COMMENTS AND RESPONSES ON THE DRAFT SCOPE OF WORK

PUBLIC PARTICIPATION

Comment S-1: The outreach to nearby residents, particularly within the Charlton-Vandam-King Historic District, has been insufficient. The rezoning will affect a broader area than just the rezoning area, and residents outside the rezoning area need to be included in the planning process. Trinity should reach out to the extended community to educate them and listen to their comments and concerns. (Beam)

Response S-1: It should be noted that this comment does not relate to the Draft Scope. The Applicant has made four presentations to Community Board 2 since February 2011, all publicly noticed. These included three before the Zoning Committee and one before the Parks Committee. The Applicant also presented at the public scoping meeting before DCP. Beginning with a community charrette in 2009 hosted by local elected officials and Community Board 2, the Applicant has actively engaged in outreach to the community. In addition to publicly-noticed meetings, the Applicant

has held numerous meetings with local community groups, local public school parents, small business owners, property owners, commercial tenants, local cultural institutions and many citywide organizations.

Comment S-2: We have hosted many public hearings over the past few years on this proposal, including a very well attended conference on what we felt were the issues of Hudson Square, and Trinity has incorporated much of our input into the rezoning proposal. (CB2)

Response S-2: Comment noted.

PURPOSE AND NEED

Comment S-3: The lack of existing residential density has inhibited the market for the retail needed for a vibrant business district. The introduction of the proposed residential development would enhance the 24/7 character of the neighborhood and contribute to the growing vitality of Hudson Square as the home of the innovation economy. (Baer, Marting, Baume)

The proposed rezoning would help transform the area into a vibrant 24-hour community. (Goodfriend, Roberts, Torres, Beam, Epstein)

Response S-3: Comment noted.

Comment S-4: The proposed rezoning will protect the vast majority of buildings in Hudson Square which give the neighborhood its character. (Marting)

Response S-4: Comment noted.

Comment S-5: The proposal of 9 FAR for residential with a bonus of 12 FAR for inclusionary housing and 10 FAR for commercial is entirely appropriate. (La Ferla, Baer) This FAR is commensurate with the history of the neighborhood, proximity to transit, the currently allowed FAR, and the goals of the rezoning proposal. (La Ferla)

Response S-5: Comment noted.

Comment S-6: This rezoning is coming from a developer, Trinity Church, not the community or the municipality. It is designed to serve the needs of a particular owner, not the needs of the general public or the needs of the community. Any zoning changes in our neighborhood should be part of an overall planning process based on current conditions (e.g., public transportation, flooding, parks, school seats, etc.), not a developer-driven proposal. (GVCTF)

Response S-6: It should be noted that this comment does not relate to the Draft Scope. Although a private applicant is advancing the proposed rezoning, the primary planning goal of the proposed rezoning is to activate and enhance the Hudson Square area by permitting new mixed-use development, while preserving the area’s commercial base and existing built character. The various components of the proposed rezoning have been developed in close consultation with city agencies, community groups (as discussed in response to Comment S-1), and other stakeholders, over several years. As part of the formal public review process, the EIS will address the potential effects that the proposed rezoning could have with respect to transportation, public schools, open space, infrastructure, etc.

PROPOSED ACTION

Comment S-7: The size limit for residential conversions should be increased to somewhere between the proposed 50,000 and 70,000 square feet (sf), based on an evaluation of the buildings that would be affected at different levels. The size limit for demolitions should remain unchanged. (CB2, Duane)

The size limit for residential conversions should be raised from 50,000 to 70,000 sf. (Roberts, Marting, Baume, Hallett, La Ferla)

The potential impact of raising the limit on preservation from 50,000 sf to 70,000 sf should be studied. (Stringer)

The EIS should study increasing the threshold for conversion/demolition restrictions for office buildings from 50,000 to 80,000 sf. (Baer)

The threshold for demolition and commercial replacement should be raised from 50,000 to 70,000 sf. (Barrett, Epstein)

Response S-7: In response to comments on the Draft Scope, the proposed Special Hudson Square District text has been amended to change the “qualifying building” threshold from 50,000 sf to 70,000 sf. That is, as stated in the Final Scope of Work, the DEIS will analyze the amended proposed Special District, which would prohibit the creation of new residential use (or community facility use with sleeping accommodations) on zoning lots that, as of the date of certification of the Proposed Action, contain 70,000 sf or more of non-residential floor area (“qualifying buildings”), unless the amount of non-residential floor area within such qualifying building or buildings is replaced on the zoning lot on a one-for-one basis, thereby preserving existing

commercial or manufacturing uses. The proposed Special Hudson Square District text will be provided as an appendix to the DEIS.

Comment S-8: We would like to know the environmental ramifications if Subdistrict B were eliminated and treated the same as the rest of the zone. (CB2, Stinger)

Subdistrict B is unfair and biased against small property owners. There is no reason to single out these two streets (Watts and Broome) and designate them with a FAR of 5.4 and height cap of 120 feet, while all other similar streets have been assigned a FAR of 10 and height cap of 185 feet. Our properties are located less than 80 feet from the Holland Tunnel. Compared with the incessant impact of tunnel traffic, the four small properties on Watts Street do not in any way contribute to the character of the area. Furthermore, there are three new buildings nearby that tower over our properties. (Watts)

We strongly support the 10 FAR for commercial and 9 FAR bonusable to 12 for affordable housing for residential throughout the area, including the elimination of Subdistrict B. Such density for these uses is consistent with and supportive of the predominantly commercial character of Hudson Square. Any reductions in bulk would seriously compromise the goal of creating a mixed-use environment. (Baer)

Response S-8: In response to comments on the Draft Scope, the elimination of Subdistrict B will be considered as an alternative in the DEIS.

Comment S-9: As proposed, Subdistrict A would allow up to a 430-foot tower. While there is a proposal for a school to go into the bottom floors of this building, it does not justify the need for such a tall building. (Glick)

The proposed height limit of 430 feet for the block bounded by Sixth Avenue and Canal, Varick, and Grand Streets (Subdistrict A) is completely out-of-scale for this area. (GVSHHP)

Subdistrict A looks like spot zoning; it covers just one block out of 18 blocks in the rezoning area. (GVCTF)

Response S-9: As discussed below in response to Comment S-11, a Lower Height Alternative, will be analyzed in the Alternatives chapter of the DEIS. The Lower Height Alternative will assume a maximum building height of 240 feet and maximum base height of 150 feet within Subdistrict A.

Comment S-10: Subdistricts A and B should be eliminated. (Glick, La Ferla)

Response S-10: See responses to Comments S-8 and S-9.

