

A. INTRODUCTION

This chapter summarizes and responds to all substantive comments on the Draft Environmental Impact Statement (DEIS) for the Saint Vincents Campus Redevelopment project made during the public review period. Comments consist of spoken or written testimony submitted at the public hearing held by the New York City Planning Commission (CPC) on November 30, 2011, as well as written comments received during the public comment period, which closed on December 12, 2011. Written comments received on the DEIS are included Appendix E of the FEIS.

Section B of this chapter lists the elected officials, community board and organization members, and individuals who commented at the DEIS public hearing or in writing. Section C summarizes and responds to the substance of these comments. These summaries convey the substance of the comments but do not necessarily quote the comments verbatim. Comments are organized by subject matter and generally follow the chapter structure of the DEIS. The organization and/or individual that commented are identified after each comment. Where more than one commenter expressed a similar view, the comments have been grouped and addressed together.

B. LIST OF ORGANIZATIONS AND INDIVIDUALS WHO COMMENTED ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT**ELECTED OFFICIALS, GOVERNMENT AGENCIES, AND COMMUNITY BOARDS**

1. Borough President Scott Stringer, comments made at public hearing (delivered by Brian Cook) and written comments submitted November 25, 2011 (Stringer)
2. Congressman Jerrold Nadler, comments made at public hearing (delivered by Katie Smith) and written comments submitted November 30, 2011 (Nadler)
3. New York State Senator Thomas K. Duane, comments made at public hearing (delivered by Robert Atterbury) and written comments submitted November 30, 2011 (Duane)
4. Assemblymember Deborah J. Glick, comments made at public hearing (delivered by Sarah Molloy-Good) and written comments submitted November 30, 2011 (Glick)
5. Manhattan Community Board No. 2 (CB2), Brad Holyman and Robert E. Riccobono, Chairs, written comments dated October 26, 2011; Brad Holyman and Tobi Bergman, Chairs, written comments dated November 18, 2011; David Reck, comments made at public hearing (CB2)

¹ This chapter is new to the FEIS.

ORGANIZATIONS AND INTERESTED PUBLIC

6. AIDS Memorial Park Campaign, Paul Kelterborn, co-founder, comments made at public hearing (Kelterborn)
7. AIDS Memorial Park Campaign, Christopher Tepper, co-founder, comments made at public hearing (Tepper)
8. AIDS Memorial Park Campaign, Christopher Tepper and Paul Kelterborn, co-founders, Keith Fox, Chairman of the Steering Committee, written comments submitted November 28, 2011 (AMPC)
9. American Planning Association, New York Metro Chapter, Ahmed Tigami, written comments submitted November 30, 2011 (Tigami)
10. Association for a Better New York, Wellington Chen, comments made at public hearing (Chen)
11. Bedford Barrow Commerce Block Association, Kathryn Donaldson, President, written comments submitted October 22, 2011 (Donaldson)
12. Building and Construction Trades Council of Greater New York, Gary LaBarbera, President, comments made at public hearing (delivered by John Modica) and written comments submitted November 30, 2011 (LaBarbera)
13. Center for HIV Law & Policy, written comments submitted November 15, 2011 (CHLP)
14. Coalition for a New Village Hospital and Hands Off St. Vincent's Hospital Action Group, Carol Frances Yost, written comments submitted November 30, 2011 (Yost)
15. Congregation Beit Simchal Torah, Alana Krivo-Kaufman, comments made at public hearing (Krivo-Kaufman)
16. East 12th and 13th Block Association, David Gentile, written comments dated November 6, 2011 (Gentile)
17. Greenwich House, Roy Leavitt, written comments dated November 11, 2011 (Leavitt)
18. Greenwich Village Block Associations, Marilyn Dorato, Executive Director, written comments dated October 7, 2011 and November 27, 2011 (Dorato)
19. Greenwich Village/Chelsea Chamber of Commerce, Tony Juliano, Chairperson and President, written comments dated October 4, 2011 (Juliano)
20. Greenwich Village Society for Preservation, Andrew Berman, Executive Director, comments made at public hearing and written comments submitted November 30, 2011 (Berman)
21. HIV Law Project, Tracy Welsh, written comments submitted November 16, 2011 (Welsh)
22. Housing Works, Charles King, President/CEO, comments made at public hearing (delivered by Felicia Carroll) and written comments submitted November 30, 2011 (King)
23. Lesbian, Gay, Bisexual, and Transgender Community Center, Robert Woodworth, Director of Meeting and Conference Services and Capital Projects, comments made at public hearing and written comments submitted December 12, 2011 (Woodworth)
24. Live and Learn Village Coalition/District Leader of the 66th Assembly District, Keen

- Berger, comments made at public hearing (Berger)
25. Live and Learn Village Coalition/Public School Parent Action Committee, Irene Kaufman, comments made at public hearing and written comments submitted November 30, 2011 (Kaufman)
 26. Mason Tenders' District Council of Greater New York Political Action Committee, Mike McGuire, PAC Director, comments made at public hearing and written comments submitted October 13, 2011 (McGuire)
 27. Municipal Art Society, Joel Kolkmann, comments made at public hearing and written comments submitted November 30, 2011 (Kolkmann)
 28. New York Building Congress, Richard T. Anderson, written comments submitted November 30, 2011 (Anderson)
 29. New York District Council of Carpenters, Tamara Rivera, comments made at public hearing (Rivera)
 30. New York Foundling Hospital, Bill Ballaglini, Executive Director, comments made at public hearing (Ballaglini)
 31. New York Landmarks Conservancy, Andrea Goldwyn, comments made at public hearing and written comments submitted November 30, 2011 (Goldwyn)
 32. New York League of Conservation Voters, Ricardo Gotla, Legislative Director, comments made at public hearing (delivered by Hangying Peng) and written comments submitted November 30, 2011 (Gotla)
 33. New York City Central Labor Council AFL-CIO, Vincent Alvarez, President, written comments submitted December 6, 2011 (Alvarez)
 34. Place Matters, Molly Garfinkel, Director, written comments submitted November 29, 2011 (Garfinkel)
 35. Protect the Village Historic District, Trevor Stewart, Chair, comments made at public hearing and written comments submitted November 30, 2011 (Stewart)
 36. Protect the Village Historic District, Albert K. Butzel, Counsel, comments made at public hearing and written comments submitted November 30, 2011 (Butzel)
 37. Real Estate Board of New York (REBNY), Michael Slattery, comments made at public hearing and written comments submitted November 30, 2011 (Slattery)
 38. Tenant Association Robert Fulton Houses, Michael Acevedo, comments made at public hearing (Acevedo)
 39. VillageCare, Emma DeVito, President and CEO, written comments submitted November 14, 2011 (DeVito)
 40. Washington Square-Lower Fifth Avenue Community Association, Gil Horowitz, Executive Director, comments made at public hearing and written comments submitted November 30, 2011 (Horowitz)
 41. Washington Square-Lower Fifth Avenue Community Association, George Vellonakis, comments made at public hearing (Vellonakis)
 42. West 12th Block Association, Carol Greitzer, Co-Chair, comments made at public hearing

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- and written comments submitted November 30, 2011 (Greitzer)
43. West 13th Street Block Association, 100 Block Association, Mulry/West 11th Street Block Association, Horatio Street Association, Philip H. Schaeffer, comments dated September 9, 2011 (Schaeffer)
 44. West 13th Street 100 Block Association, Gary Tomei, comments made at public hearing and written comments submitted November 30, 2011 (Tomei)
 45. Mary Margaret Amato, comments made at public hearing (Amato)
 46. Steve Ashkinazy, written comments submitted December 9, 2011 (Ashkinazy)
 47. Alice Baird, written comments submitted November 28, 2011 (Baird)
 48. Ulrich Baer, written comments submitted December 1, 2011 (Baer)
 49. Dusty Burke, comments made at public hearing (Burke)
 50. Marjorie Colt, written comments submitted October 7, 2011 (Colt)
 51. Cris Criswell, written comments submitted December 2, 2011 (Criswell)
 52. Richard J. Davis, Community Board Omnibus Committee, comments made at public hearing and written comments submitted November 30, 2011 (Davis)
 53. Jim Fouratt, comments made at public hearing (Fouratt)
 54. Dorothy Friedberg, written comments submitted December 2, 2011 (DFriedberg)
 55. Michael Friedberg, written comments submitted December 1, 2011 (MFriedberg)
 56. Laurence Frommer, written comments submitted December 11, 2011 (Frommer)
 57. Eric Gilliland, written comments dated September 16, 2011 (Gilliland)
 58. Anthony Goicolea, comments made at public hearing (Goicolea)
 59. Jayne Hertko, comments made at public hearing (Hertko)
 60. Susan Hirsch, written comments submitted December 6, 2011 (Hirsch)
 61. Evette Stark-Katz, comments made at public hearing (Stark-Katz)
 62. Yeha Kurland, comments made at public hearing (Kurland)
 63. Pamela LaBonne, comments made at public hearing (LaBonne)
 64. Joseph C. Kelly, comments made at public hearing (Kelly)
 65. Ann Kjellberg, comments made at public hearing (Kjellberg)
 66. Jean Klein, comments made at public hearing (Klein)
 67. Robert Lapidés, comments made at public hearing (Lapidés)
 68. Timothy Lunceford, comments made at public hearing (Lunceford)
 69. Susan Lushing, written comments submitted December 2, 2011 (Lushing)
 70. Ken Lustbader, written comments submitted November 30, 2011 (Lustbader)
 71. David Marcus, written comments submitted November 21, 2011 (Marcus)

72. John McGinn, written comments submitted December 12, 2011 (McGinn)
73. Lauren Merkin, written comments submitted December 1, 2011 (Merkin)
74. Gordon Minette, written comments submitted November 22, 2011 (Minette)
75. John Cameron Mitchell, comments made at public hearing (Mitchell)
76. Yehudit Moch, comments made at public hearing (Moch)
77. Jacob Moore, written comments submitted December 10, 2011 (Moore)
78. Robert Moulthrop, written comments submitted November 30, 2011 (Moulthrop)
79. Jon Nalley, comments made at public hearing (Nalley)
80. Gerrie Nussdorf, comments made at public hearing (Nussdorf)
81. Rosemary Paparo, written comments submitted December 9, 2011 (Paparo)
82. Alice Peterson, written comments submitted November 30, 2011 (Peterson)
83. Clara Ricciardi, written comments submitted October 21, 2011 (Ricciardi)
84. Michael Samuelian, comments made at public hearing (Samuelian)
85. Michele and John Sansone, written comments submitted November 29, 2011 (Sansone)
86. Michael Seltzer, comments made at public hearing (Seltzer)
87. Michele Sodi, written comments submitted December 11, 2011 (Sodi)
88. Will Tims, written comments submitted December 12, 2011 (Tims)
89. Paul Ullman, undated written comments (Ullman)
90. Parker Wertz, written comments submitted December 2, 2011 (Wertz)
91. Sheree West, written comments submitted December 11, 2011 (West)
92. Matt Widman, comments made at public hearing (Widman)
93. Ken Winslow, written comments submitted November 27, 2011 (Winslow)
94. Lisa Yapp, written comments submitted December 1, 2011 (Yapp)
95. Lanie Zera, written comments submitted December 1, 2011 (Zera)

C. COMMENTS AND RESPONSES

CHAPTER 1: PROJECT DESCRIPTION

Comment 1-1: We support the plan presented by the Applicant to convert the former St. Vincent's Hospital East Site for residential use. (Goldwyn, Kolkmann, Horowitz, Slattery, Anderson)

Response 1-1: Comment noted.

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- Comment 1-2:** The redevelopment of the hospital campus has the potential to provide benefits to the local community and broader public. The proposed residential and ground-floor commercial uses are compatible with surrounding neighborhood character, and will help attract new residents and pedestrians to the area. These types of uses, which activate the streets and create safer conditions for the community, should be encouraged. (Stringer)
- Response 1-2:** Comment noted.
- Comment 1-3:** We support the renovation of the O’Toole Building. (Goldwyn, Kolkmann, Slattery, Anderson)
We believe that the re-use of the O’Toole Building will help revive the street life on that corner and create new jobs. (Kolkmann)
- Response 1-3:** Comment noted.
- Comment 1-4:** To formulate a plan that not only creates jobs and much-needed economic activity but also restores health care, builds a new public park, improves environmental conditions, and creates new school seats is something that is worthy of our support. (LaBarbera, Slattery, Amato)
- Response 1-4:** Comment noted.
- Comment 1-5:** We believe the Rudins’ determination to proceed with their current proposal derives from the fact that they do not want to return to the New York City Landmarks Commission (LPC) for the approval of an amended plan. (Stewart, Butzel, Davis, Tomei)
- Response 1-5:** Comment noted. A discussion of the proposed projects’ purposes and needs is included in Chapter 1, “Project Description.”
- Comment 1-6:** The Rudins are trying to squeeze the exact project that the LPC approved into an as-of-right zoning envelope that has no precedent in the Village. CPC’s responsibility is to zone and rezone only as it is in the overall public interest. For it to effectively make its decision on the basis of the developer’s desire to avoid further review by the LPC would be a breach of trust and represent spot zoning at its worst. (Stewart, Butzel, Tomei)
- Response 1-6:** Chapter 2, “Land Use, Zoning, and Public Policy,” includes several land use rationales for the zoning and large-scale general development (LSGD) special permits being requested by the Applicant apart from a “developer desire to avoid further review by LPC.” These include the location of C6-2 zones, other R8 equivalent zones, and R9 equivalent

zones exist in close proximity to the East Site, including on the Triangle Site (an R9 equivalent zone), on the east end of the East Site block (an R8 equivalent zone), along the West 13th Street frontage (a C6-2, R8 equivalent zone) and along several blocks north of West 13th Street. As noted in Chapter 1, “Project Description,” the buildings on the East Site—including all of the buildings deemed to be contributing structures by LPC—are of a size and building form that is more in keeping with an R8 (or denser) building form rather than a size and form in keeping with current zoning. The Commission’s obligations regarding land use policy are set forth in the New York City Charter.

Comment 1-7: The ULURP process is separate from the LPC process, and if the ULURP process justifies a different result then the fact that a developer may have to return to LPC with a modified plan is irrelevant. Otherwise the ULURP process is meaningless. (Davis, Tomei)

Response 1-7: Comment noted. The consistency of the proposed projects with land use, zoning, and public policy for the surrounding area is considered in Chapter 2, “Land Use, Zoning, and Public Policy.”

