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October 26, 2011

Amanda M. Burden, FAICP
Chair
NYC Department of City Planning
22 Reade Street
New York, New York 10007

**Re: St. Vincent's Campus Redevelopment Project; ULURP Applications No. #C120029ZSM,
#C120030ZSM, #1C20031ZSM, #N120032ZSM, and #C120033ZSM**

Dear Chair Burden:

At the recommendation of its St. Vincent's Omnibus Committee, Manhattan Community Board No. 2 (CB 2), having held a duly noticed public hearing on ULURP application numbers #120029ZSM, #120030ZSM, #120031ZSM, #120033ZSM, adopted the following resolution at its meeting on October 20, 2011 with 40 in favor, 1 opposed, no abstentions and no recusals.

The resolution recommends **denial** of each application unless the Community's Concerns detailed below are addressed.

BACKGROUND

The Applications, submitted by RSV, LLC ("Applicant"), proposes the creation of a primarily residential development and new publicly accessible open space to be located on two of the three blocks of the former campus of Saint Vincent's Hospital Manhattan (the East Site and the Triangle Site) fronting on Seventh Avenue between West 12th Street and West 11th Street/Greenwich Avenue.

Contemporaneously, although not part of this application, North Shore-Long Island Jewish Health System (NSLIJ) would develop a health care facility—referred to as the Center for Comprehensive Care—on the third block of the former campus of Saint Vincent's Hospital Manhattan in the O'Toole Building. The O'Toole Building would be renovated for this purpose.

CB 2 has been reviewing this proposed redevelopment for five years. Representatives from St. Vincent's Hospital came to CB 2 in December 2006 to announce their intention to build a new "state of the art" acute care replacement hospital and Level 1 trauma center. They created a Community Working Group, in which CB 2 participated. In May 2007, St. Vincent's announced that they had chosen the Applicant as their development partners in the project. CB 2 formed a special oversight committee, the St. Vincent's Omnibus Committee, comprised of chairs of committees relevant to the application and local residents who would be most directly affected by the development. Over the proceeding several months, CB 2 held a series of public information meetings, so that the community would be fully aware of the proposal. The board also met numerous times with

stakeholders, including the local block associations and community groups, elected officials, organized labor, and representatives of St. Vincent's and the Applicant, in order to better understand the project and community concerns. The following issue areas were identified:

- Height and bulk
- Zoning
- Historic buildings/historic artifacts
- Community amenities
- Health care delivery
- Public school space
- Affordable housing
- Streetscape
- Open space in the adjacent triangle park
- Impact of ambulance and parking access on side streets
- Effect of project on current infrastructure
- Construction and demolition protocols
- Financial solvency of project

In December 2007, the Applicant and St. Vincent's Hospital filed with the New York City Landmarks Commission (LPC) with a request for five Certificates of Appropriateness to demolish buildings in the Greenwich Village Historic District, build a replacement hospital on the O'Toole Building site, redesign the open space on the Triangle site, and to build a complex of luxury apartments and townhouses on the East Campus, in preparation for the ULURP process.

CB 2 held a series of public hearings where testimony was taken from hundreds of stakeholders in order to formulate the board's response to LPC application. Two separate resolutions were passed and presented to the LPC. In December 2009, CB 2 held a public hearing in order to respond to an Environmental Assessment Statement and Draft Scope of Work, as a prelude to ULURP. In both resolutions and in our response to the Draft Scope of Work, CB 2 strongly supported the proposed replacement hospital as vital to meet the health care needs of the residents in our district and surrounding communities.

In January 2010, St. Vincent's announced that it faced possible closure. For four months, CB 2 worked closely with our elected officials, St. Vincent's and the Applicant to strategize on ways to save the hospital. Unfortunately, no viable plan was identified and on April 7, 2010, St. Vincent's announced it would close. It ceased all operations on April 30, 2010.

The closure of St. Vincent's Hospital resulted in the community's loss of an emergency room, in-patient hospital, Level 1 trauma center and the capacity to address a widespread public health emergency (such as a natural disaster or act of terrorism), and created a significant gap in the health care services available to the residents of this community board area and the entire Lower West Side of Manhattan.

