

**ATTACHMENT**  
**RESPONSE TO COMMENTS RECEIVED**  
**ON THE DRAFT SCOPE OF WORK**

### **A. INTRODUCTION**

This document summarizes and responds to comments on the proposed Riverside Center project (the Proposed Project) supplemental environmental impact statement (SEIS) Draft Scope of Work (Draft Scope). Oral comments were received during the public meeting held by the New York City Department of City Planning (DCP) on January 8, 2009. Written comments were received until January 20, 2009.

Section B lists the elected officials, community boards, government agencies, organizations, and individuals that provided relevant comments on the Draft Scope. Section C summarizes these relevant comments and responds to each of them. 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 Draft Scope. Where more than one commenter expressed a similar view, the comments have been grouped and addressed together.

A number of commenters did not make specific arguments related to the proposed approach or methodology for the impact assessments. Others suggested editorial changes. Where relevant and appropriate, these edits as well as other substantive changes to the Draft Scope have been incorporated into the Final Scope.

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

#### **ELECTED OFFICIALS, GOVERNMENT AGENCIES, AND COMMUNITY BOARDS**

1. Manhattan Borough President's Office, written comments dated January 8, 2009, and oral comments presented by Brian Cook on January 8, 2009 (MBP)
2. Community Board 7, written comments dated January 14, 2009, and oral comments presented by Ethel Sheffer, Helen Rosenthal, and Mark Diller on January 8, 2009 (CB7)
3. Metropolitan Transportation Authority, written comments dated January 15, 2009 (MTA)

#### **ORGANIZATIONS AND INTERESTED PUBLIC**

4. Riverside South Planning Corporation, written comments submitted at the Public Hearing on January 9, 2009, and oral comments presented by Steve Robinson, Paul Elston, and Paul Willen on January 8, 2009 (RSPC)
5. Paul Elston on behalf of the Riverside South Planning Corporation, with changes to comments submitted by RSPC at the public meeting (RSPC-Elston)
6. Real Estate Board of New York, Inc., written comments dated January 8, 2009, and oral

## **Riverside Center Response to Comments on the Draft Scope of Work**

---

- comments presented by Robert MacKowski on January 8, 2009 (REBNY)
7. Regional Plan Association, written comments dated January 8, 2009, and oral comments presented by Robert Pirani on January 8, 2009 (RPA)
  8. The Municipal Arts Society of New York, written comments dated January 20, 2009 (MAS)
  9. Denise Levine, written comments dated January 8, 2009 (Levine)
  10. Beth Servetar, written comments dated January 12, 2009 (Servetar)
  11. Daniel Gutman, written comments dated January 13, 2009 (Gutman)
  12. Jennifer Freeman, written comments dated January 13, 2009 (Freeman)
  13. Olive Freud, for Committee for Environmentally Sound Development, Inc., written comments dated January 8, 2009, and oral comments presented on January 8, 2009 (CESD)
  14. Tim Robert, written comments dated January 12, 2009 (Robert)
  15. Susan J. Gwertzman, written comments dated January 12, 2009 (Gwertzman)
  16. Batya Lewton, for Coalition Against Lincoln West, Inc., written comments dated January 19, 2009, and oral comments presented on January 8, 2009 (CALW-Lewton)
  17. Craig Whitaker of Craig Whitaker Architects for CALW, written comments dated January 12, 2009 (CALW-Whitaker)
  18. Kenneth Kaliski of RSG for CALW, written comments dated January 15, 2009 (CALW-RSG)
  19. Russell Rohloff of Pathways Consulting, LLC for CALW, written comments dated January 20, 2009 (CALW-Pathways)
  20. Amy Pfeiffer of Nelson/Nygaard Consulting Associates for CALW, written comments received January 20, 2009 (CALW- Nelson/Nygaard)
  21. Kate Sinding, for Natural Resources Defense Council, written comments dated January 13, 2009 (NRDC)
  22. Christian DiPalermo, for New Yorkers for Parks, written comments dated January 15, 2009 (NYFP)
  23. Gene Boxer for Friends of Riverside Park South, written comments dated January 20, 2009 (FORPS)
  24. Marcia Bystryn, President of the New York League of Conservation Voters, oral comments presented on January 8, 2009 (Bystryn)
  25. Michelle Lipkin, oral comments presented on January 8, 2009 (Lipkin)
  26. Kane Kim, oral comments presented on January 8, 2009 (Kim)
  27. Lauren Casa, oral comments presented on January 8, 2009 (Casa)
  28. Wendy Stark, oral comments presented on January 8, 2009 (Stark)
  29. Laura Sametz, oral comments presented on January 8, 2009 (Sametz)

30. Gene Boxer, oral comments presented on January 8, 2009 (Boxer)
31. New York City District Council of the Carpenters, oral comments presented by Ed McWilliams, Dennis Gimblet, Andreas Puerta, George Doherty, Scott Belford, Gerard Rocks, and Edward Maudsley on January 8, 2009 (NYCDC-Carpenters)
32. Thomas Costello, oral comments presented on January 8, 2009 (Costello)
33. Michael Turley, oral comments presented on January 8, 2009 (Turley)
34. Madeleine Polayes, for CALW, oral comments presented January 8, 2009 (CALW-Polayes)
35. Jim Dowell, for the Riverside Park Fund, oral comments presented January 8, 2009 (RPF)
36. Sheila Trichter, oral comments presented on January 8, 2009 (Trichter)
37. Lauren Rosenthal, PTA Co-president at P.S. 199, oral comments presented on January 8, 2009 (Rosenthal)
38. Michael McGuire for the Mason Tenders District Council of Greater New York Political Action Committee of the Laborers International Union, oral comments presented on January 8, 2009 (MTDC)
39. Kate Wood for Landmark West, oral comments presented on January 8, 2009 (Landmark West)
40. Faith Steinberg, oral comments presented on January 8, 2009 (Steinberg)
41. Jeff Sholein, oral comments presented on January 8, 2009 (Sholein)
42. Roberta Seber, oral comments presented on January 8, 2009 (Seber)
43. Paul Selver for the New York Building Congress, oral comments presented on January 8, 2009 (NYBC)
44. Evelyn Konrad for the Movement for a Livable City, written comments dated January 12, 2009 (Konrad)

## **C. COMMENTS AND RESPONSES**

### **1. REVIEW PROCESS, ANALYTICAL FRAMEWORK, DESCRIPTION OF PROJECT**

#### *REVIEW PROCESS*

**Comment 1.1:** The RSPC urges the Department of City Planning (DCP) to delay consideration of the Scope of Work for the SEIS until DCP completes an assessment of Extell's compliance with all of the 1992 Agreements (including the 1992 Restrictive Declaration, Special Permit, Mapping Agreement, Park Operations and Maintenance Agreement, the Memorandum of Understanding with the Borough President, and the 1993 Agreement with RSPC and Design Guidelines) and until Extell is in compliance with those agreements. The FEIS conflicts with what has actually happened. (RSPC)

## **Riverside Center Response to Comments on the Draft Scope of Work**

---

**Response:** In connection with the City's approval of the original Riverside South general large-scale development project in 1992, the developer entered into a restrictive declaration (the "1992 Restrictive Declaration") that runs with the land and binds CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP (the project sponsor), as current owner/developer. The 1992 Restrictive Declaration contains obligations with respect to various issues, including park construction and maintenance, the provision of affordable housing, sewer hook-up, notification to the Department of Education of the provision of space for a public school, funding for transportation improvements and for senior citizen and youth assistance or job training programs, the provision of a transit-way easement, and the implementation of environmental mitigation measures identified in the 1992 FEIS. The majority, if not all, of these obligations were or are required to be satisfied at certain benchmarks during build-out of the Riverside South general large-scale development and are conditions to the receipt of building permits or certificates of occupancy, as set forth in the 1992 Restrictive Declaration. As development has occurred, the City has been verifying that the project sponsor and/or its predecessors have met the applicable obligations.

The project sponsor is also subject to a mapping agreement with the City, entered into by its predecessor in connection with the changes to the City Map that were part of the original application and approval. Among other things, such mapping agreement governs the conveyance of certain public access and transit easements to the City, which has occurred.

The project sponsor is also bound by the conditions of the 1992 special permit approval, including identifying and incorporating methods of feasible energy conservation with a payback of five years. The project sponsor has undertaken such work for its buildings within Riverside South that have been constructed to date, and the City has reviewed such studies and determined that they are consistent with the goals of the 1992 special permit.

The commenter refers to private agreements entered into by the original developer, to which neither DCP nor the City Planning Commission was not an interested party and which are not enforceable by the City.

As specified in the Draft and Final Scope of Work, existing conditions will be updated as appropriate to reflect conditions at Riverside South and in the surrounding area. The SEIS will also project conditions in the future without the Proposed Project, incorporating the most recent information available on known land-use proposals and, as appropriate, changes in anticipated overall growth by the build-year.

**Comment 1.2:** DCP violated the Open Meetings Law by holding the so-called scoping meeting for the Extell project in Spector Hall. That room, which was

occupied by some 30 representatives of the construction industry by the time that members of the CB7 neighborhoods arrived, can only hold some 50 people beyond the Commissioners. It is a farce to believe that a room for 50, with most of the seats already gone, could possibly be a fair venue for scoping a project which will affect more than 200,000 residents of CB7.

The Environmental Impact Statement, which is based on the inadequate scoping meeting, should be nullified. A proper scoping meeting in the affected neighborhoods should be immediately announced, and be held in a meeting hall which can accommodate at least 300 people for each of several meetings. (Konrad)

**Response:**

The Open Meetings Law, the purpose of which is to ensure that members of the public are able to observe the deliberations and decisions of public bodies, does not apply to scoping meetings. The purpose of scoping meetings is to receive comments for consideration by the lead agency in the preparation of a final scope and draft environmental impact statement. No deliberations or decisions are undertaken by a quorum of public officials during a scoping meeting.

In any event, the scoping meeting for the Proposed Project was conducted in an open and public manner to allow comments from the public and other government agencies to assist the lead agency in determining the scope of the SEIS. For this scoping meeting, DCP scheduled two sessions, an afternoon session from 2:00 PM to 4:45 PM and an evening session from 6:00 PM to 8:45 PM, not only to accommodate people's schedules, but also to break up attendance into two, smaller groups. Based on DCP's record of attendance at the January 8th scoping meeting, forty-one people testified, out of a total of sixty-five people who signed up to speak. All members of the public were welcome to attend the scoping meeting, and all who attended had an opportunity to be heard; the sufficiency of seating or space was not an issue in this regard. Speakers provided comments during the first session, which started at 2:00 PM, until approximately 3:40 PM. The meeting was then held open until 4:45 PM, to allow an opportunity for any other person wanting to give comments, although no one else did so. Similarly, speakers provided comments during the second session, which started at 6:00 PM, until approximately 6:45, and the meeting was again held open until 8:45 PM to accommodate any other person wishing to speak. Every attendee wishing to comment at the scoping meeting was given an opportunity to provide comment. Members of the public who were unable to attend, as well as attendees and speakers, were invited to submit written comments during the period from publication of notice of the scoping meeting (November 19, 2008) through ten days following the meeting (January 20, 2009).

## **Riverside Center Response to Comments on the Draft Scope of Work**

---

**Comment 1.3:** At a time when this area’s infrastructure is already under considerable strain, the importance of a thorough environmental review, with significant attention to community concerns, has never been more important. The community has expressed concern that the project may impact the public school system, vehicular traffic, mass transit, parks, shadows, and pedestrian space. The city must thoughtfully incorporate the input of community members. For this environmental review to be successful, their perspectives and opinions must be taken seriously and incorporated as part of a community-based planning process. (MBP)

**Response:** As indicated in the Draft and Final Scope of Work, the SEIS will include analyses of the community concerns cited by the commenter, including the Proposed Project’s impacts on public school capacity, traffic and parking, transit and pedestrians, and shadows. The community has now had opportunity to provide input on the Scope of Work through the public scoping process, and will have opportunity to review and comment on the Draft SEIS analyses.

### *ANALYTICAL FRAMEWORK*

**Comment 1.4:** The SEIS must consider the impacts of the entire Riverside South project because the developer is asking for a major modification to the special permit for the entire project. The Restrictive Declaration states that the Declarant shall not construct on Parcels L, M, and N “without the revised Plans and supplementary environmental analysis for such revisions, which shall be deemed to be a major modification of the Special Permit requiring a new review under Section 197-c of the City Charter.” (MBP, RSPC, RPA, NRDC, Bystryn)

**Response:** The SEIS will consider the impacts of the proposed modifications to the previously-approved Riverside South project. As detailed in the Draft and Final Scope of Work, the SEIS will assess whether the differences between the Proposed Project for parcels L, M, and N and the redevelopment for these parcels assumed in the FEIS could result in new or different significant adverse impacts than those disclosed in the FEIS. As part of this analysis, the SEIS will look at changes in the analysis year and background conditions as such changes are related to the Proposed Project.

**Comment 1.5:** The Scope for the SEIS should be expanded to include the evaluation of the incremental or different developments relative to the full project as actually developed, rather than just the new proposals for Parcels L, M, and N. The SEIS should determine the impacts of the full project as actually developed. The impacts of all variations in the project as it currently exists should then be the baseline against which such incremental or different impacts are

assessed. The study effort should assess all potential significant adverse impacts from the proposed changes in the context of the project as it currently exists. (RSPC, RPA, NRDC)

There are a number of significant changed circumstances, as well as changes that have been made to the Riverside South development as approved and developed, as compared to the project that was analyzed in the FEIS. (RSPC, RPA, NRDC) For example, there are fewer units in some of the buildings already built than originally planned; however, some of the units already built were larger than those described in the FEIS. This translates into a greater impact on existing resources. (CALW-Whitaker)

Also, the sustainable development guidelines developed for the original project were only implemented at 3 of the 10 buildings constructed to date, which constitutes a change to the overall project that must be considered in determining overall impacts from the proposed project, including the incremental impacts associated with the changes to Parcels L, M, and N. (NRDC)

Mitigation should be identified for all significant adverse environmental impacts identified in the SEIS in light of current conditions and technologies, the extant regulatory environment, etc., (including, for example, the impacts on schools from the full project as it currently exists and with the proposed changes to Parcels L, M and N, the proposal for dealing with methane contamination on the site, and noise impacts from the Miller Highway). (RSPC)

Impacts of the entire project must also be examined because there have been changes from the project as analyzed in the FEIS, and accordingly, the study areas for some impact categories should remain the same as the FEIS due to changes on other parcels in the overall project. (MBP, RSPC, RPA, NRDC, FORPS, Bystryn)

**Response:**

As stated in the Draft and Final Scope of Work, the SEIS will consider whether the Proposed Project would result in new or different significant adverse impacts than those disclosed in the 1992 FEIS. Mitigation will be examined for any new or different significant adverse impacts identified in the SEIS. As specified in the Final Scope of Work, existing conditions for the SEIS reflect the development that has actually occurred for the Riverside South project. Future conditions without the Proposed Project account for additional Riverside South development that is expected to occur by 2018, including two alternate scenarios for the development of L, M, and N. The current and future Riverside South populations will be estimated for purposes of the SEIS analyses. However, variation in unit size is not a factor in CEQR analyses; CEQR analyses draw upon total numbers of units (conservatively assuming a standard 850 zoning square feet per unit) and Census-based average household sizes for a study area to estimate

## **Riverside Center Response to Comments on the Draft Scope of Work**

---

the project-generated population in a reasonable worst-case development scenario.

**Comment 1.6:** The SEIS should analyze the differences in allowable floor area ratio (FAR) and total square feet originally agreed upon for each use on each lot in Riverside South and the allowable and total square feet actually built, instead of just identifying what was built on a unit basis. (CALW-Whitaker)

**Response:** The SEIS will follow *CEQR Technical Manual*<sup>1</sup> guidelines and the Final Scope of Work in considering whether the Proposed Project would result in new or different significant adverse impacts than those disclosed in the 1992 FEIS. As noted in the response to Comment 1.5 above, existing conditions for purposes of the SEIS will include the Riverside South development as actually built. Please see also the response to Comment 1.7.

**Comment 1.7:** The Scope and SEIS must identify the elements of the project that were not actualized or which differ from the originally reviewed project, recognizing the zoning square footage that has already been transferred from Parcels L, M, and N to Parcels A through I, as well as other deviations in the project as constructed versus what was analyzed in the FEIS. A detailed list is provided in Attachment 1 of the RSPC comment letter (RSPC, NRDC). There may be other significant changes from the FEIS that need to be considered in the SEIS. The sponsor should be required to identify all of these changes in the revised Scope of Work. (RSPC, NRDC)

**Response:** Table 1 of the Draft and Final Scope of Work provides a description of each Riverside South parcel as built compared to the FEIS program, including the anticipated programming and status of parcels not yet constructed. The SEIS will account for these and other programming differences, as needed, in performing CEQR analyses to determine the potential for significant adverse impacts from the Proposed Project. The floor area transfers mentioned in the comment were permitted as part of the 1992 Riverside South GLSD approvals.