Comment 1-8: The requested special permit to increase the size of the garage should be denied. The Applicant has articulated a maximum number of units, but has not identified the number of units it will actually be constructing. Given the adequacy of parking in the study area and the commitment that only residents of these buildings will use the garage, an increase in the size of the garage is not necessary. (Davis)

Response 1-8: The Applicant plans to construct up to 450 dwelling units as part of the proposed East Site project. As discussed in the EIS, the parking available in the study area will not adequately accommodate the residents of the proposed East Site project. Census data show 37 percent auto ownership for owner-occupied units in the area. Based on this, the peak parking demand would be 167 spaces. As part of the proposed projects, the garage currently existing in the O’Toole Building will be removed, leaving only two public garages on West 12th Street, at 175-179 West 12th Street and 101 West 12th Street. (An additional accessory garage on West 12th Street does have a license from the Department of Consumer Affairs and is not available for project use.) These garages have a capacity of 141 spaces and are already substantially utilized. Given projected demand in the area with the addition of the proposed dwelling units, these garages would not have enough spaces to accommodate the daytime and overnight parking demand of 167 spaces from the proposed East Site project.

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If fewer dwelling units are built, thereby requiring fewer number of spaces, any excess supply would not have any effect on traffic activities at the proposed garage since the special permits for the proposed accessory garage will require it to be used for accessory parking only.

Comment 1-9:

The demolition of the Reiss Pavilion should be prohibited. LPC allowed for the demolition of Reiss as part of a very different neighborhood proposition—a hardship application that would be providing the neighborhood with a full-service hospital. The Federal Bankruptcy Court valued the properties on the East Site “as is” under the current zoning without regards or contingency of any zoning changes. The Applicant is not arguing a hardship of any kind. Indeed, a more limited zoning change would largely have the effect of Reiss being reused or made smaller rather than being demolished, and a smaller Seventh Avenue/11th Street building than is being proposed. (CB2, Ullman, Klein)

Response 1-9:

Chapter 8, “Urban Design and Visual Resources,” describes Reiss as built in the 1950s, being 9 stories tall (approximately 109 feet tall, containing 67,120 gsf) and clad in brown brick with a stone-faced ground floor, and having punched windows with air conditioner vents below most windows (p. 8-7). The streetwall rises without setbacks or recesses for 6 stories. In combination with the three historically contributing buildings to the west, an uninterrupted 475-foot streetwall is created. This is an anomaly in the surrounding blocks where front yard set backs ranging in depth from 3 feet to 12 feet create planted zones that in combination with ample street trees frame the pedestrian realm.

In contrast, the proposed design creates a streetwall in keeping with the Greenwich Village context. A 41-foot-wide, 8-story volume on the east side aligns with the similarly-proportioned volume on the neighboring 130 West 12th Street building. A 74-foot-wide, 6-story volume on the west side creates a “bookend” to the Nurses’ Residence streetwall, mirroring the 160 West building to the west. This volume is set back from the property line by 4 feet allowing for a planted zone between sidewalk and building face, a condition that is typically found in the village. This setback is animated by entry gardens and stoops of three maisonettes. Between these two volumes, the building sets back resulting in a 12-foot-deep by 22-foot-wide entry court, again a condition that is often found in the Village. The 9th and 10th floors are set back further so that they are hardly visible from the street. Further description of the building that would replace the Reiss Pavilion has been added to Chapter 8, “Urban Design and Visual Resources,” of the FEIS.

LPC approval of the demolition of the Reiss Pavilion is pursuant to a certificate of appropriateness and not as part of a hardship application.

The portion of the comment relating to the “Federal Bankruptcy Court” valuation is not a comment on the DEIS.

CHAPTER 2: LAND USE, ZONING, AND PUBLIC POLICY

Comment 2-1: With the proposed zoning, Rudin seeks to allow private residential development on this site at almost the same density as the 1979 rezoning allowed for the new hospital buildings. This would set a terrible precedent for our neighborhood and throughout the city. (Dorato, Gentile, Berman, Moulthrop, Stark-Katz, Kaufman, Kelly, Burke, Sansone, Tomei, Minette, West, Hirsch, Marcus, Donaldson, Baird, Colt)

Response 2-1: The 1979 approvals were for a special permit, not a rezoning. The comment that the proposed action would allow residential development “at almost the same density” as allowed for hospital use under the 1979 approvals is incorrect. As described in Chapter 2, “Land Use, Zoning, and Public Policy,” of the DEIS, the special permit granted in 1979 allowed for more than 750,000 square feet of zoning floor area to be located on the East Site. The Restrictive Declaration would limit development on the East Site to a maximum of 590,660 square feet of zoning floor area, consisting of approximately 559,409 square feet of residential floor area and 31,251 square feet of commercial and community facility floor area.

Comment 2-2: In the entire Greenwich Village Historic District, there is not a single block or lot that is zoned R-8, as the Rudins are proposing here, and there is not a single midblock that is zoned anything other than R-6. The proposals represent a complete departure from rational zoning. (Butzel)

The only other real R8 district is farther down in Hudson Square where the buildings are much higher. All through the Greenwich Village area there are very low buildings more compatible with the Historic District. There are some higher FARs, but they are not common and they are very small. If you really look at the length and breadth of Board 2, it is a much lower density. (CB2)

Response 2-2: Within the historic district, there are several areas zoned R8-equivalent to R10, and there are several midblock areas zoned R7 or greater. R8-equivalent and higher FAR zones include an R10 zone along Fifth Avenue between Washington Square North and East 12th Street, a C1-7 (R8-equivalent) zone on East 8th Street west of University Place, a C1-7 (R8-equivalent) zone at the intersection of Sixth Avenue and West

12th Street, and a C2-7 (R9-equivalent) zone on the Triangle Site. Just outside the Historic District, a C6-2 zone (R8-equivalent) runs along the West 13th Street corridor from west of Sixth Avenue to Fifth Avenue, where the zoning changes to an R10-equivalent. Midblock areas zoned R7 and above include a C1-7 (R8-equivalent) and R7-2 zone in the midblock of East 8th through 11th Streets, a C4-5 (R7-equivalent) zone midblock on West 8th Street between Fifth and Sixth Avenues, an R7-2 zone midblock on West 4th Street, Washington Place, and Waverly Place west of MacDougal Street, and a C1-6 (R7-equivalent) zone midblock on West 10th, Charles, Perry, and West 11th Streets. The zoning districts in the surrounding study area are fully discussed in Chapter 2, “Land Use, Zoning, and Public Policy.”

Comment 2-3:

The Proposed Zoning Text Amendments would allow development “without regard to height factor or open space ratio requirements.” The Applicant has stated that the height factor rules, which are part of the proposed zoning districts, are not appropriate for the buildings they intend to build. CB2 would like to note that the context is very low density historic townhouses and low-density apartment buildings on 12th Street to the north and 11th Street to the south, and that they do not exceed the current zoning FAR levels. The existing density is very appropriate for a historic district and, CB2 contends, was zoned such well after the larger East Site buildings existed. The aggregate contextual density of the surrounding area is significantly less than the zoning districts that are proposed. The existing zoning designations, R-6 and C2-6, would be more compatible with the historic district and would have bulk rules that are more consistent with the surrounding zoning districts of Greenwich Village. (CB2, Duane, Glick, Klein)

Allowances granted to the hospital should not constitute a baseline for private, market-rate residential development. (Duane, Glick, Nadler, Moulthrop, Kurland, Sansone, Minette, West, Hirsch)

Response 2-3:

As noted in Chapter 2, “Land Use, Zoning, and Public Policy,” the land use actions being requested are expected to be consistent with zoning districts within the vicinity of the East Site. The allowances granted through the 1979 special permits would be surrendered as part of this action and would not be used for the proposed residential development. The collection of existing buildings on the East Site is a unique condition within Greenwich Village and the rezoning would not create a precedent for every property in the vicinity.

Comment 2-4:

The scale of the proposed development of the East Site constitutes a compounding of the injury to the community already caused by the loss

of the hospital and a precedential threat to future land use in the Greenwich Village area. Once having accommodated for no reason other than the profitability of this proposed development, such a dramatic change in the Zoning Resolution, would not a denial of similar treatment for other future acquirers of property in Community District (CD) 2 be both discriminatory and arbitrary? (Schaeffer, Tomei)

Response 2-4:

The scale of the proposed East Site project was considered in various chapters of the EIS, including Chapter 2, “Land Use, Zoning, and Public Policy,” Chapter 7, “Historic and Cultural Resources,” Chapter 8, “Urban Design and Visual Resources,” and Chapter 19, “Neighborhood Character.” In each case, it was determined that no significant adverse impacts would occur. Similarly, activity associated with the proposed buildings was examined in various chapters, including Chapter 4, “Community Facilities,” Chapter 5, “Open Space,” and Chapter 14, “Transportation.” Again, in each case, no significant adverse impacts were found as a result of the scale of the proposed projects.

As noted in Chapter 1, “Project Description,” and Chapter 8, “Urban Design and Visual Resources,” the former Saint Vincents campus includes a unique concentration of larger historically contributing buildings not found in other areas of Greenwich Village and therefore can be readily distinguished from other properties in the area.

Comment 2-5:

CB2, which has a very high concentration of community facilities, is keenly aware of the potential implications and precedence of the requested zoning changes. As our neighborhoods are full of facilities built at a greater than normally allowable bulk in order to accommodate community facility uses, it is imperative that this not become a vehicle by which either community facilities or private developers are allowed to profit down the road. Therefore we insist that no upzoning, based upon the allowable bulk for community facilities, be granted to the Applicant, and that only the allowable bulk for residential development be considered for this project at this site. (CB2, Duane, Glick, Nadler, Stewart, Butzel, Berman, Stark-Katz, Kaufman, Klein, Kelly, Fouratt, Hertko, Sansone, Minette, Marcus, Donaldson, Baird, Colt)

Response 2-5:

The rationales for the proposed zoning map amendment are described in Chapter 2, “Land Use, Zoning, and Public Policy,” and are summarized in part in Response to Comment 1-6. It should be noted that the large majority of community facilities within the vicinity of the East Site project were built prior to 1961, and that prior to that date (i) there was no specific FAR limit for community facilities or residences, and (ii) both community facility and residential uses were subject to the same bulk controls. Therefore none of the buildings on the East Site that

would be retained as part of the East Site project received any floor area “allowance” as a result of being a community facility. Moreover, pursuant to Article I, Chapter 5 of the Zoning Resolution, community facility buildings built prior to 1961 may be converted in their entirety to residential use, regardless of the size of the building. This right exists independent of the proposed project, and could happen at many other locations within the vicinity of the proposed projects with or without the proposed East Site project.

The only existing buildings on the East Site project that were built pursuant to any land use action are Coleman and Link. These two buildings would be demolished as part of the East Site project, and the proposed Seventh Avenue building that would replace them is approximately 27 percent smaller in gross floor area above-grade. The project approvals would allow for the development of a 590,660 zsf project on the East Site, of which 559,409 zsf would be for residential use. Finally, as indicated in Chapter 1, “Project Description,” both the total amount of floor area and amount of residential floor area that would be permitted under the proposed actions is less than the amount that would be allowed on both the Triangle Site and the East Site if Coleman and Link were demolished and the existing LSCFD designation eliminated.

Comment 2-6: Any change in zoning should not be taken lightly and should be only undertaken when it serves the public purpose. The requested zoning does not serve that purpose. (Tomei, Hertko, Moch)

Response 2-6: See Response to Comment 2-3.

Comment 2-7: CB2 notes that this application is a proposal by a private developer wishing to build in a landmark district and requesting a significant upzoning. The Applicant requests a rezoning for their LGSD, from R-6, bypassing the R-7 district limitations, to an R-8 in the midblock and from C2-6 to C6-2 on the avenue. The requested zoning would allow a residential FAR of 6.02, which is 175 percent higher than the existing Seventh Avenue frontage and over 200 percent higher than the allowable FAR on the midblock. Further, a C6-2 designation is an egregious stand-alone commercial zone to be permitted immediately adjacent to a residential area, because it allows for a wide range of commercial use groups that include big box stores, clubs and discos, and automotives repairs shops, among others. CB2 suggests that a commercial overlay zone would be more appropriate. (CB2, Klein)

The rezoning would allow many new and incompatible uses, including big box stores, clubs, and discos, and it would authorize special

treatment, in terms of open space, for large-scale developments that could serve other developers in the future. We oppose these changes. (Stewart, Butzel)

Response 2-7:

The Applicant believes that the proposed R8 zoning district better matches the envelope and overall scale of the existing historic buildings on the site than an R7 district. An R7 zone would require more height and setback waivers because neither the existing buildings nor the proposed buildings conform to an R6 or R7 development envelope. Moreover, because of the number of pre-1961 nonresidential buildings on the East Site, the amount of residential development potential being requested for the project is less than the residential development potential of the East Site and the Triangle Site under current zoning.

As noted in Chapter 2, “Land Use, Zoning, and Public Policy,” the C6-2 zone being requested along Seventh Avenue is zoned in other parts of the study area, including along the West 13th Street frontage between west of Sixth Avenue to Fifth Avenue, and to the north of the East Site north of West 13th Street. This C6-2 zoning is being requested to allow for open space reduction on the site, as part of the LSGD special permits. While no significant adverse impacts to land use or neighborhood character were found, as part of the special permit approvals, the Applicant has agreed not to allow any Use Group 12A clubs or bars on the East Site. Moreover, the limited amount of retail use that would be allowed under the approvals (approximately 10,500 square feet at grade) would prohibit big box retail on the site. Automotive repair facilities are a Use Group 16 use and are not allowed in C6-2 zones. The use restriction and limitations on commercial floor area will be included in the Restrictive Declaration to be filed against the property as part of the LSGD special permits.

Comment 2-8:

The proposal, when built, would have less zoning floor area than the existing conditions and would not be taller than the existing building. The proposed zoning does not conflict with the built environment and several blocks near the site, such as West 13th Street and Sixth Avenue, are also zoned C-6 and allow 6.02 FAR for residential uses. (Slattery)

Response 2-8:

Comment noted.