Comment S-11: The height limits in the current proposal are 320 feet on wide streets and 430 feet for Duarte Square. These height limits may be excessive for the area. We recommend consideration of lower height limits that would be more contextual for this area. (CB2)

The proposed height limit of 320 feet for development on most of the wider streets is very high. While more restrictive than the current regulations for height in the district, which provide no absolute limit and are only governed by the sky exposure plane, this is still considerably higher than almost every existing building in the district. A much lower alternative, such as the 180 feet also proposed for some narrower streets, should be studied. (GVSHP)

The proposed bulk and height for the entire district is too high—both on the avenues and side streets. The EIS should study the proposed rezoning at a reduced height and bulk allowance that is more in keeping with the neighborhoods surrounding the area. (Glick, CSBA, Beam, Rackow, Lloyd, Davis, Schultz, Leguizamo)

Subdistrict B is a down-zoning of just a few buildings in the area. If the whole area under consideration of rezoning is evaluated at lower height and bulk allowances, a specified down-zoning on these few blocks will be unnecessary. (Glick)

The proposal to allow buildings of 185 feet on the narrow side streets is overwhelming. This is much higher than those in surrounding neighborhoods and out-of-scale with the general area. The loss of human-scale nature of the Far West Village is a continuing concern and must be part of the planning process. (GVCTF)

Response S-11: As described in the Draft Scope of Work, there is currently no height limit within the Rezoning Area. The proposed building envelope controls establish a height limit for the first time, while also establishing contextual streetwall and setback requirements. The proposed height limits have been set in consultation with DCP to reflect an appropriate scale for the area and facilitate the development of a critical mass of residential use.

A Lower Height Alternative will be analyzed in the Alternatives chapter of the DEIS. The Lower Height Alternative will consider modification to the proposed Special District regulations to establish lower maximum building heights and streetwall heights, as follows: on wide streets, a maximum building height of 180 feet and maximum base height of 150 feet; on narrow streets, a maximum building height of 120 feet and maximum base height of 85 feet; within Subdistrict A, a maximum building height of 240 feet and maximum base height of 150 feet; within Subdistrict B, a maximum building height of 120 feet and

maximum base height of 85 feet (no change from the proposed zoning text requirements). As a result of the lower height requirements, the maximum achievable FAR would be reduced at a number of development sites throughout the Rezoning Area. The Lower Height Alternative would result in the development of up to 2,437 residential units (including 275 affordable units), as compared to up to 3,323 units (including 679 affordable units) with the Proposed Action.

Comment S-12:

Lots in CB2 were established before the enactment of standard lot sizes. Short and narrow blocks often make it difficult to fully comply with standard bulk rules. There may be other massing that would be more appropriate and might provide flexibility to produce a better design. (CB2, Edison) The east-west length of our blocks is approximately half that of typical Manhattan blocks, and we ask that DCP give careful consideration to how this relates to the distinction between mid-block and avenue heights. (Baer) Every block in the Rezoning Area is either irregularly shaped, at least half the length of standard blocks, or both. (Edison) There should be inclusion of a Special Permit Waiver that would allow, where appropriate, the adjustment of any bulk rules, including open space, setbacks, and height limits, but only to the extent these are justified based on the narrowness or shortness of the particular block or lot and would not allow increases in FAR. (CB2, Stringer, Baer)

The currently proposed bulk controls for midblock sites—particularly height limits of 185 feet—overly constrain the shape of new residential development on several development sites, leading to inefficient and poor quality designs, with deep and dark apartments in buildings separated by minimal rear yards. (Edison, La Ferla, Extell, Barrett, Packer) 12 FAR is achievable on our site (Projected Development Site 12) with slightly increased building heights (between 220 and 230 feet), a rear yard equivalent, and waivers for rear yard setbacks. It should be noted that while this would allow the full development potential on this site to be realized, it would result in residences with dark interiors and inefficient layouts. (Edison) Most of the development sites are on midblock sites. The 185-foot height limit on these sites will restrict efficient design, which is not in line with the goals of the proposed rezoning. (La Ferla) The midblock height limit should be raised to 320 feet, the same as the height limit on the wide streets. (La Ferla, Barrett) The height limits for midblock sites prevent the use of the entire 12 FAR through the Inclusionary Housing Program, thereby incenting minimal or no affordable housing and undermining the “critical mass” residential goals of the zoning plan. (Edison, La Ferla, Extell, Packer). It

seems counterintuitive to design zoning in a way that prevents the development of affordable housing and retail. (Packer)

Response S-12: In response to comments on the Draft Scope regarding ability of midblock sites to utilize 12 FAR, the analysis closely studied potential building massings on midblock development sites and found that all but one, Projected Development Site 12, could be built to 12 FAR under the proposed bulk controls. The analysis found that based on the depth of the block, Projected Development Site 12 could reasonably be built to approximately 10.8 FAR. In response to comments requesting a special permit to allow bulk modifications on uniquely narrow blocks to facilitate the full development of the allowable FAR, two alternatives will be considered in the Alternatives chapter of the DEIS: one in which the proposed Special District text would include a special permit to allow height and setback waivers for midblock sites located on blocks with narrow north-south street-to-street depth (the Midblock Special Permit Alternative); and one which includes the aforementioned special permit but would also eliminate the Subdistrict B regulations from the proposed Special District zoning text (No Subdistrict B With Midblock Special Permit Alternative).

Comment S-13: The EIS should study the elimination of storage as a use subject to restrictions on conversion/demolition. (Baer, Edison)

Some property owners have requested that certain uses with low employment rates, such as warehouse uses, be exempted from the preservation requirement. The impact of this proposed change should be studied. (Stringer)

Response S-13: The requested modification to the Special District zoning text, to eliminate storage as a use subject to restrictions on conversion/demolition, will be considered in Chapter 21 of the DEIS. The proposed zoning controls do not require the preservation of a particular use, but rather requires the preservation of a pre-existing amount of non-residential use of any kind that is otherwise permitted in the Rezoning Area. Therefore, for example, storage use could be changed to a use with a higher employment rate such as offices. The proposed zoning control is consistent with the goals and objectives of the proposal with respect to preservation of existing non-residential uses in manufacturing districts and is based on the precedent established by the M1-6D district that was recently mapped in an existing manufacturing district in midtown Manhattan, with a similar goal of preserving non-residential uses while allowing for limited new residential development.

Comment S-14: The proposed rezoning includes a special permit for hotels with 100 or more rooms that would only exist until 75 percent of new residential units are created. We recommend consideration of a Special Permit for hotels that does not have an expiration, similar to the special permit included in the recent rezoning of north Tribeca. (CB2, Duane, de Blasio)

Response S-14: As described in the Final Scope, the special permit for conversion to hotel use with more than 100 rooms would not “expire” once the residential development goal is met, as the special permit to allow new construction and/or expansion for a hotel use with more than 100 rooms would.

