

**NEW YORK STATE DEPARTMENT of HEALTH  
STATE ENVIRONMENTAL QUALITY REVIEW  
FINAL SCOPING DOCUMENT**

**for the**

**Jewish Home Lifecare, Manhattan  
*Replacement Nursing Facility Project***

**Date:** January 28, 2014

**Lead Agency:** New York State Department of Health  
Corning Tower  
Empire State Plaza  
Albany, New York 12237

**Applicant:** Jewish Home Lifecare, Manhattan  
120 West 106<sup>th</sup> Street  
New York, New York 10025

This *Final Scoping Document* is issued pursuant to the *State Environmental Quality Review Act* (“*SEQRA*”), codified at Article 8 of the *Environmental Conservation Law* (“*ECL*”) of the State of New York, and its implementing regulations, promulgated at Part 617 of Title 6 and Part 97 of Title 10 of the *New York Code, Rules and Regulations* (“*N.Y.C.R.R.*”). Collectively, these provisions of law and regulation set forth the requirements for the *State Environmental Quality Review* (“*SEQR*”) process relevant to the Proposed Project.

**The New York State Department of Health (“NYSDOH”), as lead agency, has determined that the Proposed Action described below may have a significant effect on the environment and that a Draft Environmental Impact Statement (“DEIS”) will be prepared.**

**Title of Action:** Jewish Home Lifecare, Manhattan  
*Replacement Nursing Facility Project*  
Approval of Construction Application  
(Certificate of Need Project #121075 C)

**SEQR Status:** Type I Action – 6 *N.Y.C.R.R.* 617.4(b)(6)(v) and  
10 *N.Y.C.R.R.* Part 97.14(b)(1)(v)

**Review Type:** Coordinated Review

## ***Introduction***

This *Final Scoping Document* has been prepared to describe the Proposed Action and Proposed Project, present the proposed framework for the Draft Environmental Impact Statement (“DEIS”) analysis, and discuss the procedures to be followed in the preparation of the DEIS. It also incorporates changes in response to the public comments on the *Draft Scoping Document* as well as other updates that were made subsequent to publication of the *Draft Scoping Document*. It will also identify those prominent issues that were raised during scoping and determined to be not relevant or not environmentally significant or that have been adequately addressed in a prior environmental review. Revisions to the *Draft Scoping Document* have been incorporated into this *Final Scoping Document*.

Oral and written comments were received during a public scoping session held by the New York State Department of Health (“NYSDOH”) on September 17, 2013, at Public School (“P.S.”) 163 located at 163 West 97<sup>th</sup> Street, in Manhattan, New York. Written comments on the *Draft Scoping Document* were accepted through the close of the public comment period, which ended on October 4, 2013. The *Draft Scoping Document* was issued for public review on June 5, 2013, for the Jewish Home Lifecare, Manhattan (“JHL”) *Replacement Nursing Facility Project*. A response to comments document, which summarizes and responds to comments on the *Draft Scoping Document*, is attached as Appendix A, “Response to Comments on the Draft Scoping Document.”

## ***Proposed Action***

The Proposed Action would consist of NYSDOH approval of a construction application filed pursuant to Section 2802 of the *Public Health Law* (“PHL”). This is a discretionary action that requires review under the *State Environmental Quality Review Act* (“SEQRA”). The environmental review will be undertaken pursuant to SEQRA, which is codified at Article 8 of the *Environmental Conservation Law* (“ECL”), and its implementing regulations, promulgated at Part 617 of Title 6 of the *N.Y.C.R.R.* In addition, NYSDOH has promulgated its own implementing regulations at 10 *N.Y.C.R.R.* Part 97. Collectively these provisions of law and regulation set forth the requirements for the SEQRA process relevant to the Proposed Project. As set forth in a letter from NYSDOH to JHL dated May 6, 2013, the 2012 *City Environmental Quality Review* (“CEQR”) *Technical Manual*<sup>1</sup> will generally serve as a guide with respect to environmental analysis methodologies and impact criteria for evaluating the effects of the Proposed Project, unless NYSDOH determines otherwise.<sup>2</sup> There are no other discretionary actions associated with the Proposed Project.

The Proposed Project will also be reviewed in conformance with the *New York State Historic Preservation Act of 1980* (“SHPA”), especially the implementing regulations of Section

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<sup>1</sup> The City of New York, Mayor’s Office of Environmental Coordination, *City Environmental Quality Review Technical Manual*, 2012 Edition, Revised June 5, 2013.

