



## **Responses to Comments Received During Significant Action Process for Proposed Transfer by Sale of Unused Development Rights from Piers 59, 60, and 61 and the Associated Headhouse in the Chelsea Section of Hudson River Park**

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### **A. Overview**

On February 13, 2018, pursuant to the Significant Action process mandated by the Hudson River Park Act (as amended, the “Act”), the Hudson River Park Trust (“HRPT”) issued a public notice (the “Notice”) inviting public review and comment regarding the proposed transfer by sale of (1) 123,437.5 square feet of unused development rights from Piers 59, 60 and 61 and the associated headhouse in the Chelsea section of Hudson River Park (the “Granting Site”) to DD West 29th LLC for its construction of a new building at 601 West 29<sup>th</sup> Street (“project site A”) and (2) 29,625 square feet, or in the alternate, 34,562.5 square feet of unused development rights from the Granting Site to West 30th Street LLC for its development of a new building at 606 West 30<sup>th</sup> Street, or in the alternative 604 to 606 West 30<sup>th</sup> Street (“project site B”) (together, the “Air Rights Transfer”).

In tandem with HRPT’s Significant Action process, a number of actions pertaining to the proposed Block 675 East Project were separately reviewed through New York City’s Uniform Land Use Review Procedure (“ULURP”), City Environmental Quality Review (“CEQR”), and the State Environmental Quality Review Act and its implementing regulations in 6 NYCRR Part 617 (“SEQRA”). The New York City Department of City Planning (“DCP”), acting on behalf of the City Planning Commission (“CPC”), was designated the lead agency for the required environmental review, and the Trust was named as an involved agency. On April 27, 2018, the DCP issued a Final Environmental Impact Statement (“FEIS”) for the Block 675 East Project. On June 25, 2018, DCP determined, pursuant to Technical Memorandum 002, that certain modifications related to the reduction in height of the tallest residential structure and additional commitments related to child care and open space impacts do not have the potential to result in new or different significant adverse environmental impacts than those disclosed in the FEIS.

In accordance with the Act’s requirements, HRPT’s Notice was published in the following places: HRPT’s website; the *City Record*; the *New York State Reporter*; the *New York Post*; and *Chelsea Now*. Additionally, as required by the Act, the Notice was circulated to Manhattan Community Boards 1, 2 and 4; to the CPC; to the Hudson River Park Advisory Council; to local elected officials representing communities neighboring the Park; and to other interested community leaders, neighbors, partners and organizations. HRPT made a variety of documents related to the proposed Air Rights Transfer available on its website. As required under the Significant Action process, HRPT held a public hearing on March 14, 2018 at 10:00 am at Department of City Planning, 120 Broadway, Concourse Level, New York, New York. The hearing was held in conjunction with the CPC’s public hearing pursuant to ULURP and SEQRA.

HRPT's comment period remained open until April 16, 2018. In addition to the comments filed with CPC in writing and in person during the March 14 public hearing on the Draft Environmental Impact Statement ("DEIS"), HRPT received two written comments in response to its Significant Action Notice. All comments received at the hearing and in writing to CPC are part of HRPT's official record. HRPT staff worked jointly with DCP to respond to relevant comments that were received on the DEIS, and the FEIS Chapter 27 included such responses.

The responses to comments below on the Significant Action Notice include all the responses to comments contained in Chapter 27 of the FEIS. HRPT has also provided additional responses to Comments Nos. 11, 26, 32, and 33 that specifically relate to HRPT's Significant Action Notice and were not included in the FEIS Chapter 27 Response to Comments.

## **B. LIST OF ORGANIZATIONS AND INDIVIDUALS WHO COMMENTED ON THE DEIS**

### **ELECTED OFFICIALS**

1. Gale A. Brewer, President, Borough of Manhattan, letter dated March 7, 2018 (Brewer\_001) and oral comments received March 14, 2018 (Brewer\_018)

### **COMMUNITY BOARD**

2. Manhattan Community Board 4 ("CB4")—letters dated February 5, 2018 (CB4\_002, CB4\_003); Betty Mackintosh, Co-Chair, Chelsea Land Use Committee, written and oral comments received March 14, 2018 (CB4\_Mackintosh\_005, CB4\_Mackintosh\_012); Lornell Kern, Co-Chair, Waterfront, Parks & Environment Committee, oral comments received March 14, 2018 (CB4\_Kern\_014); Paul Devlin, Member, Chelsea Land Use Committee, oral comments received March 14, 2018 (CB4\_Devlin\_013); Joe Restuccia, Member, oral comments received March 14, 2018 (CB4\_Restuccia\_015)