Comment S-15: The residential development goal is too low, and should be raised by 335 units to account for those already in the area. (Gold)

Response S-15: The residential development goal is discussed in the Final Scope. The residential development goal takes into account the presence of a limited number of existing residential units in the Rezoning Area.

Comment S-16: The proposed Special Permit for Hotels is currently anticipated to only apply to substantially vacant lots where residential uses would be allowed as-of-right, and not to apply to zoning lots with protected commercial buildings (i.e., subject to the 1:1 non residential replacement requirement). This would put increased pressure on certain large commercial buildings to be converted to hotels. This scenario would negate the rezoning’s goals of protecting the commercial and manufacturing space and creating a vibrant mixed-use community. The environmental review should include an option that will apply the hotel special permit to all zoning lots in the area. (Stringer, Gold, de Blasio)
The review should take into account the possibility of 5 or more large-scale hotel developments on the protected commercial lots. (Gold, de Blasio)

Response S-16: In response to comments on the Draft Scope, the Proposed Action has been modified such that a Special Permit would now also be required for any change of use of a building of 70,000 zoning square feet (zsf) or greater to a hotel with more than 100 rooms. As discussed in the Final Scope, the DEIS will include a conceptual analysis to generically assess the potential environmental impacts that could result from the development of hotel uses within the Rezoning Area. The conceptual analysis will also consider a hypothetical hotel development scenario in which hotel use is created, either as new construction or conversions of existing buildings, on three separate sites in the Rezoning Area.

Hudson Square Rezoning FEIS

Comment S-17: The area is becoming oversaturated with hotels. Please reconsider allowing large hotels in the district by special permit. (Beam)

Response S-17: As discussed in the Final Scope, numerous hotels have been developed in the Hudson Square area in recent years, as many property owners have undertaken hotel development as the only viable option for new development under the current M1-6 zoning. It is the Applicant's intention that allowing for the development of new residential uses as-of-right and requiring a special permit for the development of large hotels would reduce the potential for the development of new large hotels in the Rezoning Area.

Comment S-18: The EIS should study limiting the definition of community facility uses by providing an exception for the inclusion of college or school dormitories and fraternity or sorority houses from this proposal. (CB2, Baer)

Response S-18: Consistent with standard zoning use groups that apply citywide, the proposed Special District would allow for the development of college or school dormitories and fraternity or sorority houses. However, as the proposed Special District would allow for the development of new residential uses as-of-right, the potential future development of dormitories or similar uses is expected to be limited if occurring at all, and the Applicant does not intend to develop any college or school dormitories or fraternity or sorority house on the properties under its control.

Comment S-19: There should be some recognition of the area's manufacturing roots. Some preservation of existing manufacturing should be attempted, while also allowing for any potential resurgence of such uses if such opportunities should arise. (CB2)

Response S-19: As will be discussed in the "Land Use, Zoning, and Public Policy" chapter in the DEIS, the Proposed Action allows for both the continued presence and potential new development of manufacturing uses in the Rezoning Area, subject to certain performance standards applicable in Special Mixed-Use zoning districts.

Comment S-20: The EIS should study retaining the retail uses allowable under the underlying zoning (except the language in the application as it refers to nightclubs). (Baer)

Response S-20: As discussed in the Final Scope, the proposed Special District would allow the retail uses otherwise permitted by the underlying zoning but would limit the floor area at the ground floor to 10,000 sf in order to

facilitate the development of a variety of retail uses at the ground-floor level. The RWCDs to be analyzed in the DEIS will assume development of permitted retail uses on the ground floor of projected and potential development sites.

Comment S-21: The proposed zoning should consider the features that currently characterize the neighborhood as a commercial and industrial area, such as giant billboards, and modify that so that it will feel more like a mixed-use, 24-hour neighborhood. (Goodfriend)

Response S-21: The proposed Special District would apply the signage regulations applicable to C6-4 mixed-use zoning districts. Billboards and other advertising signs would not be permitted. The “Urban Design and Visual Resources” chapter in the DEIS will discuss existing signage in the District as well as signage anticipated in the future with the Proposed Action.

Comment S-22: The height and bulk of the sanitation facility project on Spring Street should be analyzed with respect to this proposed rezoning. Views of the Hudson River and New Jersey will be a driving reason for any successful residential development in the neighborhood. The height limitation for both wide and narrow streets should be viewed in relation to this huge (sanitation facility) structure and the bulk and height of existing buildings in the neighborhood. (Barrett)

Response S-22: As stated in the Final Scope, the DEIS will include a list of future development projects in the area that would be expected to be complete in the No-Action condition. As the sanitation garage is located nearby the Rezoning Area and would be complete by the 2022 build year, it will be included in the list of future development projects and its potential effects will be considered in all No-Action analyses.

Comment S-23: The rezoning area is on a hurricane evacuation zone. Introducing more residents without proper planning seems counter-productive. (GVCTF)

Response S-23: The Rezoning Area is not located directly on the waterfront and is located within Hurricane Evacuation Zones B and C. Approximately 75 percent of the land area within lower Manhattan (below 14th Street) is located within a Hurricane Evacuation Zone (A, B, or C). Any new development in the Rezoning Area would be required to meet all applicable codes related to floodplain regulations in effect at the time of construction. Current city policy promotes residential and commercial development in waterfront areas through its waterfront revitalization program, and several recent city-sponsored rezonings have occurred in

areas located in a hurricane evacuation zone because of their proximity to the waterfront.

Comment S-24: How do these plans affect the development of Pier 40? (GVCTF)

Response S-24: The Proposed Action has no relation to any potential future development of Pier 40. As future development plans at Pier 40 are not yet known, this will not be considered as background development project (i.e., not a future “No-Action” project) in the EIS.

ANALYSIS FRAMEWORK

Comment S-25: We are concerned about the lack of flexibility in the DEIS Scope with respect to existing projects that have obtained some approval from DCP or other city agencies under the current zoning controls. An example is the Charlton Street site, on which Extell has had a ground lease for several years, and has obtained a plaza certification from the Chair of the CPC. Development in the Hudson Square area has been stalled for the past few years because of the downturn in the economy. It would be unfortunate if, now these projects are once again becoming viable and new investment in the area is becoming a reality, the public benefits that would flow from these developments would be frustrated by the rezoning. Yet this outcome is a real possibility because of the lack of flexibility in the vesting rules that would apply, and the inability, as in the case of the bulk regulations, to incorporate changes after the public review process has begun. The final EIS Scope must consider these projects, including providing treatment of these sites in the No-Action conditions. (Extell)

Response S-25: At this time it is unknown whether the development described by the commenter would proceed in the foreseeable future. Therefore, to provide a conservative analysis of potential impacts of future development, the reasonable worst case development scenario (RWCDS) to be analyzed in the DEIS does not account for such development in the No-Action condition but does analyze new development on this site in the With-Action condition.