In response, in June 2010, CB 2 advocated for the creation of a community health care assessment to systematically identify the health needs of the residents of the West Side of Manhattan. CB 2 chaired the Community Health Assessment Steering Committee along with Community Board No. 4 and worked with our elected officials, the CUNY School of Public Health at Hunter College, the nonprofit Commission on the Public's Health System and NSLIJ to develop quantitative and qualitative data for a report that was issued by the Steering Committee in September 2011.

In the absence of a sponsor for a full service hospital, the Applicant partnered with NSLIJ to propose a free standing emergency department in a renovated O'Toole building, which required approvals from both LPC and the New York State Department of Health (NYSDOH), and additional hearings to prepare a response. The reports from the Community Health Assessment served as the basis for CB 2's testimony on September 22, 2011 to the NYSDOH on the Certificate of Need application. The CB 2 response stated: "As CB 2 has learned throughout many hours of public testimony on this important issue, nothing less than another full service, acute care hospital providing high quality care to all patients who come to its doors would be sufficient to replace St.

Vincent's. We will continue to work with our local elected officials and community members to advocate for such a facility.”

For the current proposal, the Applicant filed its Environmental Assessment Statement and Draft Scope of Work in May 2011. CB 2 held public hearings in order to formulate the community response (for a second time, since another EAS and Draft Scope was filed for the original project), which was presented to New York City Department of City Planning on June 24, 2011

CB 2's resolution below is based on twelve public hearings over the last two months. The community board has worked very hard to fully understand all aspects of this proposal and to consider the potential impacts, both positive and negative, of the Applicant's proposal on our community. CB 2 wishes to thank the Department of City Planning, our elected officials, the Applicant, NSLIJ, and most of all, our fellow community members, for their assistance in this effort.

THE PROPOSED ACTIONS

The actions necessary for the proposed projects include zoning map amendments, zoning text amendments, and special permits for the East Site and Triangle Site. The Center for Comprehensive Care would be as-of-right under the New York City Zoning Resolution and would not require any approvals pursuant to ULURP; however, a Certificate of Need approval from the New York State Department of Health (NYSDOH) is still pending. In addition, the New York City Landmarks Preservation Commission (LPC) will also review certain aspects of the proposed projects.

ZONING MAP AMENDMENTS

1. Rezoning of the East Site within 100 feet of Seventh Avenue from C2-6 to C6-2. This map amendment would increase the allowable Floor Area Ratio (FAR) for residential use from up to 3.44 to up to 6.02 and would maintain the current FAR of 6.5 for community facility. It would also increase the allowable FAR for commercial use from 2.0 to 6.0. The rezoning would also allow the East Site and a portion of the Triangle Site to be treated as an LSGD and allow for the grant of the LSGD special permits.

2. Rezoning of the midblock portion of the East Site from R6 and C1-6 to R8. This rezoning would increase the allowable FAR for residential use from up to 2.43 to 6.02 (3.44 to 6.02 for the small C1-6 district) and the allowable FAR for community facility or mixed use residential/community facility from 4.8 to 6.5. The two zoning map amendments would allow for a combined maximum floor area of 604,013 zoning square feet (zsf), at least 73,400 zsf less than exists on the East Site today.

ZONING RESOLUTION TEXT AMENDMENTS

A zoning text amendment pursuant to ZR 74-743(a)(4) is proposed to make a special permit currently available only for LSGDs in Manhattan Community District 7 also available for LSGDs in Manhattan Community District 2. The special permit allows the floor area ratio available for new development to be used without regard to height factor or open space ratio requirements and allows for a reduction in open space requirements for appropriate open space with superior landscaping. This would permit a reduction in the required open space obligation for the residential portion of the project by up to 50 percent for appropriate open space with superior landscaping.

LARGE-SCALE GENERAL DEVELOPMENT SPECIAL PERMITS

The East Site and a 15,102-square-foot portion of the Triangle Site would be developed as a LSGD, and several special permits available to LSGDs would be requested, as follows:

- LSGD special permits pursuant to ZR 74-743 as follows:
 - ZR 74-743(a)(1) to allow for distribution of total open space required by ZR 35-33 and 23-142 without regard for zoning lot lines or district boundaries. This would allow for approximately 15,102 square feet of the open space required as part of the East Site development to be located on the Triangle Site rather than on the East Site. No floor area or lot coverage distribution is being requested as part of the proposed East Site project.