### **ORGANIZATIONS**

3. Clean Air Campaign—email dated March 8, 2018 (CAC\_007); Marcy Benstock, Executive Director, written and oral comments received March 14, 2018 (CAC\_006, CAC\_023)
4. Friends of Earth—Bunny Gabel, written and oral comments received March 14, 2018 (Gable\_FoE\_008, Gable\_FoE\_022)
5. Hudson River Park Friends—Tony Simone, Director of External Affairs, oral comments received March 14, 2018 (HRPF\_019)
6. Hudson River Park Trust, written and oral comments received March 14, 2018 (HRPT\_010, HRPT\_016, HRPT\_017, HRPT\_024)
7. Service Employees International Union, Local 32B—Panos Kourtis, oral comments received March 14, 2018 (32BJ SEIU)

### **GENERAL PUBLIC**

8. Phil O'Brien, Publisher, West 42nd Street Magazine, oral comments received March 14, 2018 (O'Brien\_020)
9. Melvyn Stevens, written and oral comments received March 14, 2018 (Stevens\_009, Stevens\_011)

## **C. LIST OF INDIVIDUALS FILING COMMENTS DIRECTLY TO HRPT DURING THE SIGNIFICANT ACTION PROCESS**

10. Phyllis C. Waisman, written comments dated April 2, 2018 (Waisman)

11. Anthony Borelli, written comments dated March 27, 2018 (Borelli)

## **D. COMMENTS AND RESPONSES**

### **PROJECT DESCRIPTION**

#### **PROJECT SITE A**

#### **Height and Bulk**

**Comment 1:** The height of the proposed development on project site A will play a role in determining the context and character of surrounding developments. CB4 recommended that building bulk regulations for Block 675 should be guided by the 450-foot height of the Special West Chelsea District Subarea A. CPC’s 2017 Planning Framework for Block 675 recommended C6 districts with an “appropriate massing response to a transitioning context.” However, given the addition of 2 FAR from the Park to the 10 FAR allowed in the C6-4X district, a 20 percent increase, CB4 revised their recommendation to allow for a corresponding 20 percent increase in maximum height, from 450 feet to about 550 feet. This would also represent a step down from the 642-foot heights of the proposed residential buildings on the north side of West 30th Street at Hudson Yards Sites 6A and 6B. CB4’s recommendation of 550 feet for project site A is reasonable, while the proposed height of 660 feet is excessive. CB4’s long-standing preference for lower heights in the mid-blocks, as well as their agreement with the decrease in height moving westward towards the Hudson River, means that the proposed building on project site A should be the tallest building on the block. (Brewer\_001, Brewer\_018, CB4\_002, CB4\_003, CB4\_Restuccia\_015)

The design of the proposed project, with its tri-part division of gallery level, mid-rise, and tower is appreciated. However, the bulk should be distributed across the site to lower the height, especially considering that the applicant is asking for additional height, setback, and tower coverage waivers. (Brewer\_001, Brewer\_018)

**Response:** The overall bulk of the building proposed for project site A has been concentrated on the eastern end of the site, situating it closer to the subway station (7 train) entrance and avoiding the floodplain to the greatest degree possible. It has been designed with a site-specific massing that addresses the transition between Hudson Yards to the north and West Chelsea to the south, while avoiding overly large masses and minimizing shadows on the High Line. To realize this transition, the massing incorporates three distinct volumes, each responding to the scale of the adjacent context. The base of the building consists of an 85-foot-high street wall that reflects the West Chelsea mid-blocks. The 399-foot-high “shoulder” reflects the scale of the taller West Chelsea apartment houses. The east-west dimension of the “shoulder” is limited to approximately 175 feet, a generally agreed maximum length of a “slab.” It is worth noting that redistribution of bulk (in an effort to reduce the tower height) would cause this dimension to grow, creating an overly

long building form and increasing shadows on the High Line. The 660-foot-high tower portion reflects the transition from the taller Hudson Yards towers to the north. The tower is oriented north-south, minimizing its shadows on the High Line and creating a slender profile on the skyline as seen from West Chelsea. Regarding the overall height of the building proposed for project site A and its appropriateness as a transition between Hudson Yards and West Chelsea, it is worth noting that the height of the tower planned immediately to north is 810 feet. 15 Hudson Yards, diagonally opposite project site A, recently topped out at approximately 920 feet. The proposed height of 660 feet results in a step-down of between 150 to 260 feet from these buildings, a significant and noticeable dimension.<sup>1</sup>