**Comment 1.8:** Two sets of study areas should be defined for the SEIS assessments: (1) the original study areas that were utilized for the FEIS, and (2) the more local study areas that Extell has defined for the development on Parcels L, M and N. Each chapter of the SEIS should discuss which study area is appropriate to utilize considering the current state of the project and the proposed changes, to Parcels L, M and N. (RSPC) The SEIS should incorporate the

---

<sup>1</sup> An update to the current *CEQR Technical Manual (2001)* may be released in Spring 2010. Upon its release, a study will be conducted to determine whether revisions to the analyses of the Draft SEIS would be warranted based on the updates. Any such revisions will be reflected in the Final SEIS.

original FEIS definitions of Primary and Secondary Study Areas, and addressing impacts as appropriate within this larger sphere. (RPA)

**Response:** The SEIS will follow *CEQR Technical Manual* guidelines in analyzing the geographic areas in which significant adverse impacts from the Proposed Project are most likely to occur. The Proposed Project would modify the previously-approved program for parcels L, M, and N, and the requested land use actions would affect only these sites. Therefore, it is appropriate to define study areas around those parcels. The SEIS will explain the rationale for the study area(s) selected for each specific analysis.

**Comment 1.9:** If the SEIS depends solely upon surveys and base data dating from 1992, it would not incorporate all changes in the neighborhood from the last 17 years. For instance, lower assumptions for traffic and education can influence threshold levels and minimize the finding of impacts. The City should not rely on decades-old surveys and instead utilize current data wherever applicable. (MBP)

**Response:** The SEIS will follow *CEQR Technical Manual* guidelines with regard to data appropriate for each area of CEQR analysis. As specified in the Draft and Final Scope of Work, existing conditions will be updated as appropriate and will reflect the development that has actually occurred for the Riverside South project and the surrounding area. The SEIS also will project conditions forward into the Future without the Proposed Project, incorporating the most recent information available on known land-use proposals and, as appropriate, changes in anticipated overall growth.

**Comment 1.10:** The SEIS must not incorporate projections that assume mitigations that have not yet been implemented. This could lessen the total projected impact of the project and inhibit true understanding of the impacts of the proposal. The SEIS should disclose any assumptions carried over from the original EIS which assumes that mitigations have occurred, and should document whether those mitigations were in fact carried out. (MBP)

**Response:** As noted above, the SEIS will establish existing conditions that reflect the development that has actually occurred for the Riverside South project as part of the baseline for analysis. Accordingly, the SEIS will incorporate only those mitigation measures that have already been implemented in the existing conditions. Future conditions without the Proposed Project will account for additional Riverside South development that is expected to occur by 2018, including only those mitigation measures that are fully expected to be implemented by 2018. These issues have been clarified in the Final Scope of Work and will be discussed in detail in the SEIS.

## **Riverside Center Response to Comments on the Draft Scope of Work**

---

**Comment 1.11:** Updating the baseline conditions and accounting for impacts from other developments (recent past, current, and planned) is essential for a complete analysis. The SEIS's baseline for analysis must include conditions from these developments, at the very least: (1) the rest of Riverside South; (2) Time Warner Center; (3) John Jay College expansion; (4) rezoning of CB7's southwest corner from manufacturing (e.g., Ginsberg site at 243 West 60th Street); (5) Lincoln Center-65th Street redevelopment project; (6) Lincoln Center later phases; (7) Fordham (RSC SEIS with Build year 2018 should consider Fordham Phase I to be complete and Phase II to be in construction in 2018); and (8) as-of-right developments in the study area (e.g., WEA and 70th Street, Amsterdam and 66th Street). All the possible uses/configurations of the 59th Street Marine Transfer Station should be examined. (CB7)

**Response:** As detailed in the Draft and Final Scope of Work, existing conditions for each chapter will be updated as necessary and presented in the SEIS. Each chapter will project conditions into the future without the Proposed Project, incorporating the most recent information available on known land-use proposals and, as appropriate, changes in anticipated overall growth. All of the projects cited by the commenter, and any other known projects, will be addressed in the baseline for SEIS analysis.

**Comment 1.12:** The SEIS must use all demographic and related information and statistics that draw from the U.S. Census and other major research sources that are more recent than the Census data of 2000, which is now mostly outdated. (CB7)

**Response:** The SEIS will follow the Scope of Work and *CEQR Technical Manual* guidelines in using the most current data available that is appropriate for the analysis. As specified under the Socioeconomic Conditions task in the Final Scope of Work, the existing population of the area will be estimated based on 2000 Census data, but supplemented by information on new housing construction from the New York City Department of Finance's Real Property Assessment Database (RPAD). In addition, the Socioeconomic Conditions chapter will use 1990 and 2000 Census data, as well as current real estate market data, to present demographic and market trends and conditions. Population projections will be developed in a similar manner for all other relevant technical areas.

### *DESCRIPTION OF PROJECT*

**Comment 1.13:** Is Extell proposing 2,500 or 3,000 dwelling units in the Riverside Center development? (RSPC)

**Response:** The project sponsor’s proposed programming for sites L, M, N includes 2,500 dwelling units. However, the project sponsor proposes to establish an allowable maximum of 3,000 units so as to enable a portion of the proposed hotel use to be converted to residential use if the sponsor so chooses. Therefore, for purposes of presenting a more conservative analysis, the SEIS will consider several different development scenarios that the zoning approvals would allow and, for each analysis area, will examine a Reasonable Worst-Case Development Scenario (RWCDs) for potential significant adverse impacts.

**Comment 1.14:** On page 5, the reference to the “big-box” store exclusion (i.e., warehouse clubs or discount department stores)” should be changed to read “(e.g., warehouse clubs or discount department stores),” or Extell should spell out what other type of “big-box” is contemplated. (RSPC)

**Response:** The Final Scope of Work refines the statement referenced by the commenter. It now reads, “Appropriate provisions in the GLSD special permit and/or related Restrictive Declaration would ensure that no “big-box” retail establishments (e.g, warehouse clubs or discount department stores) would be included as part of the Proposed Project.”

**Comment 1.15:** Extell claims that it is proposing 3.8 acres of privately owned, publicly accessible open space. However, a good portion of that space is actually roadway. The open space that is privately held and not including the private streets is 2.06 acres. (RSPC)

**Response:** The Final Scope of Work has clarified that the Proposed Project would introduce approximately 2.75 acres of publicly accessible open space. That calculation excludes the roadbeds of Freedom Place South and the extension of West 60th Street within the project site, the driveways providing vehicular access to the proposed Buildings 3 and 4, sidewalks within the project site, and outdoor dining areas.

**Comment 1.16:** The proposed open space is designed for the residents of the new buildings as a backyard and creates a dead end on the western border of the lots. It provides paths that run north-south, directing users away from the waterfront and includes a pool of water designed to suggest a continuation of 60th Street, but which effectively eliminates the use of the space by strollers. The public open space fails as an easily accessible park connecting the existing neighborhood to Riverside Park. (RSPC, RPA, RPF)

The Draft Scope of Work states the project would provide a connection to Riverside Park South, which it does not. Instead, it dead-ends at the Miller Highway and the local residents would have to use the local street to get to the Park. (RSPC)

## **Riverside Center Response to Comments on the Draft Scope of Work**

---

The proposed open space appears more private than public in its present design and raises questions about its relation and accessibility to the waterfront park to the west and north. The architects have described the open space as a “parvis,” a word usually denoting an open space in front of a church, sanctuary, or temple, rather than a park. (CB7)

The privately owned park proposed is inadequate. Publicly-accessible but privately owned open space often fails in its stated goal of being a meaningful public amenity. The typical reasons for this shortcoming are inadequate programming, difficulty in accessing the open space and restricted hours of operation. (MAS)

### **Response:**

The project sponsor has worked with representatives of DCP to provide a design for the proposed open space that would be attractive, inviting and accessible to the surrounding community, and that would provide a linkage to Riverside South Park. As clarified in the Final Scope of Work, the Open Space analysis in the SEIS will also qualitatively evaluate the proposed open space in terms of its arrangement, configuration, points of access, hours of accessibility, programming, utility, and relation and accessibility to surrounding open spaces, including descriptions of potential physical connections to existing and planned open spaces. The urban design and visual resources analysis of the SEIS also will assess the changes in urban design characteristics and visual resources that are expected to result from the Proposed Project, and will include appropriate renderings to accurately depict the development program in the context of the surrounding area. The Final Scope of Work has been amended to specify that the assessment of open space conditions will include a discussion of the proposed open space’s arrangement, configuration, points of access, hours of accessibility, programming, and whether the open space meets the goals and objectives of the Proposed Project in serving as a physical and visual link to the waterfront.

### **Comment 1.17:**

The 1992 Restrictive Declaration limiting floor area to approximately 2.4 million square feet on Parcels L, M, and N and limiting the floor area of the entire development to just under 8 million square feet should be honored in 2009 as public approvals are sought for the last southern sites. (CB7, RPA, MAS)

The 1992 Restrictive Declaration allowed 2.37 million square feet of development, not 3.5 million; 740 parking spaces not 1,800; 577 units of housing, not 2,500; and 400-foot maximum building heights, not 600. The fact that the television studios envisioned for the site are not now a viable option is no reason to increase the density. (CESD) The proposed density of Riverside Center Parcels L, M, and N exceeds the 1992 Restrictive Declaration Density Limitations by an increase of 730,000 square feet. The

Extell proposal raises serious questions about the density for this site and challenges the 1992 restrictions on density for these southern sites and for the entire Riverside South development. The future development needs of the Upper West Side and New York City should not be defined primarily by the maximizing of available square footage, without a comprehensive consideration of types of uses, infrastructure, transportation, and adjacent development on the Mid and Upper West Side. (CB7)

Approximately 2,500 residential units are proposed. The 1992 Restrictive Declaration set a limit of 5,700 units for the entire Riverside South project. At this point, 4,492 units have been or are anticipated to be built in Riverside South other than sites L, M, and N. Adding an additional 2,500 units would bring the total number of residential units to 7,992, an increase of 2,292 units over the approved limit of 5,700. We have serious reservations about the requested increase in residential units over the number permitted by the 1992 Restrictive Declaration. The Upper West Side has experienced considerable increase in residential density in the last 16 years. If the proposal for Riverside Center conformed to the residential limits by the Restrictive Declaration, then 1,208 units for sites L, M, and N would be the more appropriate number. (CB7, Seber)

**Response:**

The SEIS will examine the potential for significant adverse environmental impacts resulting from the Proposed Project, including the proposed changes in use and density on Parcels L, M, and N as compared to the amounts permitted in the 1992 Restrictive Declaration (the Proposed Project would include a major modification to the 1992 Restrictive Declaration). This analysis will be conducted with reference to two No Build scenarios: one in which the development program analyzed in the FEIS is constructed on all three parcels; and a second in which the FEIS development program for Parcels L and M would be completed, but Parcel N would remain in its current parking use (i.e.) the commercial use for Parcel N is assumed not to go forward). Please also see the response to Comment 23.2.

**Comment 1.18:**

The scope of the SEIS should be expanded to include a study of the relocation of Miller Highway. The relocation of the highway was a central element of the bargain made with the developer in 1992, and was treated accordingly in the FEIS. Its completion should be addressed in the SEIS. The SEIS should study how the enormous new residential population of Riverside Center, as well as its other impacts, including commercial users, shadows, etc would impact Riverside South Park in the buried-highway configuration. (NYFP, FORPS, CB7, Bystryn, RPF, Rosenthal) The SEIS should include a study of requiring the developer to complete both sections of the tunnel to enclose the Miller Highway. This would enhance the possibility of burying the highway in future years and create far more desirable open park land available for Riverside Park South. (CB7)

## **Riverside Center Response to Comments on the Draft Scope of Work**

---

The SEIS should evaluate an alternative with and without the relocation of the Miller Highway, and should evaluate the impact of completing the tunnel shell now to facilitate the relocation of the Miller Highway, as extensively addressed in the FEIS. Just as the FEIS extensively considers the alternative impacts with and without relocation of the Miller Highway, the SEIS should update the assessment of the impacts of the changed project, changed community, and changes policies and regulations both with and without the new Miller Highway Relocation. Relocation of the highway would probably eliminate the significant noise impact on the park below. (RSPC, RPA, NRDC, FORPS) The construction necessary for this relocation is underway and large portions are provided for in a “shell.” (RSPC) The current alignment of the elevated highway sits atop 8 acres of waterfront park, blocks river views, and creates a substantial physical barrier to the community entering Riverside Park. The expense of the highway relocation alternative might be large, but in light of the new administration’s prioritization of infrastructure projects, a thorough exploration of its benefits to the community and the city as a whole is timely. (NYFP)

The alternatives should include consideration of construction of the tunnel shell as part of the completion of buildings on Parcels L, M, and N. Early construction of the tunnel shell between 61st and 70th Streets will reduce impacts on the local community by eliminating the need to dig up the park on the southern end after it has been newly constructed and would allow for the use of the existing construction-infrastructure for construction of the northern sections. (RSPC)

### **Response:**

The original Riverside South project included two alternative park designs for two different scenarios: one in which the elevated Miller Highway is relocated and submerged; and one in which the elevated highway remains in place. The 1992 Restrictive Declaration similarly included park construction obligations on the developer’s part to account for the occurrence of either scenario. As specified in the Final Scope of Work, where relevant, chapters of the SEIS will include an additional analysis of the proposed project that assumes the Miller Highway is relocated.

The issue of relocation of the highway is independent of the proposed actions and is the responsibility of entities other than the applicant. As stated in the 1992 FEIS, “The relocation of the highway is a separate and independent action from the approvals and plans of the Riverside South project, and would be subject to its own independent and separate environmental review pursuant to SEQRA and NEPA.” A Final Environmental Impact Statement for the Miller Highway Project (MHP) was completed in October 2000 (with the Empire State Development Corporation [ESDC] and the New York State Department of Transportation

[NYSDOT] as co-lead state agencies), to evaluate various relocation alternatives. However, the project did not move forward, and currently there is no funding allocated to the project.

Because the relocation of the highway is independent of the proposed actions, it will not be analyzed as an alternative to the proposed actions (i.e., as an alternative in the Alternatives chapter of the SEIS), nor will construction of the tunnel shell be analyzed as part of the proposed project (i.e., requiring the developer to construct the tunnel shell concurrently with the proposed development). In addition, because the relocation of the Miller Highway is complex, and would require funding and approvals from the New York State Department of Transportation, the Federal Highway Administration, and other public agencies, it is unlikely the project will be completed by 2018. Therefore, the future without the Proposed Project section in this document does not include the relocation of the Miller Highway as a No Build condition.

While it is uncertain if and when the Miller Highway would be relocated, for purposes of a more complete analysis the SEIS will consider an additional scenario in which the Miller Highway is relocated by 2018. This additional scenario—which for each chapter will be presented separately in a section after the Future with the Proposed Project—assumes a relocation of the Miller Highway similar to that described in the 1992 Riverside South FEIS, and as analyzed in greater detail as part of the Preferred Alternative scenario in the *October 2000 Miller Highway Project FEIS*.

**Comment 1.19:** The 1992 Restrictive Declaration established a minimum of 12 percent affordable housing for the entire Riverside South project. CB7 believes, and the 2005 New York Housing and Vacancy Survey supports the analysis that the affordability of New York City housing has decreased since the original Riverside South project was approved. Any request for additional residential units over the 1992 Restrictive Declaration limits must rest upon that fact, and not solely on projections of hoped-for market demand. The minimum of 12 percent affordable housing does not meet today’s needs and demands. There must be at least 20 percent of the residential units that are permanently affordable to be built on Parcels L, M, and N. (CB7)

**Response:** The SEIS will examine potential impacts resulting from the Proposed Project, including the potential for indirect residential displacement as a result of project-generated housing and population. The proposed modification to the 1992 Restrictive Declaration would extend the requirement to provide affordable housing equal to 12 percent of the number of units proposed for Parcels L, M and N.