- ZR 74-743(a)(2) to allow the location of buildings without regard for the applicable court and height and setback (including rear yard setback) regulations set forth in ZR 23- 632, 23-663, 23-84, and 33-432. This special permit would allow for modification of height and setback regulations, including rear setback controls, and outer court recess regulations for additions to the existing buildings and for certain of the proposed buildings.

- ZR 74-743(a)(4) (as amended) to modify the open space regulations by reducing the open space requirement to 50 percent and permit the maximum residential FAR to be applied to development. This special permit would allow for the maximum residential FAR of 6.02 to be applied to development on the East Site and reduce the amount of required open space from 59,857 square feet to 29,928 square feet for appropriate open space with superior landscaping.

- LSGD special permit pursuant ZR 74-744(b) to allow commercial uses on the third floor of a building in the C6-2 district portion of the LSGD without regard for the location restrictions set forth in ZR 32-42. This would allow doctors' offices proposed for the East Site within the C6-2 district to occupy a portion of the third floor of the development, with residential uses located on the second story and the remainder of the third floor.

As part of the LSGD special permits, the maximum amount of zoning floor area that would be allowed on the East Site would be limited to 590,660 square feet. Of this amount, no more than 31,251 square feet of zoning floor area would be available for community facility and commercial development, limited to the first three floors of the Seventh Avenue buildings on the East Site. Of this amount, commercial use would be limited to no more than 20,390 square feet of zoning floor area. The LSGD special permit would also limit the number of dwelling units to a maximum of 450. In addition, the zoning floor area that would be allowed on the Triangle Site would be limited to the existing gas storage area.

On the East Site, the LSGD special permits would establish a development envelope for the existing buildings and new development, and would also introduce a central courtyard running the length of the East Site.

THE COMMUNITY'S CONCERNS

I. No Increase of the Allowed Development Rights

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

The applicant puts forth the case that five properties (Cronin, Spellman, Reiss, Nurses, and Smith/Raskob) were built prior to the 1961 Zoning Resolution ("ZR"), and therefore their entire bulk is permitted "as of right" to be converted to residential use. CB 2 asserts that this was not the intent of the ZR, because it specifically defined the East Site as R6 and C2-6, even though the existing buildings would be out of compliance if ever there were a change to residential. Further, in 1979, CB 2 contends that the City reaffirmed this intent, with the approval of the Large Scale Community Facility Development ("LSCFD") that permitted the Coleman and Link buildings as part of an upgrading of a medical complex. The excessive height and bulk of these buildings was allowed only because they were deemed necessary to create a then 'state of the art' acute care hospital and Level 1 trauma center, and was clearly a community benefit.

Residential Greenwich Village is built to a lesser bulk and density than other neighborhoods in New York City, and that is part of its unique charm, making it a special and desirable area with high per square foot real estate values. CB 2 believes the decisions by previous Department of City Planning actions reaffirm the intention that Greenwich Village should remain low-scale.

Further, the Proposed Zoning Text Amendments would allow development “without regard to height factor or open space ratio requirements.” The applicant has stated that the height factor rules, which are part of the proposed zoning districts, are not appropriate for the buildings they intend to build. CB 2 would like to note that the context is very low density historic townhouses and low-density apartment buildings on 12th Street to the north and 11th Street to the south, and that they do not exceed the current zoning FAR levels. The existing density is very appropriate for a historic district and, CB 2 contends, was zoned such well after the larger East Site buildings existed. The aggregate contextual density of the surrounding area is significantly less than the zoning districts that are proposed. The existing zoning designations in the requested proposal, R6 and C2-6, would be more compatible with the historic district and would have bulk rules that are more consistent with the surrounding zoning districts of Greenwich Village.

This application asks to cede square footage (in buildings that CB 2 values) that was deemed allowable only because they were for the “public good” (i.e., a hospital), to a private developer for monetary gain. CB 2 has determined that this is not acceptable. While, absent a viable plan for a hospital on the East Site, CB 2 supports residential development on the site, the requested Zoning Map Amendments should not be approved as proposed.