Comment S-26: In the Draft Scope, our property at 315 Spring Street is shown as a combined development site with the neighboring lot on 525 Greenwich Street. 525 Greenwich Street is currently being developed as a hotel and will not be combined with my site. Their demolition is completed and foundation will commence shortly. (Barrett)

Response S-26: In response to this comment, the RWCDS to be analyzed in the DEIS has been revised to reflect two separate development sites (315 Spring

Street is Projected Development Site 9 and 525 Greenwich Street is Projected Development Site 17).

SOCIOECONOMIC CONDITIONS

Comment S-27: Inside the rezoning area there are at least 70 units of rent-regulated housing in the buildings identified as projected or potential development sites. These units will be under pressure to convert to market rents as the neighborhood becomes a luxury housing area. Instead of a net gain of 568 unit of affordable housing, over time, it will be a net gain of 498, less than the 20 percent promised. (GVCTF)

Response S-27: As stated in the Final Scope, the Proposed Action is expected to result in the development of up to 679 affordable housing units on the projected and potential development and enlargement sites, under the city's Inclusionary Housing program. The projected and potential development sites contain a total of 48 residential units, some of which may be rent-regulated. As stated in the Draft Scope, sites are considered likely to enlarge as a result of the Proposed Action if they contain residential buildings likely to be rent-stabilized that are built to less than 50 percent of the maximum FAR. Therefore, most potentially rent-regulated units on the projected or potential development sites are contained in potential enlargement sites. The DEIS will address the number of residential units that may be subject to direct displacement with the Proposed Action.

The "Socioeconomic Conditions" chapter of the DEIS will include a detailed indirect residential displacement analysis which addresses the potential for the Proposed Action to result in increased property values, and thus increased rents, throughout a study area. In accordance with CEQR, this analysis will focus on the population that may be vulnerable to displacement through rent increases. This does not include the rent-regulated population because rent-regulated units are assumed to be protected from rent increases due to market influence. Rather, the analysis will focus on the rental population in market-rate apartments whose rents can increase through market influence, and who may not be able to afford such rent increases.

Comment S-28: Affordability is defined as housing that costs no more than 30 percent of annual income. What income levels are assumed for these 568 new units? New affordable housing usually has a time-limited span of existence. What is the timeframe for this affordability? Will the affordability component expire after a certain number of years? (GVCTF)

Response S-28: As discussed in the Final Scope, the affordable units included in the RWCDS are assumed to be developed pursuant to the Inclusionary Housing Program, as defined by the New York City Zoning Resolution. The Inclusionary Housing Program, as administered by the Department of Housing Preservation and Development together with DCP, stipulates that qualifying affordable units must be affordable to households at or below 80 percent of Area Median Income for the life of the development utilizing the floor area bonus.

Comment S-29: While the inclusion of provisions for 568 units of affordable housing is laudable, the EIS must analyze the effects of the pressure of additional market-rate units and the eventual expiration of affordable units on existing affordable housing in the surrounding areas. (GVCTF)

Response S-29: As noted above, the DEIS will include a detailed indirect residential displacement analysis which addresses the potential for the proposed action to result in increased property values, and thus increased rents for unprotected dwelling units, throughout a study area, making it difficult for some existing residents to continue to afford to live in the area. With respect to the expiration of affordable units, as discussed in response to the previous comment, any new affordable housing units that are developed pursuant to the Inclusionary Housing Program must remain affordable to low-income households for the life of the development utilizing the floor-area bonus.

Comment S-30: The study specifically excludes buildings that are assumed to be “rent-stabilized and difficult to legally demolish due to tenant-relocation.” This assumption flies in the face of reality. Landlords are legally raising the rents on rent-stabilized tenants, and then using the vacancy decontrol provisions of the law to de-stabilize the units. These buildings have to be put back into the study and analyzed as potential losses of affordable housing. (GVCTF)

Response S-30: The RWCDS includes development that is considered likely to occur as a result of the Proposed Action over a 10-year period. Projected development sites are considered more likely to be developed within the 10-year period, and potential development sites are considered less likely to be developed within that timeframe. As described in the Draft Scope, buildings with six or more dwelling units that were constructed before 1974 are likely to be rent-stabilized and difficult to legally demolish due to tenant re-location requirements. It is not reasonable to assume that entire buildings would be vacated due to voluntary tenant relocation within the 10-year analysis period. For most of the residential buildings with six or more dwelling units within the Rezoning Area, the

most likely future development scenario in the future with the Proposed Action is the construction of rooftop additions; therefore, the RWCDs considers them as potential enlargement sites. As stated in the Draft Scope, sites are considered likely to enlarge as a result of the Proposed Action if they contain residential buildings likely to be rent-stabilized that are built to less than 50 percent of the maximum FAR.

Comment S-31: The Scoping document states that “commercial vacancy rates have historically been persistently high.” According to a Sept. 25, 2011 article in *Crain’s*, Trinity “boasts” that the occupancy rate in their Hudson Square portfolio has surged 7 percent to 91 percent over the last three years. In addition, Trinity has been able to raise rents twice in the last three years at the rate of 10 percent each time. The Scoping document is not reliable in the matter of jobs. Job loss is a grave concern for the Hudson Square area. Any negative impact on jobs caused by the proposed rezoning would be a crucial factor against the proposal. The EIS of 2003 (the *Hudson Square Rezoning EIS*) predicted the loss of businesses and jobs, primarily for the area north of Houston Street. (GVCTF)

Response S-31: The proposed zoning analyzed in the 2003 *Hudson Square Rezoning EIS* differs from the proposed Special Hudson Square District that is to be analyzed in this EIS; it also applies to a different geographic area within Hudson Square. One of the fundamental differences between the two zoning proposals is that the proposed District includes provisions to limit conversions of non-residential buildings to residential use and retain certain commercial uses. The DEIS will include an assessment of direct business displacement.

Comment S-32: Trinity says it wants to promote local retail as a way of creating a lively streetscape, but has not provided an analysis or description of the proposed retail development. (GVCTF)

Response S-32: At this time, there are no specific development proposals for any of the projected development sites in the Rezoning Area. However, the proposed District regulations include provisions to encourage the development of local retail and services and activate the streets within the Rezoning Area. These include requiring retail or service uses on the ground floor for new developments with street frontage of 50 feet or more, establishing certain glazing and transparency requirements for ground floor uses, and limiting the maximum street-level floor area per establishment to 10,000 sf.