## **Riverside Center Response to Comments on the Draft Scope of Work**

---

**Comment 1.20:** The Riverside South development should be required to incorporate a DSNY garage for MN 7 into its plans. Moving the MN 7 garage to CB 7 (from CB 4) would provide more efficient service to the local community, enable MN 7 trucks to avoid West Street traffic, reinforce “fair share” principles, and enable DSNY to build an MN 7 garage that is sized to serve CB 7’s growing population. In addition, moving MN 7 to Riverside Center would enable DSNY to reduce both its fleet-related expenses and greenhouse gas emissions, and would save DSNY \$200 million in construction costs at Spring Street, enabling the City to redirect funds to community uses where they are sorely needed. (Levine) Locating the MN 7 garage in CB 7 would open up space in the West 57th Street (MN4/4A/7) garage for MN 5, thereby moving MN5 closer to its midtown district.

Relocating the MN 7 garage in CB 7 would mean that Spring Street would have two garages instead of three; it would be fairer, environmentally friendly, and aesthetically appealing to have a smaller two-garage district at Spring Street. (Robert)

**Response:** The Proposed Project is a private application for a development on privately-owned property. An assessment of the relocation of DSNY facilities and services to the project site is outside the scope of the SEIS. The SEIS will analyze whether the Proposed Project could result in any significant adverse impacts with respect to solid waste and sanitation services, among other environmental areas.

**Comment 1.21:** We recognize that the project will not be completed until 2018 and that it is hard to anticipate the market, but this may be an opportunity to rectify some of the mistakes of past planning, to integrate commercial and retail development throughout the project for residents and for visitors and to create a sorely needed neighborhood. Uses such as cinemas or hotels work best with complementary uses and activities. (CB7) The area currently lacks stores and retail, how will the project address that? (Kim)

**Response:** Comment noted. The Socioeconomic Conditions and Neighborhood Character chapters in the SEIS will address the likely effects of the Proposed Project’s retail program. The Proposed Project would provide the uses suggested above.

**Comment 1.22:** The Building Congress commends Extell on the Proposed Project, which improves on the original plan for Riverside South and will continue the transformation of this underutilized swath of land into a vibrant complex of mixed-use buildings and privately owned, publicly accessible open space. (NYBC)

**Response:** Comment noted.

**Comment 1.23:** This development should conform to the highest standard of sustainability construction. The SEIS should include an analysis of the project using LEED platinum standards, the new United States Green Building Council's standards, and PlaNYC goals and principles. We emphasize that only the latest technology and equivalencies at the time of construction will be acceptable. (CB7, Stark)

The EIS should examine the proposed development in light of PlaNYC 2030, especially; its conformance to recommendations for more transit-oriented development; more sustainably-designed buildings; and reductions to demand for energy and waste removal. (MAS)

**Response:** The SEIS will follow *CEQR Technical Manual* guidelines in assessing the potential for significant adverse environmental impacts from the Proposed Project. The guidelines for CEQR analysis are conservative because they do not assume the environmental benefits of more sustainable building practices. Given the general consensus in the scientific community that the global climate is changing as a result of increased concentrations of greenhouse gases (GHG) in the atmosphere, the air quality chapter of the SEIS will include an analysis of the potential GHG emissions associated with the Proposed Project and consider potential GHG-reduction measures, (including measures that result in reduction in the demand for energy), consistent with the GHG reduction goals of PlaNYC.

**Comment 1.24:** On page 5, the goals and objectives should be expanded to include "enhancement of the view of the 59th Street Power Plant." (RSPC)

**Response:** Enhancement of the view of the Consolidated Edison Power House is not a goal and objective of the project sponsor. However, the Historic Resources chapter and the Urban Design and Visual Resources chapter of the SEIS will provide a detailed analysis of the visual effects of the Proposed Project on public views of the Consolidated Edison Power House.

**Comment 1.25:** We are very happy to support the proposed Riverside Center project and believe that the impacts of this project on the surrounding area will be highly positive. This area of Manhattan has been extensively studied, discussed, and debated over a long period of time. The draft scope more than adequately addresses the issues that need updating from the studies completed in the 1990s, and will offer some insight into the effectiveness of the mitigation measures that have been employed as Riverside South has developed. We look forward to the prompt completion of the public review and believe that Riverside Center deserves support and approval. (REBNY) This is an ambitious and great proposal. If it's anything like what Extell has built today, it will be a great addition to the community. (Boxer, MTDC) We're fully supportive of Extell's planned development at Riverside Center.

## **Riverside Center Response to Comments on the Draft Scope of Work**

---

I believe that they take into consideration the communities that they're working in and spend a great deal of time discussing the needs of the community. (NYCDC-Carpenters) The potential of this project is exciting. It will be much better than a parking lot, which is what currently exists on the site. (Kim) Extell has come up with a great idea. The company is good, solid, and never gone bankrupt. I'd be proud to see this project built here. (Costello)

**Response:** Comment noted.

**Comment 1.26:** This project will create thousands of construction jobs and generate millions and millions of dollars in tax revenue for the city of New York at a time when it needs it most. These are good wage jobs with benefits including health care. (NYCDC-Carpenters) The City as a whole will benefit from the job creation (both during construction and permanent) and significant tax revenue that the project will bring. (REBNY, NYCDC-Carpenters, MTDC)

**Response:** Comment noted.

**Comment 1.27:** The proposed project calls for a nominal increase in square footage, it eliminates the already approved 1.8 million-square-foot industrial studio and instead proposes a 97,000-square-foot grade school and 300 units of affordable housing. With the adjacent neighborhood zoned for 10-12 FAR, the 8.2 FAR of Riverside Center is modest. (MTDC)

**Response:** Comment noted. In addition, the Land Use, Zoning, and Public Policy and the Urban Design and Visual Resources chapters of the SEIS will assess the Proposed Project's consistency with the scale and density of surrounding land uses.

**Comment 1.28:** Retail is lacking in this new neighborhood and Extell's plans for stores and restaurants will serve both the tenants of the new buildings, community residents, and hotel as well as the nearby office and industrial buildings. The inclusion of more auto showrooms also makes sense as Eleventh Avenue has become New York City's auto row. (Gwertzman).

**Response:** Comment noted.

**Comment 1.29:** My husband and I love living on Riverside Boulevard and think that the whole area has been wonderfully developed. We enjoy the park and feel that it's almost like you have to live there to appreciate it. (Stark)

**Response:** Comment noted.

## 2. LAND USE, ZONING, AND PUBLIC POLICY

**Comment 2.1:** The Riverside South site is 74.6 acres, which includes the waterfront area along and into the Hudson River and an upland area of 56.1 acres. Although the *CEQR Technical Manual* guidelines provide that the land use study area should extend ½ mile from the project site boundaries, the Primary Study Area should extend to 72nd Street from Riverside Drive to Central Park West on the north, from 72nd to 59th Street along Central Park West on the east, and continue through Columbus Circle down Eighth Avenue on the east to 50th Street; and on the west extend along 12th Avenue south to 50th Street. The Secondary Study Area should extend north to 79th Street. These study areas would be more accurate in terms of land use description and impacts. (CB7)

**Response:** As described in the Draft and Final Scope of Work, the land use study area for the SEIS will extend ½ mile from the project site’s boundaries (see Figure 17 in Final Scope of Work). This distance, based on *CEQR Technical Manual* guidelines, defines the area in which the Proposed Project could reasonably be expected to create potential direct and indirect impacts. The proposed text amendments would apply to the Riverside Center project site and a limited number of sites beyond the project site (specifically, Riverside South Building O, West End Towers and 101 West End/ABC Studios). These sites are within a ½ mile of the project site, and therefore the study area is appropriate to evaluate potential significant adverse impacts to land use, zoning, and public policy. The areas beyond approximately a ½-mile radius from the project site would be more affected by other land use, zoning, and public policy influences.

**Comment 2.2:** The study area to assess the “Public Policy” impacts of approval of the proposed changes should be Citywide. That Extell’s proposed increases present a very significant citywide issue concerning all of the large-scale developments that have been approved by the City and are currently being considered by the City. The CPC and the City Council made a decision about the density of the entire Riverside South development in 1992 (including Lot N) with full knowledge of the underlying zoning and after consideration of the density of the surrounding developments in reaching their determination.

This determination constituted a pact with the local community and the RSPC. It is similar to the determinations and pacts that have been reached in numerous other large-scale developments that have been proposed to the city, such as the Brooklyn Waterfront, Atlantic Yards in Brooklyn and Manhattanville. Further, the city will consider a similar type of pact with respect to the Hudson Yards. If the CPC were to approve Extell’s request, it

## **Riverside Center Response to Comments on the Draft Scope of Work**

---

would suggest that no community or civic organization could rely on the agreements reached with city officials when considering these large developments. An approval of Extell's proposal would abandon earlier promises and set a bad precedent for the City. (RSPC, RPA)

**Response:** The proposed actions do not present changes to Citywide policy, nor do they have the potential to affect public policy Citywide. With the passage of time, conditions change, and the evaluation of new ideas and proposals in accordance with existing regulatory procedures including SEQRA/CEQR and ULURP is justified. The project sponsor and City are following a prescribed course of action in preparing an SEIS in accordance with SEQRA/CEQR to consider the environmental impacts resulting from proposed modifications to the previously-approved Riverside South development program, and in proceeding through the ULURP process, which provides an opportunity for the general public, the affected Community Board(s), and local elected officials to comment on the Proposed Project and related SEIS. See also response to Comment 2.1.

**Comment 2.3:** The Draft Scope of Work provides for 168,050 square feet of automobile showrooms below grade. The SEIS should (1) examine the number of auto showrooms that exist on or near Eleventh Avenue south of the site, and evaluate the need for additional showrooms at this site; (2) determine the exact services offered at the auto showrooms, including service stations, and analyze the environmental impacts of these; and (3) include an analysis of alternatives to this use, including but not limited to public sports complexes and recreational areas, university- and hospital-related biotechnology uses, legitimate theatres, rentable rehearsal spaces, community spaces and others. (CB7)

**Response:** The Scope of Work has been modified to indicate that the Proposed Project would include approximately 276,011 square feet of automobile showroom and service space. A majority of the showroom and service space would occur below grade; approximately 20,183 square feet of above ground retail space in Building 5 would be dedicated to showroom space. The SEIS will follow *CEQR Technical Manual* guidelines in assessing the potential for significant adverse environmental impacts resulting from the uses proposed by the project sponsor.

The project sponsor does not intend to provide public sports complexes and recreational areas, university- and hospital-related biotechnology uses, legitimate theatres, or rentable rehearsal spaces, so those uses will not be analyzed in the SEIS. See also the response to Comments 23.2, 23.4 and 23.6

**Comment 2.4:** The marine waste transfer station, the DSNY sanitation garage facilities, and the Con Edison plant abutting the lot are necessary where they are and are an impediment to residential development at the site. (CESD)

**Response:** The neighborhood is a mixture of residential, commercial, and industrial uses, and throughout the City residential uses exist and are allowed in proximity to these types of industrial uses. The analyses will consider the potential environmental impacts of the Proposed Project with respect to its proximity to these uses. The issues that may arise from these industrial uses include land use, traffic, air quality, noise, and hazardous materials.

### 3. SOCIOECONOMIC CONDITIONS

**Comment 3.1:** How many permanent jobs will be created from this project? (Turley)

**Response:** Formal estimates of the economic benefits of the proposed project (e.g., using input-output modeling to estimate direct and indirect jobs) are outside the Scope of Work and are not required for CEQR analysis. However, certain quantified impact analyses under CEQR, such as effects on open space, require estimates of project-generated worker population. Therefore, for purposes of impact analyses the SEIS will estimate permanent on-site operational employment based on standard industry employment density ratios.

**Comment 3.2:** Extell should make a commitment in the EIS to forego 421A tax abatements on their apartments, because presently every single apartment that has been built in Riverside South does not pay real estate taxes. (CALW-Lewton)

**Response:** Project financing and fiscal revenues are outside the scope of a CEQR analysis.

**Comment 3.3:** The Study Area for the socioeconomic analysis should be revised and expanded to include the recommended expanded land use study area: to 72nd Street from Riverside Drive to Central Park West on the north, from 72nd to 59th Street along Central Park West on the east, and continue through Columbus Circle down Eighth Avenue on the east to 50th Street; and on the west extend along 12th Avenue south to 50th Street. The Secondary Study Area should extend north to 79th Street. (CB7)

**Response:** Consistent with the *CEQR Technical Manual* guidelines, the socioeconomic study area will be patterned after the ½-mile land use study area, although adjustments will be made to better reflect Census boundaries (see Figure 18 of the Final Scope of Work). Also in accordance with the *CEQR Technical Manual*, depending on the results of the preliminary socioeconomic

## **Riverside Center Response to Comments on the Draft Scope of Work**

---

assessment or as a result of a detailed assessment, the study area may be enlarged, if warranted. See also the response to Comment 2.1.

**Comment 3.4:** The SEIS should include a study of the option of the affordable housing being permanent and being built physically interspersed with the market-rate apartments. (CB7)

**Response:** The SEIS analyses do not require details relating to the financing, physical dispersion, or the ongoing management of the affordable housing on the project site.

**Comment 3.5:** The SEIS should include an analysis of other possible affordable housing set-asides (20 and 30 percent in addition to 12 percent) in order to determine how those alternative set-asides would impact indirect residential displacement. (CB7)

**Response:** The SEIS analysis of socioeconomic conditions will assume a Reasonable Worst-Case Development Scenario that maximizes the amount of residential units that could be developed under the proposed actions (3,000 units), and assumes that 12 percent of those housing units (360 units) would be affordable. The assumption of additional possible affordable housing options as suggested by the commenter is not being examined as part of the SEIS. Consistent with *CEQR Technical Manual* guidelines, if the analysis identifies the potential for significant adverse impacts due to indirect residential displacement, then mitigation—including the provision of additional affordable housing—will be explored and documented in the SEIS.

**Comment 3.6:** To arrive at the number of affordable housing units implied by the various affordable housing set-aside percentages (of 12, 20, and 30 percent), the denominator should include the maximum possible residential allotment (which assumes the scenario in which all of Building 5—other than retail—is residential, rather than hotel). (CB7)

**Response:** The proposed modification to the 1992 Restrictive Declaration would extend the requirement to provide affordable housing equal to at least twelve percent of the number of units to Parcels L, M and N. The SEIS analysis of socioeconomic conditions therefore assumes a Reasonable Worst-Case Development Scenario that maximizes the amount of residential units that could be developed under the proposed actions (3,000 units), and assumes that 12 percent of those housing units (360 units) would be affordable. See also the response to Comment 1.13.

**Comment 3.7:** The SEIS should include the difference in indirect residential displacement depending on the timing of affordable housing construction. Under the 1992 Restrictive Declaration, the affordable housing component is assumed to be built at the end of construction period for the market rate units. This timing potentially increases the indirect residential displacement impact. CB7 would like to see an analysis of alternatives where the affordable housing units are constructed (i) in concert with the market rate units, (ii) before the market rate units, and (iii) at the end of the construction of market rate units. (CB7)

**Response:** The 1992 Restrictive Declaration required that a certain number of affordable housing units be built before a certain number of market rate units could receive temporary certificates of occupancy. The analysis of indirect residential displacement will be conducted for the analysis Build year of 2018, at which time all residential units (market rate and affordable) would be built.

**Comment 3.8:** The SEIS should include the possible indirect residential displacement of low, moderate, and middle income households. As detailed in Mayor Michael Bloomberg's PlaNYC 2030 and New Housing Marketplace Plan (NHMP), New York City must provide housing to a range of incomes. This range of incomes is based on the Area Median Income (AMI) of the New York Metro Area. According to the NHMP, Low Income is 0-80 percent of AMI, Moderate Income is 80-120 percent of AMI, and Middle Income is above 120 percent of AMI, and generally not exceeding 250 percent AMI. To ensure that Riverside Center advances the Mayor's goals (and ours) in terms of affordable housing, the Draft Scope of Work should mandate analysis of possible indirect residential displacement of Study Area households at 0 to 250 percent of AMI. (CB7)

**Response:** As described in the Draft and Final Scope of Work, the socioeconomic analysis of indirect residential displacement will apply *CEQR Technical Manual* methodologies in assessing the potential for significant adverse impacts. The analysis will consider relevant demographics of both the existing population and the population anticipated in the Future without the proposed actions, including development planned for other parcels of the Riverside South project. Consistent with *CEQR Technical Manual* guidelines, the analysis will focus on potential effects on populations particularly vulnerable to economic changes, including occupants of lower-rent housing or single-room occupancy (SRO) units.