It must be noted that the Federal Bankruptcy Court valued the properties on the East Site “as is” under the current zoning without regards or contingency of any zoning changes. The applicant is not arguing a hardship of any kind. Indeed, a more limited zoning change would largely have the effect of the Reiss building being re-used or made smaller rather than being demolished, and a smaller 7th Avenue/11th Street building than is being proposed.

II. Creation of Affordable Housing

This application will substantially increase the residential population of this area. In the recent past, the CB 2 district has seen many rezonings and special permits, and the result has been an erosion of the economic and social diversity that has historically defined Greenwich Village. CB 2 is committed to making every effort to ensure that our district retains the essential character of the Village. Statements by the applicant note that the apartment sale prices will be start at \$1.2 million rise significantly higher thereafter. Higher income residents will occupy all of the new apartments. Without provision for middle and low-income residents, this will be a major demographic shift for the neighborhood.

This applicant has a unique opportunity to create permanent affordable housing in our district, in order to help retain social and economic diversity. We ask that they research any mechanism that could provide affordable units, either on-site or off-site, including consideration of housing for seniors and individuals with special needs.

If there is a proposal for affordable units on-site, CB 2 requests that they be included only at a maximum density which is consistent with the currently allowable residential FAR for the sites. CB 2 finds any upzoning of the residential density of this site completely unacceptable and contrary to the wishes of the community. Even remaining within the current allowable bulk for residential development, the applicant will be allowed to add a significant number of market rate housing units where they did not exist before. This comes on top of the unfortunate elimination of affordable housing that existed for nurses before the purchase and conversion of the Martin Payne building.

III. Financial Support for New Public School Seats

CB 2 finds that the Applicant has failed to include significant community benefits in their proposal, such as providing affordable housing or public school seats. Offices to be rented by physicians may technically be considered a health benefit and a community facility, but that does not begin to compensate for losing a Level 1 trauma center, and a full service hospital with an emergency department. Further, despite repeated requests, the Applicant has not provided CB 2 with information about apartment size, which would indicate how many additional children the 450 units of housing will bring. Such children would add to current overcrowding in schools and parks, a problem made even greater since CB 2 recently lost its only middle school and its largest early childhood center.

CB 2 is grateful for the Applicant's assistance in securing space for a school in the Foundling Hospital building in Community Board No. 5. However, that school site was secured in 2008, before this current project was conceived. At that time, the Applicant agreed that the Foundling school was not contingent on any application. Further, no funds from the Applicant were used to buy, lease, or refurbish Foundling. Instead, the Applicant provided a financial guarantee during the closing of the property, which was ultimately paid for by the City of New York. At this time, CB 2 strongly urges that the Applicant make a substantial capital contribution to the establishment of a new public school in the CB 2 area, such as at 75 Morton Street.

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

IV. Triangle Site Park

CB 2 requests the following in connection with the proposed new open space at the Triangle Site.

- 1) Community Park - The Triangle Site park should function as part of the successful and beloved network of small parks in the area and the design and use of this new park should relate to and enhance this network. The park is a triangle where the old village street pattern meets the rectangular city grid. The look and feel should be 100 percent "community park." It should feel like it is part of the more intimate character of the Greenwich Village streets to the southwest and should not reflect the more commercial feel of 7th Avenue. Stepping into the park should transport one away from urban intensity. While the park should welcome lunchtime use by workers in the surrounding area, it should represent the special character of the Village and it should not expose the residential areas to traffic and undesired activity. The current uses of the space provide no park use, but do provide a buffer that should be retained.
- 2) Should Accommodate Families - With only 0.4 acres of parks and playgrounds per 1000 residents compared to a standard of 2.5 acres, CB 2 ranks 48th out of 51 citywide. The first service of the park should be to the adjacent park-starved residential communities where the population of families with children is growing steadily, as evidenced by overflowing nearby playgrounds, and the new development to the east will increase this trend. While the park may be too small to provide a full playground and also other uses, it may be too big to function well simply as a sitting area with planting beds. Bringing children to the park also provides a lively and attractive aspect for a nearby sitting area. This idea, if affirmed, would mean the design should create an attraction for children and provide opportunities for active play. One suggestion was for a sand play area. Another was for sculptures that children can play on. A water play element can work for children and also be visually attractive and provide white noise to counter the cacophony on the avenue.
- 3) Design Elements - Design elements of the park should be standardized and easily maintained. Paving materials should be easily maintained, and not subject to staining and cracking. There should be sunny areas as well as areas shaded by trees. The park perimeter should include large tree species spaced as evenly as possible. A feature to give the park identity is desirable. A water feature to provide white noise may help create a peaceful area within the park. Facility to provide irrigation as needed should be provided and the park is large enough that it is desirable to have a place to store maintenance materials, possibly utilizing a small part of existing structures.
- 4) Commemoration - A very strong case has been made for the idea of an AIDS memorial to provide an important resource for remembering those who were lost and celebrating the response of our community. This idea is welcomed. The park could have a strong theme or identity related to the continuing story of AIDS. Other ideas for commemoration in the park have been mentioned. However, any of these potential uses need to be carefully developed so that it does not conflict with active and passive community uses, and the park should not become a regional destination. The design process could engage and seek to incorporate this idea, but should not be led by it. While memorials are usually monumental and less cheerful and intimate than the features of community parks, there is no reason why successful commemoration cannot be designed and placed in a way to coexist with and enhance a community park, especially where the history is so deeply connected to the community and the site.