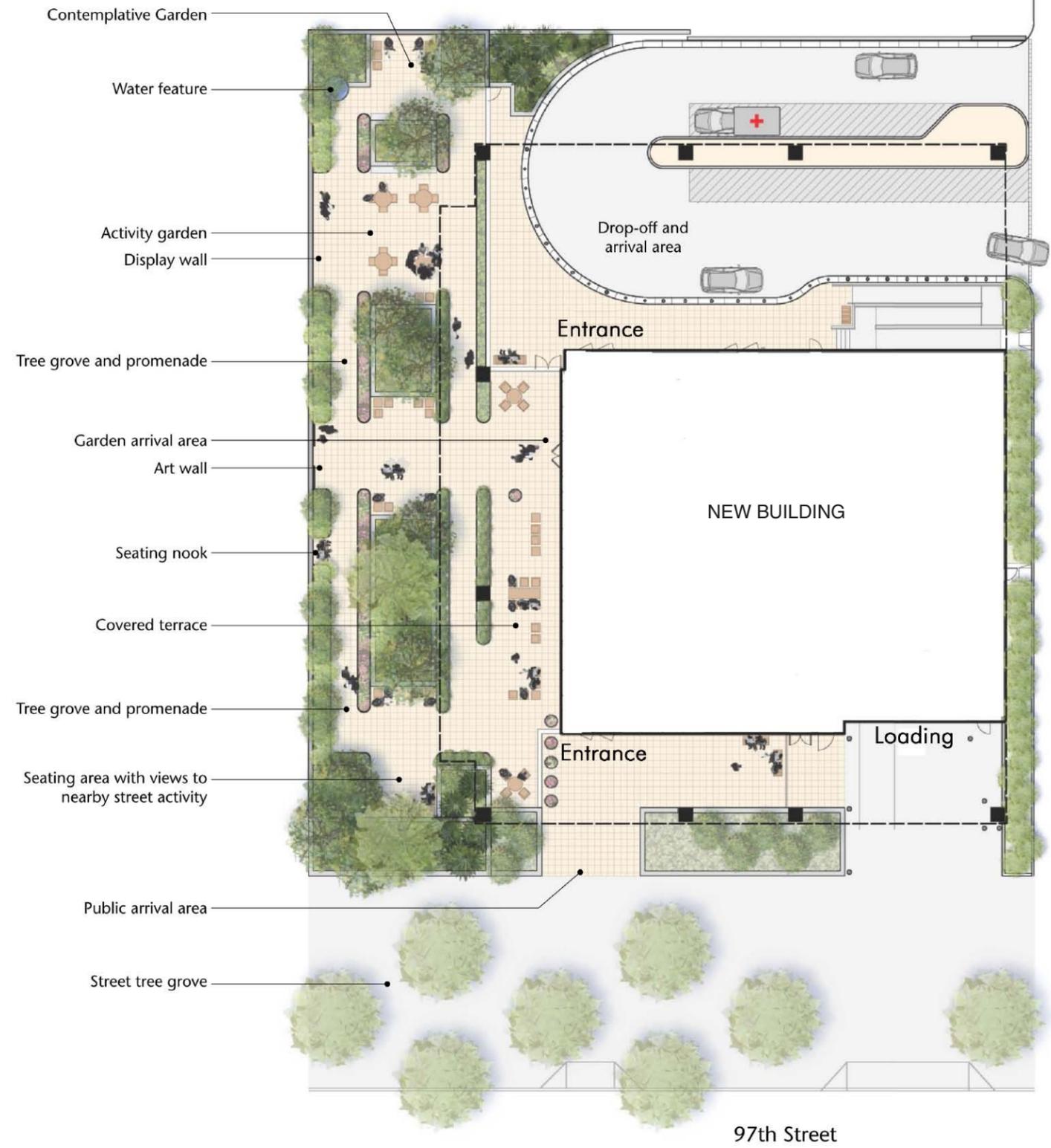
<sup>2</sup> Correspondence from Karen Westervelt, New York State Department of Health to Thomas Gilmartin, JHL dated May 6, 2013.

14.09 of the *Parks, Recreation, and Historic Preservation Law* (“*PRHPL*”). Additionally, the Proposed Project will be reviewed in conformance with the *State Smart Growth Infrastructure Policy Act* (“*SSGPIPA*”) of 2010. The compatibility of the Proposed Project with the ten criteria of the *SSGPIPA* will be detailed.

***Proposed Project***

The New York State Department of Health (“*NYSDOH*”) has received a request from *JHL*, a member of the Jewish Home Lifecare System, for authorization to construct a replacement nursing facility (the “*Proposed Project*”). For purposes of *State Environmental Quality Review* (“*SEQR*”), the Proposed Action would consist of *NYSDOH*’s approval of a construction application filed pursuant to Section 2802 of the *Public Health Law* (“*PHL*”) that would consist of *JHL*’s plan to construct a new, LEED®-certified, as-of-right facility at 125 West 97<sup>th</sup> Street in Manhattan’s Upper West Side neighborhood (the “*Project Site*”). Following the construction of the new facility, *JHL* would close the current location of its Manhattan Division, which is located at 120 West 106<sup>th</sup> Street in the borough of Manhattan, New York County, New York. The Proposed Project would result in the construction of a replacement facility with 100 fewer beds than the current location. Upon completion of the Proposed Project, the total *NYSDOH*-certified bed complement at *JHL* would be reduced from 514 beds to 414 beds.

