

Howard Goldman**233-15-BZ**

CAL. NO.

2017 SEP 18 P 6:48

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PLANNING STANDARDS AND AFFAIRS**Exhibit 000a – Itemized Responses to Notice of Comments**

The following is an itemized response to the Notice of Comments received on July 15, 2016.

- 1. In the first paragraph, indicate (1) the relief being requested, (2) the extent of the relief requested and (3) the size of zoning lot and the proposed zoning floor area.**
The Statement of Facts has been revised to identify the specific provisions of the zoning resolution and the degree of relief being sought as part of this variance application. The zoning lot and the total proposed zoning floor area are also cited. (See Exhibit 3, page 1, paragraph 1.)
- 2. Further discuss the AOR proposal, including the type of hotel development and the parameters of the development in more detail.**
See Exhibit 000b, page 1.
- 3. Under the “Use and Bulk Regulations” section, cite specific ZR sections.**
Relevant Zoning Resolution citations have been added throughout the Statement of Facts.
- 4. On page 3, indicate what use the parking is accessory to.**
Since the original submission on October 2, 2015, all proposed accessory parking has been eliminated from the proposed project.
- 5. In describing the landscaping and waterfront public access area, discuss any approvals needed from DCP and provide documentation. Include renderings to help reader follow the description.**
Since the original submission, Lot 10 has been eliminated from the Development Site. As a result, the Waterfront Public Access Area and an Upland Connection are no longer required by the zoning. However, a Shore Public Walkway is still required. These requirements and requirements for certification by DCP are further described in the revised Statement of Facts (see Exhibit 3, page 6, paragraph 7.) Drawings of the proposed public and open spaces are included in the Proposed Plans (see Exhibit 15, sheet A-00.10). Renderings of the public and open space are included in the Neighborhood Character Study (see Exhibit 27, sheet Z-30.00).
- 6. Discussion of environmental contamination in Statement should be wholly revised. The narrative should begin with a history of uses on the site, and then proceed to how the environmental conditions resulted from these uses and what types of remediation needs to be conducted to develop a conforming project. The discussion should not be organized**

around the different regulatory requirements and programs under which cleanup will be required. Same applies for the (a) finding.

Discussion has been revised.

- 7. Cite pages containing the descriptions and evidence of the scope of the work needed within a revised submission of the Environmental summary provided in February.**

The Environmental Summary Letter, submitted February 25, 2016, has been incorporated into the revised application as Exhibit 24. Exhibit 24 has been revised to include page citations to source documentation (see Exhibit 24).

- 8. On page 4, explain in more detail what work has been conducted or cite specific pages of a document.**

More details have been provided.

- 9. In discussing requested variances, describe which portions of the development are non-complying and cite sections within discussion.**

The discussion of the variances has been revised.

- 10. Correct typos on page 5.**

All typos have been corrected.

- 11. Explain the nexus between the relief requested and the hardship imposed by the remediation costs and other regulatory requirements. For example, what are the significant losses in revenue or significant extra costs incurred by complying with loading berth requirement?**

All remediation costs noted are premium costs. The loading dock is discussed on page 2 of the Findings Statement.

- 12. The (b) finding should discuss the complying/conforming development in further detail. The discussion in the (b) finding needs to be better developed and cite specific costs associated with environmental hardship described in the (a) finding.**

The (b) finding refers to the revised Financial Analysis for discussion of these items.

- 13. Explain why selected uses are highest and best use, including the choice of rentals versus condos. Has a mixed-use development primarily consisting of office space been considered?**

See Exhibit 000b, page 1.

- 14. Clarify whether the amount of remedial costs and the scope of remedial work would be required for any development to occur on the site.**

As discussed in the statement of Facts and Findings, regardless of the proposed use on the site after remediation (residential, commercial, manufacturing, etc.) the quantity and method of remediation, as mandated by the IRM, RAWP, and RCRA would have been the same. After completion of the remediation, the Certification of Completion states that Restricted Residential Use, Commercial Use, and Industrial may be permitted on the Development Site (see Exhibit 12, page 9).

- 15. Provide an extensive neighborhood character study, including streetscapes, renderings, height studies, etc. as needed in order to substantiate that project will not alter *existing* neighborhood character.**

A neighborhood character study has been incorporated into our application as Exhibit 27.

- 16. In (d) finding, provide an explanation as to why the environmental remediation required does not constitute a self-created hardship.**

The (d) finding has been revised to provide an explanation.

- 17. In (e) finding, explain why both use and bulk waivers are required. Discuss whether the remedial costs associated with the project could be mitigated through a different design. Furthermore, explain why a conforming proposal with higher FAR and other bulk waivers would not provide a reasonable return.**

See Exhibit 000b, page 2.

- 18. There is currently no 421(a) program. Revise application accordingly and consider other regulatory agreements with HPD.**

See Exhibit 000b, page 2.

- 19. Explain why rentals as opposed to condos were selected as the highest and best use.**

See Exhibit 000b, page 2.

- 20. Provide a detailed narrative from the environmental remediation cost estimators explaining the costs.**

A detailed narrative describing the extent and quantities of remediation are described in the Statement of Facts (Exhibit 3, page 10) with a detailed break out of the resulting premium remediation costs incurred totaling \$14.364 Million (Exhibit 3, page 17). A further itemized breakdown of remediation costs is provided in the Financial Analysis (Exhibit 6, Attachment C).

- 21. The remedial costs estimates in Exhibit C are unclear and some of the numbers, such as \$1.00 lump sums, seem incorrect. Correct as needed.**

See Exhibit 000b, page 2.

- 22. Provide a description and estimate of what typical cleanup costs are for sites in nearby manufacturing areas. Subtract these costs from premium remedial costs.**

All costs noted are premium costs.

- 23. Add a note stating that deductions in floor area chart are for illustrative purposes only and are to be reviewed and approved by DOB.**

Floor area note has been added.

- 24. Add BSA standard drawing notes.**

Standard BSA drawing notes have been added.

- 25. Provide an architect's zoning analysis on the plans, including compliance with Art. 6 of ZR.**

Complete zoning analysis has been added as a separate exhibit, see Exhibit 8.

26. Increase size of font on plans. Currently too small and difficult to read.

Font size has been increased for enhanced legibility.

27. On A-000, better delineate what commons spaces will be open to the public versus the tenants.

Open spaces have been clearly labeled between private open space and public open space.