(Using the 7th Avenue park perimeter directly opposite the hospital site could provide a powerful memorial presence while retaining more typical park use and feel inside the park.)

- 5) Oxygen Tanks - The availability of the Triangle Site for a public park is a huge opportunity for the neighborhood. Retention of the oxygen tank structure at the western tip will significantly diminish the value of the space as a public square and will be harmful to the park as experienced from the outside as well as the inside. If the tanks cannot be removed from the site, they should be reduced in size and moved to a location less important to the park than the western tip.
- 6) Fence - The debate about perimeter fences always brings a passionate response from both sides. There is a strong feeling among many that parks should be open and that fences compromise public access. There are concerns, sometimes overstated, but still credible, that the lack of a fence invites inappropriate and problematic use. While inappropriate use of public areas is lower now than at times in the past, times change, and the concerns are not unwarranted. There are many parks, including some in our neighborhood, where fences do not appear harmful to openness, and there are many public plazas throughout the city that are fenceless but forbidding. The lack of separation between park and street can lead to a plaza-like character. CB 2 favors a very low fence with gates that are locked at night to allow for effective closing without harming the public use and feel of the park.
- 7) Entrances - Placement of entrances has a major impact on the use and feel of a small park. Entrances should be placed at corners, such as at Abington Square, as compared to Jackson Square, which retains an older design with mid-block gates discouraging walk-through use and creating a sense of isolation inside the park. In this case, there are obvious locations at the two 7th Avenue corners, but other locations need to be more carefully considered. If the gas tank structure at the northwest tip can be removed or moved, this is another obvious location. The perimeters along West 12th and Greenwich are long, and people walking on those sidewalks are likely to want to cross through the park. Bank Street may seem like a natural place for a Greenwich Avenue entrance, but this would expose a very quiet street to unwanted activity so a Greenwich Avenue entrance should be placed farther east or west even if this disrupts a natural “desire line”. Entrances should be relatively narrow and unadorned to reflect the interior character of the park.
- 8) Different Grades - Without considering a separate question of whether existing underground space should be retained, the raised area above this space provides interesting opportunities. While the existing view of the garden above the space from the street is unattractive, there is a pleasant feel inside the garden and an interesting perspective and surprising sense of separation is provided by the small elevation. This separation is very different from what would be experienced from the top of a mounded lawn in the middle of a sitting area at street grade. Keeping the higher grade could also help to retain the beneficial visual buffer between Greenwich Avenue and Seventh Avenue. The existing site plan is also interesting because, with the removal of the building and the tanks, it would create an opportunity for two distinct areas, with a more natural raised area near Seventh Avenue, possibly a tree grove or an intensely planted garden, providing a buffer for a more active use area to the west. A design using the concept of a park with two distinct areas on different grades could be explored as a way of emphasizing the transitional character of the site, but only if there is adequate accommodation for disabled access, and sufficient visibility around the perimeter to avoid hidden activities.
- 9) Existing Underground Space - Retaining the underground space for future use is not accepted or rejected at this time, but its retention cannot be a consideration in developing or approving a design for the park and cannot delay or interfere in any way with the opening of the park. For example, if the roof of the underground structure cannot support large trees that are important to the desired design of the park, then the underground space cannot be retained. There are also potentially difficult design problems related to the impact on the park of access/egress requirements, mechanical systems, and ventilation that may constrain the use of the underground area. The reuse of the underground space also raises administrative and funding issues and potential environmental impacts were not studied as part of the scope of the EIS. The occupancy of the associated residential development must remain firmly coupled to the opening of the park.