**Comment 2:** It is recommended that the City relocate the West 23rd Street EMS facility to an enclosed space in the proposed project. Given the high profile of this area, with Hudson Yards, the Hudson Tunnel, and numerous other major developments nearby, the public safety need must be properly met. (Brewer\_001, CB4\_002) The committed space from the Douglaston team should be delineated as a permanent City/community facility, not retail or parking. (CB4\_Devlin\_013)

**Response:** The design of the proposed project allows for inclusion of the EMS Facility in an enclosed space. The applicant is working with the City to find a solution.

**Comment 3:** CB4 came up with the request that the EMS's FAR be exempted, with the condition that there would be no payment for this. We ask for a zero payment for sublease on the ground lease. That is our condition, so we can deliver a site to the City at no ongoing cost. Further, the developer would build the core and shell and then the City would fund the fit-out, because it's appropriate that the fit-out be done through the specifications required for EMS. DCAS has said they want the developer to do the fit-out because it would be a much faster delivery process. DCAS designing this alone would take 48 months, while the developer would take 24. (CB4\_Restuccia\_015)

**Response:** Any potential financial arrangement between the City and the developer is outside the scope of the environmental review. Discussions between the applicant and the City are ongoing. The exemption of EMS FAR has been added to the proposed actions, as reflected in the A-Application for project site A. See response to Comment 2.

**Comment 4:** A presentation was put together for a meeting CB4 had with the Congressperson, Port Authority, Amtrak, and New Jersey Transit regarding the impact of how to get the EMS station built while it's in the construction staging area for the Gateway Tunnel. We've made great progress on that—the basic idea is that the construction staging would be reallocated. This facility could be built as a standalone facility concurrent with the building, which is a 40-month build, but it's only a 24-month build for the EMS, and the City would be able to take it and do it much sooner. (CB4\_Restuccia\_015)

**Response:** Comment noted.

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<sup>1</sup> Since the release of the FEIS, DCP issued Technical Memorandum 002 on June 22, 2018 that addressed the proposed reduction in the height of the building on project site A.

**Comment 5:** It is recommended that the development site be included in the Special West Chelsea District in order to implement the floor area exemption enabling the relocation of the EMS facility. (Brewer\_001, CB4\_002)

**Response:** Including the project sites in the Special West Chelsea District is not necessary to exempt the EMS floor area and is not part of the proposed actions. As noted above, the applicant has filed an A-Application to address the EMS exemption.

## **PROJECT SITE B**

**Comment 6:** CB4 is pleased that the proposed text amendment (A-Text) for 606 West 30th Street would incorporate Lot 38 as part of the development site. The lot, if developed, would extend the four-story base of the project building along West 30th Street without affecting the footprint of the tower portion of the building. The height of the building would not exceed the previously stated maximum of 520 feet because the original proposal included six double-height residential floors, which would be replaced by eight standard height floors. The community would benefit from this A-text if approved. We would get an additional eight units of affordable housing and an additional \$1.6 million for the Hudson River Park. (CB4\_Mackintosh\_005, CB4\_Mackintosh\_012)

**Response:** Comment noted.

## **DEVELOPMENT RIGHTS SALE**

**Comment 7:** We object to the proposal to allow the Hudson River Park Trust (HRPT) to sell purported air rights existing over the Hudson River because HRPT does not own the property. The area under HRPT control belongs to New York. Hasty legislation allowed air rights within Hudson River Park to be transferred by sale, but such a transfer seems legally questionable. Since when does a non-owner have the right to sell someone else's property? We ask the City Planning Commission (CPC) to reject this questionable proposal. (CAC\_006, CAC\_007, CAC\_023, Gabel\_FoE\_008, Gabel\_FoE\_022, Stevens\_009, Stevens\_011)

**Response:** The proposed transfer of development rights from the granting site to the project sites is permissible under the Hudson River Park Act and is also consistent with local land use policy that underpins other transfer mechanisms in zoning, like transfers from individually designated City landmarks.