More specifically, the Proposed Project would replace the existing, approximately 31,804-square-foot (“*sf*”), 88-space, surface accessory parking lot on the *Project Site* with a new, 20-story (plus cellar floor), approximately 376,000-gross-square-foot (“*gsf*”) building. Users of the existing parking lot would receive alternative nearby parking within the *Park West Village* (“*PWV*”) complex, either on a surface lot or within the 808 Columbus Avenue parking garage. As shown in Figure 1, the proposed building would have three access areas: (1) a public pedestrian entrance on West 97<sup>th</sup> Street with access to the reception, main lobby, and resident and family areas, for residents, visitors, staff, and the general public; (2) a public vehicular entrance on the north side of the building to the same areas via a covered, semi-circular driveway for patient drop off and pick up, including ambulette and taxi access, utilizing the existing driveway along the eastern end of the *Project Site* for access from West 97<sup>th</sup> Street; and (3) loading and service access on West 97<sup>th</sup> Street. The ground-floor level would include an approximately 8,700-*gsf* landscaped area along the west side of the *Project Site*, of which about 1,850 *gsf* would be covered by the building above. This area would be accessible for *JHL* residents, visitors, and employees as well as *PWV* residents, who would access it using a keycard. As part of the Proposed Project, a street tree protection, replacement, and replanting plan would be undertaken that would comply with the city’s applicable rules and regulations. As currently contemplated, approximately 3 existing street trees would be removed and 5 would be protected along the West 97<sup>th</sup> Street frontage of the *Project Site*. Approximately 18 trees would be planted along the boundary of the zoning lot, including along West 97<sup>th</sup> and West 100<sup>th</sup> Streets, and Columbus Avenue, and additional trees would be planted off-site at the direction of the New York City Department of Parks and Recreation (“*NYCDPR*”). The size and species of the proposed replacement trees would be determined by *NYCDPR*. Trees that are currently located on the *Project Site* would be removed during the construction of the Proposed Project, and new trees would be planted within the *PWV* property.



SOURCE: Perkins Eastman

NOTE: FOR ILLUSTRATIVE PURPOSES ONLY

0 20 40 FEET  
SCALE

The Proposed Project would include a total of 414 beds, with 264 long-term-care beds located on the 9<sup>th</sup> floor through the 19<sup>th</sup> floor. Each floor would house 24 beds that include two “Green House” homes, complete with living and dining areas, a kitchen, private bedrooms and bathrooms with showers, and staff support areas. Another 150 post-acute (short-term rehabilitation) beds would be located on the 4<sup>th</sup> floor through the 8<sup>th</sup> floor, along with community dining and decentralized therapy and activity space. The remaining floors would contain shared common areas, administrative offices, and service and support areas. The building would have one cellar level and one mechanical story, and would include an approximately 1,950-gsf rooftop garden for JHL residents and their visitors. The proposed building would be up to approximately 280 feet in height.

The Proposed Project would employ approximately 625 full-time-equivalent (“FTE”) employees at the proposed facility.

Construction of the Proposed Project is expected to begin in 2014 and would last approximately 30 months. It is expected that construction would be completed in a single phase, and that occupants would move into the new facility over the course of approximately 4 to 10 months. Therefore, for the purposes of this assessment, a 2018 analysis (Build) year is assumed.