#### **4. COMMUNITY FACILITIES AND SERVICES**

##### *SCHOOLS*

**Comment 4.1:** The SEIS must study an alternative with a new public school, in order to accommodate the additional students added by the project. (MBP)

**Response:** As stated in the Draft and Final Scope of Work, the SEIS will be analyzing the environmental impacts of the Proposed Project, which includes a new on-site public school. It is anticipated that the community facility space (of approximately 151,598 gross square feet) in the proposed Building 2 would be used for a public elementary and intermediate school, subject to the approvals and requirements of the New York City Department of Education (DOE) and New York City School Construction Authority (SCA). As clarified in the Final Scope of Work, while the full 151,598 square feet would be made available to DOE and SCA for future use as an approximately 1,332 seat public school, it is assumed that at a minimum, the school would contain approximately 360 elementary and 120 intermediate seats on the project-site to accommodate the projected number of students generated by the proposed project. At some agreed-upon time prior to the start of construction of Building 2, the SCA would determine whether or not to exercise the option of developing the remaining space for use as a public school. If SCA decides not to exercise this option, the remaining zoning floor area allocated to the public school would either include other community facility space or would not be built. With respect to community facilities, the minimum number of new school seats (480 seats) will be analyzed in the SEIS for a more conservative analysis.

**Comment 4.2:** Since public elementary schools are required to accept any students who live within the boundaries of a catchment zone surrounding the school, the analysis of the impact of the addition of the proposed development should use three study areas that are linked to catchment zones rather than a simple radius from the development. The study areas should be:

- (i) the catchment zone for P.S. 191, adjusted for changes to take effect in September 2010 based on the recent re-zoning process in Community School District 3 (CSD 3). Since the proposed development will reside within this school's catchment, this should be a single focus of assessment.
- (ii) the catchment zone for PS 199, also adjusted for changes to take effect in September 2010. This school's historic overcrowding, and the impact of the development of other sections of Riverside South, should be used as both a benchmark and a source for additional overcrowding in future years.
- (iii) The entirety of CSD 3 south of 110th Street.

The recent re-zoning process in CSD 3 definitively demonstrated that the impact of overcrowding in one catchment zone spills over to the other schools in CSD 3. Catchment zones for schools as far north as 109th Street were affected by the need to remedy overcrowding in the southern portion of the District. (CB7)

The SEIS should account for the overcrowding and relocation of the local schools. Due to overcrowding, both the Anderson School and the Center School are being relocated. (Rosenthal)

**Response:**

Consistent with *CEQR Technical Manual* guidelines, the SEIS analysis will use two study areas for elementary schools—a ½-mile study area, which encompasses PS 191 and PS 199; and Subdistrict 1 of CSD 3. This methodology has been updated since the issuance of the Draft Scope of Work, which specified a ½ mile study area and CSD 3 as a whole. This will provide for a more conservative analysis than using CSD 3 as a whole. The updated methodology has been reflected in the Final Scope of Work. As noted by a commenter, the impact of overcrowding in one catchment zone can spill over to other schools. The ½-mile study area used in the analysis will therefore better account for this possibility, and will capture a larger number of other planned projects in the area that will also place demands on public elementary schools. The SEIS assessment will account for the recent school catchment area re-zoning process as part of the future conditions assessments (both without and with the Proposed Project), as these rezonings will not take effect until the 2009-2010 school year, and baseline schools data is for the 2008-2009 school year. The SEIS will account for the relocation of both the Anderson School and the Center School in its assessment of potential impacts.

**Comment 4.3:**

Unlike elementary schools, there is no zoned catchment middle school in CSD 3. Rather, students compete for placement according to their preferences and various criteria in a District-wide “Middle School Choice” process. Assessing the impact of the proposed development on the closest neighboring middle school (Hudson Honors Middle School, in the P.S. 191 building), would yield skewed results, since there is no guarantee or way to predict at which school a resident of the proposed development would be accepted and attend. Accordingly, the only correct study area for assessing the impact of the proposed development on middle school enrollment is CSD 3 in its entirety. (CB7) The SEIS should consider that our middle schools are overcrowded. (Rosenthal)

**Response:**

As described in the Final Scope of work and consistent with *CEQR Technical Manual* guidelines, the SEIS will use two study areas for middle schools: a ½-mile study area that encompasses PS 199; and Subdistrict 1 of CSD 3. This will provide for a more conservative analysis than using only

## **Riverside Center Response to Comments on the Draft Scope of Work**

---

the CSD 3 area as suggested by the commenter. See also response to Comment 4.2.

**Comment 4.4:** Additional residential development must be assessed as to school need. The SEIS must include both additional residential units that have been constructed or commenced since 1992, as well as those projects that have been announced or have been approved, but have not begun construction. Projected construction up to the Build Year of 2018 must be included in periodic updates and reporting as to impacts, as described elsewhere in the Draft Scope of Work. New residential development sites include the Fordham University campus, which is in the same school catchment zone as the Proposed Project. This approach is essential for an accurate assessment of the impact of the proposed development in context. (CB7) The SEIS should take into account that 2007 was a baby boom year. (Rosenthal)

**Response:** Following the methodology of the *CEQR Technical Manual*, the public schools analysis will consider the most recent capacity, enrollment, and utilization rates for elementary and intermediate schools in the study areas. The future utilization rate for school facilities will be calculated by adding the estimated enrollment from proposed residential developments in the school study areas to DOE's projected enrollment, and then comparing that number with projected school capacity. Because DOE's enrollment projections are based on broad demographic trends and do not explicitly account for discrete new residential developments planned for the study area, the additional populations from the new projects expected to be completed within the study area will be added to ensure a more conservative prediction of future enrollment and utilization.

**Comment 4.5:** The SEIS assessment should include common spaces. Regardless of the metrics used by DOE, the SEIS should assess the impact of the proposed development on schools by taking into account the demands on common spaces such as cafeterias, gyms, science labs, art rooms, and playground and outdoor spaces. These are core components of a well-rounded education, and are surely to be required by the families expected to populate the proposed development, as well as be subject to pressure to conversion to classrooms for lack of space (as indeed has already happened at P.S. 199). (CB7)

**Response:** The SEIS will follow *CEQR Technical Manual* methodologies in assessing the potential for significant adverse impacts to school capacity. The *CEQR Technical Manual* methodologies focus on potential excess or deficiency of available seats (i.e., utilization), which is a metric that indirectly accounts for demand on common spaces.

**Comment 4.6:** In addition to assessing the impact of residential development on schools using the metrics provided by CEQR and/or the DOE, the SEIS should study the impact by computing the number of students added to P.S. 199's enrollment since 2000, and extrapolate a separate conversion factor to predict enrollment based on residential units constructed. The actual experience with another portion of the same overall development location should not be lost in the SEIS process, but rather we should benefit from both anticipated and actual experience. (CB7)

PS 199 has seen unprecedented growth. From 2004 to 2008 the kindergarten class size nearly tripled from 60 students to 160 students. The Parents Association determined that three-quarters of this increase (120 of 160) came from Riverside South, and not all of the buildings are occupied yet. This increase directly necessitated relocating a middle school from PS 199 building and adjusting catchment boundaries in District 3 all the way up to 110th Street. Apartments are being built, families are moving in and children will be going to our schools. More seats will be needed. The City needs to consider this information when they plan and project school populations. (Lipkin, CB7)

**Response:** The SEIS will follow *CEQR Technical Manual* methodologies in assessing the potential for significant adverse impacts to school capacity. DOE's most recent capacity, enrollment, and utilization rates for elementary schools and intermediate schools in the area—which will be used for the SEIS analysis—capture the demand generated by current residents of the Riverside South project. See also the response to Comment 4.4.

**Comment 4.7:** The FEIS concludes that the new development would generate 726 to 844 public school students. The actual new burden on the local school system may be larger because a larger-than-expected percentage of students have opted for the public schools. The FEIS states that this need would be a unmitigated significant adverse impact if space for 600 students was not provide in buildings on Parcels I, J or K. To date this space has not been provided. The new proposal by the developer for Parcels L, M, and N will increase this burden on the local schools by an additional 660 students.

In light of the failure to develop a school, the Scope of Work should require consideration of the total impacts of all of the residences in the overall development as currently built and proposed (almost 7,500 units). In considering mitigation for identified significant adverse impacts, Extell should recognize that the new school space is needed now and the local community should not have to wait until 2018, the year the developer plans to complete the project, for the new school space. Accordingly, Extell should consider the mitigating impacts of providing the school space in the buildings on Parcels J or K, or by a time certain. Further, the mitigation

## **Riverside Center Response to Comments on the Draft Scope of Work**

---

action should not be dependent on action by the Department of Education, as was the case in 1992, given the failure to develop school space to date. Rather, it should be an absolute requirement on the developer. (RSPC, Servetar, Freeman, NRDC, CB7, Bystry, Lipkin, Stark, Sametz, Rosenthal, Sholein)

The SEIS should include Alternatives that analyze a school being completed after two residential buildings are completed, after four residential buildings are completed, and at the contemplated Build year of 2018. These alternatives for the Build Year for a school should be analyzed because of the obvious need for a new school in the immediate next years. (CB7)

### **Response:**

The 1992 Restrictive Declaration recorded in connection with approval of the original Riverside South general large-scale development, contains obligations with respect to various issues, including notification to the Department of Education of the provision of space for a public school. The Applicant fulfilled that obligation in offering a portion of Site I for a public elementary school in 2006, but that offer was declined by the Department of Education.

As mentioned above, the SEIS will be analyzing the environmental impacts of the Proposed Project, which would include a new on-site public school. It is anticipated that the community facility space (of approximately 151,598 gross square feet) in the proposed Building 2 would be used for a public elementary and intermediate school, subject to the approvals and requirements of the New York City Department of Education (DOE) and New York City School Construction Authority (SCA).

The public school analysis in the SEIS will include the public school demand generated by the Proposed Project, the existing Riverside South residents, and residents that will occupy Riverside South buildings constructed and operating by 2018. Following the *CEQR Technical Manual* guidelines, the analysis will use DOE's most recent capacity, enrollment, and utilization rates for elementary schools and intermediate schools in the area, which capture the current demand generated by residents of the Riverside South project. The future utilization rate for school facilities will be calculated by adding the estimated enrollment from proposed residential developments in the school study areas to DOE's projected enrollment, and then comparing that number with projected school capacity. Because DOE's enrollment projections are based on broad demographic trends and do not explicitly account for discrete new residential developments planned for the study area, the additional populations from the new projects expected to be complete within the study area will be added to ensure a more conservative prediction of future enrollment and utilization.

As described in the Draft and Final Scope of Work, the analysis of the Proposed Project will be performed for the expected year of completion of

the project, which is 2018. However, since the proposed development would be built out over an approximately nine-year period, some buildings would be completed before 2018 and could result in significant adverse impacts prior to completion of the full development program. The discussion of mitigation measures in the SEIS will therefore describe the level of development under the proposed plans that would generate significant adverse impacts, including such impacts on schools.

**Comment 4.8:** The Restrictive Declaration requires the developer to provide a minimum of 50,000 square feet of “community facility” space in addition to 60,000 square feet of school space. Neither requirement has been met by the developer. The requirement to provide the “community facility” space should be addressed in this part of the SEIS. (RSPC)

**Response:** Community facility space has been provided as part of existing Riverside South buildings (Buildings A through I). Currently, approximately 22,500 gross square feet is occupied. The developer continues to work to fully meet this obligation by seeking additional community facility tenants.

As mentioned in Response 4.7 above, the project sponsor has fulfilled the 1992 Restrictive Declaration requirement with respect to the provision of a school site (sufficient to accommodate 60,000 square feet of floor area), with the notification to the Department of Education that a school site would be made available on Site I. The offer was declined by the Department of Education.

While the 1992 Restrictive Declaration obligation has been met, the project sponsor is proposing, as part of the Proposed Project, to provide at a minimum, a public school of approximately 75,000 gross square feet (480 seats) on the project site. See also the response to Comment 4.1.

**Comment 4.9:** The SEIS should include a financial analysis of the developer paying for the capital costs of building a school. (CB7) The developer should build the exterior and interior of a school and give it to the City. (Rosenthal)

**Response:** The financial analysis requested by the commenter is outside the scope of CEQR analysis.

*CHILD CARE*

**Comment 4.10:** The SEIS assessment of the impact of the development on day care should be broadened to include its impact on Head Start, universal pre-K and other pre-K offerings in the same study areas as for Schools. These are all essential needs of working families both within and beyond the proposed development. (CB7)

## **Riverside Center Response to Comments on the Draft Scope of Work**

---

The assessment of the impact of the proposed development should likewise include the effects of the additional school-aged population on after school offerings in the likely affected areas being the same three study areas proposed for schools. Like day care, pre-K and Head Start, after school programs are an essential element of a school-aged child's experience and therefore of the success of the proposed program. (CB7)

**Response:** Consistent with the *CEQR Technical Manual*, the SEIS will consider the project's potential impacts on publicly funded child care facilities, including publicly-funded Head Start programs. Potential effects on universal pre-K, other pre-K offerings, and after school programs are outside the scope of a CEQR assessment. It should also be noted that the methodology with respect to child care facilities has been updated since the issuance of the Draft Scope of Work. The updated methodology has been reflected in the Final Scope of Work.

### *LIBRARIES*

**Comment 4.11:** The addition of the proposed development population should be assessed against the existing facilities at the nearest branch using the latest metric developed by the New York Public Library (NYPL) to determine when a new branch is required for an underserved community. The branch assessment should take into account the impact of the proposed development assuming alternatively that the branch will be open 5 days per week and 6 days per week, given the inconsistency of funding for the 6 day opening and the historical experience with such funding. (CB7)

**Response:** The SEIS will use *CEQR Technical Manual* methodologies and metrics to determine the potential for significant adverse impacts on libraries. The assessment will consider the Proposed Project's potential effects on the Columbus and Riverside Libraries, which are branch libraries located within  $\frac{3}{4}$  of a mile from the project site. However, the *CEQR Technical Manual* methodologies for assessing impacts do not suggest or require information relating to days of operation.

**Comment 4.12:** The impact of the additional development should also be assessed in connection with the anticipated increase in usage of the Donnell Library (as and when re-opened), the Mid-Manhattan Library, the Library of Performing Arts, and the Library of Science and Engineering, since those specialty branches provide resources needed by middle and high school students not typically available at neighborhood branches. (CB7)

**Response:** Consistent with *CEQR Technical Manual* guidelines, the SEIS library analysis will be based on branch libraries within an approximately  $\frac{3}{4}$ -mile radius of the Proposed Project site. The Donnell Library (when re-opened),

the Mid-Manhattan Library, the Library of Performing Arts, and the Library of Science and Engineering are not branch libraries within a ¾-mile radius of the Proposed Project site, and therefore will not be included in the analysis.

*OTHER COMMUNITY FACILITIES*

**Comment 4.13:** The SEIS should include an analysis of all types of community facilities that reflect the needs of a variety of demographic groups, including seniors. (CB7)

**Response:** As described in the Draft and Final Scope of Work, the SEIS will analyze the extent to which the development and zoning actions as currently proposed could potentially result in any significant adverse impacts not previously identified in the 1992 FEIS. The proposed plan provides for community facility space that would accommodate a public elementary and intermediate school. The Community Facilities assessment in the SEIS will follow *CEQR Technical Manual* guidelines in addressing the project's potential effects on police and fire services, public schools, libraries, health care facilities, and day care centers.

**5. OPEN SPACE**

**Comment 5.1:** In calculating the Open Space ratios, the SEIS should exclude the Fordham Lincoln Center plaza from the computation of open space ratios. This is appropriate both because Fordham has proposed altering the nature and character of the "open space" on its site as part of its long-term redevelopment program, and because of the unwelcoming nature of that plaza. (CB7)

**Response:** As described in the Draft and Final Scope of Work, the open space chapter will describe the condition and use of publicly accessible open spaces in the study areas, and assess expected changes in future levels of open space supply and demand in 2018, based on other planned development projects within the study areas. Open spaces that are not publicly accessible or available to a limited number of people will not be included in the quantitative analysis. The Fordham Lincoln Center Campus contains two open, grassy plazas, built over the Quinn Library, one level up from the street. The larger plaza was historically known as Robert Moses Plaza, and the smaller one is known as St. Peter's Garden. Although these facilities are made available to the public, they are not perceived as publicly accessible. Because these plazas are elevated and are open to the public at Fordham's discretion, neither will be included in the open space analysis. Similarly, the elevated open space plazas planned by 2014 as part of Fordham's master plan development campus will not be included in the open space analysis.

## **Riverside Center Response to Comments on the Draft Scope of Work**

---

However, an interim plaza planned for Fordham’s campus along Ninth Avenue between West 60th and 61st Streets will be developed by 2014 and is required to be public. Due to the interim nature of the open space, it will only be considered qualitatively as part of the open space analysis.