**Comment 8:** The area under discussion is in the number one storm evacuation zone (i.e., highest risk) and will be a dangerous liability when the next Superstorm hits New York. Protecting public safety is a public official's prime responsibility, which means disapproving deals likely to result in more building in the Hudson River. (CAC\_006, CAC\_007, CAC\_023, Gabel\_FoE\_008, Gabel\_FoE\_022)

**Response:** The Act was amended in 2013, subsequent to Superstorm Sandy, Tropical Storm Irene, and Hurricane Katrina, such that it now allows HRPT to sell unused development

rights from eligible piers subject to local zoning. The sale of development rights from Hudson River Park reduces the potential development directly on the waterfront. No new development is proposed at Piers 59, 60, 61, and their associated headhouses, all of which are existing structures, associated with the current proposals. Resiliency measures have been incorporated into the design of both proposed buildings, as described in Chapter 16 of the DEIS, “Greenhouse Gas Emissions and Climate Change.”

## USE OF FUNDS IN HUDSON RIVER PARK

**Comment 9:** HRPT claims air rights funds are needed to develop sites in the Hudson River, contrary to the Clean Water Act. The waters in question are recognized as an extremely valuable marine habitat. The proposed intrusive developments (i.e., building in and over the water, and on the coast) would damage this priceless natural asset and reduce the fisheries protein. None of the in-water construction that HRPT is proposing needs to go forward in the Hudson River. All of the non- water-dependent uses HRPT is promoting belong on dry land, not in the water. (CAC\_006, CAC\_023, Gabel\_FoE\_008, Gabel\_FoE\_022, Stevens\_009, Stevens\_011)

The Natural Resources Protective Association (NRPA), the New York Public Interest Research Group (NYPIRG), the Sierra Club, Friends of the Earth, and Clean Air Campaign all oppose any more building or rebuilding in the irreplaceable marine habitat in the Hudson River between Battery Park City and West 59th Street extended out to the U.S. Pierhead Line offshore. All references to the transfer by sale of unused air rights above the Hudson River must be removed. (CAC\_006, CAC\_023)

**Response:** The proposed projects involve the transfer of development rights from existing structures within Hudson River Park to upland development sites, which would not entail construction in the river. The potential park improvements enabled by the sale of development rights are all consistent with the Hudson River Park Act and previously assessed and approved Hudson River Park plans, and are therefore not a new development.

**Comment 10:** We look forward to the chance of these air rights, funding, and resources helping to complete Hudson River Park in our neighborhood and CB4. I know how vital these funds are, and that’s why this opportunity to sell some of the unused development rights and properties at Block 675 is so important to us, coupled with the funding that is anticipated from the State, which we have also been working on to advocate for from the Governor’s budget and the New York City Council. (HRPF\_019, O'Brien\_020)

**Response:** Comment noted.

**Comment 11:** It is recommended that the capital funds from the sale of development rights be allocated to projects in the following order: Pier 97 Recreation Pier, Chelsea Waterside Park, Pier 97 Upland Area, Gateway/Hudson River Tunnel Project Area, Pier 66a Float Bridge, Pier 98 to 99 Upland Area, Area South of Pier 76, and Piers 79–84 Upland Area. If State funding is committed to one or more sites on the list,

then other sites will “rise” in priority. (Brewer\_001, CB4\_002, CB4\_003)

**Response:** HRPT has stated that, after working closely with CB4, the following projects have been identified to be undertaken with 80 percent of the proceeds from the development rights sales: upgrades to Chelsea Waterside Park, including construction of a new comfort station, expanded dog run, and permanent picnic area; construction of a pedestrian platform and new esplanade from Pier 98 to Pier 99; construction of a “beach” with ecological enhancements south of Pier 76; design of the upland area between 29th and 34th Streets (also known as the “Gateway Tunnel Area”); with remaining proceeds, if any, dedicated to construction of a portion of the upland park between 32nd and 34th Streets. In addition, 20 percent of the development rights sale proceeds will be set aside for future capital maintenance within CB4’s boundaries. Chapter 1 of the FEIS, “Project Description,” has been updated to reflect this information. In addition, HRPT has stated its intention to use funds from New York State, assuming they are available, to complete the Pier 97 Recreation Pier, the Pier 97 Upland area, and the needed repairs to the Pier 66a Float Bridge in accordance with Community Board 4’s recommended list of priorities.