Finally, an open process beginning with a Request for Proposals and ending with an agreement between parties will be required for commitment to particular uses and tenants so uses and tenants cannot be determined in ULURP or included in any restrictive declaration that would constrain the process.

- 10) Seating - Seating - While often appreciated, movable furniture is not typical of a community park. It can create more of a lunchtime sitting area feel. There is no objection to including some, but it is not an acceptable substitute for well-placed permanent benches and tables. The design of the park should be such that it would be just as accommodating and comfortable if the movable furniture were removed.
- 11) Publicly Controlled Space - This park should not be a privately controlled space with a right of public access. Upon completion of construction, control of the space should be transferred to the Parks Department through an appropriate easement. (CB 2 is grateful to the Applicant for its preliminary approval of this request in advance of the ULURP process.) The easement should include rules and regulations that set standards for repair and maintenance in perpetuity.

V. Eliminate Parking Garage

CB 2 opposes the accessory parking garage proposed for W. 12th St. between 6th & 7th Avenues. The opposition is not only to a special permit for additional parking – CB 2 urges that there should be no garage at all. CB 2 opposes the garage for the following reasons:

- There are already 3 garage entrances on the block, more than any other block in Greenwich Village – a fourth one is unprecedented.
- This would add additional traffic, congestion, noise and air pollution to a quiet residential street that already is now slated to be an eastbound ambulance route.
- It would interfere with sidewalk access by adding a curb cut that breaks up smooth sidewalk passage and by introducing vehicular traffic in the path of pedestrians.
- It would compromise pedestrian safety by introducing frequent vehicular movement and blockage of visibility on the sidewalk as well as cars appearing suddenly, in this case, in a vulnerable midblock location.
- There are more than enough available parking spots in the study area at all times, even factoring in this development, and according to Table 14-19 of the DEIS, there are 821 available overnight spots and 263 available peak usage mid-day spots in the study area.
- Despite the Applicants' contention that an approximately 35% of dwelling units formula is used to determine the number of required parking spaces, the number of residential units is still not fixed and could well be less than the 450 currently espoused, which would reduce parking needs.
- Fewer people are driving in NYC; there's an increase in use of alternative transportation modes and the encouragement of this approach (e.g. through bike share), which CB 2 supports.

VI. Eliminate Proposal to Relocate Bus Stop

NSLIJ has agreed to withdraw its request to relocate the current bus stop on the northwest corner of W. 12th St. & 7th Ave. S. (which, being at the corner, does not interfere with pick up/drop offs at the main entrance of the O'Toole Building which is midblock, the original reason for the proposed relocation) one block south to Mulry Sq. (at the intersection of Greenwich Ave./W. 11th St. & 7th Ave. S., identified in the DEIS as one of 5 high accident locations). CB 2 welcomes this agreement to withdraw the bus stop relocation request and thanks NSLIJ for their consideration in this matter.

VII. Elevator/Escalator Subway Access

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

decided against it. CB 2 is disappointed that neither NSLIJ, nor the Applicant, have pursued disabled access at the W. 12th St. subway entrance.