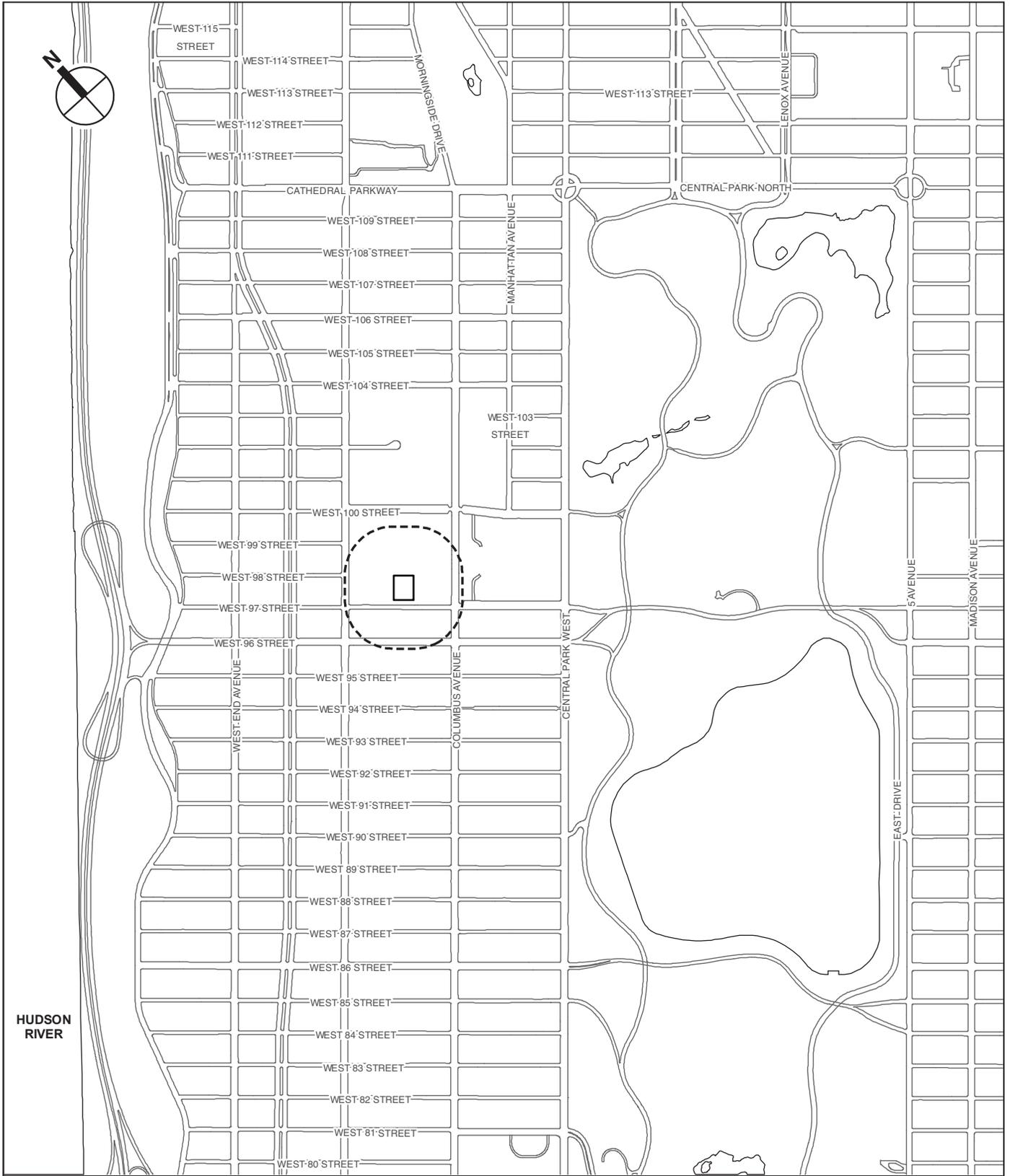
NYSDOH, as the only state agency with a discretionary action, will serve as the lead agency for the environmental review. A DEIS will be prepared for the Proposed Project, which is a Type I action under *SEQR* as specifically designated by 6 *N.Y.C.R.R.* Part 617.4(b)(6)(v) and 10 *N.Y.C.R.R.* Part 97.14(b)(1)(v), respectively.

### ***Project Site***

The Proposed Project would be located on Block 1852, Lot 5 located at 125 West 97<sup>th</sup> Street in the borough of Manhattan, New York County, New York. The Project Site is located on the southern portion of the superblock bounded by West 100<sup>th</sup> Street to the north, West 97<sup>th</sup> Street to the south, Columbus Avenue to the east, and Amsterdam Avenue to the west (see Figure 2). The Project Site is currently occupied by an 88-space surface parking lot that is used by the tenants of the neighboring PWV residential complex.

### ***Other Approvals***

A New York City Planning Commission (“CPC”) certification pursuant to Section 22-42, “Certification of Certain Community Facility Uses,” of the *Zoning Resolution of the City of New York* (“*Zoning Resolution*”) was approved in March 26, 2012 (see Appendix B). Section 22-42 of the *Zoning Resolution* requires that, prior to any development, enlargement, extension or change in use involving a nursing home or health-related facility in a residence district, the CPC must certify to the New York City Department of Buildings (“NYCDOB”) that none of the findings set forth in Section 22-42 of the *Zoning Resolution* exist in the Community District within which such use is to be located. If any of the findings are found to exist, a special permit pursuant to Section 74-90 of the *Zoning Resolution* is required for the development, extension or enlargement or change of use. The findings that would trigger a special permit are:



- Project Site
- Study Area Boundary (400-Foot Perimeter)



1. That the ratio between the number of existing and approved beds for nursing homes compared to the population of the Community District is relatively high compared to other Community Districts.
2. There is a scarcity of land for general community purposes within the Community District.
3. The incidence of nursing home construction in the past three years warrants review.

The CPC determined that none of these findings exist in Community District 7 and issued the certification.

A foundation permit was obtained from NYCDOB.<sup>3</sup>

### ***Purpose and Need***

JHL is a member of Jewish Home Lifecare System (the “System”), which operates a geographically-diverse continuum of services for the elderly and disabled in the New York metropolitan area, covering the counties of Manhattan, the Bronx, and Westchester. The System serves nearly 12,000 individuals per year.

The existing nursing facility, located at 120 West 106<sup>th</sup> Street, is in outdated buildings constructed between 1898 and 1964 which are at the end of their useful lives and operate at 65 percent efficiency. The existing facility presents physical challenges that negatively impact residents’ quality of life, mobility, privacy, and independence; the buildings operate inefficiently, are antiquated and require major infrastructure replacement.