*Additional Response by HRPT Pursuant To Its Significant Action Notice:* Since the release of the FEIS, the New York State budget was adopted so that funding can be used to complete Pier 97 and its adjacent upland and HRPT will also separately address the Pier 66 Float Bridge repairs.

**Comment 12:** Hudson River Park is basically finished in Soho and the West Village, but it lags behind in Chelsea and Clinton. In connection with this project, HRPT has presented eight different projects to try to finish the spaces of Hudson River Park in our district. And we need the money for that. Our committee found that there wasn’t enough money coming in for these projects to build all eight needed projects. So, we put together a list, independent of price. That is our priority of what the community needs in terms of park space. We need help from you. We need more funding from this project, so we can finish all eight projects. (CB4\_Kern\_014)

**Response:** Comment noted. Also see response to Comment 11.

**Comment 13:** Building or rebuilding sites like Pier 97, one of the proposed priorities in the Hudson River, with the transfer proceeds for non-water-dependent uses violates the federal Clean Water Act and navigation law principles. (CAC\_023)

**Response:** The proposed actions do not violate the Clean Water Act or navigation law principles. The transfer of development rights is consistent with the Hudson River Park Act, as is construction within the Hudson River for such park elements as Pier 97, a designated public park pier. See also the response to Comment 9.

## TRANSPORTATION

**Comment 14:** CB4 is seriously concerned about the safety of pedestrians and bicyclists crossing to and from Hudson River Park at intersections with vehicles. In the last seven years, there have been twelve fatalities in the park and its access streets. As the population

increases near Hudson River Park with the construction of new developments such as the proposed Block 675 project, we fear that more pedestrian and bike accidents may occur unless additional safety measures are provided at intersections. We urge that the New York State Department of Transportation (NYSDOT) work with city agencies and CB4 to implement critical safety measures. These enhancements certainly should be installed at the sections of Hudson River Park that are improved or constructed. (CB4\_002, CB4\_003)

**Response:** The DEIS, which studied traffic conditions and crash records at the West Street intersections with West 29th and West 30th Streets, did not reveal safety issues at these two locations. West Street is an approximately 104-foot-wide curb-to-curb with a 22-foot-wide pedestrian refuge island (north and south crosswalks) at West 29th Street and an approximately 114-foot-wide curb-to-curb with a 30-foot-wide pedestrian refuge island (south crosswalk; crossing on the north side is prohibited) at West 30th Street. There is adequate crossing time allocated, and the proposed projects' recommended signal timing adjustments would further increase the crossing time at both intersections. In addition, traffic activities at these two intersections present little conflicts with pedestrians and cyclists crossing to/from Hudson River Park. Specifically, traffic turning onto West Street from West 29<sup>th</sup> Street would have to yield to crossing activities at the West 29th Street's north and south crosswalks. At the south crosswalk of West 30th Street with West Street, pedestrians and cyclists have their own exclusive phase to cross West Street. Therefore, no safety improvement measures have been recommended in the DEIS. As the area surrounding the project sites continues to develop and fill with new population generated by large residential and commercial projects, it is expected that the City, in coordination with NYSDOT, would consider implementing additional safety enhancements to accommodate the overall growth in the neighborhood.

## CONSTRUCTION

**Comment 15:** The applicants should coordinate logistical issues (e.g., construction deliveries and temporary street closings) and construction schedules and maintain regular communication regarding construction progress and schedule changes. (Brewer\_001, CB4\_002, CB4\_003)

**Response:** Comment noted. The two applicant teams have been working together throughout the environmental review process and will continue to coordinate regarding construction logistics and schedule.