Comment 2-9:

The Applicant puts forth the case that five properties (Cronin, Spellman, Reiss, Nurses’ Residence, and Smith/Raskob) were built prior to the 1961 Zoning Resolution (ZR), and therefore their entire bulk is permitted “as of right” to be converted to residential use. CB2 asserts that this was not the intent of the ZR, because it specifically defined the East Site as R-6 and C2-6, even though the existing buildings would be

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out of compliance if ever there were a change to residential. Further, in 1979, CB2 contends that the City reaffirmed this intent, with the approval of the large-scale community facility development (LSCFD) that permitted the Coleman and Link buildings as part of an upgrading of a medical complex. The excessive height and bulk of these buildings was allowed only because they were deemed necessary to create a then “state of the art” acute care hospital and Level 1 trauma center, and was clearly a community benefit. (CB2, Klein)

Response 2-9:

Spellman, Reiss, Nurses’ Residence, and Smith/Raskob were constructed prior to 1961 and accordingly would be able to convert to residential use pursuant to Article I, Chapter 5. This is a long-standing policy contained in the Zoning Resolution and is the clear intent of Article I, Chapter 5. It should be noted that 130 West 12th Street, immediately adjacent to the East Site and located in an R6 zone, was recently converted in its entirety to residential use under Article I of Chapter 5 of the Zoning Resolution, notwithstanding that the building is substantially overbuilt.

As noted in Chapter 1, “Project Description,” the proposed East Site project would be 17 percent smaller (in terms of zoning floor area) than what exists on the East Site today, and would be more than 21 percent smaller than the amount of development allowed by the 1979 approvals, as noted in Response to Comment 2-1.

Under the existing zoning controls for the East Site and Triangle Site in the absence of the LSCFD, the Applicant could construct up to 647,915 zsf of floor area as-of-right, including floor area attributable to conversion of the existing buildings on the East Site under Article I, Chapter 5 of the Zoning Resolution. At 590,660 square feet, the amount of floor area that would be allowed in the East Site project is less than what current zoning allows on the Triangle Site and the East Site. It is noted that the No Build condition analyzed in the DEIS assumes, as a highly conservative assumption, that the existing buildings on the East Site remain vacant because while some reuse of portions of the East Site property is likely, the amount and make-up of such use is speculative.

Comment 2-10:

Residential Greenwich Village is built to a lesser bulk and density than other neighborhoods in New York City, and that is part of its unique charm, making it a special and desirable area with high per square foot real estate values. CB2 believes the decisions by previous Department of City Planning (DCP) actions reaffirm the intention that Greenwich Village should remain low-scale. (CB2, Klein)

Response 2-10:

The rationale for the proposed land use actions and their consistency with land use, zoning, and public policy is discussed in Chapter 2,

“Land Use Zoning and Public Policy.” As stated in that chapter, the proposed projects would not result in significant adverse impacts to land use, zoning, and public policy.

Comment 2-11: In order to better fit this historic neighborhood, the height and the bulk of the proposed buildings should be reduced and the Reiss Pavilion should be preserved. (Kaufman, Berger)

Response 2-11: The EIS does not identify any significant adverse impacts with respect to historic and cultural resources or neighborhood character or any other impacts relating to the height and bulk of the proposed East Site project. As noted in Chapter 1, “Project Description,” the entire composition of buildings on the East Site has been reviewed and approved by LPC as appropriate for the historic district. See Response to Comment 1-9 regarding the replacement of the Reiss Pavilion.

Comment 2-12: We have a serious concern about the proposed amendment of Section 74-743 of the zoning resolution regarding large-scale developments in CB2. While it seems that this provision would only currently apply to the St. Vincent’s East Site, there is no reason to believe that in the future this provision could not be accessed by other institutions located in CB2. (Berman, Stark-Katz, Kelly)

Response 2-12: As stated in Chapter 1, “Project Description” (p. 1-6), the proposed text amendment would allow for a reduction in the open space ratio and allow for a development utilizing the maximum FAR available under zoning. It is unlikely that another property within CB2 would take advantage of the proposed text amendment because the text amendment is only applicable to LSGDs that are partially located within C6-1, C6-2, or C6-3 districts. In addition, in order to meet the criteria for LSGDs, properties generally must consist of at least 1.5 acres and be in common ownership on a single zoning lot. Even if all of these criteria are met, the amended text is only available by special permit, i.e., by a discretionary approval subject to the ULURP process. As noted within the EIS, within CB2, the Westbeth Artists’ Housing property located at 55 Bethune Street meets these criteria (except it is not an LSGD); however, this property is a designated City landmark that is already built out and would likely not take advantage of the text amendment in the future.

Comment 2-13: This application asks to cede square footage (in buildings that CB2 values) that was deemed allowable only because they were for the “public good” (i.e., a hospital), to a private developer for monetary gain. CB2 has determined that this is not acceptable. While, absent a viable

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plan for a hospital on the East Site, CB2 supports residential development on the site, the requested Zoning Map Amendments should not be approved as proposed. (CB2, Stewart, Buztel, Klein)

Accommodations could be made for adaptive reuse of the existing non-conforming buildings, but none of the additional height, bulk, or density allowances granted to a non-profit, community service hospital on this site should be transferred to a for-profit market-rate development. (West, Marcus, Colt)

Response 2-13:

The application does not seek to “cede square footage.” As set forth in Chapter 1, “Project Description,” the application seeks a zoning map amendment, a zoning text amendment, and several LSGD special permits to allow for the conversion and development of the East Site for a primarily residential project that is substantially smaller than exists today and that allows for the redevelopment of the Triangle Site as publicly accessible open space.

The proposed East Site project is not seeking to take advantage of height, bulk, or density allowances granted to a community facility. The existing LSCFD approvals would be surrendered as part of the proposed East Site project.

Comment 2-14:

Even if the existing zoning is maintained intact, it will not prevent the Rudins from constructing a very sizable building. Under the existing zoning, and accepting the Rudins’ contention that the excess bulk of the buildings they are preserving is grandfathered, they will still be able to adaptively reuse and construct 350,000 square feet of floor area as-of-right on the East Site. In addition, through the transfer of the unused development rights on the Triangle Site, the new building could be enlarged to 475,000 square feet. (Stewart, Butzel)

Response 2-14:

Under the existing zoning controls for the East Site and Triangle Site, the Applicant is entitled to construct up to 647,915 zsf of floor area as-of-right, including floor area attributable to conversion of the existing buildings on the East Site under Article I, Chapter 5 of the Zoning Resolution. This amount of floor area is more than the 590,660 zsf proposed for the East Site. See also Response to Comment 2-9.

Comment 2-15:

Under the proposed rezoning, the as-of-right authorization for residential use, including the development rights transferred from the Triangle Site, would be increased to 800,000 square feet. This is beyond anything that should be allowed in the Historic District. Alternatives to the proposed R-8 upzoning need to be considered. (Stewart, Butzel)

- Response 2-15:** Development on the project site will be governed not only by the proposed zoning map amendment, but also by the terms and requirements of the LSGD special permits being requested. Pursuant to the LSGD special permits, development will be limited to a maximum of 590,660 square feet of zoning floor area. This restriction will be included in the Restrictive Declaration that will be executed as part of the LSGD special permits. In addition, the Restrictive Declaration will provide that the development rights attributable to the Triangle Site shall not be used on the project site, and will also provide that if for any reason the LSGD special permits are surrendered, then any future development must be in accord with current zoning controls. Chapter 2, “Land Use, Zoning, and Public Policy,” will be revised in the FEIS to clarify this obligation. As described above in the Response to Comment 2-2, there is R8-equivalent and R10 zoning in the historic district.
- Chapter 21 of the EIS, “Alternatives,” discusses several alternatives to the proposed projects including a Lower Density Zoning Alternative and a Contextual Zoning Alternative.
- Comment 2-16:** The Applicant should prevent an increase in density in the neighborhood through eliminating the density over the Triangle in the Restrictive Declaration and agreeing to explore transferring the development rights to the City to ensure the rights are not available to the project site. (Stringer, Lunceford)
- Response 2-16:** The Applicant has committed to prohibiting the use of any development rights attributable to the Triangle Site in the East Site project. This commitment, which will be included in the Restrictive Declaration, is noted in Chapter 1, “Project Description,” of this FEIS.
- Comment 2-17:** The Applicant should restrict the site to only the densities and uses permitted under the existing zoning if for any reason the special permit is not used. (Stringer)
- Response 2-17:** The Applicant has committed to restricting development in the LSGD to the densities and uses permitted under existing zoning if the LSGD special permits are not used. This commitment, which will be included in the Restrictive Declaration, is noted in Chapter 1, “Project Description,” of this FEIS.
- Comment 2-18:** Any planning approvals should be only for the minimum necessary zoning changes for a viable residential development. (Davis)
- Response 2-18:** This is not a comment on the EIS.

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Comment 2-19: Why can't the Developer develop the exact same building but develop it within the zoning laws? (Widman)

Response 2-19: This is not a comment on the EIS.

Comment 2-20: We urge CPC to include restrictions on the type of retail that would be permitted in these spaces. (Stewart, Butzel)

Response 2-20: The EIS did not identify any significant adverse impacts associated with the type of retail proposed for the East Site. However, as stated above, as part of the LSGD special permit approvals, the Applicant has agreed not to allow any Use Group 12A clubs or bars on the East Site.

Comment 2-21: CB2's desire to have Applicant redress the shortfall in school seats caused by the proposed development does not in any way indicate that CB2 would support an upzoning in exchange for this support, but thinks it is the Applicant's responsibility, even if the project is built at the existing zoning. (CB2, Klein)

Response 2-21: This is not a comment on the EIS.

Comment 2-22: If there is a proposal for affordable units on-site, we request that they be included only at a maximum density which is consistent with the currently allowable residential FAR for the sites. We find any upzoning of the residential density of this site completely unacceptable and contrary to the wishes of the community. (CB2, Stewart, Butzel, Klein)

Response 2-22: This is not a comment on the EIS.

CHAPTER 3: SOCIOECONOMIC CONDITIONS

Comment 3-1: The plan to create a comprehensive, free-standing emergency department will bring a powerful economic engine back to our community. (Juliano)

Response 3-1: Comment noted.

Comment 3-2: This project promises to create badly needed construction jobs as well as permanent jobs. The economic multipliers of these jobs and new uses are of importance to the City, where unemployment remains persistently high and economic activity is depressed. (Anderson, Juliano, McGuire, LaBarbera, Stringer, Rivera, Amato, Horowitz, Alvarez)

Response 3-2: Comment noted.

Comment 3-3: This application will substantially increase the residential population of this area. In the recent past, the CB2 district has seen many rezonings and special permits, and the result has been an erosion of the economic and social diversity that has historically defined Greenwich Village. CB2 is committed to making every effort to ensure that our district retains the essential character of the Village. Statements by the Applicant note that the apartment sale prices will be start at \$1.2 million and rise significantly higher thereafter. Higher income residents will occupy all of the new apartments. Without provision for middle and low-income residents, this will be a major demographic shift for the neighborhood. (CB2, Klein, Hirsch)

This Applicant has a unique opportunity to create permanent affordable housing in our district, in order to help retain social and economic diversity. We ask that they research any mechanism that could provide affordable units, either on-site or off-site, including consideration of housing for seniors and individuals with special needs. (CB2, Duane, Glick, Nadler, Stringer, Klein, Acevedo, Lunceford, Rivera)

The creation of permanent affordable housing and/or special needs housing is vital, with or without City, State, or Federal incentives. This would not only help address the chronic shortages of affordable housing stock in New York City, but help balance the impact that high-end luxury condos would have on the community. Affordable housing should be provided not as a bonus for additional height and bulk. (Duane, Glick)

It is imperative that the Rudin proposal incorporate affordable, non market-rate housing as part of its plans to build luxury condominiums. (Kaufman, Berger, Kelly)

Response 3-3: Chapter 3, “Socioeconomic Conditions,” analyzed the potential for the proposed projects to cause a major shift in the demographics or other condition that might cause indirect residential displacement resulting in a significant adverse impact. The analysis looked at the demographics of the study area, including population and income characteristics, housing occupancy, and recent condominium sales prices. The analysis found that the proposed projects would not result in significant adverse socioeconomic impacts. Therefore, no mitigation is required.

Comment 3-4: As this development will contribute substantially and financially to our overcrowding problem, the Rudins should provide more public housing to help keep the diversity of our neighborhood. (Kjellberg)

Response 3-4: Chapters 4, “Community Facilities,” 5, Chapter “Open Space,” and Chapter 14, “Transportation,” of the FEIS consider the potential impact

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of the proposed project on nearby schools, open spaces, streets, sidewalks, and transit systems, and concluded that no significant impact to any of the areas would occur as a result of the project.

Comment 3-5: We believe that the lack of affordable housing is inconsistent with previous residential LSGD projects approved by CPC over the course of the last ten years which have either incentivized and/or required affordable housing. Historically, the rationale for applying the Inclusionary Housing Program has been to create economically diverse communities in neighborhoods where new development would create housing where it previously did not exist, or if new development significantly increases the existing housing stock of a neighborhood. To ensure that the proposed project is consistent with previous approvals on both the East Site and similar project sites throughout the city, we urge that CPC require a percentage of the new residential housing to be set aside at below market prices or only allow the density sought by the Applicant through the use of the Inclusionary Housing Program, both options would provide much needed affordable housing in Greenwich Village. (Kolkmann)

Response 3-5: Affordable housing is not one of the policies identified in the Zoning Resolution as justifying the use of LSGDs. Under Section 74-74, LSGDs are designed to allow greater flexibility in locating buildings and open space on a site “for the purpose of providing better site planning while safeguarding the present and future use and development of the surrounding area.” Moreover, the proposed projects do not create housing in a neighborhood where it previously did not exist and would not significantly increase the existing housing stock of the neighborhood. As stated above, the analysis presented in Chapter 3, “Socioeconomic Conditions,” which was based on *CEQR Technical Manual* methodology, did not identify any adverse impacts. Therefore, no mitigation is required.