JHL’s Proposed Project would result in a vitally needed new nursing facility of 414 beds on the Project Site, and would permanently decertify 100 beds from the current complement of 514 at the existing facility. This plan is a culmination of over eight years of planning to identify the best location and best model of care for the new JHL facility. Throughout this planning process, there was coordination with the NYSDOH on the programming and identification of the proposed location. This proposed facility would enable JHL to continue serving residents in the community and in the borough in a new state-of-the-art facility. The proposed facility would provide an innovative model of long-term care called “Green House” living. The Green House design would create a small home environment that allows more enhanced, focused attention and care between residents and staff and allow for greater independence. The new facility would be groundbreaking as the first true urban Green House model to be developed in New York City and New York State and one of the first nationwide. The facility would also accommodate the significant shift that is occurring from long-term care to short-stay, post-acute rehabilitation needs, with 36 percent of the beds in the proposed facility dedicated to post-acute (short-term rehabilitation) beds.

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<sup>3</sup> NYCDOB Permit Number 120797888-01-EQ-FN, issued October 23, 2013.

### ***Scope of Work for the Draft Environmental Impact Statement***

NYSDOH is serving as lead agency in the review of a DEIS for the Proposed Project, a Type I action under *SEQR* as specifically designated by 6 *N.Y.C.R.R.* Part 617.4(b)(6)(v) and 10 *N.Y.C.R.R.* Part 97.14(b)(1)(v), respectively.<sup>4</sup>

A *Draft Scoping Document* was made publicly available on June 5, 2013, to the involved agencies and interested parties for review and comment. The purpose of the *Draft Scoping Document* was to describe the scope of work of the DEIS and to solicit public comments on the key issues to be studied.

*Notice of the Determination of Significance* (“*Positive Declaration*”) and *Draft Scoping Document* was first published in the New York State Department of Environmental Conservation’s (“*NYSDEC*’s”) *Environmental Notice Bulletin* (“*ENB*”) on June 12, 2013, and the *Notice of Public Scoping Meeting* was published in the June 28, 2013 edition of the *New York Daily News*. The Scoping Meeting was subsequently postponed at the request of the community and a second notice of the *Positive Declaration* and *Draft Scoping Document* was published in the *ENB* on July 10, 2013; a Notice of Public Scoping Meeting was published in the July 29, 2013 edition of the *New York Daily News*. The Scoping Meeting was postponed for a second time, also in response to community requests, and the final notice of the *Positive Declaration* and *Draft Scoping Document* was published in the *ENB* on August 7, 2013; a Notice of Public Scoping Meeting was published in the August 17, 2013 edition of the *New York Daily News*.

A public scoping meeting was held for the Proposed Project at 6:30 p.m. on September 17, 2013, at Public School (“*P.S.*”) 163 (163 West 97<sup>th</sup> Street, in Manhattan, New York) allowing all involved agencies, interested parties and members of the public an opportunity to comment on the scope of the DEIS. The comment period for the *Draft Scoping Document* was extended beyond the customary 10-calendar-day period, and written comments were accepted until October 4, 2013. After all comments were considered, NYSDOH prepared and issued this *Final Scoping Document*.

The DEIS will assess the potential of the Proposed Project to result in significant adverse impacts to the following areas: Land Use, Zoning, and Public Policy, Shadows, Historic and Cultural Resources, Hazardous Materials, Water and Sewer Infrastructure, Transportation, Air Quality, Greenhouse Gas Emissions, Noise, Public Health, Neighborhood Character, Construction Impacts, Mitigation and Alternatives.

### ***Analysis Year***

As is standard for environmental impact statements prepared pursuant to *SEQR*, the DEIS will provide a description of existing (2013) conditions (“*Existing Conditions*”), and assessments of conditions in the future with the Proposed Project (the “*Future Build Condition*”) and

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<sup>4</sup> NYSDOH issued an Environmental Assessment Statement (“*EAS*”) and a lead agency request letter to the involved agencies and interested parties on June 5, 2013. There being no objections, NYSDOH assumed the lead agency role on July 5, 2013.

conditions in the future without the Proposed Project (the “Future No-Build Condition”). A single-phase project will be assumed with a build completion date (“Build Year”) of 2018.

The Future Build Condition will be evaluated against the Future No-Build Condition, thus enabling the assessment of the Proposed Project’s incremental impacts on the environment. Using Existing Conditions as the starting point, the Future No-Build Condition adds in changes that are known or expected to be built between the present and the Proposed Project’s Build Year. Absent the Proposed Action, in the Future No-Build Condition, the Project Site would remain in its current state and continue to function as a parking area. JHL would maintain its existing 514 beds in three distinct buildings on the West 106<sup>th</sup> Street campus. The existing facility would continue to operate inefficiently, housed in outdated buildings with a physical plant in need of major infrastructure replacement.

No other development projects are currently anticipated to be built within the 400-foot study area by 2018.

### ***Analysis Framework***

The Proposed Action will be analyzed in the DEIS to assess the Proposed Action’s potential to generate significant adverse environmental impacts. As necessary, the DEIS will consider alternatives that would reduce or eliminate impacts identified in the technical analyses and propose mitigation for such impacts, to the extent that practicable mitigation exists.