**Comment 16:** The applicant should prioritize the safety of construction workers, particularly in light of recent deaths and injuries at construction sites. (CB4\_002, CB4\_003)

**Response:** Comment noted. This comment is on matters outside the scope of the EIS.

## MITIGATION

**Comment 17:** Adverse environmental impacts identified in the DEIS must be mitigated through the provision of space for publicly funded child care, the reconstruction and renovation of a Chelsea recreation park, and standard measures such as signal timing changes, widened crosswalks, window-wall attenuation, quieter equipment, and noise

barriers for traffic impacts at two intersections. Ways to address pedestrian flow issues at two crosswalks, and the effects of construction congestion and noise on nearby residential buildings must also be mitigated. (Brewer\_001, CB4\_002, CB4\_003, CB4\_Restuccia\_015)

The standard mitigation measures such as signal timing changes, widened crosswalks, window-wall attenuation, quieter equipment and noise barriers are reasonable potential mitigation measures. CB4 also recommends that pedestrian safety enhancements be added at West 29th and West 30th Streets where vehicles enter the Hudson River Park. At locations where mitigations are needed, such as West 33rd Street and Eleventh Avenue, neck downs should be installed to provide more space for pedestrians. If any of these mitigation measures are not successful, the applicants will need to work with CB4 to find other solutions. (CB4\_002, CB4\_003)

**Response:** Mitigation measures have been identified for all projected impacts, except during construction there will be unavoidable adverse noise impacts on nearby residential buildings and the High Line. For issues related to pedestrian safety, please see response to Comment 15.

**Comment 18:** The DEIS recommends as a mitigation suitable child care space affordable to ACS (Administration for Children’s Services) providers on-site or within a reasonable distance or funding for program or physical improvements to support additional capacity at existing facilities. (CB4\_002, CB4\_003, CB4\_Restuccia\_015) Hudson Guild, located at West 26th Street between Ninth and Tenth Avenues, is a highly valued member of our community serving a low/moderate income population. They are seeking to expand their Early Childhood Education Program and are looking for suitable space. The demand for services for under-three-year-old children is particularly high and has resulted in a long waiting list. CB4 is exploring with Hudson Guild opportunities in buildings in Chelsea that could provide space for this program. Potential options include: the building at 429 West 18th Street/Fulton Houses, located between Ninth and Tenth Avenues, is currently under construction, scheduled to be completed in 2019; and churches in Chelsea that have underutilized space such as St. Columba Church on 343 West 25th Street (between Eighth and Ninth Avenues) or Manor Church on 350 West 26th Street (between Eighth and Ninth Avenues). (CB4\_002, CB4\_003)

**Response:** Comment noted. Between the DEIS and FEIS, the applicants have been working with the lead agency to identify appropriate mitigation to address the child care impact; the above recommendations have been considered in this process (see Chapter 21 of the FEIS, “Mitigation”).<sup>2</sup>

**Comment 19:** The DEIS lists potential mitigation measures for open space impacts, which include, but are not limited to, creating new open space within the study area; funding for improvements, renovation, or maintenance at existing local parks and/or playgrounds;

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<sup>2</sup> Since the release of the FEIS, DCP issued Technical Memorandum 002 on June 22, 2018 that provided additional language for each developer’s Restrictive Declaration to address the child care mitigation.

or improving open spaces to increase their utility or capacity to meet open space needs in the area. The New York City Department of Parks and Recreation (NYC Parks) has identified two parks in Chelsea that need renovation:

- Penn South Park, located on West 26th Street between Eighth and Ninth Avenues, opened in 1961. This heavily used 0.60-acre neighborhood park was reconstructed in 1996. The elementary school age play equipment and basketball courts have deteriorated. NYC Parks recommends reconstruction of the playground, including replacement of the play equipment, new paving, fencing, landscaping, lighting, seating and safety surfacing; and reconstruction of the basketball courts, including new fencing, back stops, paving and surface sealing.
- Chelsea Park, located on West 28th Street between 9th and 10th Avenues, a large, widely used park, includes basketball courts, baseball diamonds, handball courts, a playground, and a fitness area. The western portion of the park has been reconstructed. NYC Parks recommends the renovation of the eastern portion which includes the basketball courts, the fitness area and the asphalt multi-purpose play area. (CB4\_002, CB4\_003, CB4\_Restuccia\_015)

**Response:** Comment noted. Between the DEIS and FEIS, the applicants have been working with the lead agency and NYC Parks to identify appropriate mitigation for the modest quantitative open space impact; the above recommendations have been considered in this process (see Chapter 21 of the FEIS, “Mitigation”).<sup>3</sup>