VIII. Environmental Issues

- 1) **Hazardous Materials** - The amount of self-monitoring, logging, and certification involved is of concern, as is the fact that the amount of government oversight has not been clarified. Daily logs will be maintained by the Applicant itself. Considering the current budget crisis, it can only be assumed that assertions by the Applicant will be accepted. This form of self-certification is suspect when there is inadequate oversight by respective government agencies. There need to be assurances that DEP, DEC, EPA, OASHA, DOT, and the DOH monitor closely during the construction phase.
- 2) **Water and Sewer Infrastructure** - The DEIS (Ch. 11- A. Introduction/Principal Conclusions) asserts that, “The proposed projects would not result in wastewater discharges requiring industrial pretreatment or participation in the IPP” [the City’s Industrial Pretreatment Program]. Given that the plan for the NSLIJ facility includes an advanced imaging center and a radiological treatment facility, it is neither realistic nor responsible to plan to avoid pretreatment of the resulting wastes. Columbia Presbyterian Medical Center’s Radiation Safety Office affords a comparison example of responsible radiological waste pretreatment. In their system, wastes from patients receiving treatment from the New York Presbyterian Hospital Departments of Nuclear Medicine and Radiation Oncology, are removed for a period of decay-in-storage before disposal. Our local West Village sewage system makes pretreatment of medical facility wastes unavoidable. A moderate rain now causes the local at-capacity sewage system to discharge directly into the Hudson River, and—as we all know—there have been a growing frequency and intensity of flood-level rains. Sewage is sent to the North River Sewage Treatment Plant on the Hudson River for treatment. Two highly relevant facts are: 1) studies show that sewage treatment plants are not able to treat radioactive wastes; and 2) down river from the North River plant, at Gansevoort Peninsula in Hudson River Park, there is to be a brand-new beach where children will play. For these very good reasons, pretreatment of hospital sewage to eliminate pathogens, medications, radioactive waste, mercury, etc., is a public health imperative. Moreover, the raw sewage that is discharged into the river 100 feet from the bulkhead is in a protected natural habitat for marine life along the Hudson River Park.
- 3) **Solid Waste and Sanitation Services** - According to projections, the proposal would involve one truckload per week for DSNY pick-up and one truckload for private carters. Not mentioned was the number of truck trips involved. This is three times a week and two for recycling for DSNY and five times for private carters. That computes to ten truck trips a week. In other words, the plan concerns itself with weight, not with trip numbers. The FEIS must indicate this and include it in the applicable figures/calculations for air quality, noise, etc. This brings up the matter of safety at the intersection at Seventh Avenue, known to PS 41 families as “Five Corners” (Mulry Square). It could be difficult for a driver of a sanitation truck to see a child crossing that convergence to get to school. Care must be given to plan scheduled trips nowhere near school hours.
- 4) **Air Quality & Public Health Impacts** - Fugitive dust particles from demolition and construction will exacerbate any existing problems experienced by anyone (residents and/or schoolchildren) with respiratory issues. Given the duration of this project, it is imperative that the sponsor takes every precaution to minimize these effects. The DEIS states there will be some protections regarding trucks that enter construction site, but what these protections will be has not been published, nor have they been disclosed in public hearings. The Applicant indicated they would be willing to publish air quality reports on their website on a weekly basis.
- 5) **Construction Impacts** - The DEIS makes the assertion that while periods of intense noise are inevitable, the quietest equipment available and the least polluting (electrical or low sulfur fuel) vehicles will be used. Areas being excavated would be wet down to keep dust at lowest possible levels and air would be monitored constantly for toxicity. While admitting that demolition, excavation and pile-driving operations would be extremely noisy, they deem them inevitable. When discussing efforts to minimize these effects, they mentioned providing double-glazed windows and air conditioners for specific

properties to provide some relief to residents. Never was there mention of the effect on PS 41, which is down the street. The school has neither double-glazed windows nor air conditioning. Aside from being disruptive to teaching and learning, students' hearing and health (both mental and physical) are very vulnerable. While there are assurances that there will be sidewalk corridors constructed for safety, protection of minors is still a safety concern. All the huge equipment and activity will most certainly draw many to the site. They are of special concern. Also important to note: The Applicant offered to setup a website so that the community can remain aware of what is happening at the site as demolition and construction progresses, and they offered to setup a telephone number that the public could call 24/7 to notify the on-site construction crew of any problems that arise. The FEIS should make mention that the sponsor agrees to abide by the CB 2 Construction Protocols, as well as the NYC Department of Buildings' "Technical Policy and Procedures Notice #10/88.