COMMUNITY FACILITIES

Comment S-33: Based on the New York City School Construction Authority's (SCA) conservative projected public school ratio of students generated per new housing unit, the school as proposed would accommodate solely the area's new pre-kindergarten through fifth grade residents but would not alleviate the current communitywide overcrowding issues or the lack of seats for older students. Furthermore, this space is contingent on the SCA being both willing and able to accept and build out a school in the space—a significant uncertainty. I recognize that the EIS will, in accordance with CEQR, include a detailed analysis of the effects of the proposed actions on the school demand, both with and without the prospective new public school's development. The scoping should also examine increasing the capacity of the prospective school to accommodate the rezoning area's new middle school students and/or serve the wider community's growing school-age population. Also, the new school should be in an appropriate location where there is room for the students to access open space. (Duane)

The proposed grade school (with at least 420 seats) will help the already overburdened downtown school system. However, there should be a proposal for a greater number of school seats. (CB2, Collins)

The city should work to ensure that the proposed school is constructed in a timely manner, and is of appropriate size to mitigate any school overcrowding that exists in the district today. (Stringer)

Response S-33: As discussed in the Final Scope, the Applicant has expressed a commitment to the development of a public elementary school and has entered into a letter of intent with the SCA. The proposed school would contain approximately 444 seats (pre-kindergarten through fifth grades). The approximately 75,000-sf school would be developed on the Applicant's Projected Development Site 1, which is adjacent to Duarte Square Park. It is expected that the new school would include a dedicated outdoor recreational area. The proposed school is expected to accommodate all demand for elementary school seats expected to be generated as a result of the Proposed Action.

Comment S-34: The EIS should include accurate estimates on the number of pre-K, elementary, middle, and high school students that the projected development is expected to generate. We urge DCP to investigate school consequences much more vigorously. We have seen that any estimate of projected public school students is woefully inadequate, as more families are staying in the city and moving into this particular neighborhood. Class sizes in our area are the highest they have been in

11 years. CB2 is sponsoring its own education needs assessment because CEQR standards fail to predict enrollment accurately. (Collins)

Response S-34: The EIS will follow the latest guidance and methodologies provided in the 2012 *CEQR Technical Manual*, which is the city’s guidance document for use in the preparation of environmental review analyses. The public schools analysis will rely on annual enrollment projections data provided to DCP by the School Construction Authority and Department of Education.

Comment S-35: There is no longer an acute care hospital or Level 1 Trauma Center in this district. The analysis should include in-depth research on the effect of so many additional families and workers that the proposed actions will bring to this already healthcare-deprived area on access to health services, especially but not limited to emergency situations. (CB2)

Response S-35: As described in the “Community Facilities” section of the Draft Scope, a detailed assessment of health care facilities is warranted under CEQR if a proposed action would directly affect the physical operations of, or access to and from, a hospital or public health clinic, or if a proposed action would create a sizeable new neighborhood where none existed before. The Proposed Action would not directly affect a hospital or public health clinic, nor would it create a sizable new neighborhood where none existed before; there are residential uses currently located in the Rezoning Area, which is also located adjacent to established residential areas. Therefore, a detailed assessment of health care facilities is not warranted.

Comment S-36: The impact of additional families and workers on the area’s existing police, firefighter, and ambulance capacity should be studied, as well as the impact of increased traffic on these first responders’ ability to access and egress affected locations. (CB2)

Response S-36: As described in the Draft Scope, a detailed assessment of police and fire protection services is warranted under CEQR if a proposed action would directly affect the physical operations of, or access to and from, a fire station or police precinct, or if a proposed action would create a sizeable new neighborhood where none existed before. The Proposed Action would not directly affect a fire station or police precinct, nor would it create a sizable new neighborhood where none existed before, as discussed above. Therefore, a detailed assessment of police and fire protection services is not warranted. However, the “Community Facilities” chapter of the DEIS will consider the potential effects of the Proposed Action on emergency response times.

OPEN SPACE

Comment S-37: This area is one of the most underserved for open space in the whole area. The study should be expanded to include other possibilities for additional publicly accessible open space in and around the Hudson Square area. (CB2, Duane, Stringer, Glick, GVCTF)

Response S-37: As discussed in the Final Scope, the DEIS will include an open space analysis that examines whether the Proposed Action would affect the quantitative and qualitative measures of open space adequacy within the study area. The analysis will include a description of any open space enhancements that would occur in the future with the Proposed Action.

Comment S-38: We seek the city’s leadership in enhancing three areas of publicly owned open space for better utilization by the public to address the lack of open space in this area:

- (1) Use of the Port Authority-owned parking lots on Dominick and Spring and Hudson Streets.
- (2) The Port Authority-owned Freeman Plaza (the green space in front of the Holland Tunnel).
- (3) Creation of the “Spring Street Connection,” at-grade access to Hudson River Park at Spring Street/north leg of Canal Street. (Baer)

Response S-38: While the specific open space developments mentioned by the commenter are not proposed as part of the Proposed Action, the DEIS will explore the potential to provide public access to the Port Authority-owned open spaces near the Holland Tunnel entrance (in the block bounded by Watts, Broome, Varick, and Hudson Streets).

Comment S-39: The requirement to build to the streetline throughout the district prevents the development of any additional public open space to mitigate significant adverse open space impacts that may result from new residential development. (Edison)

If the neighborhood is to transition to a more residential area, open space is an important amenity. One way to get more open space is if we had more flexibility in how the sites are laid out and designed. (Goodfriend)

Response S-39: It should be noted that this comment does not relate to the Draft Scope. The proposed building envelope controls were developed in consultation with DCP to complement the existing built context of the area, which has historically included a strong streetwall presence at the street line.

HISTORIC RESOURCES

Comment S-40: The sub-area with reduced FAR (Subdistrict B) should be eliminated and treated the same as the rest of the zone, leaving the merits of individual buildings to potential landmark consideration if appropriate. (CB2, GVSHP)

Response S-40: In response to comments on the Draft Scope, the elimination of Subdistrict B will be considered as an alternative in the DEIS. As part of the DEIS, the Landmarks Preservation Commission (LPC) will review all potential historic resources in the Rezoning Area and provide determinations with respect to eligibility for designation.