The DEIS will contain:

- A description of the Proposed Project and its environmental setting;
- A statement of the environmental impacts of the Proposed Project, including its short-term, long-term and cumulative effects;
- An identification of any adverse environmental effects that cannot be avoided if the Proposed Project is implemented;
- A discussion of reasonable alternatives to the Proposed Project, including a Future No-Build alternative;
- An identification of irreversible and irretrievable commitments of resources that would be involved in the Proposed Project should it be implemented; and
- A description of mitigation proposed to minimize to the greatest extent practicable any significant adverse environmental impacts.

The DEIS will describe the existing conditions of the Project Site and the surrounding area and the conditions of the Project Site and surrounding area in 2018, the year in which the Proposed Project is expected to become operational. The DEIS will also consider other future development projects and changes to the surrounding area that are anticipated to occur in the future with or without the Proposed Project (referred to as the “Future No-Build Condition”). The potential impacts of the Proposed Project on the Project Site and the surrounding area will be determined through a comparison of conditions in the future without the Proposed Project to conditions in the future with the Proposed Project. There is a driveway north of the existing, on-

site, surface lot that can be accessed from West 97<sup>th</sup> Street and West 100<sup>th</sup> Street. The driveway (Park West Drive), the north-south access road within the PWV complex, may be modified as part of the PWV property owner's planning for the complex, but will continue to function as a discontinuous two-way access road for PWV parkers. These potential changes, if approved, would occur independently of the Proposed Project.

Based on the Proposed Project described above and impact thresholds presented in the *CEQR Technical Manual*, this scope assumes that the following technical areas do not require detailed analyses because the Proposed Project is not likely to result in any significant adverse impacts in these areas: Socioeconomic Conditions, Community Facilities and Services, Open Space, Urban Design and Visual Resources, Natural Resources, Solid Waste and Sanitation Services, and Energy. Screening level analyses for these technical areas were prepared as part of the Environmental Assessment Statement ("EAS"), dated June 5, 2013, completed for the Proposed Project. In addition, because the Project Site is not located within the state and/or city's Coastal Zone, an assessment of the Proposed Project's consistency with the Waterfront Revitalization Program ("WRP") is not required.

### ***Executive Summary***

A clear, concise and complete summary of the DEIS will be supplied at the beginning of the document. The summary will provide a description of the Proposed Action and Proposed Project, the purpose and need for the Proposed Project, the required approvals, the study areas, anticipated impacts, proposed mitigation measures and alternatives. The *Executive Summary* will follow the general outline of the tasks listed below, or those tasks deemed appropriate during the DEIS scoping process. Although this is one of the first sections found in the DEIS, it will be one of the last tasks to be undertaken after the finalization of the other analyses described below.

#### ***Task 1. Description of Proposed Action and Proposed Project***

The first chapter of the DEIS will introduce the reader to the Proposed Action and Proposed Project and provide the description based upon which impacts will be assessed. The chapter will contain brief background information about JHL and the proposed facility; a description and illustrative drawings of the Proposed Project; a discussion of the approvals required and procedures to be followed; and the role of the DEIS in the process. The project description chapter will provide the public and decision-makers with basic information to evaluate the Proposed Project against No-Build conditions.

#### ***Task 2. Land Use, Zoning, and Public Policy***

This analysis will consider the Proposed Project's effects in terms of land use compatibility and trends in zoning and public policy. In general, this chapter will provide a context for other analyses in the DEIS. It will:

- Describe predominant land use patterns in the study area, including recent development trends. The study area will include the portions of the blocks

- immediately surrounding the Project Site and land uses within approximately 400 feet.
- Provide a zoning map and discuss existing zoning and any recent zoning actions on the Project Site and in the study area.
  - Summarize other public policies that may apply to the Project Site and study area.
  - Describe conditions on the Project Site absent the Proposed Action.
  - Include a list of other projects expected to be built in the study area that would be completed before or concurrently with the Proposed Project, and describe the effects of these projects on land use patterns and development trends.
  - Describe any pending zoning actions or other public policy actions that could affect land use patterns and trends in the study area, including plans for public improvements.
  - Assess the Proposed Project’s compatibility with PlaNYC 2030. PlaNYC is the City of New York’s comprehensive development framework which establishes goals in a variety of policy areas, including land use, transportation, energy, and economic development.

As part of the public policy analysis, a NYSDOH Smart Growth Impact Statement Assessment Form (“SGISAF”) will also be completed for the Proposed Project. The SGISAF determines whether a project is consistent with the State of New York *State Smart Growth Public Infrastructure Policy Act* (“SSGPIPA”), Article 6 of the New York *ECL*, for a variety of policy areas related to land use and sustainable development.