Lincoln Center Plaza (aka Josie Robertson & North Plaza, between the theaters at Lincoln Center) will be included in the open space analysis.

**Comment 5.2:** The SEIS should exclude roadways and essential circulation areas proposed for Parcels L, M and N from the computation of open space ratios. This exclusion recognizes that space adjacent to entrances and access ways to large-scale developments does not effectively serve as either active or passive open space. It also takes into account the shift from an emphasis on “park land” to “open space,” whose uses are not analogous in all cases. (CB7)

**Response:** The SEIS will not include roadways and essential circulation areas proposed for Parcels L, M and N in the quantified estimates of project-generated open space acreage and open space ratios. Please see also the response to Comment 1.15.

**Comment 5.3:** The qualitative assessment required in the SEIS commands a larger study area, including the impact upon and need for playgrounds and other child-friendly public park amenities needed for the addition of significant numbers of apartments whose size and configuration is expected to appeal to families with children. Therefore we recommend that the “active” and “passive” open space study area be expanded to a radius of not less than 1 mile (excluding the river beyond the waterfront along the park). (CB7)

**Response:** The open space analysis will follow *CEQR Technical Manual* guidelines in delineating open space study areas. The Proposed Project has the potential to add both substantial worker and residential populations to the project site. Therefore, as recommended in the *CEQR Technical Manual*, two study areas will be used—a commercial (¼-mile) and residential (½-mile) study area.

The open space analysis will include a qualitative assessment that considers the availability of open space resources outside the ½-mile area, as well as the demographics of the study area population, in evaluating the appropriateness and adequacy of existing and proposed open spaces.

**Comment 5.4:** Extell’s presentation to the community highlighted that its design was motivated in part to continue the visual line of 60th Street westward, and to have it “anchor” the view along that street. A study area of only 400 feet along 60th Street for computing ratios of open space ignores the

significance placed on that vista and space by the developer. The SEIS should expand assessment of the “passive” open space at least to Columbus Avenue on 60th Street. (CB7)

**Response:** The open space analysis and associated open space ratios are based on ¼-mile and ½-mile study areas surrounding the project site, not a 400-foot study area. The larger (½ mile) study area extends beyond Columbus Avenue on West 60th Street. Regarding study area boundaries for the Urban Design and Visual Resources analysis, please see the response to Comment 8.1.

**Comment 5.5:** The SEIS should study the impact of the requested Riverside Center on Riverside Park South if the Miller Highway were buried, as contemplated by the 1992 Restrictive Declaration. (CB7, Boxer, RPF)

If the elevated Miller Highway remains in place, more than one-third of the public waterfront park acreage (or more than 8 acres) will be under the elevated structure, severely restricting the park’s utility by limiting the available open space, producing noise and air pollution from car traffic, and forcing cyclists and rollerbladers to travel under the shadows of a looming, dangerous roadway. Major pieces of the viaduct structure and debris have fallen on the park area below the viaduct. (RSPC, NYFP, FORPS, Rosenthal)

Additional usable parkland and open space access to the waterfront for the community is a critical element of responsible urban planning that is essential for the vitality of our community. (FORPS)

The SEIS should study how the enormous new residential population of Riverside Center, as well as its other impacts, including commercial users, shadows, etc., would impact Riverside South Park if the highway were buried. (CB7)

**Response:** Please see the response to Comment 1.18.

**Comment 5.6:** Extell proposes to increase the number of on-site residents who will in turn create more demand for park space in an area that was characterized by the 1992 FEIS as not meeting City guidelines for access to park space. In addition, approximately 8 acres of originally proposed park will be lost if the Miller Highway is not relocated. (RSPC)

Is the provision of open space for recreation and other community uses at Riverside Center in line with other development projects that are taking place in Manhattan? (Casa)

**Response:** The SEIS will assess the Proposed Project’s effects on open space conditions by comparing open space inventories and open space user

## **Riverside Center Response to Comments on the Draft Scope of Work**

---

populations with and without the Proposed Project. As described in the Draft and Final Scope of Work, the open space chapter will describe the condition and use of publicly accessible open spaces in the study areas, and assess expected changes in future levels of open space supply and demand in 2018, based on other planned development projects within the study areas.

With respect to benchmarking, as part of the quantified analysis, the ratio of useable open space acreage to the study area population—referred to as the open space ratio—is compared to guidelines established by DCP. However, these goals are often not feasible for many areas of the City, and they do not constitute an impact threshold. Rather, they act as a benchmark to represent how well an area is served by its open space.

With respect to the relocation of Miller Highway, please see the response to Comment 1-18.

**Comment 5.7:** The Draft Scope does not address Park Design or Waterfront Park Access directly. The plan for the overall development project was to integrate the new buildings with the existing neighborhood, and not to create a secluded “enclave” feel. The degree to which the open space on Parcels L, M, and N are welcoming and inviting, both visually and aesthetically, will likely play a large role in determining whether this private open space adequately performs any of the functions of successful public park space, or whether it will be viewed as a private plaza welcoming only of those who reside in the developed area. The impact of the proposed plantings and built structures and fixtures planned for the open space between buildings on Parcels L, M, and N should be qualitatively evaluated to consider the strength of the tie-in promised between the neighborhood and the Park. Further, the relative height (vs. the street), arrangement and configuration of the open space between buildings should be assessed qualitatively to explore the extent to which the public will view the open space as available for their use. The study should perform this analysis including as alternatives the possibility that retail operations bordering the open space will use it for commercial activities (such as outdoor restaurants/cafes, outdoor displays, or private functions). (CB7, RPF)

**Response:** As described in the Draft and Final Scope of Work, the SEIS will compare future conditions without and with the Proposed Project by describing the programming elements of the new open space and evaluating its effects on capacity, overall conditions, and open space distribution within the study areas. The Final Scope of Work has been amended to specify that the assessment of open space conditions will include a discussion of the proposed open space’s arrangement, configuration, points of access, hours of accessibility, programming, and whether the open space meets the goals

and objectives of the Proposed Project in serving as a physical and visual link to the waterfront.

**Comment 5.8:** Is there a way to improve access from Riverside Center to the existing part of Riverside Park? (Boxer)

The SEIS should address direct and easy access to Riverside Park South, not just for residents of Riverside South, but for the broader neighborhood and community. (RPF)

It is hard to get to Riverside Park. (Rosenthal)

**Response:** The Open Space analysis will consider visual and physical access and connections to existing and planned open space resources, including Riverside Park.

**Comment 5.9:** The proposed 3.2 acres of public space is a wonderful gift to the residents, office dwellers, shoppers, and visitors to the area. DCP should work with Extell so I can walk another mile on my waterfront stroll in this new neighborhood. (Gwertzman)

**Response:** The Open Space analysis will consider visual and physical access and connections to existing and planned open space resources. The Final Scope of Work clarifies that the Proposed Project would introduce approximately 2.75 acres of publicly accessible open space.

**Comment 5.10:** I am very impressed by the fact that there is a park in the middle of the proposed development that is a much larger public space than the ones that currently exist between the buildings on Riverside Boulevard. (Sholein)

**Response:** Comment noted.

## 6. SHADOWS

**Comment 6.1:** The identification of the impacts of the shadows should not be limited to “sun-sensitive landscape elements and activities.” The *CEQR Technical Manual* requires the consideration of the introduction of significant new shadows over a historic building such as the 59th Street Power Plant. (RSPC)

Any windows and skylights of the IRT Powerhouse ought to be sun-sensitive features. (MAS)

**Response:** The Shadows analysis will follow the Scope of Work and *CEQR Technical Manual* guidelines in assessing the potential for significant adverse impacts resulting from project-generated shadows. According to the *CEQR Technical Manual*, an analysis should assess the effects of project-generated

## **Riverside Center Response to Comments on the Draft Scope of Work**

---

shadows falling on an historic resource if the features that make the historic resource significant depend on sunlight. An example of such a feature cited in the *CEQR Technical Manual* are stained-glass windows of an historic church building. Another example would be the grounds of an historic cemetery, or other landscape element with vegetation. The historic significance of the 59th Street Power Plant is not dependent on the amount of light cast on the building; therefore, the Shadows analysis will not assess the effects of shadows on this historic resource.

**Comment 6.2:** The Draft Scope of Work focuses on evaluating the impact of shadows only on “sun-sensitive” landscape elements, historic resources and natural resources, and this is too limited. Such an approach eliminates from consideration the pervasive impact of the shadows expected to be generated throughout the year from extraordinarily tall buildings on the surrounding neighborhood. Those shadows will affect residents and visitors to the neighborhood as they walk on the streets, use playgrounds and park land, attend public schools, and visit local attractions and places of note. The addition of morning shadows may also have an effect on users of Riverside Park South, particularly in the morning hours. (CB7)

The *CEQR Technical Manual* requires a study of whether that proposed action will result in a shadow being cast on a natural feature, among other places like open spaces and historic resources. The definition of a natural resource includes rivers. The scope, as written, is not clear with regard to whether the study will include impacts of shadows cast on the Hudson River. Furthermore, for the purposes of the shadow study, the River should be considered not only a natural resource, but also an open space and recreational area. (MAS)

**Response:** The Shadows analysis will follow the *CEQR Technical Manual* guidelines in assessing the potential for significant adverse impacts resulting from project-generated shadows. As described in the *CEQR Technical Manual*, an adverse shadow impact is considered to occur when the shadow from a proposed project falls on a publicly accessible open space, important natural feature, or historic landscape or other historic resource if the features that make the resource significant depend on sunlight, and adversely affects its use and/or important landscaping and vegetation or, in the case of historic resources, obscures the features or details that make that resource significant. In general, shadows on City streets and sidewalks or on other buildings are not considered significant under CEQR. The SEIS will consider all potentially affected resources as described above, including publicly accessible playgrounds, park lands, and outside play areas. The analysis will include consideration of Riverside Park South and portions of the Hudson River. The Alternatives analysis will compare the effects of

shadows from the Proposed Project with those generated by a No Action and Lesser Density Alternative.

**Comment 6.3:** Consider computing the length and duration of shadows cast by buildings of the scale and density proposed at their longest, shortest and median lengths throughout the year, and compare those with the site as originally proposed, and with the alternative of not building on the site, as well as of the Lower Density Build Scenario. (CB7)

**Response:** The Shadows analysis will follow the *CEQR Technical Manual* guidelines in selecting representative times of day and times of year appropriate for analysis. The Shadows analysis will compare the incremental shadows generated by the Proposed Project as compared to the shadows generated by the FEIS program for parcels L, M, but with no new development on Parcel N (i.e., No Build Scenario 2 as described in the Draft and Final Scope of Work) because this is the most conservative analysis (i.e., it results in the greatest amount of project-generated incremental shadows). In addition, the Alternatives analysis will compare the effects of shadows from the Proposed Project with those generated by a No Action and Lesser Density Alternative.

**Comment 6.4:** The current plan for Parcels L, M, and N provides only a limited, private park that is dominated by the shadows of the tall buildings. (RSPC) The park should be south of the proposed buildings so that it will get sunlight. (Rosenthal)

**Response:** As specified in the Final Scope of Work, the Proposed Project would introduce to the project site approximately 2.75 acres of publicly accessible open space. The Shadows analysis in the SEIS will describe the shadows that would be cast on this new open space; however, the determination of impact significance will not consider the effects of shadows on open spaces introduced by the Proposed Project.

## 7. HISTORIC RESOURCES

**Comment 7.1:** According to the *CEQR Technical Manual*, for actions that are highly visible and can be perceived from more than 400 feet, the study area for architectural resources must too be extended. Given the height of the proposed buildings, they will be visible from more than 400 feet. Therefore, there is a potential for adverse visual impacts to historic resources and for shadows outside of the 400 foot perimeter. The study area should be ½ mile. (MAS)

**Response:** The Historic Resources analysis will follow the *CEQR Technical Manual* guidelines in assessing the potential for significant adverse impacts on historic resources. The *CEQR Technical Manual* states that a larger study

## **Riverside Center Response to Comments on the Draft Scope of Work**

---

area may be appropriate for actions “that result in changes that are highly visible and can be perceived from farther than 400 feet *and* could affect the context of historic resources some distance away.” These conditions will be considered when defining the appropriate study area for historic resources in the SEIS.

**Comment 7.2:** All known and potential historic resources must be identified in the study area and project area, not only those that could be directly impacted. The range of possible effects needs to be analyzed on all of the potential and known resources. Limiting the scope of review to a small subset of buildings is to inadequately consider the project's full range of potential impacts. The results of the survey should be given to both the New York Landmarks Preservation Commission and the State Historic Preservation Office so that they may determine the eligibility of the resources. Both of their determinations should be included in the SEIS. (MAS)

**Response:** As stated in the Draft and Final Scope of Work, any properties within the study area that appear to meet eligibility criteria for listing on the State and/or National Registers of Historic Places or for designation as New York City Landmarks (NYCL) will be identified. LPC will be consulted for determinations of eligibility of any potential resources that may be identified within the study area. As outlined in the *CEQR Technical Manual*, where designated New York City Landmarks or properties already calendared for designation are involved, the lead agency must coordinate with LPC. When properties listed on or formally determined eligible for the State and/or National Registers, or National Historic Landmarks are involved, coordination should take place with either LPC or SHPO. Coordination with both LPC and SHPO may be required if a property is a New York City Landmark and listed on the State and National Registers. If any such resources are identified within the study area, both LPC and SHPO will be consulted. Coordination with SHPO is also required for actions that fall within state or federal jurisdiction (i.e., funded, licensed, or regulated by a state or federal agency). No State or Federal permits are required for development on the Project site. However, based on preliminary analyses, the project sponsor is discussing with Con Edison modifications to the Con Edison 59th Street Station, located south of the project site, to address air quality issues. Such modifications would be subject to approval by the New York State Department of Environmental Conservation (NYSDEC). NYSDEC will consult with SHPO as appropriate in connection with the issuance of any such approval. The potential for impacts on any known or potential architectural resources within the study area will be assessed in the SEIS.

**Comment 7.3:** The SEIS should study the direct and contextual impacts to the IRT Powerhouse at 600 West 59th Street. The IRT Powerhouse, completed in 1904, was designed by Stanford White of the world-renowned architectural firm, McKim Mead & White. It should be considered of exceptional historic and architectural significance. (MAS)

The 59th Street Power House is worthy of landmark status, has been twice heard by the New York City Landmark Preservation Commission, and has been determined eligible for the State and National Registers of Historic Preservation. There is the prospect for one of New York's most glorious buildings to be rehabilitated and adaptively reused as a fresh, sustainable planning vision for this burgeoning part of the city. We urge DCP to really grab onto this opportunity and explore the full potential of this site. (Landmark West)

**Response:** As stated in the Draft and Final Scope, the potential for impacts on any known or potential architectural resources, including visual and contextual impacts, will be assessed in the SEIS. Since the Consolidated Edison Power House (former Interborough Rapid Transit [IRT] Power House) is a known resource within the study area (this resources was listed as a known resource in the 1992 FEIS), it will be included in the assessment of historic architectural resources in the SEIS. The 59th Street Power House is not owned or controlled by the project sponsor, and the potential rehabilitation and adaptive reuse of the site is not being considered by the project sponsor. Therefore, consideration of such reuse of the Power House is outside the scope of this analysis. The Historic Resources and Urban Design and Visual Resources analyses in the SEIS will consider the potential effects of the Proposed Project on the public views and context of this resource within the neighborhood.

## 8. URBAN DESIGN AND VISUAL RESOURCES

**Comment 8.1:** The study area for urban design and visual resources should extend approximately ½ mile from the project site, not ¼ mile. (CB7)

**Response:** The primary study area for the Urban Design and Visual Resources analysis will be approximately 400 feet from the project site. As amended in the Final Scope of Work, a secondary study area will also be assessed, roughly encompassing the area evaluated in the 1992 FEIS with a modification of the northern boundary. Since the northern extent of the project site is West 61st Street, the northern boundary of the secondary study area has been set at West 66th Street. The east, south, and west boundaries of the secondary study area will be the same as those analyzed for visual context in the FEIS: Eighth Avenue/Central Park West, West 52nd Street, and the Hudson River. This is an appropriate study area given the size of the Proposed Project

## **Riverside Center Response to Comments on the Draft Scope of Work**

---

within the context of this neighborhood, which is already densely developed.

**Comment 8.2:** Any Urban Design analysis should take into account the heights of the proposed buildings, the requested waivers being requested, the use of glass as the major building material, street access and circulation and access to the waterfront park. (CB7)

**Response:** The Urban Design analysis will follow the *CEQR Technical Manual* in assessing the potential for significant adverse impacts. Under CEQR, the heights of the proposed buildings, the requested waivers, street pattern and street hierarchy are all considered in assessing potential impacts, and will be evaluated in the SEIS. The building materials for the proposed buildings will also be described to the extent that information is known, and the SEIS will present a number of illustrative renderings of the Proposed Project.