- 6) Inadequacy of DEIS Construction Analysis - The DEIS' construction analysis is surprisingly insensitive. There seems to be a total failure to appreciate how unprecedented it is to have a project of this dimension take place in the middle of a residential area.
 - a. It contains no discussion of the vibration impact on 170 year old townhouses and other historic buildings flowing from the demolition of Reiss and its replacement with a new building.
 - b. Its traffic and noise analysis assumes peak construction related traffic as being between 6 A.M. and 7 A.M. (page 28). That, however, is erroneous since, as is the case with the Martin Payne building renovation on West 12th Street we assume no deliveries will be allowed prior to 8 A.M.
 - c. The DEIS analysis assumes construction will take place between 7:00 a.m. and 4:30 p.m. (and sometimes later on weekdays) and on 50% of Saturdays. Again, the right assumption is no construction before 8:00 a.m. and far more limited Saturday work.
 - d. The DEIS cavalierly dismisses the noise exceedances because they will occur for less than two years which it describes as "limited duration." Putting aside the notion that two years is hardly a limited duration for those living in the affected blocks, it is unclear how the DEIS derives the "two year" number. Indeed, the renovations of Martin Payne – a modest sized single building – will itself take more than a year, and the overall project will take more than three years.
 - e. The DEIS dismisses concerns about demolishing asbestos containing buildings by saying such demolition will be in accordance with required regulations (page 21). Where is the analysis of how complying with these regulations will affect the risks and/or burdens imposed by this project or effect the project's duration?
 - f. Street closings of surrounding streets – particularly of West 12th Street, a significant west to east thoroughfare – are never discussed, despite their potential significance. Are we being assured there will be no street closings? If there will be, would, for example, retaining Reiss reduce the number of street closing? That question is never addressed.
 - g. The DEIS assumes as to noise, air quality and more that the sponsor will take significant proactive measures. Given the critical nature of these measures, it is vital that some policing mechanism be required. As part of such mechanism, CB 2 requests that the Applicant be required to pay for a construction monitor to be employed by and report to a designated community group.
 - h. There is very limited discussion of how the effects of this project will be aggravated by the proposed MTA Ventilation Plant to be built at the intersection of West 11th Street, Greenwich Avenue and 7th Avenue.

IX. Other Concerns

- 1) Retail on Side Streets – The Applicant proposes approximately 90 feet of retail windows down both 11th and 12th Streets. CB 2 believes this is inappropriate. These are residential streets, and indeed, 12th Street has never had any form of retail space and the DEIS recognizes that 12th Street "has strong residential character." Thus while any retail can have entrances, appropriate signage, and display windows on 7th Avenue, there should be neither signage nor any visible displays on the side streets, including in the existing windows on 12th Street. To do otherwise would change the character of these streets from residential to commercial.

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

- 3) Precedence - CB 2, which has a very high concentration of community facilities, is keenly aware of the potential implications and precedence of the requested zoning changes. As our neighborhoods are full of facilities built at a greater than normally allowable bulk in order to accommodate community facility uses, it is imperative that this not become a vehicle by which either community facilities or private developers are allowed to profit down the road. Therefore we insist that no upzoning, based upon the allowable bulk for community facilities, be granted to Applicant, and that only the allowable bulk for residential development be considered for this project at this site.

These are CB 2's major issues of concern that must be addressed in to avoid the significant and irreversible negative impacts this project, as currently proposed, stands to have on our community. Thank you for this opportunity to comment on these applications. Please contact us if you have any questions.

Vote: Passed, with 40 Board members in favor, and 1 in opposition.

Please advise us of any decisions or actions taken in response to this resolution.

Sincerely,

Brad Hoylman, Chair
Community Board No. 2, Manhattan

Robert E. Riecobono, Chair
St. Vincent’s Omnibus Committee
Community Board No. 2, Manhattan

BH/fa

- cc:
- Hon. Christine C. Quinn, NYC Council Speaker
 - Hon. Scott M. Stringer, Manhattan Borough President
 - Hon. Jerrold L. Nadler, Member, U.S. House of Representatives
 - Hon. Thomas K. Duane, Member, NY State Senate
 - Hon. Daniel J. Squadron, Member, NY State Senate
 - Hon. Deborah J. Glick, Member, NY State Assembly
 - Lolita Jackson, Manhattan Director, CAU
 - Vivian Awner, Community Board Liaison, Dept. of City Planning
 - Land Use Review Unit, NYC Dept. of City Planning
 - Calendar Office, NYC Dept. of City Planning