CHAPTER 4: COMMUNITY FACILITIES

Comment 4-1: A full-service hospital is needed at or near the site of St. Vincent’s. (Davis, Gilliland, Peterson, Yost, Lunceford, LaBonne, Nussdorf, Stark-Katz, Fouratt, Burke, Hertko, Acevedo, CB2, Kurland, Burke, Moch)

It is inconceivable that City Planners are contemplating this project in light of the fact that out of the 18 hospitals in Manhattan, 16 are on the East Side. (Peterson)

In 2009 St. Vincents Hospital came out with a strategic plan that included an needs assessment that said very clearly that the lower West

Side of Manhattan needed a hospital. In fact, not only did it need a hospital but that a hospital needed exist on West 12th Street and Seventh Avenue. That this need was so compelling that, in fact, we needed a larger hospital and plans were underway, initiated by the Rudin Development Corporation, the folks who are here asking for consideration by CPC to approve this upzoning, to create a larger hospital at the site of O'Toole. Suddenly a bankruptcy closing is an issue and the Rudins are able to buy this property back at cents to the dollar. Now they want to use upzoning to put luxury condominiums. (Kurland, Burke)

There are 7,000 beds on the East Side and only 2,000 on the West Side. The lack of a hospital leaves the area vulnerable in the event of a pandemic, natural disaster, or terrorist attack. (Burke)

We need a hospital, a nursing home, rehab facilities, AIDS treatment, and psychiatric support in this neighborhood. We do not need 450 luxury condominiums. (Hertko)

Response 4-1: The proposed projects do not include a Level 1 trauma center or an acute care hospital. The Alternatives chapter of the EIS includes a description of the efforts made to locate a full-scale hospital in the project area and the physical challenges on the Saint Vincent's Hospital Manhattan site. Health care services that will be brought to the neighborhood as a result of the Center for Comprehensive Care are described in the EIS.

Comment 4-2: The proposed solution will address a very significant aspect of the West Side's healthcare needs, which have been underserved in the wake of Saint Vincent's closure. With a state-of-the-art, free-standing emergency department, residents, workers, and visitors will not need to travel out of our neighborhood to access emergency and other critical healthcare services. (Juliano, McGuire)

The new emergency room, while short of the full-service hospital that the community needs, will fill a critical gap in the Lower East Side's health care infrastructure. (Stringer)

Response 4-2: Comment noted.

Comment 4-3: Offices to be rented by physicians may technically be considered a health benefit and a community facility, but that does not begin to compensate for losing a Level 1 trauma center, and a full-service hospital with an emergency department. (CB2, Klein)

Response 4-3: No entity has come forward willing to build and operate such a hospital. As stated above, Chapter 21, "Alternatives" includes a description of

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the efforts made to locate a full-scale hospital in the project area and the physical challenges on the Saint Vincent's Hospital Manhattan site.

Comment 4-4: Despite repeated requests, the Applicant has not provided CB2 with information about apartment size, which would indicate how many additional children the 450 units of housing will bring. Such children would add to current overcrowding in schools and parks, a problem made even greater since CB2 recently lost its only middle school and its largest early childhood center. (CB2, Klein, Hirsch)

Response 4-4: For the purposes of estimating students generated by the proposed projects, the analysis presented in Chapter 4, "Community Facilities," follows the guidelines of the *CEQR Technical Manual* and conservatively assumes the maximum of 450 units of housing are constructed, resulting in an additional 54 elementary school students and 18 additional intermediate school students. The CEQR methodology does not make a distinction for unit types based on the square footage or number of bedrooms. The analysis did not identify any significant adverse impacts to schools as a result of the proposed projects.

Comment 4-5: If not for the Rudin family, there would not be 565 students coming to the Foundling School. The Rudins received no fee for facilitating this sale. The Rudins served as financial backstops for this project through very complicated negotiations and provided their offices as a neutral place for negotiations during that time. (Ballaglini)

Response 4-5: Comment noted.

Comment 4-6: We strongly urge that the Applicant make a substantial capital contribution to the establishment of a new public school in the CB2 area, such as at 75 Morton Street. The Foundling School doesn't fully address need for school seats. (CB2, Nadler, Berger, Kaufman, Kjellberg, Klein)

It should be pointed out that the Rudins didn't put a penny into the Foundling School. It was paid for by the City of New York. The Rudins' involvement in the process was instrumental, but it was not a give back to the community in the form that we need in return for a bonanza of the magnitude they are getting with the zoning concessions. (Kjellberg)

We are grateful for the Applicant's assistance in securing space for a school in the Foundling Hospital building in Community Board No. 5. However, that school site was secured in 2008, before this current

project was conceived. At that time, the Applicant agreed that the Foundling school was not contingent on any application. Further, no funds from the Applicant were used to buy, lease, or refurbish Foundling. Instead, the Applicant provided a financial guarantee during the closing of the property, which was ultimately paid for by the City of New York. (CB2, Klein)

Response 4-6: The analysis presented in Chapter 4, “Community Facilities,” did not identify any significant impacts on schools as a result of the proposed projects. The Applicant’s role in facilitating the development of the new Foundling School, whose projected completion in 2014 would increase the supply of local public school seats, has been acknowledged by the City of New York and New York City Department of Education.

Comment 4-7: This project uses a flawed CEQR formula to determine how many school seats are needed. The flawed CEQR formula estimates 54 students. We think there will be 194 new public students. (Berger, Kaufman, Kjellberg)

Response 4-7: The analysis follows the methodology of the *CEQR Technical Manual*. The CEQR multipliers were developed utilizing the 2000 Census Data by the Department of Education and its demographers in consultation with DCP, and are used by all City agencies in assessing a project’s potential impacts on schools under CEQR. Based on the CEQR methodology, the number of elementary students projected to result from the proposed project is 54, not the 194 indicated in the comment.

CHAPTER 5: OPEN SPACE

Comment 5-1: The proposal presents an opportunity to add open space that will potentially accommodate community-oriented activities, which will alleviate some of the open space needs in this community. Further, the inclusion of a well-designed park will help enliven immediate and nearby streets. (Stringer, Tomei)

Response 5-1: Comment noted.

Comment 5-2: This site should become a public park on publicly held land and all rights associated with the land should be transferred to the City except such rights as are required to support the open space requirements of the LSGD project. (CB2)

The Triangle Site park should be permanently publicly accessible, and there should be provisions ensuring its proper maintenance and upkeep in perpetuity. (Berman, Stark-Katz, Kelly)

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- Response 5-2:** Comments noted. An easement to City will be granted that will ensure that the proposed open space remains accessible to the public in the future. Standards for the operation and maintenance of the open space, which will be the responsibility of the East Site owner, either directly or through a third party. These commitments will be included in the Restrictive Declaration that will be executed as part of the LSGD special permits as noted in Chapter 1, "Project Description," of the FEIS.
- Comment 5-3:** The park should be publicly owned or under a non-profit structure, for the sake of funding and charitable support. (Seltzer)
- This park should not be a privately controlled space with a right of public access. Upon completion of construction, control of the space should be transferred to the Parks Department through an appropriate easement. The easement should include rules and regulations that set standards for repair and maintenance in perpetuity. (CB2, Duane, Glick, Klein)
- Response 5-3:** The Triangle Site is expected to remain in private ownership, however the City will hold an easement over the property ensuring its permanent use as a publicly accessible open space. See also Response to Comment 5-2.
- Comment 5-4:** The financial maintenance for this open space should be the responsibility of Rudin Management. (Duane, Glick)
- CB2 anticipates that the developer and/or condominium association, and/or other eventual property owners at the development site will be fully responsible for the cost of providing a specific standard of maintenance of the park in perpetuity, and that appropriate means will be established to guarantee the excellent and efficient maintenance of the park. (CB2)
- Response 5-4:** As noted above, maintenance will be the responsibility of the East Site development.
- Comment 5-5:** CB2 anticipates that the development of the park will be the responsibility of the project developer at an estimated cost of \$10 million, and if the cost of the park is less, the difference will be made available for public open space improvement within CB2. (CB2)
- Response 5-5:** Comment noted.

Comment 5-6: We applaud the park design revision submitted by the Developer and would oppose changes that would detract from park size. (Greitzer, Winslow)

Response 5-6: Comment noted.

Comment 5-7: In a Historic District, what this park should really do is not copy the geometries of Abingdon Square Park or the Sheridan Square fence. It should create its own aesthetic but be respectful to the District. (Vellonakis)

The Triangle Site park should function as part of the successful and beloved network of small parks in the area and the design and use of this new park should relate to and enhance this network. The park is a triangle where the old village street pattern meets the rectangular city grid. The look and feel should be 100 percent “community park.” (CB2, Moulthrop, Klein, Butzel)

The park should feel like it is part of the more intimate character of the Greenwich Village streets to the southwest and should not reflect the more commercial feel of Seventh Avenue. Stepping into the park should transport one away from urban intensity. While the park should welcome lunchtime use by workers in the surrounding area, it should represent the special character of the Village and it should not expose the residential areas to traffic and undesired activity. The current uses of the space provide no park use, but do provide a buffer that should be retained. (CB2, Klein)

Response 5-7: Comment noted. The design of the Triangle Site open space was developed in close consultation with CB2 with the goal of creating a community park for the Greenwich Village neighborhood. The design is subject to CPC approval. LPC has approved the design. These approvals are described in Chapter 1, “Project Description,” of the FEIS.

Comment 5-8: With only 0.4 acres of parks and playgrounds per 1,000 residents compared to a standard of 2.5 acres, CB2 ranks 48th out of 51 citywide. The first service of the park should be to the adjacent park-starved residential communities where the population of families with children is growing steadily, as evidenced by overflowing nearby playgrounds, and the new development to the east will increase this trend. (CB2, Duane, Glick, Klein)

While the park may be too small to provide a full playground and also other uses, it may be too big to function well simply as a sitting area with planting beds. Bringing children to the park also provides a lively and attractive aspect for a nearby sitting area. This idea, if affirmed,

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would mean the design should create an attraction for children and provide opportunities for active play. One suggestion was for a sand play area. Another was for sculptures that children can play on. A water play element can work for children and also be visually attractive and provide white noise the counter the cacophony on the avenue. (CB2, Klein)

Response 5-8: Comment noted. As described in Chapter 1, "Project Description," of the FEIS, the open space has been designed to serve the surrounding community and elements for children have been incorporated.

Comment 5-9: Design elements of the park should be standardized and easily maintained. Paving materials should be easily maintained, and not subject to staining and cracking. There should be sunny areas as well as areas shaded by trees. The park perimeter should include large tree species spaced as evenly as possible. A feature to give the park identity is desirable. A water feature to provide white noise may help create a peaceful area within the park. Facility to provide irrigation as needed should be provided and the park is large enough that it is desirable to have a place to store maintenance materials, possibly utilizing a small part of existing structures. (CB2, Klein)

Response 5-9: Comment noted. In response to comments from CB2, elected officials and DCP, the proposed design provides for all of these elements except a place to store maintenance materials. The revised publicly accessible open space on the Triangle Site is described and analyzed in the FEIS.

Comment 5-10: The Applicant should increase the size of the open space by removing the gas storage facility. (Stringer)

The availability of the Triangle Site for a public park is a huge opportunity for the neighborhood. Retention of the oxygen tank structure at the western tip will significantly diminish the value of the space as a public square and will be harmful to the park as experienced from the outside as well as the inside. If the tanks cannot be removed from the site, they should be reduced in size and moved to a location less important to the park than the western tip. (CB2, Duane, Glick, Klein)

Response 5-10: In response to CB2 comments and comments from others, North Shore-Long Island Jewish Health System (NSLIJ) and its architects have determined that it is not necessary to store oxygen tanks on the Triangle Site. Removal of the tanks would increase the proposed open space to 16,677 square feet from the 15,102 square feet previously contemplated (and analyzed in the DEIS) with the retention of the gas storage area. The proposed East Site project has been revised to include the larger

open space on the Triangle Site and this change is described and analyzed in the FEIS.

Comment 5-11: The debate about perimeter fences always brings a passionate response from both sides. There is a strong feeling among many that parks should be open and that fences compromise public access. There are concerns, sometimes overstated, but still credible, that the lack of a fence invites inappropriate and problematic use. While inappropriate use of public areas is lower now than at times in the past, times change, and the concerns are not unwarranted. There are many parks, including some in our neighborhood, where fences do not appear harmful to openness, and there are many public plazas throughout the city that are fenceless but forbidding. The lack of separation between park and street can lead to a plaza-like character. CB2 favors a very low fence with gates that are locked at night to allow for effective closing without harming the public use and feel of the park. (CB2, Klein)

Response 5-11: In response to comments from the interested parties including CB2, DCP, and LPC, the fence surrounding the park would be 36 inches tall and would sit on a 6 inch curb for a total height of 42 inches. There will be gates at each entrance that could be locked at night. This description has been added to Chapter 1, “Project Description,” of the FEIS.

Comment 5-12: Placement of entrances has a major impact on the use and feel of a small park. Entrances should be placed at corners, such as at Abingdon Square. In this case, there are obvious locations at the two Seventh Avenue corners, but other locations need to be more carefully considered. If the gas tank structure at the northwest tip can be removed or moved, this is another obvious location. The perimeters along West 12th and Greenwich are long, and people walking on those sidewalks are likely to want to cross through the park. Bank Street may seem like a natural place for a Greenwich Avenue entrance, but this would expose a very quiet street to unwanted activity so a Greenwich Avenue entrance should be placed farther east or west even if this disrupts a natural “desire line.” Entrances should be relatively narrow and unadorned to reflect the interior character of the park. (CB2, Klein)

Response 5-12: As shown on Figure 1-17 in Chapter 1, “Project Description,” of the FEIS, the proposed design for the Triangle Site open space includes entrances at each of the site’s three corners. Each entrance is approximately 10 feet wide, similar to the widths of entrances to other parks in the area.

Comment 5-13: The park should not have any gates. (Stark-Katz)

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- Response 5-13:** The Applicant worked closely with CB2 to develop the design of the open space, and CB2's resolution on the proposed projects (see Appendix E) expresses a strong desire for a fence with gates surrounding the open space.
- Comment 5-14:** In the design, the park is raised along Seventh Avenue. By doing so, the proposed park entrance is not Americans with Disabilities Act (ADA) accessible with the staircase at a very prominent point of entry. There is no reason why this proposal needs to have a severe grade change at the southern park tip. The sideward grade pitch is less than Abingdon Square Park, which is ADA-compliant at all entrances. CPC should examine the ADA accessibility of the park and consider designing the park at-grade. (Vellonakis, Horowitz)
- Response 5-14:** In response to comments heard at the public hearing, the design of the Triangle Site open space has been revised to eliminate the steps that had been proposed at one of the entrances. This will allow all entrances to the park to be ADA-accessible. This information has been added to Chapter 1, "Project Description," of the FEIS.
- Comment 5-15:** Raising the park a few feet above the sidewalk causes many other concerns such as obstruction of views, safety, and unwarranted retaining walls, such as those proposed along Seventh Avenue. (Vellonakis)
- Response 5-15:** Comment noted. The open space design does not obstruct visibility and does not raise safety concerns related to reduced visibility. All entrances to the park are at-grade.
- Comment 5-16:** The occupancy of the associated residential development must remain coupled to the opening of the park. An open process beginning with a Request for Proposals and ending with an agreement between parties will be required for commitment to particular uses and tenants so uses and tenants cannot be determined in ULURP or included in any Restrictive Declaration that would constrain the process. (CB2, Klein)
- Response 5-16:** In terms of schedule and timing, the Restrictive Declaration will specify linkages between the build-out of the open space and the East Site development.
- Comment 5-17:** While often appreciated, movable furniture is not typical of a community park. It can create more of a lunchtime sitting area feel. There is no objection to including some, but it is not an acceptable substitute for well-placed permanent benches and tables. The design of

the park should be such that it would be just as accommodating and comfortable if the movable furniture were removed. (CB2, Klein)

Response 5-17:

Comment noted. The design of the open space under review by CPC contemplates primarily fixed seating, as well as a smaller amount of movable tables and chairs.