**Comment 8.3:** The current plan for Parcels L, M, and N buries the view of the Con Edison Power Plant and creates a “dead end” at 59th Street and the waterfront. (RSPC) I hope that the view corridor from West 60th Street will not be blocked. (Trichter)

**Response:** The Urban Design and Visual Resources analysis will evaluate the Proposed Project’s effects on visual resources and surrounding view corridors (including the Con Edison Power Plant at 59th Street and the waterfront), in comparison to the potential effects for No Build Scenarios 1 and 2.

**Comment 8.4:** The proposed plan is very sterile. It does not add beauty and should be trimmed way back. (Steinberg)

**Response:** The Urban Design and Visual Resources analysis will assess the Proposed Project’s density in the context of the surrounding area, as well as the Proposed Project’s effects on public views to visual resources in the surrounding area.

**Comment 8.5:** These undeveloped parcels—L, M, and N—are a bridge between the midtown skyscrapers and the industrial waterfront of Clinton and the residential neighborhoods to the north. This site can sustain tall buildings and is not out of context as it borders on midtown. (Gwertzman)

**Response:** The Land Use, Zoning, and Public Policy analysis in the SEIS will examine the proposed uses in context with surrounding uses, and the Urban Design and Visual Resources analysis will consider height and bulk in the context of surrounding buildings and the study area more broadly.

**Comment 8.6:** The Proposed Project looks like a tiny Battery Park City. It is not appropriate for the Upper West Side. (Rosenthal)

**Response:** The Urban Design and Visual Resources analysis in the SEIS will consider the Proposed Project's effects on all of the components that comprise urban design, including streetscape and building bulk.

## 9. NEIGHBORHOOD CHARACTER

**Comment 9.1:** The Draft Scope states that it will “assess and summarize the Proposed Project's impacts on neighborhood character using the analysis of impacts as presented in other pertinent SEIS sections.” The studies conducted in the other impact categories were not analyzed in light of neighborhood character—they were analyzed in light of that impact category. Therefore, it is insufficient to rely upon the “key findings” in the analyses of other impact categories. The SEIS should analyze the project's impact upon neighborhood character in light of that impact category, and should not simply be a summary of other impact category analysis. (MAS)

**Response:** The Draft and Final Scope states that the SEIS will assess and summarize the Proposed Project's impacts on neighborhood character *drawing* on the analysis of impacts in various other SEIS chapters, since according the *CEQR Technical Manual*, there are several elements that combine to create the context and feeling of a neighborhood. The assessment will first describe the predominant factors that contribute to defining the context or character of the area, and then consider how the Proposed Project could affect that context. The *CEQR Technical Manual* states that an assessment of neighborhood character is generally needed when the action would exceed the preliminary thresholds for neighborhood character, which includes the consideration of land use, urban design, visual resources, historic resources, socioeconomic conditions, traffic, and noise. Therefore, the SEIS will consider the Proposed Project's effects in these areas to assess their combined impacts on neighborhood character.

**Comment 9.2:** The Central Business District starts south of 59th Street; therefore neither “suburban” nor “midtown” uses are appropriate for Parcels L, M, and N and for this development on the Upper West Side. We appreciate that the project no longer includes a big box retail use. Neighborhood character and neighborhood retail, appropriately defined in a changing economic climate and current socioeconomic trends, should be the standard for retail uses.

The SEIS evaluation of the impacts of commercial and retail uses on the southern sites should include an analysis of the retail needs for the entire Riverside South project, as well as the loss of neighborhood retail between 72nd and 59th Streets. (CB7)

## **Riverside Center Response to Comments on the Draft Scope of Work**

---

**Response:** The Neighborhood Character analysis in the SEIS will focus on the Proposed Project's effects on neighborhood character within both the Upper West Side and Clinton Neighborhoods. The type and distribution of retail, and their effect on socioeconomic conditions and neighborhood character, will be considered as part of the Socioeconomic Conditions and Neighborhood Character analyses in the SEIS.

**Comment 9.3:** The proposed below-grade automotive uses raise serious questions as to their need and appropriateness in this location. (CB7)

**Response:** The proposed uses and their context in the surrounding neighborhood will be considered in the Land Use, Zoning, and Public Policy and Neighborhood Character analyses in the SEIS.

### **10. NATURAL RESOURCES**

**Comment 10.1:** The area between West 59th and 61st Streets near the highway is low lying. After Hurricane Katrina, residential development should not be developed in low-lying areas. (CESD)

**Response:** The analysis will consider the potential effects of 100-year flood event, and discuss the Proposed Project's compliance with federal and New York City regulations for development within the 100-year floodplain.

### **11. HAZARDOUS MATERIALS**

**Comment 11.1:** The FEIS states that "trapped methane has been detected" (p. 48-49 FEIS) and identifies soil aeration as the mitigation for this adverse impact. Methane is now recognized as a greenhouse gas that is 21 times more persistent in the environment than CO<sub>2</sub>, and accordingly this is no longer acceptable mitigation in light of current science and technology. Instead, the SEIS should evaluate the appropriate state-of-the-art mitigation for this impact, e.g., capture and proper disposal. (RSPC, RSPC-Elston)

**Response:** As described in the Draft and Final Scope of Work, the SEIS will summarize the investigation and remediation activities that have been and will be conducted at the project site. The SEIS will also include a discussion of the health and safety measures that would be implemented during project construction. Review of the hazardous materials assessment will be coordinated with the New York City Department of Environmental Protection (DEP). As a result, the SEIS will identify and discuss all current and appropriate remediation measures that would be implemented at the project site. The Final Scope of Work has been revised to clarify that an updated Construction Phase Health and Safety Plan (CHASP) and a new Remedial Action Plan (RAP) for the Proposed Project will be developed in

coordination with DEP. The Remedial Action Plan will discuss any measures proposed to address methane conditions on site, and those measures will be summarized in the SEIS.

**Comment 11.2:** The draft SEIS should include a chapter on Hazardous Materials. The FEIS documented the extensive presence of hazardous materials on the site. The SEIS should clarify which, if any, of the hazardous materials identified on the site are located on the parcels that are the subject of the current application. (RSPC-Elston)

**Response:** The Draft SEIS will include a Hazardous Materials analysis that summarizes the investigation and remediation activities that have been and will be conducted at the project site. That summary will include a description of the hazardous materials that have been identified on the parcels L, M, and N.

**Comment 11.3:** The SEIS should reevaluate the conclusion in the FEIS that the identified hazardous materials on the site do not constitute a significant adverse environmental impact on the basis of the current regulatory environment, which is substantially more mature than it was in 1992. For example, the SEIS should consider the potential for significant adverse impacts in view of the new State standards for groundwater discharges into rivers, as well as the standards governing human health and environmental exposures developed pursuant to the recently enacted Brownfields legislation, and in accordance with the Mayor's new Brownfield program as set forth in PlaNYC, and should take advantage of the new City effort to coordinate an expedited site review of the site under the Federal "Triad" system. (RSPC-Elston)

**Response:** The Hazardous Materials analysis in the SEIS will follow *CEQR Technical Manual* guidelines in determining the potential for significant adverse hazardous material impacts. Soil and groundwater analysis will be compared to current regulatory thresholds. The hazardous materials assessment will be coordinated with DEP. In addition, the Final Scope of Work has been revised to clarify that an updated Construction Phase Health and Safety Plan (CHASP) and a new Remedial Action Plan (RAP) for the Proposed Project will be developed in coordination with DEP.

## 12. WATERFRONT REVITALIZATION PROGRAM

**Comment 12.1:** The current plan for Parcels L, M, and N creates a barrier to waterfront access. (RSPC)

**Response:** The SEIS will assess the Proposed Project's effects on access to the waterfront in a number of analyses, including: Project Description; Land

Use, Zoning, and Public Policy; Open Space; Urban Design and Visual Resources; and Waterfront Revitalization Program. As part of the analysis of consistency with the City's Waterfront Revitalization Program, the SEIS will specifically consider whether the Proposed Project provides public access to and along New York City's coastal waters. Questions that will be considered include, "Would the Proposed Project preserve, protect, and maintain existing physical, visual, and recreational access to the waterfront?" and, "Would the Proposed Project incorporate public access into new public and private development where compatible with proposed land use and coastal location?"

### **13. INFRASTRUCTURE**

**Comment 13.1:** It is important to consider the site's unique location next to the Hudson River, and the developer's existing requirement to construct Riverside Park. The City has a responsibility to study the possibility of separating the sewage and rain water drainage system at this site. Since the developer will construct the park along with this project, and since the project is located immediately adjacent to the river, the developer would not need to disturb active streets or existing parkland to implement the separated system. This has the potential to permit hook-ups from neighboring streets, which will eventually allow the city to begin separating rain water away from the North River Sewage Treatment Plant at a larger scale. (MBP)

The SEIS should include an analysis of the use of high-level storm sewers for separated wastewater discharge that would reduce run-off and compare this with the use of a combined sewer overflow system. (CB7)

**Response:** As part of the development proposed in the 1992 FEIS, a new system of separate sanitary and stormwater sewers was proposed. This system was approved in 2000 by DEP as part of an Amended Drainage Plan. The Riverside South parcels that have already been developed were constructed with separate stormwater and sewer systems as per the Amended Drainage Plan. With the Proposed Project, the new separate sanitary and stormwater systems would be extended to all three parcels (L, M and N). The SEIS will include a description of the proposed stormwater drainage system and an analysis of potential impacts from stormwater runoff with the proposed system. The potential effects on the combined sewer system and combined sewer overflow (CSO) events from the Proposed Project will be disclosed in the SEIS.

**Comment 13.2:** The SEIS should study on-site grey water recycling to reduce the amount of water that must be treated by the City system, an energy and water conservation technique defined in the Mayor's PlaNYC. (RSPC, CB7)

**Response:** Sustainable development measures that are contemplated for the Proposed Project will be discussed in the SEIS. However, the SEIS analysis will use the *CEQR Technical Manual* methodology for assessing potential water supply impacts.

**Comment 13.3:** This analysis should include anticipated development in the North River Treatment Plant's catchment area, not just the Study Area. (CB7)

**Response:** The analysis of the potential impacts on the North River Water Pollution Control Plant (WPCP) will include the expected future flows in 2018 (the project analysis year) from the whole service area. The estimated sanitary sewage flows from the proposed project will be added to the future flows from the whole service area to determine the potential for significant adverse impacts.

**Comment 13.4:** The SEIS should analyze an on-site sewage treatment facility as an alternative way to address wastewater issues. (CB7)

**Response:** The SEIS will follow *CEQR Technical Manual* methodology in its infrastructure assessment, and the assessment will be based on the Proposed Project, which currently does not include an on-site sewage treatment facility. If significant adverse impacts on the North River WPCP are identified, mitigation measures such as an on-site treatment facility will be considered.

**Comment 13.5:** What is the capacity of the North River Wastewater Treatment Plant (WTP)? What is the total hydraulic capacity in gallons per day? What is the total organic and solids loading capacity in pounds per day? What is the current reserve capacity for the plant (the difference between what it is designed to handle and what it is currently recording as flow and loading)? Is any part of the existing reserve capacity already allocated to other projects? What are the variations in average daily flow (ADF) and peak hourly flows (PHF)? (CALW-Pathways)

**Response:** The design and permitted capacity of the North River WPCP will be identified in the SEIS. The potential effects of the Proposed Project on the WPCP's ability to properly treat sewage in accordance with its State Pollutant Discharge Elimination System (SPDES) permit will be analyzed and disclosed in the SEIS. The Proposed Project's discharge to the WPCP will be compared to the WPCP's design and permitted flows. No part of the WPCP's capacity is allocated, in advance, to specific projects or developments. The analysis will follow the methodology in the *CEQR Technical Manual*, which uses the peak daily flows.

## **Riverside Center Response to Comments on the Draft Scope of Work**

---

**Comment 13.6:** What is the design capacity of the existing west Manhattan interceptor sewer? Does the city have recent inspection records for the sewer showing its current condition? What does the historic monitoring of existing Combined Sewer Overflows (CSOs) indicate in terms of frequency and duration of discharges into the Hudson River? Will stormwater from the project be separated, treated, and detained on site, and discharged through separate systems to avoid increased loading to the interceptor sewer? Are there any current restrictions on the existing CSOs that may be impacted by the change in use for the property (i.e., changing parking facilities into mixed use residential/commercial building use)? (CALW-Pathways)

I am concerned that the sewage treatment plant may be over capacity. The SEIS should explain how the sewage will be handled. (Seber)

**Response:** Interceptor sewers are designed with a capacity of twice the permitted sanitary flows in order to protect the WPCP. The SEIS will include an analysis of any potential impacts to the City's infrastructure as a result of the Proposed Project, including potential impacts to the adjacent sewer system. In addition, the SEIS will include a discussion of the proposed stormwater management system for the Proposed Project, consistent with the 2000 DEP-approved Amended Drainage Plan for the project site.

**Comment 13.7:** Are there any water quality issues or limitations in the Hudson River Basin that will be impacted by the Proposed Project? Is the North River WTP under any regulatory enforcement orders from the New York City Department of Environmental Protection? Has the WTP had a history of exceedances relative to its wastewater discharge permit? Are any portions of the WTP currently limited in treatment or flow capacity? If so, will the Proposed Project aggravate these limitations? Will the Proposed Project affect the ability of the WTP to treat and dispose of biosolids? (CALW-Pathways)

**Response:** The Proposed Project's potential effects on water quality in the Hudson River will be analyzed in the SEIS. The North River WPCP currently meets all of its SPDES discharge requirements. In particular, the plant provides full secondary treatment in accordance with the law and its SPDES permit. Although New York City has agreed to Consent Orders related to the operation of its sewerage, such as the CSO Consent Order, no enforcement orders or Consent Orders for the North River WPCP are currently in place. The potential effects of the Proposed Project on the WPCP's ability to properly treat sanitary sewage, including effects on biosolids, will be analyzed in the SEIS.

**Comment 13.8:** What hydraulic and organic/solids loading will the Proposed Project add to the current interceptor sewer? What is the loading from domestic/residential

uses? What is the loading from projected commercial uses? What is the loading from projected institutional uses? What is the combined ADF and PHF from the Proposed Project? Are there any special waste discharges that may require industrial pretreatment permits or other on-site treatment prior to discharge into the interceptor sewer (i.e., grease loading from restaurants, high organic/solids loading from restaurants, wastewater from maintenance operations associated with commercial uses, or others)? (CALW-Pathways)

**Response:** The estimated flows from all components of the Proposed Project will be disclosed in the SEIS. The analyses will follow the methodology contained in the *CEQR Technical Manual*, which is based on peak daily flows. Any wastewater that may need special treatment or require industrial pretreatment permits will be discussed in the SEIS.

**Comment 13.9:** Based on the answers to the preceding questions, what is the overall impact of the Proposed Project loadings and special wastes on the existing reserve capacity and current operating limitations for the North River WTP? What is the potential for further impacts to water quality in the Hudson River Basin caused by implementing the project? (CALW-Pathways)

**Response:** The overall impact of the Proposed Project on the ability of the North River WPCP to properly treat sewage in accordance with its SPDES permit will be analyzed and the results disclosed in the SEIS. The analysis will include effects on the plant's capacity and effects on water quality in the Hudson River.

#### 14. SOLID WASTE AND SANITATION SERVICES

**Comment 14.1:** Extell should consider incorporation of a truckless waste removal system and an anaerobic digester in order to reduce truck traffic and noise on the street, and to eliminate the greenhouse gases resulting from truck traffic as opposed to rail transport. (RSPC)

**Response:** The SEIS will include an analysis of solid waste following *CEQR Technical Manual* methodology. If potential impacts from project-generated solid waste are identified, mitigation measures will be evaluated. The SEIS will also evaluate potential impacts from project-generated traffic and noise, greenhouse gases from mobile sources, and potential effects on infrastructure, such as the North River WPCP.

The web site for New York City Department of Environmental Protection (<http://www.nyc.gov/html/dep>) contains an excellent guide to how sewage is handled in New York City.

See also the above comments and responses with respect to Infrastructure.

## **Riverside Center Response to Comments on the Draft Scope of Work**

---

**Comment 14.2:** The SEIS should specifically identify and analyze the impacts of the various alternative plans for the 59th Street Marine Transfer Station. (CB7)

**Response:** The proposed conversion of the West 59th Street MTS is expected to be completed by 2012. This conversion will require its own environmental review and approvals and is independent of the Proposed Project. Where appropriate, the MTS will be considered as a No Build condition.