#### MISCELLANEOUS

**Comment 20:** Affordable units must be distributed throughout at least 80 percent of the proposed projects’ floors, exceeding the 65 percent requirement of MIH program. (Brewer\_001, CB4\_002, CB4\_003, CB4\_Mackintosh\_005, CB4\_Mackintosh\_012, CB4\_Restuccia\_015)

There must be identical finishes and fittings (e.g., flooring, tile, plumbing and light fixtures, kitchen cabinets, countertops, and appliances) between the affordable and market-rate units. Building amenities such as courtyards should be equally available to all building residents regardless of income. Fee-based amenities (e.g., fitness facilities) must be discounted for tenants in affordable units (i.e., a sliding scale amenity fee, such as a reduction of 25 percent for middle-income tenants and 50 percent for low-income tenants). (Brewer\_001, CB4\_002, CB4\_003, CB4\_Mackintosh\_005, CB4\_Mackintosh\_012)

**Response:** These comments are on matters outside the scope of the EIS. However, at a minimum, both applicants are complying with the MIH program, including affordable unit distribution over 65 percent of the building. In addition, the applicant for project site A has responded favorably to CB4 requests for equal finishes in all units (including washers and dryers), discounted fees for amenities for tenants of affordable units, free children’s play area, and other requests from CB4. The applicant for project site B has similarly responded that it will use the same finishes and install the same appliances for the market-rate and affordable units,

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<sup>3</sup> Since the release of the FEIS, DCP issued Technical Memorandum 002 on June 22, 2018 that clarified open space mitigation would be provided for the basketball courts in Chelsea Park.

and will provide tenants of the affordable units discounted fees for building amenities.

**Comment 21:** In addition to MIH, the proposed development will also use the Affordable New York tax abatement program, formerly known as 421-a. Units built to satisfy the requirements of MIH are also being used to count towards the affordable housing requirements of the Affordable New York program. The Borough President has consistently opposed this practice of overlapping subsidies, or “double dipping.” The original 421-a tax benefit was created to incentivize new construction. The program started in 1971 during a time when many people felt New York City needed to spur real estate development activities to reduce blight. Times have changed, though, and New York City no longer faces a lack of development. Units built to satisfy the affordable housing requirements of MIH should not be available to be counted toward satisfying the requirements to obtain a tax subsidy under another program. The applicant is urged to explore all feasible options to provide affordable units beyond the 25 percent requirement of MIH. (Brewer\_001, Brewer\_018)

**Response:** These comments are on matters outside the scope of the EIS.

**Comment 22:** The applicant is urged to rent retail spaces to local businesses. (Brewer\_001, CB4\_002, CB4\_003)

**Response:** Comment noted. The applicant for project site A has stated that they will attempt to provide local retail and service business in the ground floor retail space. Further, they have stated that they will attempt to rent to locally-owned businesses, as they have done in the Ohm across the street.

**Comment 23:** The applicant must support a Community Jobs Project that would include holding periodic job fairs, posting all job openings on the CB4 jobs website, reaching out to community-based organizations, and working with CB4 to hire employees who are residents of Community District 4. (Brewer\_001, CB4\_002, CB4\_003)

**Response:** This comment is on matters outside the scope of the EIS. The applicant for project site A has stated that they will provide job postings to CB4. They are also open to exploring working with organizations to provide employment to local residents. The project site B applicant has stated that they intend to work with Building Skills NY and other local organizations to ensure that local residents are given opportunities for employment within the proposed development.

**Comment 24:** The applicant must pay its workers family-sustaining wages with affordable healthcare and retirement benefits to help create a strong community and a robust local economy. Training should be provided so workers have an opportunity to advance in their careers. (Brewer\_001, CB4\_002, CB4\_003)

**Response:** Comment noted. This comment is on matters outside the scope of the EIS.

**Comment 25:** We urge CPC to vote no on the 606 West 30th Street project unless the developer commits to good building service jobs. (32BJ\_021)