Comment 5-18:

CB2 has these additional comments regarding the design of the Triangle open space:

- If lawn entrances directly opposite park entrances lead to pedestrian traffic across the lawn causing desire line wear the location of planting areas can be adjusted.
- Trees placed on the lawn should be chosen to assure sufficient sun on all areas of the lawn and should be planted to avoid disruption of the lawn by shallow root systems.
- Benches need to be well lit, including those placed along the perimeter.
- The development project should include a full evaluation to maximize tree locations on both sides of the perimeter streets as well as all surrounding streets.
- A requested plan showing the intended shade-sun concept, referring to the shade studies done for the new development, is still needed so a mix of shaded and sunny areas is available throughout the day.
- Requested information on the appearance of moveable furniture was not provided. The number of moveable tables and chairs provided is appropriate and should not be increased. Additional permanent tables should be considered.
- At least one curb cut to allow wheelchair access to the lawn is required. Use of a retaining wall to raise a planting bed should be considered to allow a closer connection for people in wheelchairs.
- The use of the standard “B” pole. Metal halide or LED lamping is essential. The use of Central Park luminaires adds desirable variety and interest. Locating light poles in lawn areas creates maintenance difficulties and often causes bare spots. Paved areas or planted areas should be used.
- The stairs at the southeast point should be designed to discourage use by skateboarders.
- Consideration should be given to reconfiguring the fence at the west entrance to slightly increase the size of the walk-through area outside the gate and so the gate is not recessed.
- The terrain of the lawn should be specifically contoured to be fun for very young children.
- The water element including water jets is an important feature of the park and work well with the “amphitheater” steps. However,

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portions of the steps need to be designed for access to the lawn from the west, but larger portions should provide better opportunities for seating facing the “plaza.” (CB2, Nadler, Klein)

Response 5-18: Comments noted.

Comment 5-19: CB2 considers the park design including light fixtures, fences, benches, and pavings to be appropriate for the Greenwich Village Historic District but designs for commemorations and sculpture to be added later will require separate consideration. (CB2)

Response 5-19: Comment noted.

Comment 5-20: The Applicant should include commemorative elements in the park and agree to work with the community and elected officials on the further development of those features, as well as their overall design requests for the park. (Stringer)

We believe that the design should respond to the needs of the entire community, not a special interest group no matter how enthusiastic, well connected, or politically connected. (Dorato)

Response 5-20: As described in Chapter 1, “Project Description,” the design of the Triangle Site open space contemplates the addition of commemorative elements referencing the history of Saint Vincent’s Hospital Manhattan, including the Hospital’s role in responding to the HIV/AIDS epidemic.

Comment 5-21: We support the idea of an aspect of the Triangle Site open space commemorating the history of St. Vincent’s Hospital. (CB2, Duane, Glick, McGuire, Klein)

We are excited that the park designers are contemplating memorializing the history of Saint Vincent’s Hospital at the site, including the role the hospital played in attending to the victims of the Triangle Shirtwaist fire, a critical moment in the history of the labor movement. (McGuire)

Response 5-21: Comment noted.

Comment 5-22: We support the idea of an AIDS memorial in the Triangle Site open space. (CB2, Duane, Glick, Nadler, Leavitt, Stewart, Butzel, Horowitz, Kolkmann, Kelterborn, King, Tigami, CHLP, McGuire, Seltzer, Klein, Tomei, Fouratt, Woodworth, Tepper, Mitchell, Krivo-Kaufman, Goicolea, Nalley, Berman, Samuelian, Zera, DeVito, Welsh, AMPC, McGinn, Moore, Tims, Frommer, Sodi, Ashkinazy, Ricciardi, Merkin, Criswell, Lushing, Wertz, Garfinkel, MFriedberg, DFriedberg, Lustbader, Baer)

- Response 5-22:** Comment noted.
- Comment 5-23:** While memorials are usually monumental and less cheerful and intimate than the features of community parks, there is no reason why successful commemoration cannot be designed and placed in a way to coexist with and enhance a community park, especially where the history is so deeply connected to the community and the site. (CB2, Klein, Samuelian)
- Using the Seventh Avenue park perimeter directly opposite the hospital site could provide a powerful memorial presence while retaining more typical park use and feel inside the park. (CB2, Klein)
- Response 5-23:** Comment noted. As described in Chapter 1, “Project Description,” of the FEIS, the proposed open space is intended to incorporate commemorative elements related to the history of Saint Vincent’s Hospital Manhattan.
- Comment 5-24:** The proposed park has “placeholders” for community proposed memorials to St. Vincent’s in treating patients during the AIDS crisis and for the work of the Sisters of Charity. We believe a more meaningful design approach will be to have an integral and more subtle symbol of hope, perhaps a grove of trees surrounding a red ribbon; specific references to patient treatment can be marked with plaques. (Horowitz)
- Response 5-24:** Comment noted.
- Comment 5-25:** The AIDS memorial features should be integral to the park design. (McGinn, Moore, Tims, Frommer, Merkin, Criswell, Lushing, MFriedberg, DFriedberg)
- This should be a park dedicated solely to New York City’s AIDS experience—not a shared memorial with the lost St. Vincent’s. St. Vincent’s played an important role in New York City’s fight against HIV and AIDS, but the sheer numbers of New York City’s AIDS victims warrant exclusive memorialization. (McGinn)
- Response 5-25:** Comment noted. The open space was designed in consultation with CB2. As noted in their resolution dated October 26, 2011, the intent of CB2 was to ensure that “The look and feel [of the open space] should be 100 percent ‘community park’” for the entire neighborhood. The design of the Triangle Site open space will be part of the LSGD special permits, and any change to the design would require further review. An alternative discussing a proposed AIDS Memorial Park and Museum/Learning Center has been added to Chapter 21, “Alternatives.”

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Comment 5-26: Any of these potential commemoration uses need to be carefully developed so that it does not conflict with active and passive community uses, and the park should not become a regional destination. (CB2, Stewart, Butzel, Moulthrop, Dorato, Klein, Tomei, Greitzer)

Response 5-26: Comment noted.

Comment 5-27: Locals would certainly benefit from the proposed privately owned public space. But a larger community would greatly appreciate an educational initiative that calls attention to the site's emotional resonance and historic significance. (Garfinkel)

Response 5-27: Comment noted.

Comment 5-28: As residents, business owners, and property owners in the West Village, we support the community's desire to ensure the best use of the Triangle Site. We are committed to working with all parties to create a memorial park that provides a much-needed inspirational, educational, and green public oasis for the city and surrounding community. (AMPC)

Response 5-28: Comment noted.

Comment 5-29: Without considering a separate question of whether existing underground space should be retained, the raised area above this space provides interesting opportunities. While the existing view of the garden above the space from the street is unattractive, there is a pleasant feel inside the garden and an interesting perspective and surprising sense of separation is provided by the small elevation. This separation is very different from what would be experienced from the top of a mounded lawn in the middle of a sitting area at street grade. Keeping the higher grade could also help to retain the beneficial visual buffer between Greenwich Avenue and Seventh Avenue. The existing site plan is also interesting because, with the removal of the building and the tanks, it would create an opportunity for two distinct areas, with a more natural raised area near Seventh Avenue, possibly a tree grove or an intensely planted garden, providing a buffer for a more active use area to the west. A design using the concept of a park with two distinct areas on different grades could be explored as a way of emphasizing the transitional character of the site, but only if there is adequate accommodation for disabled access, and sufficient visibility around the perimeter to avoid hidden activities. (CB2, Klein)

Response 5-29: Comment noted. Retaining the underground space on the Triangle Site is not contemplated as part of the proposed projects. Retention of the

underground space for a community use is considered in Chapter 21, “Alternatives,” of the FEIS. Retaining the below-grade space would likely affect the open space through the addition of structures (including those for access and egress, as well as ventilation) and the elimination of trees or reliance on raised buffers to accommodate the tree roots.

Comment 5-30: Retaining the underground space for future use is not accepted or rejected at this time, but its retention cannot be a consideration in developing or approving a design for the park and cannot delay or interfere in any way with the opening of the park. For example, if the roof of the underground structure cannot support large trees that are important to the desired design of the park, then the underground space cannot be retained. There are also potentially difficult design problems related to the impact on the park of access/egress requirements, mechanical systems, and ventilation that may constrain the use of the underground area. The reuse of the underground space also raises administrative and funding issues and potential environmental impacts were not studied as part of the scope of the EIS. (CB2, Stewart, Butzel, Moulthrop, Klein)

Although use of the underground space has been discussed, we do not believe that this is a reasonable possibility because it would negatively impact the park design. Building entrances and ventilation units would take up a sizable part of the park and would impact planting decisions. We believe that using such space would lead to long-term maintenance, programming, and governance issues. (Dorato, Winslow)

Response 5-30: Retaining the underground space on the Triangle Site is not contemplated as part of the proposed projects. However, retention of the underground space for a community use is considered in Chapter 21, “Alternatives,” of the FEIS.

CHAPTER 7: HISTORIC AND CULTURAL RESOURCES

Comment 7-1: The O’Toole Building Site should be permanently protected with an easement or equivalent mechanism. We realize the building is not the subject of the current ULURP application. However, we hope that this Commission will work with us in discussions with NSLIJ and others (including the Rudins) to see how permanent protection can be realized. (Stewart, Butzel)

Response 7-1: Comment noted. Any changes to the O’Toole Building would require the review and approval of LPC.

CHAPTER 8: URBAN DESIGN AND VISUAL RESOURCES

Comment 8-1: The DEIS asserts that the new entrance to the garage would “not adversely impact the streetscape as the street would retain its mostly residential character and curb cuts which are found throughout urban areas including from garage entrances in residential buildings throughout the study area, including within three buildings on West 12th Street between Sixth Avenue and Seventh Avenues.” The analysis ignores the fact that these three other garages are in corner buildings. The proposal is for a 22 foot curb cut for a garage, in the middle of the block, which would have a very different—and very negative—impact on the streetscape. (Davis)

Response 8-1: Chapter 8, “Urban Design and Visual Resources,” and Chapter 19, “Neighborhood Character,” conclude that there would not be a significant adverse impact in these technical areas. Zoning does not prohibit midblock curb cuts, but rather curb cuts are prohibited too close to corners (within 50 feet) and in general on wide streets. Overall the proposed projects are significantly reducing the amount of curb cuts on the project sites by removing the curb cuts for the Materials Handling Facility on West 12th Street, the Cronin Building on West 11th Street, and the Coleman/Link ambulance bays on Seventh Avenue.

Comment 8-2: The architect has already invoked the large, bulky postwar high rise apartment buildings on Seventh Avenue at 13th and 12th Streets as evidence that their own proposed Seventh Avenue monster condo building has precedents. But these postwar high-rise buildings were built prior to the Landmark designation of the Village. They have diminished the charm and overwhelmed the human scale of the otherwise lovely midblocks of 12th and 13th Streets. If these large boxy misplaced postwar structures are indeed held up as the standard for yet another oversized, bulky, artless high-rise building, then the warnings of the LPC of 1961 will have come to pass. Nowhere is protection of a landmarked district more critical than at its borders, where loosening of controls begins the incremental demise of a neighborhood. (Hirsch)

Response 8-2: As noted in Chapter 7, “Historic and Cultural Resources,” and Chapter 8, “Urban Design and Visual Resources,” the Greenwich Village Historic District does contain a number of taller buildings. In addition to more contemporary apartment buildings built in the 1950s and 1960s, the historic district also contains a number of tall, architecturally distinguished buildings that contribute to the historic character of the historic district. These include, but are not limited to, the former Jefferson Market Courthouse on Sixth Avenue at West 10th Street

which contains a tall, four-sided clock tower; the former Salvation Army's Evangeline Residence for Girls, a 17-story brick building at 123 West 13th Street; the former SVCMC office and staff housing building of 13-stories at 130 West 12th Street; and a number of tall apartment buildings on Christopher Street, including the 16 and 17-story apartment buildings at Nos. 1 and 45. The EIS concluded that there would be no significant adverse impacts on historic and cultural resources or urban design and visual resources.

CHAPTER 10: HAZARDOUS MATERIALS

Comment 10-1: The amount of self-monitoring, logging, and certification involved is of concern, as is the fact that the amount of government oversight has not been clarified. Daily logs will be maintained by the Applicant itself. Considering the current budget crisis, it can only be assumed that assertions by the Applicant will be accepted. This form of self-certification is suspect when there is inadequate oversight by respective government agencies. There need to be assurances that the New York City Department of Environmental Protection (DEP), the New York State Department of Environmental Conservation (DEC), the U.S. Environmental Agency (EPA), Occupational Safety and Health Administration (OSHA), the New York City Department of Transportation (NYCDOT), and the New York State Department of Health (DOH) monitor closely during the construction phase. (CB2, Klein)

Response 10-1: The Applicant will enter into a Restrictive Declaration with the City to ensure that the Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP) and other mitigation measures are implemented. There will then be oversight by the Mayor's Office of Environmental Remediation (OER) and DCP.