Comment S-41: This proposal may impact the unprotected portions of the proposed South Village Historic District, which borders the area under consideration, by increasing development pressure in that area. (Duane, GVSHP, Beam)

The EIS should study the impact of increased development pressure on the South Village, at least within 1,000 feet of the proposed rezoning area, and recommend mitigation to protect the historic resources of that neighborhood. (GVSHP, Vandam)

Response S-41: Consistent with CEQR guidelines, the DEIS will assess the potential for development anticipated to result from the Proposed Action to result in adverse impacts on architectural resources located within 400 feet of the Rezoning Area. In addition, the “Socioeconomic Conditions” chapter of the DEIS will assess the potential for the Proposed Action to result in indirect displacement of residential population within ½-mile of the Rezoning Area.

Comment S-42: The current proposal does not include landmarking protections for the South Village Historic District. (GVCTF)

Response S-42: Comment noted. The South Village Historic District is located outside of the District. However, as part of the CEQR review process, LPC will have the opportunity to review and comment on the “Historic and Cultural Resources” assessment in the DEIS.

HAZARDOUS MATERIALS

Comment S-43: Demolishing old buildings, construction of new ones on areas that may have leftover hazardous materials from other manufacturing uses, and repurposing buildings that have been used for manufacturing may

disturb existing hazards. A report is needed for how hazardous materials will be tested for and safely removed if found. (CB2)

Response S-43: The “Hazardous Materials” chapter of the DEIS will include an evaluation of the potential for environmental concerns at the development sites and discussion of measures to ensure that any required remediation measures are enacted and approved prior to development.

WATER AND SEWER INFRASTRUCTURE

Comment S-44: The water and sewer capacities should be studied for the highest potential number of families that the proposed action might bring to the area. (CB2, Duane)

Response S-44: As described in the Final Scope, two RWCDs have been developed to represent development scenarios that could result from the Proposed Action. The “Water and Sewer Infrastructure” analysis in the DEIS will be based on the RWCD that is expected to result in the larger water demand and overall amount of sewage generated, based on the water and sewer generation rates provided in the *CEQR Technical Manual*.

Comment S-45: There should be an in-depth study of underground water as well as the water table and potential for flooding due to new and repurposed structures that may be built as a result of Trinity Real Estate’s proposed plan. (CB2)

Response S-45: According to the *CEQR Technical Manual*, a geotechnical analysis accounting for the depth of the water table is not required in the DEIS. Such issues are addressed on a site-by-site basis, through various construction methods.

Comment S-46: Trinity should address the terrible flooding issues in the area. (GVCTF)

Response S-46: The “Water and Sewer Infrastructure” chapter in the DEIS will consider the increased sanitary and stormwater flows associated with the anticipated development from the Proposed Action, and describe the specific measures or best management practices (BMPs) that would be implemented in the future with the Proposed Action which would reduce sanitary and stormwater flows, thereby reducing discharge rates to the city’s combined sewer system.

SOLID WASTE AND SANITATION

Comment S-47: The EIS must consider the effect that the maximum number of families that the proposed action might bring to the area would have on solid waste and sanitation. (CB2, Duane)

Response S-47: As described in the Final Scope, two RWCDs have been developed to represent potential development scenarios that could result from the Proposed Action. The Solid Waste and Sanitation analysis in the DEIS will be based on the RWCDs that is expected to result in the larger demand for solid waste and sanitation services, based on the solid waste and sanitation generation rates provided in the *CEQR Technical Manual*.

ENERGY

Comment S-48: There should be a study on what impact this project will have on the rezoning area, neighboring locations, and overall New York City steam, natural gas, and electric grid/systems. The study should consider how much of these energy sources will be consumed during and after construction. (CB2)

Response S-48: According to the 2012 *CEQR Technical Manual*, a detailed assessment of energy is warranted under CEQR if a proposed project would significantly affect the transmission or generation of energy. Because all new structures requiring heating and cooling are subject to the *New York State Energy Conservation Code*, which reflects state and city energy policy, actions resulting in new construction would not create significant energy impacts, and as such do not require a detailed energy assessment. Therefore, the Energy chapter in the DEIS will include a qualitative assessment of the Proposed Action's effects on energy, including an estimate of the demand load on electricity, gas, and other energy sources associated with the RWCDs, and an assessment of available supply.

Comment S-49: What is the current unused capacity of the existing sub-station for the area? Would the increase in residential and commercial tenants in the area require an additional sub-station. (Glick)

Response S-49: As noted in response to the comment above, a detailed assessment of energy is not required under CEQR. As stated in the *CEQR Technical Manual*, projected generation and transmission requirements are forecasted by both the New York State Independent System Operator and ConEdison, ensuring that the city's power supply and transmission systems have the capacity to meet expected future demand.

TRANSPORTATION

Comment S-50: The DEIS must fully analyze the traffic, public transportation, and parking impacts this development would have on the immediate area, as well as the potential ripple-effects on surrounding neighborhoods. (Duane, Glick)

Response S-50: Based on the trip generation estimates and assignment of projected trips onto the transportation network, the appropriate study areas will be determined, in consultation with New York City Department of Transportation (NYCDOT) and New York City Transit (NYCT), to evaluate the potential transportation-related impacts in accordance with the procedures prescribed in the 2012 *CEQR Technical Manual*.

Comment S-51: The transportation analysis should take into account current construction, including the Holland Tunnel and planned construction that might be going on in the near future. The Hudson water main project is one example. (Glick)

Response S-51: Activities associated with the current Hudson Street Trunk Main project is scheduled to be completed in 2015. Where appropriate, the effects of this and other known construction projects will be discussed and reflected in the EIS transportation analyses.

TRAFFIC

Comment S-52: The study area for traffic should be greatly expanded. Significantly more times and locations should be studied. The traffic analysis should consider the potential effects of additional residences and workers—using cars, bicycles, public and private transportation and pedestrians—on nearby neighborhoods. (CB2, Duane, Glick)

Response S-52: The traffic study area in the DEIS will include the intersections within and surrounding the proposed Rezoning Area that are most likely to be affected by project-generated traffic and a detailed analysis of the affected intersections will be conducted for the weekday AM, midday, PM, and Saturday peak periods. The appropriate study area and analysis time periods will be determined in consultation with NYCDOT based on the amount of traffic expected to be added by the Proposed Action to the area's traffic network, accounting for various modes of transportation, in accordance with the procedures prescribed in the 2012 *CEQR Technical Manual*.

PARKING

Comment S-53: Parking locations should be explored and reported upon. (CB2)

Response S-53: The parking analysis in the DEIS will provide an inventory of the area's available parking resources and an assessment of how the additional parking demand associated with the Proposed Action would be accommodated within the existing and future parking supply in the area.