***Task 3. Socioeconomic Conditions***

The socioeconomic character of an area includes its population, housing, and economic activity. According to the *CEQR Technical Manual*, a socioeconomic assessment should be conducted if a project may reasonably be expected to create substantial socioeconomic changes within the area affected by the project that would not occur in the absence of the project. For purposes of *SEQR*, it should be noted that nursing home rooms do not constitute residential units.<sup>5</sup> Projects that would trigger a *CEQR/SEQR* analysis of socioeconomic conditions include projects which result in the following:

- Direct displacement of 500 or more residents or more than 100 employees.
- Direct displacement of a business that is uniquely significant because its products or services are dependent on its location; it is the subject of other regulations or publicly adopted plans aimed at its preservation because of its

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<sup>5</sup> Pursuant to 6 *N.Y.C.R.R.* 617.2(ae): “Residential means any facility used for permanent or seasonal habitation, including but not limited to: realty subdivisions, apartments, mobile home parks, and campsites offering any utility hookups for recreational vehicles. It does not include such facilities as hotels, hospitals, nursing homes, dormitories or prisons.”

- type or location; or it serves a population that is uniquely dependent on its services, in its particular location.
- The development of 200 residential units or more or 200,000 square feet (“sf”) or more of commercial use that is markedly different from existing uses, development, and activities in the neighborhood. This type of development may lead to indirect residential or business displacement, respectively.
  - The development of 200,000 sf or more of retail on a single development site, creating the potential to draw a substantial amount of sales from existing businesses within the study area. This type of development may lead to indirect business displacement due to market saturation.
  - Impacts on a specific industry; for example, if a substantial number of residents or workers depend on the goods or services provided by the specific affected business, or if it would result in the loss or diminution of a certain product or service that is important within the city.

The operation of the Proposed Project would not directly displace any residential populations, businesses, or employees. The Proposed Project would not introduce any residential units, commercial or retail use. Therefore, the Proposed Action does not meet the threshold for further analysis and would not result in any significant adverse impacts on socioeconomic conditions. The DEIS would not include a socioeconomic analysis. The temporary displacement of the weekly Greenmarket, currently located in front of the Project Site, during the construction of the Proposed Project will be examined in Task 20, “Construction Impacts.”

***Task 4. Community Facilities and Services***

The *CEQR Technical Manual* states that a community facilities assessment is appropriate if a project would have a direct effect on a community facility or if it would have an indirect effect by introducing new populations that would overburden existing facilities.

The Proposed Project would not displace any community facilities; instead, it would introduce a nursing home facility to the Project Site. In addition, the Proposed Project would not result in any of the following significant indirect effects on community facilities and services that are specified in the *CEQR Technical Manual*:

- ***Schools.*** The introduction of more than 50 elementary and/or intermediate school students or 150 or more high school students who are expected to attend public schools. The operation of the Proposed Project would not generate any residents with school-aged children and; therefore, no further analysis is necessary. The potential effects on P.S. 163 during the construction of the Proposed Project will be examined in Task 20, “Construction Impacts.”
- ***Libraries.*** An increase of more than five percent in the catchment area populations of libraries in the study area. While the Proposed Project would

- result in 414 beds, the facility's residents would be served by the Proposed Project's on-site library, and would therefore not contribute substantially to the demand on libraries in the area. Therefore, it is expected that there would be no significant adverse impacts to libraries in the study area, and no further analysis is warranted.
- **Health Care Facilities.** The introduction of a significant number of new residents, workers, or visitors. The Proposed Project would introduce residents whose health care would be provided for on site. Although the Proposed Project would reduce the number of 100 beds, this reduction would not result in a shortage of nursing home beds in the area. As per the Public Health and Health Planning Council action dated October 11, 2012, the Proposed Project would create system efficiencies by decertifying 100 beds in a region that, as of 2010, has a 94.8 percent occupancy rate for Residential Health Care Facility ("RHCF") beds. As of 2012, both Manhattan and New York City (five boroughs) had overall RHCF occupancy rates of 95.4 percent and 95.0 percent, below the 97.0 percent planning standard. Therefore, the Proposed Project would not result in significant adverse impacts to health care facilities, and no further analysis is necessary.
  - **Child-Care Facilities.** The introduction of 20 or more children under the age of 6, eligible for publicly-funded, group-child-care and Head Start centers based on residence in low/moderate-income residential units. The Proposed Project would not generate any residential units with children under the age of 6 and, therefore, no further analysis is necessary.
  - **Police and Fire Protection.** The introduction of a significant number of new residents, workers, or visitors. Because the Proposed Project would not result in the introduction of a sizable new neighborhood, nor would it directly displace a police or fire station, the Proposed Project would not result in significant adverse impacts to police and fire protection in the study area. No further analysis is necessary.

Therefore, the operation of the Proposed Project would not result in any significant adverse impacts to community facilities and services and no further analysis is necessary. The DEIS would not include a community facilities analysis.

#### **Task 5. Open Space**

Open space is defined by *CEQR* as publicly- or privately-owned land that is publicly accessible and operates, functions, or is available for leisure, play or sport, or set aside for the protection and/or enhancement of the natural environment. The *CEQR Technical Manual* recommends conducting an open space assessment for projects that would result in the physical loss of, or limit access to, a recreational open space resource, change the use of an open space so that it no longer serves the same user population, or affect the usefulness of public open space due to pollution or shadows. An open space assessment may also be necessary for projects that

would generate enough new residents or workers to noticeably diminish the capacity of an area's open spaces to serve the future population.