CHAPTER 11: WATER AND SEWER INFRASTRUCTURE

Comment 11-1: The DEIS (Ch. 11- A. Introduction/Principal Conclusions) asserts that, "The proposed projects would not result in wastewater discharges requiring industrial pretreatment or participation in the IPP" [the City's Industrial Pretreatment Program]. Given that the plan for the NSLIJ facility includes an advanced imaging center and a radiological treatment facility, it is neither realistic nor responsible to plan to avoid pretreatment of the resulting wastes. Columbia Presbyterian Medical Center's Radiation Safety Office affords a comparison example of responsible radiological waste pretreatment. In their system, wastes from patients receiving treatment from the New York Presbyterian

Hospital Departments of Nuclear Medicine and Radiation Oncology, are removed for a period of decay-in-storage before disposal. Our local West Village sewage system makes pretreatment of medical facility wastes unavoidable. A moderate rain now causes the local at-capacity sewage system to discharge directly into the Hudson River, and—as we all know—there have been a growing frequency and intensity of flood-level rains. Sewage is sent to the North River Sewage Treatment Plant on the Hudson River for treatment. Two highly relevant facts are: (1) studies show that sewage treatment plants are not able to treat radioactive wastes; and (2) down river from the North River plant, at Gansevoort Peninsula in Hudson River Park, there is to be a brand-new beach where children will play. For these very good reasons, pretreatment of hospital sewage to eliminate pathogens, medications, radioactive waste, mercury, etc., is a public health imperative. Moreover, the raw sewage that is discharged into the river 100 feet from the bulkhead is in a protected natural habitat for marine life along the Hudson River Park. (CB2, Klein)

Response 11-1: NSLIJ has stated that it does not intend to have radiation treatment in the building. Further, the imaging center will not dispose of radiological waste material into the sewage system. Wastes from the Center for Comprehensive Care similar to those from and hospital or biomedical laboratories are strictly controlled by federal, state, and local regulations.

CHAPTER 12: SOLID WASTE AND SANITATION SERVICES

Comment 12-1: According to projections, the proposal would involve one truckload per week for DSNY pick-up and one truckload for private carters. Not mentioned was the number of truck trips involved. This is three times a week and two for recycling for DSNY and five times for private carters. That computes to ten truck trips a week. In other words, the plan concerns itself with weight, not with trip numbers. The FEIS must indicate this and include it in the applicable figures/calculations for air quality, noise, etc. This brings up the matter of safety at the intersection at Seventh Avenue, known to PS 41 families as “Five Corners” (Mulry Square). It could be difficult for a driver of a sanitation truck to see a child crossing that convergence to get to school. Care must be given to plan scheduled trips nowhere near school hours. (CB2, Klein)

Response 12-1: Following the *CEQR Technical Manual*, Chapter 12, “Solid Waste and Sanitation Services,” focuses on the incremental amount of waste that would be generated by the proposed projects. The number of vehicle trips generated by sanitation operations is not discussed in this chapter,

but rather is included in the incoming and outgoing “deliveries” that are accounted for in Chapter 14, “Transportation.”

CHAPTER 13: ENERGY

Comment 13-1: This project advances sustainability and clearly demonstrates significant efforts to improve the environment. The Rudin proposal will upgrade historic buildings, incorporate efficient development-wide systems, create a 24,000 square feet intensive green roof and will double the amount of green space across the street from the site. This will enable the project to achieve New York City’s first LEED Neighborhood Development designation. (Gotla, Stringer)

Response 13-1: Comment noted.

CHAPTER 14: TRANSPORTATION

TRAFFIC

Comment 14-1: A residential building on this site would generate less traffic than was generated by the St. Vincent’s Hospital. (Slattery)

Response 14-1: Comment noted.

Comment 14-2: The Rudin West Village’s recitation (in the Statement of Findings) of “only” 20 vehicles in and out of the proposed garage at peak time does not discuss the fact that another garage across the street and closer to Sixth Avenue would also have exits and entrances at the same time and what the cumulative impact would be. Nor is there any discussion of the fact that 12th Street will be the route for ambulances leaving the new Center for Comprehensive Care. (Davis)

Response 14-2: Chapter 14, “Transportation,” takes into consideration all traffic from the proposed projects—including both ambulance trips and trips associated with the proposed garage—and concludes that the proposed projects would not have a significant adverse traffic impact. With regard to the ambulances leaving the new Center for Comprehensive Care, the EIS conservatively projected for analysis purposes, based on metrics developed from surveys of the previous Saint Vincent’s Hospital Manhattan, up to 11 departing ambulances during the peak hour (NSLIJ expects substantially fewer ambulance trips). These ambulance trips would be split between southbound Seventh Avenue and eastbound West 12th Street as part of their initial departure routes. Like the traffic associated with motorists traveling to the proposed garage, these ambulance trips would represent a very small percentage of the traffic

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stream on West 12th Street and would not, combined with vehicles entering and leaving the proposed parking garage, cause any significant adverse impacts. The traffic analysis in the EIS considered both ambulance trips and trips associated with the proposed garage in reaching this conclusion. The parking garages located at 175-179 and 101 West 12th Street are not part of the proposed projects. These existing garages are included in existing and No Build conditions.

Comment 14-3: The adverse effects on ambulance response time given traffic on 12th Street and Sixth Avenue should be examined. (Kelly, Klein)

Response 14-3: While ambulance response times are not specifically considered under CEQR, vehicle delays and levels of service are considered in traffic analyses. Chapter 14, “Transportation,” takes into account ambulances generated by the Center for Comprehensive Care and concludes that the proposed projects would not result in significant adverse traffic impacts. The New York City Police Department (NYPD) and the New York City Fire Department (FDNY) regularly evaluate their overall response time and adjust their routings to better respond to emergency situations. Some emergency vehicles traveling to/from the previous Saint Vincent's Hospital Manhattan had to also traverse the 12th Street and Sixth Avenue corridors and negotiate the prevailing traffic conditions. Future ambulances traveling to/from the Center of Comprehensive Care would be expected to do the same.

Comment 14-4: NSLIJ has said that it will consolidate deliveries to the Center for Comprehensive Care to minimize the number of trucks needed on a weekly basis. However, there will also be a significant increase in the number of tenants—both commercial and residential—as a result of this project and they too will generate truck traffic. The complex intersection of Greenwich Avenue, Seventh Avenue South, and West 11th Street at the southern end of the development site, as well as the proximity of a public school, increases the safety concerns regarding traffic and delivery trucks. We request that attention be paid to avoid scheduling these hazardous deliveries around school drop-off and pick-up times. (Duane, Glick)

Response 14-4: Comment noted. Chapter 14, “Transportation,” analyzes traffic generated by the proposed projects, including deliveries, and considers pedestrian safety and concludes that there would no significant adverse impacts as a result of the proposed projects.

PARKING

Comment 14-5: We oppose the accessory parking garage proposed for West 12th St. between Sixth and Seventh Avenues. (CB2, Duane, Glick, Stewart, Butzel, Greitzer, Moulthrop, Davis, Ullman, Klein, West, Hirsch, Paparo)

Response 14-5: Comment noted.

Comment 14-6: The opposition to the accessory parking garage is not only to a special permit for additional parking—we urge that there should be no garage at all. We oppose the garage for the following reasons:

(a) There are already 3 garage entrances on the block, more than any other block in Greenwich Village—a fourth one is unprecedented.

(b) This would add additional traffic, congestion, noise, and air pollution to a quiet residential street that already is now slated to be an eastbound ambulance route.

(c) It would interfere with sidewalk access by adding a curb cut that breaks up smooth sidewalk passage and by introducing vehicular traffic in the path of pedestrians.

(d) It would compromise pedestrian safety by introducing frequent vehicular movement and blockage of visibility on the sidewalk as well as cars appearing suddenly, in this case, in a vulnerable midblock location.

(e) There are more than enough available parking spots in the study area at all times, even factoring in this development, and according to Table 14-19 of the DEIS, there are 821 available overnight spots and 263 available peak usage mid-day spots in the study area.

(f) Despite the Applicants' contention that an approximately 35 percent of dwelling units formula is used to determine the number of required parking spaces, the number of residential units is still not fixed and could well be less than the 450 currently espoused, which would reduce parking needs.

(g) Fewer people are driving in NYC; there's an increase in use of alternative transportation modes and the encouragement of this approach (e.g., through bike share), which CB2 supports. (CB2, Greitzer, Ullman, Klein)

Response 14-6: (a) While the commenter appears to be correct regarding the number of garages with entrances on a single block in Greenwich Village, no significant adverse impacts were identified regarding the garage or its location on the West 12th Street frontage. As noted in the EIS and to be stipulated in the accessory parking garage special permit, the proposed garage will be used for accessory residential and community facility parking (no transient use).

(b) The EIS did not identify any significant adverse impacts related to the proposed garage.

(c) As stated in Chapter 14, "Transportation," driveway activities from this garage are expected to be no more than one vehicle approximately every two minutes during peak hours. During other times, the number of vehicles entering and leaving would be even less. As part of the proposed East Site project, standard pedestrian safety measures would also be implemented at the garage driveway to minimize vehicle-pedestrian conflicts. Such measures would include audio-visual warning systems that would be installed at the entrance/exit to the garage to alert passing vehicles and pedestrians of exiting vehicles, as well as cameras and/or mirrors so that persons exiting the garage can be aware of sidewalk conditions. The FEIS concludes that with these safety measures in place, the accessory parking garage operations are not expected to adversely affect the pedestrian flow on the south sidewalk of West 12th Street and no significant adverse impacts are anticipated.

(d) See response to (c) above.

(e) The commenter seems to be confusing existing conditions with future conditions. Table 14-19 of the EIS depicts existing parking supply and utilization levels in the area. Build conditions, which show the effects of the development, are shown in Table 14-22. This table shows that these levels would diminish to 740 available overnight spots and 154 available spots during peak midday usage in the Build condition. The build conditions depicted in Table 14-22 include the presence of the 152-space accessory parking proposed as part of the East Site project. The FEIS concludes that there would be an adequate supply of parking spaces under existing, No Build, and Build conditions.

Although not analyzed in the EIS, if the proposed project were built without the proposed garage, area garages would be operating at 99 percent capacity.

(f) The EIS states that even with the proposed 152 spaces, a portion of the East Site parking demand would need to seek parking elsewhere. If fewer dwelling units are built, thereby requiring fewer number of spaces, any excess supply would not have any effect on traffic activities at the proposed garage since the Restrictive Declaration governing the approval terms of the proposed project will require this garage to be used for accessory parking only.

(g) Comment noted.

Comment 14-7: People living in the West Village are terrified that in face of a medical emergency, they will have problems getting crosstown to a hospital on First Avenue. 12th Street is the logical choice; we urge you to enact procedures that will help speed traffic here—not deter it with the fourth garage. (Greitzer)

Response 14-7: As indicated in Chapter 14, “Transportation,” and as stated above in the Response to Comment 14-6(c), traffic entering and exiting the proposed garage is expected to have negligible effects on the West 12th Street traffic flow; emergency vehicles would not be hindered by the limited traffic associated with the accessory parking garage.

Comment 14-8: We believe the number of proposed parking spaces should be reduced. The DEIS states that if the residential development is completed by 2015, there is projected to be 740 available overnight spaces and 154 available weekday midday spaces within a ¼-mile radius of the site. There are more than enough spaces to accommodate the 137 cars the Applicant is estimating will come to the neighborhood as a result of the addition of 450 new housing units. (Kolkmann, Davis)

The Applicant is suggesting that the projected number of parking spots that are referenced in the DEIS is incorrect, as a number of the parking garages are accessory to uses in the buildings they occupy. However, in our survey of these parking garages, we found that they do allow individuals who do not live in the buildings to park in their garage and have a Department of Consumer Affairs license to operate as a public parking garage. (Kolkmann)

Response 14-8: The commenter is correct that 740 overnight spaces and 154 midday spaces were projected in the DEIS to be available in nearby (within ¼-mile) public parking garages, if the proposed 152-space accessory parking garage is constructed. As shown in Table 14-21 of the DEIS, the 450 new housing units were projected to have an overnight parking demand of 167 spaces (not 137 spaces referenced in the comment). So even some of this demand cannot be accommodated on-site in the 152-space accessory parking garage and would need to rely on the nearby public parking resources. During daytime hours, the peak project demand (including parking demand generated by the medical office, retail, and the Center of Comprehensive Care) would actually rise to over 200 spaces.

With regard to the second part of this comment, contrary to what the commenter suggests, the Applicant did not indicate that the projected number of parking spots referenced in the DEIS is incorrect. All parking garages with Department of Consumer Affairs licenses, irrespective of how they were originally classified, within ¼-mile of the project site

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and operating as public parking garages have been accounted for in the DEIS analyses.

Comment 14-9: The DEIS fails to analyze the fact that allowing four garages on West 12th Street would be unprecedented. We are aware of no residential block below 14th Street which would be so burdened with garages. (Davis)

Response 14-9: See Response to 14-6(a) above.

Comment 14-10: If the fourth garage is allowed on West 12th Street, it should include spaces for a car-share program. (Duane, Glick)

Response 14-10: Comment noted.

Comment 14-11: An on-site parking garage would accommodate cars belonging to residents and those of people visiting the doctor's offices. The garage currently connected to the O'Toole Building will be closing, making this garage more needed. (Slattery)

Response 14-11: Comment noted.

TRANSIT

Comment 14-12: NSLIJ has agreed to withdraw its request to relocate the current bus stop on the northwest corner of West 12th St. and Seventh Avenue South (which, being at the corner, does not interfere with pick up/drop offs at the main entrance of the O'Toole Building which is midblock, the original reason for the proposed relocation) one block south to Mulry Sq. (at the intersection of Greenwich Avenue/West 11th Street and Seventh Avenue South, identified in the DEIS as one of 5 high accident locations). CB2 welcomes this agreement to withdraw the bus stop relocation request and thanks NSLIJ for their consideration in this matter. (CB2, Klein)

Response 14-12: Comment noted. The FEIS has been revised to reflect this change.

Comment 14-13: Applicant and NSLIJ have declined considering the installation of elevator/escalator subway access for seniors, the disabled and other physically challenged people (many of who will be clients at the new health facility—the DEIS indicates that many of the facility's clients will arrive by subway) at the West 12th St. entrance/exit of the 14th St. west side IRT station, citing physical and cost constraints and claiming that the project does not generate that many trips, although there was consideration relocating the subway entrance within property lines, but

decided against it. We are disappointed that neither NSLIJ, nor the Applicant, have pursued disabled access at the West 12th St. subway entrance. (CB2, Duane, Glick, Klein, Yapp)

Response 14-13: The proposal does not include an elevator or escalator at West 12th Street. The potential for the proposed projects to cause a significant adverse impact on any of the West 12th Street entrance/exists was examined in Chapter 14, "Transportation." This analysis showed that the proposed projects would result in fewer than 200 total subway trips in any peak hour, that no significant adverse impacts are anticipated and no mitigation is required. New York City Transit does not have ADA or escalator access at this location in its capital plans.

PEDESTRIANS

Response 14-14: The Applicant should protect pedestrians by including safety measures in the public parking garage, including an audio/visual warning system and mirrors or cameras to notify vehicles of pedestrians on the street. (Stringer)

Response 14-15: Comment noted. The Applicant has agreed to these measures and they will be included in the Restrictive Declaration. The visual devices can be mounted to avoid intrusion into the neighboring windows and the type of sound and sound volumes can also be modified to be less obtrusive to the neighbors.