### **15. ENERGY**

**Comment 15.1:** The SEIS should study an on-site waste-to-energy facility (probably below grade) and analyze the possibility of new Energy District as an alternative to address issues of solid waste and energy, which PlaNYC requires in any development over 300,000 square feet. (RSPC)

**Response:** Please see the response to Comment 23.4. The project sponsor is not proposing to build a waste-to-energy facility on the project site.

**Comment 15.2:** The 59th Street Power Plant is part of the Con Edison Steam System, which is an important environmental asset, particularly if the distribution system is attached to efficient cogeneration. (RSPC) Nothing can be done to the electric plant that is now on 59th Street because all of that steam goes to the building in the West Side Urban Renewal Area at Lincoln Towers. (CALW-Polayes)

**Response:** The Proposed Project would not involve any curtailment to the production of steam from the 59th Street Power Plant. (For clarification, Lincoln Towers is within the former *Lincoln Square* Urban Renewal Area).

### **16. TRAFFIC AND PARKING**

**Comment 16.1:** Correct all intersection errors—should read: 11th Avenue and 56th, 57th, and 58th Streets; 10th Avenue and 57th and 58th Streets; and 9th Avenue and 57th Street. (CB7)

**Response:** The correct street names appear in the Final Scope of Work and will be in the SEIS.

**Comment 16.2:** Add the following intersections: Riverside Blvd and 72nd Street; Freedom Place and 66th and 70th Streets; and Riverside Drive and 79th Street. (CB7)

**Response:** A detailed analysis of Freedom Place is not warranted as it is not a contiguous through street, and project-generated demand is expected to travel north/south mostly on Riverside Blvd and West End Avenue. However, the intersections of Riverside Blvd and West 66th Street, West

70th Street, and West 72nd Street, along with Riverside Drive and West 79th Street, are included in the analysis.

**Comment 16.3:** The study area for traffic has to be greatly expanded. For example, at West 51st Street to West 55th Street and Twelfth Avenue, Piers 92 and 94 sometimes hold three trade shows at a time. (CALW-Lewton)

**Response:** Based on consultation with representatives of DCP and DOT, several additional intersections have been added to the traffic network. The revised network is shown in Figure 20 of the Final Scope of Work. The study area for the traffic analysis includes West 52nd Street and Twelfth Avenue, which is the main exit to the Pier 92-94 development, which is included in the No-Build and Build conditions.

**Comment 16.4:** The SEIS should include the current DSNY trucks that use 59th Street to go to the Marine Transfer Station and the projected truck traffic that will go to the MTA when it becomes a transfer station for Manhattan's commercial garbage under the Solid Waste Management Program. (CB7)

**Response:** The SEIS will include existing traffic from the DSNY at West 59th Street and the No-Build and Build conditions will include the future projected truck trips at the proposed facility.

**Comment 16.5:** The SEIS should include a traffic analysis of the impact of all of the parking garages between 72nd and 59th Streets that have been built since 1992 and should include the first phase of the Fordham development, which is scheduled to open in 2014. (CB7)

**Response:** The SEIS will include parking analysis for all the facilities within ¼ mile of the project site. As such, the parking study area will extend south of West 59th Street, but its northern limit would be approximately West 66th Street. It will also include the Fordham Development as a No-Build site.

**Comment 16.6:** Any plan for the southern end of Riverside South should include comprehensive details about the connection of the Boulevard to the West Side Highway. (CESD)

**Response:** The SEIS will include analyses of the proposed Riverside Blvd connection to West 59th Street with the elevated Miller Highway remaining in place as well as with the Highway relocated underground.

**Comment 16.7:** Additions to the street network, which will be Riverside Drive South and Riverside Boulevard, will need to go all the way through. We need a drive that continues to go down to 59th Street or 58th Street, and it is not clear exactly where it would connect there. (Sholein)

## **Riverside Center Response to Comments on the Draft Scope of Work**

---

**Response:** Riverside Blvd is proposed to be extended from the present end at West 63rd Street to connect to West 59th Street (where it would also meet 12<sup>th</sup> Avenue/Route 9A). The northern connection of the Boulevard to West 72nd Street is expected to be completed in 2010.

**Comment 16.8:** The developer should conduct both trip and parking generation counts of its existing development and compare that to predictions made in the FEIS. Any significant deviation with the past studies should be evaluated. These counts should also be used, in part, as a basis for trip and parking generation of the proposed facilities. (CALW-RSG)

**Response:** The trip generation assumptions for the Proposed Project incorporate many sources of back-up data to predict future demand. This includes traffic and parking surveys taken of the occupants of the existing completed Riverside South apartment buildings along with using the 2000 Census in the census tracts surrounding the project site.

**Comment 16.9:** Item “P” of the Traffic section of the Draft Scope of Work says that parking demand only in the public facilities will be evaluated. However, parking demand in facilities with spaces reserved for tenants must also be evaluated. If sufficient private parking is not provided by the developer, then this will have an impact on the available public parking. Both are important in evaluating on-site and off-site impacts. (CALW-RSG)

**Response:** The parking analysis will be conducted in accordance with the methodologies of the *CEQR Technical Manual*. As stated in the Draft and Final Scope of Work, the parking analysis will examine all future project-generated on-site demand, the demand from displaced current on-site parkers and any demand from the general public in the parking study area.

**Comment 16.10:** The review of the proposed Riverside Center project should address the proposed curb cut along West End Avenue. Curb cuts on sidewalks for driveways are dangerous because driveways across heavily used sidewalks create conflicts between motor vehicles and pedestrians. The potential for a crash between a motor vehicle and a pedestrian at a driveway across a sidewalk is even higher than at an intersection for two reasons: (1) unlike crossing a street, pedestrians walking on sidewalks do not anticipate sharing this space with motor vehicles; and (2) children, the elderly, and people in wheelchairs are at an extreme safety disadvantage when sharing a sidewalk with motor vehicles because of their height relative to the height of the standard bumper on a motor vehicle.

Under the Americans with Disabilities Act (ADA), curb cuts can be designed with truncated domes to alert people with visual impairments that they are entering an area with motor vehicles. An ADA-compliant curb cut

for wheelchair users requires specific grade and slope modifications. However, for people with visual impairments, detecting this modification in slope is entirely dependent on their “tracking” path. Designers of driveways across sidewalks have used audio cues to alert people that cars are entering and exiting the driveway. This method is entirely lost on people who can’t hear, and is often lost on others due to general street noise. Children, the elderly, and people in wheelchairs are at an extreme safety disadvantage when sharing a sidewalk with motor vehicles because of their height relative to the height of the standard bumper on a motor vehicle. Driveways across sidewalks can be designed with parking removed on each side of the driveway to improve the conspicuity of sidewalk users. However by removing the parking spaces, the turning radius for vehicles approaching from the curb lane increases, allowing for faster turns which increase the severity of injury to pedestrians in their path. By designing a curb cut and driveway across a sidewalk, the designer is relying entirely on motorist skill and behavior. (CALW- Nelson/Nygaard)

**Response:** Comment noted. The curb cut proposed on West End Avenue is to facilitate the extension of West 60th Street through a portion of the project site. There are no other curb cuts proposed for West End Avenue. The new intersection would have a pedestrian crosswalk with a pedestrian crossing signal. West 60th Street in the project site, like West 60th Street east of West End Avenue, would be a one-way eastbound local street.

**Comment 16.11:** The “worst-case development scenarios” and how levels of service (LOS) may be influenced by the proposed project using the calculations in the Highway Capacity Manual (HCM) are methods that are considered outdated by transportation planners involved in the sustainable streets movement. Good neighborhood street design seeks to create streets for people that actually improve overall quality of life and public health. (CALW-Nelson/Nygaard, CALW-Lewton) The SEIS should use some sort of a vehicle micro simulation package to get a true reading of the cumulative impact on the intersections instead of using the highway capacity manual procedures for the signalized intersections. Considering each intersection in isolation underestimates traffic congestion problems. (CALW-Lewton, RSG)

**Response:** The traffic analysis will be performed following the methodologies in the 2001 *CEQR Technical Manual*. Consistent with this requirement, HCM analysis methodology will be utilized to identify where and how severe potential impacts are likely to be.

**Comment 16.12:** An analysis of crash statistics in New York City from 1995 through 2005 indicates that certain streets and intersections are markedly more dangerous

## **Riverside Center Response to Comments on the Draft Scope of Work**

---

to use and cross for pedestrians and bicyclists. In turn, there are streets and intersections in the city that are easier and more enjoyable to use and cross for pedestrians and bicyclists. These safer places are almost always at T-intersections and near parks, which are also T-intersections, as they disallow through traffic. As examples, at Fifth Avenue and West 8th Street, one block north of Washington Square Park, there were 21 crashes between 1995-2005; but where Fifth Avenue reaches the park, there were four. At Stuyvesant Square, there were 19 crashes north of the park, and only one at the park. Gramercy Park is the same, with 20 crashes on Lexington Avenue north of the park and five at the park. On the Upper West Side, the numerous super blocks are also good examples of this. At West 66th Street and Amsterdam Avenue, a wide, through street, there were 34 crashes, whereas just two blocks north at West 68th Street (with Amsterdam remaining at the same width) there were just four. Crash statistics, though only one aspect of understanding how an urban street functions, are important indicators of the influence of street design on public health. Given identical sidewalk widths, certain places are simply more dangerous than others because they allow motor vehicles to cross them. Riverside Center should be designed in a manner that improves access, encourages walking, and has a positive net benefit to the health of local residents, to avoid potential impacts. (CALW- Nelson/Nygaard)

**Response:** Comment noted. Further, the newly proposed streets on the project site are likely to be low volume, providing local access to the adjacent buildings. As such, the new streets would be pedestrian-friendly with low conflict frequency with pedestrians.

**Comment 16.13:** The proposed project is requesting more parking than was provided for in the 1992 Restrictive Declaration. We question the rationale and methodology for this request. The SEIS should analyze how many new spaces will be utilized by the residential buildings, how many utilized for transient parking, and how many for long-term parking. The SEIS should include a detailed study describing and analyzing the future need for public parking. An analysis should include the present usage of the Riverside South garages and an evaluation of the number of actual spaces now in use on the site for short and long-term parking. The SEIS should study limiting parking to the original 743 approved spaces. (CB7) An 1,800-space garage is too dense for this site and should be scaled back. (Steinberg) Adding more parking is a magnet for more cars and is in direct conflict with the City's desire for congestion pricing. (CESD)

**Response:** The off-street parking analysis in the SEIS will include all public garages within ¼ mile of the proposed project site (including Riverside South). It has been determined that the buildings already constructed at Riverside South have not constructed public parking spaces up to their approved limits

(for more information please see Table 1 of the Scope of Work, which compares the FEIS program with what has actually been built). The proposed 1,800-space facility would meet project-generated demands and also accommodate a portion of the drivers presently utilizing the project site.

## 17. TRANSIT AND PEDESTRIANS

**Comment 17.1:** Impacts of this project should be assessed for the 59th Street/Columbus Circle subway station, the 66th Street/ Lincoln Center subway station and the 72nd Street subway station at Broadway. (CB7)

**Response:** It is expected that all project-generated subway trips would use the Columbus Circle subway station, accessing the station mainly via West 60th Street. This station is closest to the project site and provides access to all west side subway lines. Therefore, no significant adverse impacts would be expected at any other station in the area due to project-generated subway trips. However, the Transit and Pedestrian analysis in the SEIS will document the distribution of subway trips as part of the detailed demand forecasting for the Proposed Project.

**Comment 17.2:** Transit-oriented pedestrian counts should be conducted at Columbus Circle, 66th Street and Broadway, and 72nd Street and Broadway. Bus and subway counts are proposed only for rush hours. Counts must be taken at midday and other off-peak hours, as well. (CB7)

**Response:** Please see the response to Comment 17.1 regarding subway stations. Because subway station activity and bus demands are substantially lower in off-peak periods in Manhattan, the rush hours represent the worst-case condition used in the analysis. However, pedestrian flow analyses along the sidewalk corridor to/from the subway, as well as in the project area, will be conducted in the AM, midday, PM and Saturday midday peak hours.

**Comment 17.3:** The Draft Scope of Work describes the possibility that accommodation is made for a light rail station, but no light rail is presently planned or likely to be built. The 42nd Street Light Rail Proposal is no longer under consideration. (CB7)

**Response:** Comment noted. However, a light-rail easement was mapped adjacent to the Amtrak right-of-way with the original project, reserving space below grade for a potential future line. The light-rail easement would remain under the site with the development of the Proposed Project.

## **Riverside Center Response to Comments on the Draft Scope of Work**

---

**Comment 17.4:** Item “F” of the Transit and Pedestrians section of the Draft Scope of Work mentions only five intersections where pedestrians will be evaluated. Considering the presence of several schools and a concentration of housing in the study area, pedestrian impacts should be evaluated at all intersections in the study area. We are particularly concerned with any proposed changes to signal timing that would affect pedestrian crossing times. An evaluation of pedestrian and bicycle crash rates should also be included at each study area intersection. (CALW-RSG)

**Response:** The pedestrian capacity analysis in the SEIS will concentrate on the corridors to/from the Columbus Circle subway station. However, pedestrian and bicycle safety studies will be conducted at other nearby intersections, including identifying any high accident locations and developing improvement strategies for implementation.

**Comment 17.5:** It is essential that room and accommodation be made for a future Metro-North Rail station. This service is presently planned, most likely to coincide with the East Side Access project, bringing LIRR trains into Grand Central. MetroNorth commissioned a study in 2002 that identified the option of building a rail station at 59th Street and West End Avenue as one of the two attractive alternative locations for a rail station on MetroNorth service into Penn Station. Metro-North service into Penn Station is identified as a transit infrastructure improvement project in PlaNYC. (RSPC) This would free up slots in Penn Station to allow Hudson Line trains access. The SEIS should examine all MTA studies of these new Metro-North Stations and the feasibility and funding possibilities for such stations. (CB7, RSPC)

The location for one of the proposed Metro-North stations is between 59th St. and 72nd Street on Manhattan’s Upper West Side (specific location is yet to be determined). The Scope of Work should be revised to include reference to the ongoing Penn Station Access (PSA) Environmental Review project that is being performed by Metro-North. (MTA)

**Response:** A Metro-North Rail station is not currently planned to coincide with the East Side Access project, as suggested by the commenter. Since the issuance of the Draft Scope of Work, MTA and Metro-North Railroad have completed their evaluation of the feasibility of providing a station in the project area as part of the Penn Station Access Study. The feasibility study concluded that the project site is not a feasible location for a Penn Station Access station. For more information on the Penn Station Access Study please see the MTA’s website at <http://www.mta.info/mta/planning/psas>.

**Comment 17.6:** MTA is concerned about the placement of foundations, crash walls or other structures that would preclude potential Metro-North service, including a potential new station with a platform, mezzanine and entrances, in the rights

of way traversing the project site. We recommend that the Riverside Center EIS scope be revised with language that states that the NYC DCP and the developers, CRP/Extell Parcel L,LP and CRP/Extell Parcel N, LP, will coordinate with Metro-North throughout the EIS process to ensure that the Riverside Center design does not preclude potential future commuter railroad service within the Amtrak and LRT right of ways, including a potential station at the Riverside site for which the Environmental Review is currently being conducted. (MTA)

**Response:** Please see the response to Comment 17.5.

## 18. AIR QUALITY

**Comment 18.1:** The SEIS must contain a Greenhouse Gas (GHG) analysis in response to the Mayor's policies in PlaNYC and new (2007) City legislation setting emissions reduction targets, and must disclose all potential direct and indirect GHG emissions and identify measures to eliminate or reduce such emissions. (RSPC, NRDC, Bystryn, MAS) Planning for a new development must, in addition to the usual categories, evaluate how the development will increase CO<sub>2</sub>. (CESD) There is no discussion of the carbon footprint of the proposed project. (CALW-Whitaker) Planning for a new development must, in addition to the usual categories, evaluate how the development will affect global warming. (CESD)

**Response:** The SEIS will include an analysis of direct and indirect GHG emissions associated with the Proposed Project and identify potential measures to reduce such emissions.

**Comment 18.2:** The draft scope proposes to conduct a detailed stationary source analysis of Con Edison's 59th Street Station to determine its potential effects on the proposed project. The analysis would cover NO<sub>2</sub>, SO<sub>2</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>, all of which are criteria pollutants for which National Ambient Air Quality Standards (NAAQS) have been promulgated; however, only the first three of these are proposed to be compared with NAAQS to determine whether impacts are significant. There is no legitimate reason for failing to compare PM<sub>2.5</sub> impacts with the NAAQS. (Gutman)

**Response:** As per the Draft Scope, emissions of PM<sub>2.5</sub> from the Con Edison 59th Street Station will be assessed to determine the potential for significant adverse impacts on the Proposed Project. Impacts will be assessed in accordance with applicable City guidance.