**Response:** Comment noted. This comment is on matters outside the scope of the EIS.

**Comment 26:** The sales from the transfer of development rights fulfill a vital function and provide HRPT with much-needed capital and maintenance funding. An inadequate valuation would mean the loss of millions of dollars for HRPT and in very tangible open space benefits for the public. We greatly respect the work of API in determining the valuation; however, given our history with development rights appraisals, it is difficult for us to treat that valuation number as authoritative. Instead, it might be better to think of the appraisal as a general guide, and given the long list of community priorities related to the Park that have been enumerated by CB4, we can come back to the proper price for the development rights after first clarifying the outstanding needs of HRPT. (Brewer\_001, Brewer\_018, CB4\_002, CB4\_Devlin\_013)

The most important issue is the amount of money the community should receive for the transfer of development rights from Hudson River Park. The price of transfer rights is a critically important issue for those in West Chelsea. (The recent evaluation that resulted in the price of those transfer rights in West Chelsea being set at \$625 is to be commended). How then could the appraiser in this case deem \$300 appropriate for transfer rights of Hudson River Park (and transfer rights sold to St. John's Terminal in the West Village for \$500)? (CB4\_Devlin\_013)

**Response:** The appraisal process is outside the scope of the EIS.

*Additional response by HRPT pursuant to its Significant Action Notice:* The independent appraiser's valuation takes into account the location of the property; comparable sales in the area; expected income from rent for market rate and affordable apartments and retail space; and construction costs and other expenses. The appraisals for both Project Sites A and B are available on HRPT's website and each report fully details the analysis conducted and the assumptions made to determine the square foot market value for the air rights. It should be noted that the purchase price for the Pier 40 air rights to the St. John's Terminal was based on a negotiation that occurred prior to the preparation of an appraisal, and that it significantly exceeded the appraised value. Also, as set forth in the Purchase and Sale Agreement for Project Site A available on the Trust's website, additional future consideration may be due to the Trust in the event that the developer of Project Site A converts residential units from rental to for-sale status.

In addition, it should be noted that, after CPC recommended approval of the ULURP actions and prior to the vote of the City Council on June 28, 2018, the two developers have agreed to provide HRPT an additional contribution towards the Park of \$4 million (\$3 million from Project Site A and \$1 million from Project Site B). The Trust intends to utilize these contributions, which are separate and apart from the purchase price, for construction activities within the Community Board 4 portion of the Park as set forth in a letter from the Trust to CPC.

**Comment 27:** The parking garage must accommodate environmentally friendly vehicles. (Brewer\_001, CB4\_002, CB4\_003)

**Response:** Comment noted. The applicants have committed to exploring opportunities for electric charging stations and vehicle sharing, if the demand exists.

**Comment 28:** Exterior lighting should be modest and not intrusive. (Brewer\_001, CB4\_002, CB4\_003)

**Response:** Comment noted.

**Comment 29:** CB4 encourages both applicants to display local art in building lobbies. (Brewer\_001, CB4\_002, CB4\_003)

**Response:** Comment noted. This comment is on matters outside the scope of the EIS.

**Comment 30:** Full-size trees and complete landscaping must be planted in sidewalk tree pits and tree planters. (Brewer\_001, CB4\_002, CB4\_003)

**Response:** Comment noted.

**Comment 31:** Sidewalks adjacent to the proposed projects should be kept clean and free of garbage. Building garbage compactors and dumpsters should be kept inside until time for curbside pickup. Commercial tenants in both developments should use the same carting company. Loading docks should also be inside buildings. Interior space for unloading of the many residential deliveries (such as Amazon, USPS packages) should be provided. (Brewer\_001, CB4\_002, CB4\_003)

**Response:** For project site A, garbage will be compacted internally and stored in refrigerated receptacles until scheduled pick-up by the Department of Sanitation. It is anticipated that the applicant for project site B will not bring waste to the street for collection until shortly before the scheduled pickup time, and in any event no more than 18 hours in advance of the scheduled pickup time. All garbage will be compacted before being brought to the curb and all commercial tenants will be required to use the same carting company. Neither project site will have loading docks.

#### **COMMENTS ON HRPT'S SIGNIFICANT ACTION NOTICE**

**Comment 32:** I support using unused development rights to secure funding for completion of the Park and essential capital maintenance. (Borelli, Waisman)

**Response:** Comment noted.

**Comment 33:** The sale of air rights should be increased to a range of \$375 to \$425 per square foot, not the \$300 currently under consideration. (Waisman)

**Response:** Comment noted. See the Response to Comment No. 26.