CHAPTER 16: GREENHOUSE GASES

Comment 16-1: As the City's first LEED-Neighborhood Development Project, the new design uses green innovations, and reduces the bulk from existing buildings so we'll have more light and air in the neighborhood. (McGuire)

Response 16-1: Comment noted.

CHAPTER 19: NEIGHBORHOOD CHARACTER

Comment 19-1: The current proposal preserves five of the nine buildings that made up the historic hospital campus, four of which are on the East Site. Protecting the existing buildings maintains the architectural continuity and the physical character of the surrounding neighborhood. In addition, the proposed uses on the East Site will be mainly residential, which is consistent with the surrounding neighborhood character. (Stringer)

Response 19-1: Comment noted.

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Comment 19-2: The plan to introduce retail entrances on side streets would change the character of the streets and therefore should not be allowed. Retail spaces bring with them brightly lit window displays, signage, and additional commercial traffic. There is already an abundance of vacant retail space available in the area. (Duane, Glick)

Response 19-2: No retail entrances are proposed for West 12th Street. The retail area along West 11th Street is limited to approximately 75 feet from Seventh Avenue, as shown on Figure 1-13 of the FEIS. At this location, the building faces the intersection of Seventh and Greenwich Avenues, and West 11th Street. The Elephant and Castle restaurant is directly across West 11th Street from the East Site and MTA-NYCT is planning on building a fan plant at Mulry Square. As indicated in Chapter 8, “Urban Design and Visual Resources,” and Chapter 2, “Land Use, Zoning, and Public Policy,” local retail exists in numerous locations on side streets. While the EIS does not identify any significant adverse impacts resulting from the proposed retail windows, in response to comments the Applicant has agreed to a number of conditions regarding the retail including (1) limiting retail signage on West 12th Street to the two westernmost windows and requiring that the signage comply with C1 signage controls; (2) establishing light levels for the windows facing West 12th Street; (3) prohibiting Use Group 12A clubs; (4) replacing the single pane windows for the easternmost four windows with a window pattern reflective of the residential windows further west; (5) requiring a frosted window treatment on the two easternmost of the four larger retail windows. These changes are noted in the FEIS and will be included in the Restrictive Declaration that will be executed in connection with the LSGD special permits.

Comment 19-3: The Applicant proposes approximately 90 feet of retail windows down both 11th and 12th Streets. CB2 believes this is inappropriate. These are residential streets, and indeed, 12th Street has never had any form of retail space and the DEIS recognizes that 12th Street “has strong residential character.” Thus while any retail can have entrances, appropriate signage, and display windows on Seventh Avenue, there should be neither signage nor any visible displays on the side streets, including in the existing windows on 12th Street. To do otherwise would change the character of these streets from residential to commercial. (CB2, Stewart, Butzel, Greitzer, Davis, Ullman, Klein, West, Hirsch)

Response 19-3: Chapter 19, “Neighborhood Character,” concludes that there would be no significant adverse impacts on neighborhood character due to the proposed projects. Further, as described in Chapter 8, “Urban Design and Visual Resources,” retail would only reach 73 feet on West 12th

Street and only 75 feet on West 11th Street. The windows on West 11th and 12th Streets along the retail frontage would enliven the street and provide a connection between the sidewalk and the activity inside. As noted in Chapter 8, “Urban Design and Visual Resources,” the ground floor retail would be in keeping with retail storefronts at various intersections of Sixth and Seventh Avenues with the smaller side streets where storefront display windows or restaurant frontages wrap onto the side streets. In proximity to the East Site these include Seventh Avenue and West 11th Street, across West 11th Street from the East Site; Greenwich Avenue and West 12th Street; Greenwich Street and Bank Street; and West 11th Street and Seventh and Greenwich Avenues across Seventh Avenue from the East Site. Locations where commercial uses and corresponding entrances are located on the side streets include the Elephant and Castle directly across West 11th Street from the East Site; the east side of Bank Street south of Greenwich Avenue; and at the restaurant at the corner formed by the confluence of Seventh and Greenwich Avenues and West 11th Street; which has an entrance on West 11th Street. Since publication of the DEIS and in response to comments, the proposed design has been revised to have mullions in the four easternmost windows and to reduce light levels for the retail windows, to have the LPC-approved signage band on only the westernmost two windows, and to incorporate a frosted treatment on the two easternmost of the larger retail windows. These changes are noted in Chapter 2, “Land Use, Zoning, and Public Policy,” and Chapter 8, “Urban Design and Visual Resources.”

Comment 19-4: If the retail exhibition windows on 11th and 12th Streets can not be eliminated, we would like to see the large windows currently proposed reduced in size to the equivalent of the ground-floor residential windows. (Stewart, Butzel, Greitzer)

Response 19-4: While the EIS did not indicate any significant adverse impact resulting from the retail windows on West 12th Street, as noted in Response to Comment 19-2, the Applicant has agreed to a number of changes regarding the retail windows facing West 12th Street designed to moderate the retail presence on West 12th Street. See also Response to Comment 19-3, above.

Comment 19-5: CPC should prohibit signage on 11th and 12th Street façades. (Stewart, Butzel, Greitzer, Davis)

The Applicant should restrict the signage on the side streets to only the signage found in local retail zoning districts (C1). (Stringer)

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Response 19-5: No significant adverse impact to neighborhood character was identified in the DEIS. As described above in the Response to Comment 19-2, the Applicant has agreed to limit retail signage on West 12th Street to the two westernmost windows and will limit signage on the side streets to signs consistent with C1 signage controls.

Comment 19-6: The Applicant should limit the types of uses allowed in the retail stores by agreeing to no Use Group 12A clubs or bars. (Stringer)

Response 19-6: Although no significant adverse impact to neighborhood character was identified in the DEIS, in response to comments, the Applicant has agreed that there will be no Use Group 12A clubs or bars on the East Site. This restriction will be included in the Restrictive Declaration that will be executed as part of the LSGD special permits.

Comment 19-7: The Applicant should prevent night-time light pollution on West 12th Street by controlling the light levels within four feet of the retail windows to no more than allowed in typical commercial use (50 foot candles). (Stringer)

Response 19-7: Although no significant adverse impact to neighborhood character was identified in the DEIS, in response to comments, lighting controls, including those referenced in the comment, will be incorporated into the Restrictive Declaration that will be executed as part of the LSGD special permits.

Comment 19-8: The “concession” by the Applicant for providing an “audio/visual” warning system with lights and sounds as cars enter and depart the garage only adds to the commercial and disruptive nature of this entrance, and makes locating the entrance in the middle of a residential block more inappropriate. (Davis)

Response 19-8: The EIS analyzed the full project, including the operations of the proposed garage, and concluded that there would be no adverse significant impacts to neighborhood character. See also Response to Comment 14-15.

CHAPTER 20: CONSTRUCTION IMPACTS

Comment 20-1: Fugitive dust particles from demolition and construction will exacerbate any existing problems experienced by anyone (residents and/or schoolchildren) with respiratory issues. Given the duration of this project, it is imperative that the sponsor takes every precaution to minimize these effects. The DEIS states there will be some protections regarding trucks that enter construction site, but what these protections

will be has not been published, nor have they been disclosed in public hearings. The Applicant indicated they would be willing to publish air quality reports on their website on a weekly basis. (CB2, Duane, Glick, Stringer, Klein)

Response 20-1: Potential for fugitive dust to result in significant adverse impacts was examined in Chapter 20, “Construction Impacts,” and it was determined that no significant adverse impacts would occur. Particulates (PM₁₀ and PM_{2.5}) from fugitive dust and engine emissions are analyzed in Chapter 20, “Construction Impacts” (see pages 20-42 through 20-44). The maximum predicted total concentrations of PM₁₀ would not exceed the National Air Quality Ambient Standards (NAAQS). The maximum predicted incremental concentrations from construction activities were found to not exceed the DEP interim guidance criteria at residential and sidewalk locations. In addition, the maximum predicted neighborhood scale annual average PM_{2.5} concentration would be lower than the interim guidance threshold level and the maximum predicted local annual average PM_{2.5} concentration would be less than the applicable interim guidance threshold. As noted in the chapter, as part of the proposed East Site project’s PCREs, a strict control plan will be required as part of contract specifications for construction of the proposed projects. As presented in the DEIS, stabilized truck exit areas would be established for washing off the wheels of all trucks that exit the construction sites, truck routes within the sites would be either watered or stabilized as needed, and all trucks hauling loose material would have their loads securely covered prior to leaving the sites. On-site travel speeds would be restricted to 5 miles an hour. Fugitive dust emissions from operations (e.g., excavation and loading excavated materials into dump trucks) and road dust emissions from vehicle travel were included in the construction air quality analysis (see pages 20-33 and 20-36 of the DEIS). The fugitive dust control plan for engine exhaust emissions is discussed on pages 20-35 and 20-36 of the DEIS.

Comment 20-2: The Applicant should provide construction mitigation including protective measures for air quality, vibration control, delivery staging, noise reduction, and rodent control. (Stringer)

Response 20-2: Measures to reduce or avoid potential construction impacts are described in Chapter 20, “Construction Impacts,” of the FEIS. These measures, which will be part of the proposed East Site project, will be included in the Restrictive Declaration.

Comment 20-3: The DEIS makes the assertion that while periods of intense noise are inevitable, the quietest equipment available and the least polluting

(electrical or low sulfur fuel) vehicles will be used. Areas being excavated would be wet down to keep dust at lowest possible levels and air would be monitored constantly for toxicity. While admitting that demolition, excavation and pile-driving operations would be extremely noisy, they deem them inevitable. When discussing efforts to minimize these effects, they mentioned providing double-glazed windows and air conditioners for specific properties to provide some relief to residents. Never was there mention of the effect on PS 41, which is down the street. The school has neither double-glazed windows nor air conditioning. Aside from being disruptive to teaching and learning, students' hearing and health (both mental and physical) are very vulnerable. While there are assurances that there will be sidewalk corridors constructed for safety, protection of minors is still a safety concern. All the huge equipment and activity will most certainly draw many to the site. They are of special concern. (CB2, Klein)

We remind you that two schools are across the street from the East Site—PS 41 on 11th Street and City and Country on 12th Street. To minimize the negative effect of noise on children's learning ability, the Developer should hire a construction monitor who would report to the community board. (Greitzer)

Response 20-3:

PS 41 is the closest public school and it is represented by noise receptor locations W and X4-X6 in Chapter 20, "Construction Impacts." The analysis results indicate that at Receptors X4-X6 and W the predicted noise levels during construction would not increase 3-5 dBA for 2-year period or more (i.e., CEQR impact criteria) compared to No Build noise levels, and therefore no significant noise impacts would occur at PS 41. At Receptor X4 at the westernmost edge of PS 41 4.1 dBA and 1.7 dBA increases were predicted for the 3rd quarter of 2013 and the 1st quarter of 2014, respectively. At Receptor X5 a 3.8 dBA increase was predicted for the 3rd quarter of 2013. Otherwise predicted increases at PS 41 were less than 3 dBA and would not be perceptible at this location. These incremental increases were predicted at the exterior wall of the building and do not take sound attenuation for the building into account.

There will be both a Site Safety Manager and an Independent Construction Monitor. In addition a construction website will be established and a call-in number will be provided. See Response to Comment 20-1, above with regard to dust. This will be included in the Restrictive Declaration that will be executed as part of the LSGD special permits.

- Comment 20-4:** The Applicant should have a single community liaison to address community questions and complaints, ensuring community consultation during the construction process. (Stringer)
- Response 20-4:** The Applicant has agreed to provide a single community liaison to address community questions and complaints, ensuring community consultation during the construction process. This will be included in the Restrictive Declaration that will be executed as part of the LSGD special permits.
- Comment 20-5:** The Applicant offered to setup a website so that the community can remain aware of what is happening at the site as demolition and construction progresses, and they offered to setup a telephone number that the public could call 24/7 to notify the on-site construction crew of any problems that arise. The FEIS should make mention that the sponsor agrees to abide by the CB2 Construction Protocols, as well as the NYC Department of Buildings’ “Technical Policy and Procedures Notice #10/88.” (CB2, Davis, Stringer, Klein)
- Response 20-5:** Construction Protection Plans pursuant to TPPN #10/88 will require approval from LPC for the proposed projects. The Applicant will setup a website so that the community can remain aware of what is happening at the site as demolition and construction progresses. This will be included in the Restrictive Declaration that will be executed as part of the LSGD special permits.
- Comment 20-6:** The DEIS contains no discussion of the vibration impact on 170 year old townhouses and other historic buildings flowing from the demolition of Reiss and its replacement with a new building. (CB2, Klein)
- Response 20-6:** Chapter 20, “Construction Impacts,” discusses potential vibration impacts to historic building on pages 20-6, 20-7, and in Chapter 7, “Historic and Cultural Resources,” on pages 7-2, 7-3, and 7-17. This would include potential impacts related to demolition to the Reiss Pavilion and new construction on its site. The EIS sets out criteria that would prevent damage to nearby buildings during construction. These criteria have been developed over a number of years by expert agencies and have proven to be effective. As noted in the EIS, the Applicant will enter into a CPP in consultation with LPC to protect historic structures from damage.
- Comment 20-7:** The DEIS traffic and noise analysis assumes peak construction related traffic as being between 6 AM and 7 AM (page 28). That, however, is erroneous since, as is the case with the Martin Payne building

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renovation on West 12th Street we assume no deliveries will be allowed prior to 8 AM (CB2, Klein)

The Applicant should delay noisy construction activities and deliveries on side streets until 8 AM. (Stringer)

Response 20-7: In response to comments from CB2 and the Borough President, the Applicant has agreed to delay the start of noisier construction activities to 8 AM. Chapter 20, “Construction Impacts,” of the FEIS has been revised to reflect the later start time for workers and deliveries which the Applicant has agreed to in response to a CB2 request during the DEIS review period.