Comment S-54: Existing illegal parking activities (such as placard parking) should be studied along with the potential for these activities to continue in the future. Mitigation approaches should be incorporated to address this. (CB2)

Response S-54: The parking analysis in the DEIS will provide a description of existing parking regulations and general utilization of the on-street spaces within and surrounding the Rezoning Area. In response to this comment, it will also identify locations where illegal parking activities are prevalent; however, this is an issue of enforcement that is typically addressed by the New York Police Department and not typically examined under CEQR.

TRANSIT

Comment S-55: With the increased use of the area, there will be an increased demand placed on public transportation. Currently, the Canal Street station of the No. 1 train only has one point of entry and egress. The EIS should evaluate the creation of additional points of entry and exit at this station in order to safely increase capacity of this station. (Glick, Duane)

Response S-55: The Canal Street station of the No. 1 train is one of the stations that will be considered for analysis in the DEIS. The appropriate analysis elements will be determined in consultation with NYCT based on travel demand estimates and allocation of the project-generated trips to the area's available transit services. Where impacts are identified, feasible mitigation measures, which may include additional station entry/exit locations, will be explored.

PEDESTRIANS

Comment S-56: The study on pedestrian safety should encompass a wider geographic area, and focus especially on areas near ramps to the Holland Tunnel, wider avenues, and irregular intersections to ensure pedestrian safety is thoroughly understood. (Glick) There are serious pedestrian safety risks which should be studied. (Duane)

Response S-56: As with the analysis of potential traffic impact and in accordance with CEQR guidelines, the pedestrian safety analysis in the “Transportation” chapter of the DEIS will encompass a large area of locations, including those near the Holland Tunnel access and adjacent streets and avenues. According to the *CEQR Technical Manual*, the safety analysis involves reviewing accident data from the most recent three-year period for which data are available to identify “high accident” locations (intersections with 48 or more vehicular crashes or 5 or more vehicular-bike/pedestrian crashes within a 12-month period). For these high accident locations, potential measures that can be implemented to improve safety will be recommended.

NOISE

Comment S-57: The minimum study of noise effects as required by CEQR should be expanded to consider the ancillary effects of additional traffic—both vehicular and pedestrian—and retail serving the new population, including eating and drinking establishments. (CB2)

Response S-57: The noise analysis in the DEIS will consider the potential effects of the traffic expected to be generated by the RWCDS. While the Proposed Action is expected to result in new ground floor retail use, the potential locations for eating and drinking establishments is not known, as there are no specific development plans on sites within the Rezoning Area. While eating and drinking establishments are not among the primary noise sources requiring analysis per CEQR guidelines, any new development would be subject to the city’s noise codes, and any sidewalk café would be subject to review by the Community Board, Department of Consumer Affairs, and City Council.

CONSTRUCTION IMPACTS

Comment S-58: Timelines, phasing, and mitigation plans should be provided for potential construction in order to minimize the effects of many concurrent projects in a small area. (CB2)

Response S-58: The “Construction” chapter in the DEIS will provide a construction assessment with targeted assessments of relevant technical areas where construction activities may pose specific environmental problems. As there are no specific building plans for individual buildings, a conceptual construction schedule for the projected development and enlargement sites will be described in that chapter, and construction phasing, overlaps, staging logistics, and worker and truck projections examined to determine if a detailed construction traffic analysis is warranted.

Comment S-59: There should be a study on what impact this project will have on the proposed areas, neighboring locations', and overall New York City steam, natural gas, and electric grid/systems. The study should consider how much of these energy sources will be consumed during and after construction. (CB2)

Response S-59: As identified in the Final Scope of Work, the Energy chapter in the DEIS will include a qualitative assessment of the Proposed Action's effects on energy, including an estimate of the demand load on electricity, gas, and other energy sources, and an assessment of available supply. As noted above, the "Construction" chapter will provide a construction assessment with targeted assessments of relevant technical areas where construction activities may pose specific environmental problems.

ALTERNATIVES

Comment S-60: The proposed rezoning includes a preservation area that will reduce the total density along Watts, Broome, and Dominick Streets (i.e., Subdistrict B). The proposed rezoning reduces the total permitted density from a FAR of 10 to 5.4. Many property owners have expressed concern that these streets have significant traffic from the Holland Tunnel and that a higher density is appropriate given the streets' characters. Any proposed change of this nature should be carefully studied as an alternative in the environmental analysis. (Stringer)

An alternative should be studied that eliminates Subdistrict B. (Watts, Bergman)

Response S-60: In response to comments on the Draft Scope, the elimination of Subdistrict B will be considered as an alternative.

Comment S-61: The following alternative should be studied: extending the boundaries of Subdistrict B to include the entire length of Broome Street from Sixth Avenue to Varick Street and additionally the entire length of Dominick Street from Varick to Hudson Streets. (Bergman)

Response S-61: The properties that the commenter suggests including in the Subdistrict B boundaries were not included because the existing buildings are of a different scale than the areas included within the Subdistrict B boundaries. Therefore, this alternative will not be assessed.

Comment S-62: We request that the EIS study an alternative that modifies the boundaries of Subdistrict B to remove the zoning lots that front on Varick Street (a 100-foot-wide street). According to the Draft Scope, the

proposed Subdistrict B “would serve to discourage demolition of existing buildings and preserve the lower scale of the existing built context.” However, this preservation rationale does not apply to the 100 Varick Street property, which is a vacant development site. Furthermore, this is contrary to a planning principle applies throughout the City, in which higher density is programmed on wide streets (such as Varick Street) and lower density on the midblock of narrow streets. As proposed, Subdistrict B results in a lost opportunity to create more housing on a site that is appropriate from a planning perspective. (Carson)

Response S-62: In response to comments on the Draft Scope, the elimination of Subdistrict B will be considered as an alternative in the DEIS. This includes a study of anticipated development at 100 Varick Street (Projected Development Site 5) under controls applicable to wide streets in the Rezoning Area outside Subdistrict B.