**Comment 18.3:** Instead of comparing PM<sub>2.5</sub> impacts to NAAQS, the draft scope proposes to compare impacts to DEP "interim guidance" criteria for PM<sub>2.5</sub>. But DEP interim guidance criteria are a supplement to, not a substitute for the

## **Riverside Center Response to Comments on the Draft Scope of Work**

---

NAAQS. It is time for EISs to adhere to the *CEQR Technical Manual* significance criterion for stationary sources. (Gutman)

**Response:** The City’s current interim guidance criteria for PM<sub>2.5</sub> have been used for the purpose of evaluating the significance of predicted impacts of proposed actions subject to CEQR on PM<sub>2.5</sub> concentrations and to determine the need to minimize PM emissions from these actions. Potential impacts of PM<sub>2.5</sub> from the Proposed Project will be compared to the City’s current interim guidance criteria for PM<sub>2.5</sub> and will be evaluated with respect to their magnitude, frequency, duration and area of effect.

**Comment 18.4:** The Draft Scope analysis is based on current air quality standards, but it is likely that new emission standards will be in place in the near future. Analysis should be made on more stringent emission standards, not just current standards. (CB7)

**Response:** The SEIS will include a discussion of any standards that have been formally proposed. The procedures for predicting and evaluating potential air quality impacts will be conducted using the most current available guidance. The analysis must reflect the current standards that are in place, since proposed standards may change between the draft and final promulgated regulations, and since analysis guidance is developed after the final standards are implemented. This is consistent with federal and state new source review procedures and the *CEQR Technical Manual*.

**Comment 18.5:** The SEIS should consider a range of vehicle sizes in the air quality analysis. (CB7)

**Response:** All relevant vehicle classes will be addressed in the SEIS Air Quality analysis.

**Comment 18.6:** The SEIS should specify the type of venting that is proposed for the garages and analyze the impact of that venting. (CB7)

**Response:** As described in the Draft and Final Scope of Work, the SEIS will include analysis of the potential air quality impacts from garage ventilation.

## **19. NOISE**

**Comment 19.1:** As stated in the Draft Scope of Work, “the FEIS did note, however, that noise levels at locations within the project-generated park would exceed City Environmental Protection Order (CEPO) CEQR guidelines values, due principally to noise generated by vehicles using the elevated Henry Hudson Parkway.” The FEIS concluded that there was “no feasible mitigation to achieve the 55 dBA L<sub>10</sub> guideline value at the location.” The reason given

for the lack of mitigation was that the design for the relocated highway was an open cut. Since then the final design by the State for the relocated highway is a totally enclosed tunnel that may eliminate this previously identified significant adverse environmental impact, and should properly be considered in the SEIS. (RSPC, NRDC)

**Response:** It should be noted that the proposed relocation of the Miller Highway would include an open cut directly west of the project site. Also, please see the response to Comment 1.18.

**Comment 19.2:** Item “H” of the Noise section of the Draft Scope of Work mentions that the noise impacts will be compared against CEQR interior noise standards. New York City DEP has overhauled its noise code as of July 2007. The noise scope should include a comparison of noise impacts with the DEP regulations as well as CEQR requirements. This should include construction noise impacts. (CALW-RSG)

**Response:** The Noise analysis in the SEIS will be consistent with the requirements of the *CEQR Technical Manual* and consistent with the New York City Noise Control Code (i.e., Local Law 113). The analysis will also describe how construction activities will be required to adhere to Local Law 113 during construction, including regulations relating to maximum equipment noise levels and the hours of operation for equipment use.

## 22. MITIGATION

**Comment 22.1:** There should be a detailed description of the proposed reporting mechanism for adverse impacts and mitigation implementation as buildings are built in the 9-year or longer construction period. (CB7)

**Response:** As described in the Draft and Final Scope of Work, the SEIS analyses will be performed for the expected year of completion of the project, which is 2018. However, since the proposed development would be built out over an approximately nine-year period, some buildings would be completed before 2018 and they could result in significant adverse impacts prior to completion of the full development program. The discussion of mitigation measures in the SEIS will specify a reporting mechanism, where applicable, that will identify when a threshold level of development which generates significant impacts has occurred, and will describe the appropriate phasing of mitigation implementation for these impacts.

**Comment 22.2:** The FEIS states that “stormwater would be separated from sanitary sewage.” The description in Draft Scope of Work suggests that this separation never happened. The Mayor’s PlaNYC calls for the use of High Level Storm Sewers when a system is near a waterfront, and the SEIS

should therefore identify this as mitigation for a remaining impact that was not addressed from the initial FEIS. (RSPC)

**Response:** As part of the development proposed in the 1992 FEIS, a new system of separate sanitary and stormwater sewers was proposed for all of the Riverside South parcels. This system was approved in 2000 by DEP as part of an Amended Drainage Plan. The Riverside South parcels that have already been developed were constructed consistent with the Amended Drainage Plan. Parcel K, which, as of the date of this document, has not been fully built out, also will have separate stormwater and sewer systems as per the Amended Drainage Plan. The Proposed Project (parcels L, M, and N) would feed into the stormwater system constructed for parcels J and K, and would also have separate sanitary sewer systems.

### **23. ALTERNATIVES**

**Comment 23.1:** The Extell proposal does not include a true “No Build” Alternative, i.e., a scenario in which the site would be left as is. (CALW-Whitaker)

The scope proposes a “No Build” scenario, which includes the L, M, and N parcels as approved in the original FEIS. This approach will clearly minimize the impacts between the “No Build” and “Build” scenarios in that it assumes an almost full build-out of the project in the “No Build” scenario. (CALW-RSG)

**Response:** The two No Build scenarios specified in the Draft and Final Scope of Work are consistent with CEQR guidelines and are appropriate for the SEIS. The SEIS analysis compares the future with and without the Proposed Project in order to determine the potential for environmental impacts generated by the Proposed Project. The No Build scenarios reflect what is currently anticipated for the project site in the absence of the Proposed Project, and therefore establish an appropriate baseline against which the impacts generated by the changes created by the Proposed Project can be identified.

**Comment 23.2:** In addition to the Build and No Build Scenarios, the SEIS should include a Lower Density Build scenario of 2.4 million square feet of residential, commercial, retail, and public school uses, while excluding the studio use. This additional scenario reflects the 1992 Restrictive Declaration limits, and can include or not include the variants of hotel and cinema uses. This Lower Density Build Scenario can also include alternatives to the distribution of square feet dedicated to commercial and residential uses. At least one or more alternatives should include the analysis of a maximum of 1,208 residential units and a maximum of 743 parking spaces. The Lower Density Build Scenario should be analyzed in terms of all impacts that must be included in the SEIS. In assessing the urban design characteristics of the

proposal, the Scope should also perform the same operation for the Lower Density Build Scenario, in which we can assume the heights and bulk of buildings might be reduced. (CB7)

**Response:** As specified in the Final Scope of Work, the SEIS will include a Lesser Density Alternative that reflects the 1992 Restrictive Declaration floor area limit of approximately 2.4 million zoning square feet. The Lesser Density Alternative would include residential, commercial, and retail uses, while excluding the studio use, plus approximately 132,000 zoning square feet of public school uses (i.e., the school floor area would be in addition to the 2.4 million square feet). This alternative would also include 1,800 parking spaces (the same number proposed as part of the Proposed Project). The Alternatives analysis in the SEIS will compare the impacts of the Proposed Project with that of the Lesser Density Alternative for all technical areas, including effects on urban design characteristics.

**Comment 23.3:** In assessing the urban design characteristics of the proposal, the Scope should also perform the same operation for the Lower Density Build Scenario, in which we can assume the heights and bulk of buildings might be reduced. (CB7)

**Response:** The Alternatives analysis in the SEIS will assess the urban design characteristics of the Lower Density Alternative as compared to the Proposed Project.

**Comment 23.4:** The SEIS should include an analysis of co-generation as an option, complete with a cost comparison with the current out-of-state disposal system. (CB7)

The SEIS should analyze the inclusion of a below-grade cogeneration plant to address energy issues (electricity, heating, and cooling) as part of an Energy District for Riverside South/Center and possibly beyond. (CB7, RSPC)

The SEIS must include analysis of the air-quality implication of suggested alternatives of a below-grade cogeneration facility, as the Con Edison steam plant is a major consideration in the Draft Scope of Work's discussion of this analysis. (CB7)

**Response:** The Proposed Project's potential impacts on the energy supply systems will be analyzed using the guidelines of the *CEQR Technical Manual*. In addition, as specified in the Final Scope of Work, the feasibility of various co-generation alternatives will be studied. In the event that one or more cogeneration options are found to be economically viable, the environmental effects of the project with such option(s), including potential

## **Riverside Center Response to Comments on the Draft Scope of Work**

---

air quality impacts, will be evaluated in the Alternatives chapter of the SEIS.

**Comment 23.5:** The Con Edison Power Plant has great potential to be converted from a power plant to a public space with a strong connection to the new park, a cultural institution operated by DPR. The SEIS should include a study of an alternative civic plan that would convert the 59th Street Power Plant into a cultural center. By way of example, the Tate Modern Museum of London is very similar to the inside of the Con Edison Power Plant. Consideration of this alternative could lead to major enrichment of the area, both economically and culturally, and enhancement of the proposed development of Parcels L, M, and N. (RSPC)

**Response:** The 59th Street Power House is not owned or controlled by the project sponsor; potential rehabilitation and adaptive reuse of the site is therefore outside the scope of this analysis.

**Comment 23.6:** It is important that the EIS conduct a detailed analysis of reasonable community-based alternatives to the proposal, which may minimize potential impacts. The community deserves to have its mission for future development at this site considered alongside the developer's. (MBP)

Alternatives being advanced by RSPC organization should be evaluated in the SEIS. (Bystryn, MAS)

The SEIS should include an alternative layout for Parcels L, M, and N. The currently proposed buildings are too large and the layout does not adequately connect to the local area or consider the needs of the local residents. A detailed description, with plans and rendering of a proposal by RSPC has been submitted to DCP. This alternative includes a major new public park between 59th and 60th Street at the level of West End Avenue. The alternative includes approximately 2.37 million square feet of new buildings (mostly residential) clustered in three blocks to the north of the park, between 60th and 61st Streets—with direct access to the park and the retail/community activities. (RSPC)

Extell has asked the CPC to approve a “tower in the park.” No other build alternatives have been presented. We suggest two generic alternatives which do not follow the “tower in the park” model, although there are many other possibilities. These two alternatives would add streets rather than close them; do not require a curb cut on West End Avenue (access to parking, as needed, can be from 59th and 61st Streets); allow uninterrupted ground-floor retail on West End Avenue, and six other blocks of “front door” architecture; hide service and “back yards”; allow for other styles, should the developer change architects as the project moves to its intended

completion in 2018; are lower rise, and are arranged so that they (a) block less sun; create open space, which will be perceived and can be monitored as “public”; (b) allow for the open space to be built as a public amenity at one time rather than depending on and being shaped haphazardly as the buildings are built; and (c) are more in context with typical street-fronting buildings on the Upper West Side. (CALW-Whitaker)

**Response:**

As described in the Draft and Final Scope of Work, the specific alternatives to be analyzed in an EIS are typically finalized with the lead agency as project impacts become clarified. If significant adverse impacts are identified, the SEIS will consider a reasonable range of alternatives to the proposed actions which could reduce or eliminate such impacts while substantively meeting the goals and objectives of the project sponsor. To the extent that any significant adverse environmental impacts identified in the SEIS could be mitigated by specific programming options such as those suggested by the commenters, they may be considered as mitigation for significant adverse impacts, rather than an alternative to the proposed actions. Also, for clarification, the curb cut proposed on West End Avenue is to facilitate the extension of West 60th Street westward through the project site, not to access parking as the comment suggests.

**Comment 23.7:**

The SEIS should include a Sustainable Development alternative. A detailed description, with plans and rendering of this alternative proposal by RSPC has been submitted to DCP. This alternative would include sustainable development functions that are included in PlaNYC, such as:

- Metro-North Station to improve service on the Hudson Line. Extell should study the impacts of buildings around the space required for a railroad station.
- Cogeneration for an energy district and Con Edison Steam System. The SEIS should study two options: 1) a cogeneration plant built under the new Park to increase the efficiency of the new development and 2) a cogeneration plant to serve an energy district that would be sized to serve the new development and to replace the power produced by the Con Edison Steam System. The Con Edison Power Plant is very inefficient and a new cogeneration plant for the proposed project would be 2-3 times more efficient.
- “Truck-less” waste removal system for the new development. The developer should evaluate the creation of a truck-less waste removal system for the new development (including the buildings on Parcels J and K) that would collect the waste from these buildings using an underground system designed into the foundation of the buildings and that gathers the waste under Parcel N, separate the waste directing the appropriate waste to an anaerobic digester that would feed the cogeneration system with methane, and remove the residual waste by rail on the Empire Connection.

## **Riverside Center Response to Comments on the Draft Scope of Work**

---

- Tipping floor on Lot N to serve Pier 99. The Scope for the SEIS should consider dedicating part of the below grade area on the southwestern part of Parcel L/M/N as a Waste Transfer Station connected to Pier 99.
- Incorporation of green building standards into the design of the buildings. Invest in sustainable development opportunities with a five-year payback as required by the Restrictive Declaration. These include carpet, painting, wall coverings, etc.; exterior skin or envelope of the building; HVAC system; plumbing system; electrical system; appliances and lighting; implementation of PlaNYC initiatives to control runoff and drainage; meeting a LEED Gold standard; achieving 20 percent better efficiency than the state energy code; increasing biofuels use from waste; reducing air pollution by using ULSD; meeting city-agency standards of operation; and providing affordable housing. (RSPC, RPA, NRDC)

**Response:**

As explained in the response to Comment 23.6 above, the specific alternatives to be analyzed in an EIS are typically finalized with the lead agency as project impacts become clarified. If significant adverse impacts are identified, the SEIS will consider a reasonable range of alternatives to the proposed actions which could reduce or eliminate such impacts while substantively meeting the goals and objectives of the project sponsor.

With respect to analysis of a Metro-North Station, please see the response to Comments 17.5 and 17.6.

With respect to analysis of co-generation, please see the response to Comments 23.4.

With respect to analysis of “truck-less” waste removal, please see the response to Comment 14.1.

With respect to analysis of a potential waste transfer station at Pier 99, please see the response to Comments 1.20 and 14.2.

With respect to analysis of green building standards, please see the response to Comment 1.23.

**Comment 23.8:**

The Commission must pay special attention to the relationship of the project to the surrounding buildings and the special features such as the waterfront park and the landmark-able 59th Street Power Plant. (RSPC, RPA, NRDC) The Proposed Project is a center that looks inward, and turns its back on the local community and the Con Edison Power Plant. The SEIS must study alternatives that do not eliminate views of the Con Edison Power Plant and thereby create a significant adverse impact. (RSPC)

**Response:**

Please see the response to Comments 23.6 and 8.3.

**Comment 23.9:** Riverside Center should be designed in a manner that improves access, encourages walking, and has a positive net benefit to the health of local residents. A “Build Alternative” without a curb cut on West End Avenue is a feasible alternative and should be studied in the SEIS. (CALW-Nelson/Nygaard)

**Response:** The Proposed Project would provide neighborhood retail uses, new publicly-accessible open space, new streets, and new access to existing open spaces, all of which would promote increased pedestrian activity and would benefit local residents.

The curb cut proposed on West End Avenue is to facilitate the extension of West 60th Street westward through the project site. There are no other curb cuts proposed for West End Avenue. The new intersection would have a pedestrian crosswalk with a pedestrian signal crossing. Please see the responses to Comments 23.6 and 16.10.

**Comment 23.10:** The SEIS should specifically analyze a below-grade compaction utility as an alternative. (CB7)

**Response:** An alternative with a below-grade compaction utility would not be consistent with the goals and objectives of the project sponsor. Please also see responses to Comments 23.6 and 14.1.

**Comment 23.11:** The SEIS should include analysis of an alternative for potential professional/doctors’ offices. (CB7)

**Response:** The inclusion of an alternative that considers potential professional/doctors’ offices would not reduce or eliminate impacts in any environmental issue area, and therefore will not be included as an alternative. Please also see responses to Comments 23.6 and 4.13. \*