Comment 20-8: The DEIS analysis assumes construction will take place between 7:00 a.m. and 4:30 p.m. (and sometimes later on weekdays) and on 50 percent of Saturdays. Again, the right assumption is no construction before 8:00 a.m. and far more limited Saturday work. (CB2, Klein)

Response 20-8: As noted above, the Applicant has agreed to adjust the start time of noisier construction activities, and Chapter 20, “Construction Impacts,” has been revised to reflect this agreement. While most construction work will not start before 8:00 AM, construction workers will arrive before that time and between 7:00 AM and 8:00 AM and may do preparatory tasks. Deliveries may also occur provided they are limited to the Seventh Avenue entrance. Saturday work is anticipated to occur during about 50 percent of the construction schedule for the O’Toole Building. Construction activities on the East Site would generally take place Monday through Friday, but at limited times weekend work would be required. However, these Saturday shifts tend to occur more frequently during the latter stages of construction, when the majority of the work is inside the buildings. This interior work is far less intrusive and much quieter than the excavation, foundations, and superstructure work, which happens in the early phases of construction.

Comment 20-9: The DEIS cavalierly dismisses the noise exceedances because they will occur for less than two years which it describes as “limited duration.” Putting aside the notion that two years is hardly a limited duration for those living in the affected blocks, it is unclear how the DEIS derives the “two year” number. Indeed, the renovations of Martin Payne—a modest sized single building—will itself take more than a year, and the overall project will take more than three years. (CB2, Klein)

Response 20-9: The *CEQR Technical Manual* (page 22-1) has established two years as the duration of exceedances of impact thresholds, where those exceedances could constitute significant adverse impacts. This duration is reflective of the time associated with constructing a mid-size project

and has been established acknowledging that construction activities are widespread throughout the City and can be noisy. To balance the environmental consideration with what is possible, the duration of two years is used for potential impacts from construction.

Comment 20-10: The DEIS dismisses concerns about demolishing asbestos containing buildings by saying such demolition will be in accordance with required regulations (page 21). Where is the analysis of how complying with these regulations will affect the risks and/or burdens imposed by this project or effect the project’s duration? (CB2, Klein)

Response 20-10: The *CEQR Technical Manual* (page 22-15) states that the regulations of the New York City Asbestos Control Program include specific procedures that must be adhered to for the control of asbestos during construction. Further, the *CEQR Technical Manual* states that the qualitative analysis should document a commitment to an adherence to these measures and requirements during construction. The regulations governing asbestos removal are identified in Chapter 20, “Construction Impacts.”

Comment 20-11: Street closings of surrounding streets—particularly of West 12th Street, a significant west to east thoroughfare—are never discussed, despite their potential significance. Are we being assured there will be no street closings? If there will be, would, for example, retaining Reiss reduce the number of street closing? That question is never addressed. (CB2, Klein)

Response 20-11: The FEIS (p. 20-22) has been revised to note that street closings for the most part would only be required at limited times when necessary to lift mechanical equipment or other heavy objects to the roofs or for jumping cranes to higher floors. This will happen only rarely. It is usually done on weekends, subject to NYCDOT approvals, and takes several hours, after which the street is reopened to traffic. As indicated in the DEIS, there will be individual lane closures adjacent to the site on all three adjoining streets. Enclosed, well-lit protected public walkways will be included along all street frontages.

Comment 20-12: The DEIS assumes as to noise, air quality and more that the sponsor will take significant proactive measures. Given the critical nature of these measures, it is vital that some policing mechanism be required. As part of such mechanism, we request that the Applicant be required to pay for a construction monitor to be employed by and report to a designated community group. (CB2, Greitzer, Davis, Klein)

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Response 20-12: The Applicant will enter into a Restrictive Declaration with the City to ensure that the RAP and the CHASP are implemented. The Restrictive Declaration executed as part of the LSGD special permits will require the Applicant to comply with all measures of the RAP and CHASP. There will then be oversight by the Mayor’s Office of Environmental Remediation (OER) and DCP.

Comment 20-13: There is very limited discussion of how the effects of this project will be aggravated by the proposed MTA Ventilation Plant to be built at the intersection of West 11th Street, Greenwich Avenue, and Seventh Avenue. (CB2, Klein)

Response 20-13: Construction of the MTA Ventilation Plant is discussed in Chapter 20, “Construction Impacts,” of the DEIS and FEIS. The MTA project is taken into account as a future No Action project in the baseline for the analysis of the impacts of the proposed projects. Therefore, consequences of that project are fully considered in the analysis.

CHAPTER 21: ALTERNATIVES

Comment 21-1: CB2 acknowledges that LPC allowed for the demolition of the Reiss Pavilion, over our objections. We are particularly concerned that all actions regarding this demolition be fully mitigated in the Construction Protocols. In the Applicant’s response to questions from CB2, they indicate that in addition to some portion of asbestos cleaning time, demolishing Reiss will involve the following activities which would not be necessary if Reiss was renovated in the same manner as the other buildings on 12th Street: (i) Demolition of Reiss—4 months; (ii) Excavation and foundation work for Reiss—although unclear, apparently 2 to 6 months; and (iii) Construct the structure and shell for Reiss –9 months. Thus by deciding to demolish Reiss the Applicant is adding between 15 –19 months of the kind of work on 12th Street which will most risk endangering neighboring properties, create the most dust, noise and vibration, be the most disruptive, and create the greatest risk of rodent problems. Also, while this does not mean that the overall project will be extended by 15-19 months, adopting this approach plainly will significantly increase the amount of time that demolition/construction will need to take place on 12th Street and add to the time for the overall project. These facts alone should dictate that Applicant be required to renovate and not demolish Reiss. Moreover, this added risk and burden is being placed on the neighborhood in order to produce a building that is incompatible with the other buildings that surround it and subtracts from, rather than adds to, the architectural quality of the buildings on the block. (CB2, Greitzer, Davis, Klein)

Response 21-1:

As described in Chapter 20, “Construction Impacts,” and in Chapter 22, “Mitigation,” of the FEIS, the potential significant adverse noise impacts of the proposed projects during construction could be mitigated by double-glazed windows and some form of alternate ventilation, with the exception of outdoor terraces at one residential building. Retention of the Reiss Pavilion would not eliminate that unmitigated significant adverse impact at those terrace locations.

An alternative retaining the Reiss Pavilion was considered, but it was not fully analyzed since it would not meet the applicant’s goals and objectives for the East Site project. While retaining the Reiss Pavilion would reduce the number of trucks operating on West 12th Street and the building would create a slight shielding effect on nearby residences, most of the pieces of construction equipment and construction operations would still be on West 12th Street, as described below. In addition, noise produced by construction operations at the Nurses’ Residence, and Smith/Raskob Buildings would not change with retention of the Reiss Pavilion. Consequently, while there would be a reduction in noise levels particularly at locations close to and opposite the Reiss Pavilion if it were to be retained, significant adverse noise impacts would still occur along West 12th Street.

According to the construction managers for the East Site, in terms of construction activity, much of the same work would still be required and additional activities would be needed to renovate the building for residential reuse. While the building would not be torn down in its entirety, a large amount of “selective” demolition activities would still remain necessary. The existing mechanical penthouses and rear of the building would be removed. Interior slabs and supporting steel elements would be gutted to expand and reconfigure the core. New openings on the West 12th Street façade would be created and existing openings would be enlarged including enlarging windows, creating new entrances, and adding the garage entrance. Likewise, while this alternative would involve less excavation, excavation would still be required since the existing cellar would have to be lowered 6 to 7 feet to accommodate mechanical equipment. Excavation beneath and adjacent to the building would be more difficult and therefore take more time. New framing for the rear and upper levels of the building would be required and therefore, the need for crane services from West 12th Street would not be eliminated with this alternative. Similarly, concrete trucks would still be mobilized on West 12th Street to place the concrete for the foundations, upper floors and new cores of the buildings to be retained, including the Reiss Pavilion.

According to the construction managers for the East Site, retaining the Reiss Pavilion would not reduce construction time, but would lengthen

the construction schedule, potentially increasing the duration of noise impacts. By razing the Reiss Pavilion, the project would utilize three portals to remove demolished debris and accommodate other construction activities for the entire project: the space occupied by the Reiss Pavilion, the Cronin Building (West 11th Street) and the Link building (West 11th Street). If the Reiss structure were retained, virtually the same amount of material would be removed out of only two portals, and the duration of the demolition activity would be lengthened as a result. Since demolition is a critical path for the project, the delay would be carried forth to the completion date, and could extend the construction period by up to four months.

Finally retaining the Reiss Pavilion would result in an increase in construction-related trucks on West 11th Street, as trucks entering and leaving the site would be limited to Seventh Avenue and the West 11th Street frontages rather than spread across the three surrounding streets. This would exacerbate the effects of construction on West 11th Street between Sixth and Seventh Avenues, increase noise levels and potentially add to the noise impacts on West 11th Street, and increase traffic passing P.S. 41.

Comment 21-2:

If a new garage is necessary, it should exit on to Seventh Avenue. (Stewart, Butzel, Greitzer, Moulthrop, Ullman)

The Rudins have resisted this idea, presumably because it would require them to return to the LPC for an amended approval. But this approval would almost certainly be given—especially since there are existing curb cuts on the Seventh Avenue façade. (Stewart, Butzel)

The Developers claim that the garage entrance can not be any place else. They reject the corner of 11th Street and Seventh Avenue (even though 11th Street already has a curb cut) because of the school on the block, but the school is across the street and nearly a block east of a possible garage entrance on the street. They reject Seventh Avenue as a location for the entrance because, they say, Avenue garages are not allowed. However, their lawyer acknowledged that exceptions are made to this policy. The proposed Seventh Avenue location has had extensive curb cuts used for ambulances for decades. (Davis)

If a parking garage must be accommodated, and recognizing the objection to on-avenue entrances, the entrance should be located on West 11th Street, just east of Seventh Avenue, where it would fall opposite commercial enterprises rather than residential units. This location would help minimize the negative environmental impact. (West)

Response 21-2: The EIS examined the potential for the proposed projects to result in significant adverse impacts. No significant adverse traffic or other environmental impacts were identified as resulting from the operation of the proposed garage. Furthermore, curb cuts are not permitted along avenues under the New York City Zoning Resolution without a discretionary authorization.

Comment 21-3: We support the preservation of the underground space below the Triangle Site for use as a learning annex dedicated to instruction about the AIDS crisis. (Horowitz, Kelterborn, Leavitt, King, Tigami, CHLP, Vellonakis, Fouratt, Woodworth, Tepper, Mitchell, Goicolea, Seltzer, Samuelian, Krivo-Kaufman, Zera, DeVito, Welsh, AMPC, McGinn, Moore, Tims, Frommer, Sodi, Ashkinazy, Merkin, Criswell, Lushing, Wertz, MFriedberg, DFriedberg, Lustbader, Baer)

While the feasibility of the underground space and the redesign has not yet been fully determined, the Queer History Alliance has made a compelling case for the memorial and AIDS education and exhibition space. City agencies and relevant groups should continue to evaluate the space as well as potential other spaces in the surrounding community should the Triangle Site be deemed infeasible. (Stringer, Seltzer)

Should the underground space below the Triangle Site be deemed viable for occupancy, without interrupting the opening of the park or diminishing the amount of useable open space aboveground, we would like this space to be maintained as a community space for educational use, such as the Queer History Alliance's proposed AIDS learning center and museum. Should this space be deemed non-viable as public space, we desire to work with all stakeholders to find an appropriate space, either in or around this development, for the proposed learning center and museum. (Duane, Glick, Nadler)

Response 21-3: Chapter 21, "Alternatives," of the FEIS includes an alternative that considers partial re-use of the underground space for a gallery, learning center, and museum. As described in that chapter, such an alternative is not proposed by the Applicant for a variety of reasons and is not capable of being adopted by CPC under the current land use applications. The alternative would not reduce or avoid significant adverse impacts associated with the proposed projects.

Comment 21-4: The FEIS should include an alternative that analyzes the effects of the project with the addition of an AIDS memorial and a 10,000 square foot below-grade learning center. (Kelterborn, Tepper, Samuelian, McGinn, Moore, Tims, Frommer, Sodi)

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CPC should allow the planning and design work being undertaken by the AIDS Memorial Park and Learning Center group to be included in the FEIS. (Woodworth)

The AIDS Memorial Park Campaign respectfully requests that the Final EIS for the Rudin West Village Project include an analysis of the effects of a 5,000-square-foot below-grade niche museum/gallery space/learning center in connection with an AIDS memorial on the Triangle Site. (Beckerman)

Response 21-4: An alternative has been added to Chapter 21, “Alternatives,” analyzing an AIDS Memorial Park and Museum/Learning Center on the Triangle Site.

Comment 21-5: CPC should consider an amendment, if necessary, in the event the park plan requires additional design modifications. A new park can be achieved above the basement or a portion of the basement and designed at-grade. (Vellonakis)

Response 21-5: The design of the Triangle Site open space described in Chapter 1, “Project Description,” of the EIS is part of the CPC approval. The potential consequences of building the open space on the existing cellar are described in the analysis of a new alternative that includes an AIDS memorial and learning center. In general, preserving the basement would result in either fewer trees or raised planters, and would result in less open space in order to accommodate egress and heating, ventilation, and air conditioning (HVAC) requirements.

Comment 21-6: We believe that, because this site represents such a singular opportunity to commemorate the history of the AIDS crisis at the very place most closely associated with their unfolding, this public space should be approached through a design competition that gathers the absolute best ideas and presents them in way that engages the public in the kind of civic dialogue that important places deserve. (Kelterborn, Tigami, Seltzer, Tepper, AMPC, Merkin, Criswell, Lushing, MFriedberg, DFriedberg, Baer)

Response 21-6: As noted in Chapter 1, “Project Description,” LSGD special permits include a specific design for the open space on the Triangle Site, and any design resulting from a competition would require a additional land use approval process and a different LPC approval process from the project considered in this FEIS.

Comment 21-7: As to the need to use the Triangle Site real estate for an AIDS memorial and educational facility, we have reservations. There are at least two

other AIDS memorials in the City, including one nearby at the Hudson River Park. There is a well developed local facility at the Lesbian, Gay & Transgender Community Center within a block of this space on 13th Street with large, accessible meeting rooms, very organized activities and well developed communications that could assume the educational functions that the Queer History Alliance advocates. (Winslow)

Response 21-7: Comment noted.

Comment 21-8: More floors should be added to the O'Toole Building for a full-service hospital. (Lunceford, Stark-Katz, Burke)

Extra floors should be added on the O'Toole Building to create a 200 or a 300-bed hospital. (Kurland)

A larger medical facility should be considered. (Rivera)

Response 21-8: Chapter 21, "Alternatives," of the FEIS describes the unique structural engineering, logistical and financial limitations that make this scenario infeasible. The discussion is contained in Section C, "Alternatives Considered But Not Analyzed." *