Comment S-63: This area contains several uniquely narrow blocks that may prevent some property owners from creating efficient buildings with standard rear yards. Community Board 2 has suggested the creation of a special permit that would allow for bulk modification based on specific site constraints. Such a special permit would allow for consideration of each site’s individual condition and could balance the new bulk controls while retaining the possibility for new affordable housing. It is therefore appropriate to study a bulk modification special permit as an alternative. (Stringer)

The proposed midblock height limit of 185 feet effectively precludes use of much of the Inclusionary Housing bonus. Bulk studies of one such property show that the height limit will accommodate 9 or 10 FAR but not 12 FAR, thus undermining the proposal’s residential goals. An alternative should be added which studies raising the midblock height limit from 185 to 320 feet. (La Ferla) The EIS should include an alternative analysis that considers an alternate massing solution for midblock development sites. (Edison, Packer)

An alternative should consider, for midblock development sites on through-lots, a “single-building-plus-open-space” scenario which would provide for massing flexibility and allow for the construction of the maximum permitted 12 FAR of development. For midblock through-lot development sites, as well as midblock interior-lots, an alternative should consider some provision allowing for higher building heights, up to at least 290 feet, to allow for the construction of the maximum permitted 12 FAR of development. (Edison)

On our site (Projected Development Site 12), we would like to create a south-facing park of approximately 10,000 sf instead of a second building on Dominick Street. Currently, traffic barriers on Varick Street bisect Dominick Street's two-block span, and the Holland Tunnel "tube" traverses Dominick Street directly beneath its surface eliminating any possibility of a continuous streetwall on either side of the street. Dominick Street currently has no storefronts, attracts little pedestrian traffic, and will never become a retail corridor. On the other hand, a sizable park on this site would become an attractive neighborhood destination and would help mitigate the projected shortage of open space in the District resulting from the rezoning. (Edison)

If streets walls must be required even on Dominick Street, a low-rise building form should be allowed there and a taller form allowed on Spring Street. Then, bulk could be shifted away from Dominick Street in recognition of that street's existing scale and historic character. The development would also benefit from greater amounts of light and air to lower units and to a more generous rear yard space. While the low-rise building would extend the street wall, because this site is adjacent to the Port Authority's unbuildable lot (due to Holland Tunnel infrastructure below) an unfortunate implication of the requirement would be a blank lot line wall facing west. (Edison)

The new zoning must allow for the development of 12 FAR as-of-right on our site. (Edison)

Response S-63:

Regarding development controls at the midblock as well as possibilities for additional open space, three alternatives will be considered, including: two alternatives that consider a special permit to allow height and setback waivers for midblock sites located on blocks with narrow north-south street-to-street depth (one alternative assumes inclusion of Subdistrict B and the other assumes the elimination of Subdistrict B); and an alternative that would allow bulk waivers at the midblock on blocks with narrow north-south street-to-street depth in exchange for the provision of open space (Modified Midblock Site Alternative). Under the Modified Midblock Site Alternative, 12 FAR would be developed on Projected Development Site 12 as-of-right (rather than by special permit).

Comment S-64:

The midblock lots of four streets, between Varick Street and Hudson Street from Dominick to King Streets, are minimally developed and represent an important opportunity for new parks in the center of the area. Ideally, a line of parks would be created in this area, but separate parks on portions of each block would also provide centrally located open space.

The 320-foot height limit on wide streets is not characteristic of the area and more than what is needed to meet the proposed FAR; the 185-foot midblock height limit will make it difficult or impossible to develop the FAR required to achieve the affordable housing incentives. Establishing a range of height limits that is the same on wide and narrow streets but strictly limited to what is reasonably required to provide the maximum FAR would increase incentives for affordable housing and create new opportunities for open space.

The scope of work should be modified to include an alternative with a single reduced height limit and provision for special permits in connection with creation of certain quantities and qualities of public open space in specific areas: (1) to modify height and setback regulations on lots where public open spaces is provided; (2) to modify street wall requirements to allow for public open space; and (3) to transfer air rights to specified locations within the zone. (CB2)

Response S-64:

The following alternatives will be considered: an alternative that considers allowing bulk waivers at the midblock in exchange for provision of publicly accessible open space; an alternative that considers a reduction in height limits in the Rezoning Area; and two alternatives that consider a special permit to allow height and setback waivers for midblock sites located on blocks with narrow north-south street-to-street depth (one alternative assumes inclusion of Subdistrict B and the other assumes the elimination of Subdistrict B). However, the creation of a ‘line of parks’ or an air rights transfer zone presents substantial technical challenges, such as a mechanism for compelling property owners—short of condemnation—to refrain from developing their properties. It also has not been demonstrated that there would be sufficient development sites outside of the midblock to utilize any development rights that would be otherwise be available to owners of such midblock sites. Given the challenges of creating a line of parks or air rights transfer zone, this comment is being addressed by way of the two alternatives discussed above.

Comment S-65:

The EIS should study an alternative that allows sites primarily used for storage uses to be redeveloped with residential use (i.e., the elimination of storage as a use subject to restrictions on conversion/demolition). This would support the residential goals of the rezoning without affecting the employment base. (Edison)

Response S-65:

See the response to Comment S-13.

Comment S-66:

An alternative should be added which studies lowering the 180-foot midblock height. (Beam)

Chapter 27: Response to Comments on the DEIS and Draft Scope of Work

- Response S-66:** In response to comments on the Draft Scope, a Lower Height Alternative will be analyzed in the Alternatives chapter. See response to Comment S-11.
- Comment S-67:** An alternative should be studied which would bring the height and bulk limits for the larger streets down from the very generous 320 and 430 foot limits and 9 to 12 FAR currently being proposed. (GVSHP, Beam, Vandam)
- An alternative should be studied which would reduce the maximum allowable height on wide streets from 320 feet to 180 or 200 feet, as currently proposed for narrower streets. (GVSHP, Vandam)
- Response S-67:** In response to comments on the Draft Scope, a Lower Height Alternative will be analyzed in the Alternatives chapter of the DEIS. See response to Comment S-11.
- Comment S-68:** An alternative should be studied which would require, rather than allow (as the current wording suggests) rooftop additions to be set back from existing buildings, and we believe that the required setback should be at least 15 feet, rather than the 10 currently suggested in some cases. (GVSHP, Vandam)
- Response S-68:** The Applicant proposes a required setback of 10 feet on wide streets and 15 feet on narrow streets. This is consistent with standard setback rules across the city. Therefore, an alternative considering a 15-foot setback on wide streets was not identified in the Final Scope as an alternative that will be assessed in the DEIS.
- Comment S-69:** The environmental review should analyze the potential of positive and negative impacts of removing the expiration for the special permit for hotels. (Stringer, Gold)
- Response S-69:** The Final Scope of Work does not specifically consider the positive and negative impacts of removing the expiration for the special permit for hotels. However, the number of sites that could reasonably be expected to be developed with a hotel with more than 100 sleeping units in the future with the Proposed Action is limited, because the special permit requires the CPC to find that the “residential development goal” is attainable; any special permit granted for a new hotel would limit the number of sites available for residential development and would substantially decrease the likelihood of further special permits being granted. Furthermore, as most of the projected and potential development sites do not contain “qualifying buildings,” new residential construction would be as-of-right and would be much more likely to be

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developed than a hotel use, which would require discretionary action. Once the residential development goal is achieved, a hotel with more than 100 sleeping units can be developed as-of-right; however, at this point the land use goals of the Proposed Action would be realized and the development of additional large hotels would not negatively impact those goals. *