The Project Site is located in an area that is classified as well-served by recreational open space resources. For such locations, the threshold given in the *CEQR Technical Manual* for an open space assessment is a population increase of more than 350 residents or 750 workers. The facility's residents introduced by the Proposed Project would be served by an approximately 1,950-gsf rooftop garden. In addition, any demand for recreational open space generated by the facility's population would be accommodated on site; the Proposed Project would include approximately 8,700 gsf of landscaped area along the west side of the Project Site, which would be accessible for JHL residents, visitors, and employees as well as PWV residents, who would access it using a keycard. The Proposed Project would not result in 750 or more workers. The Proposed Project would not exceed the *CEQR Technical Manual* guidance thresholds requiring open space assessment and would not result in significant adverse impacts to open space resources. Therefore, no further analysis is necessary, and the DEIS would not include an open space analysis.

#### ***Task 6. Shadows***

The *CEQR Technical Manual* requires a shadows assessment for a Proposed Action that would result in new structures (or additions to existing structures) greater than 50 feet in height or located adjacent to, or across the street from, a sunlight-sensitive resource. Such resources include publicly-accessible open spaces, important sunlight-sensitive natural features, or historic resources with sun-sensitive features.

The Proposed Action would result in a new structure taller than 50 feet. In addition, the Project Site is located adjacent to P.S. 163 and the associated Happy Warrior Playground, a publicly-accessible open space. Therefore, a shadows assessment is required to determine how the project-generated shadow might affect this open space, and whether it would reach other nearby sunlight-sensitive resources such as the Happy Warrior Playground on the PWV superblock, Frederick Douglass Playground at West 100<sup>th</sup> Street and Amsterdam Avenue and Broadway Malls, or the stained glass windows of St. Michael's Church at 225 West 99<sup>th</sup> Street or Trinity Lutheran Church at 164 West 100<sup>th</sup> Street (both of which are listed on the State and National Registers of Historic Places), and the Holy Name of Jesus Church, located at 207 West 96<sup>th</sup> Street (a potential historic resource).

The shadows assessment will follow the methodology described in the *CEQR Technical Manual*. It will include the following tasks:

- Develop a base map illustrating the Project Site in relationship to publicly accessible open spaces, historic resources with sunlight-dependent features, and natural features in the area.
- Determine the longest possible shadow that could result from the Proposed Project to determine whether it could reach any sunlight-sensitive resources at any time of year.

- Develop a three-dimensional computer model of the elements of the base map developed in the preliminary assessment.
- Develop a three-dimensional representation of the Proposed Project.
- Using three-dimensional computer modeling software, determine the extent and duration of new shadows that would be cast on sunlight-sensitive resources as a result of the Proposed Project on four representative days of the year.
- Document the analysis with graphics comparing shadows resulting from the Future No-Build Condition with shadows resulting from the Proposed Project, with incremental shadow highlighted in a contrasting color. Include a summary table listing the entry and exit times and total duration of incremental shadow on each applicable representative day for each affected resource.
- Assess the significance of any shadow impacts on sunlight-sensitive resources. If any significant adverse shadow impacts are identified, identify and assess potential mitigation strategies.

#### ***Task 7. Historic and Cultural Resources***

Historic and cultural resources include both architectural and archaeological resources. As described above, the Project Site is currently a parking lot, and the Proposed Action would result in the construction of a new facility on the Project Site. In accordance with *SEQRA* and *SHPA*, especially the implementing regulations of Section 14.09 of *PRHPL*, consultation with the New York State Office of Parks, Recreation and Historic Preservation (“OPRHP”) is required. A historic and archaeological resource analysis will be prepared that includes the following tasks.

##### ***Architectural Resources.***

- ***State Historic Preservation Office (“SHPO”) Project Review Cover Form.*** Prepare a SHPO Project Review Cover Form as part of the consultation process with OPRHP to obtain a preliminary determination of the proposed Project Site’s potential for archaeological sensitivity.
- Map and briefly describe any designated architectural resources on the Project Site and within a 400-foot study area. These consist of properties listed on or determined eligible for listing on the State and National Registers of Historic Places (“S/NR”, “S/NR eligible”), New York City Landmarks (“NYCLs”), properties listed within New York City Historic Districts (“NYCHDs”), and properties pending or eligible for NYCL and NYCHD designation.
- Field survey the study area to determine whether there are any potential architectural resources that could be impacted by the Proposed Action. Potential architectural resources comprise properties that may be eligible for listing on the S/NR and/or designation as a NYCL.

- Seek determinations of eligibility from OPRHP for any potential architectural resources on surrounding properties, including PWV. Map and describe any identified architectural resources.
- Based on other planned development projects, qualitatively discuss any impacts on architectural and archaeological resources that are expected in the future without the Proposed Action.
- Assess any direct physical impacts of the Proposed Project on architectural resources and archaeological resource. Assess the Proposed Project’s potential to result in any visual and contextual impacts on architectural resources. Consultation will be undertaken with NYSDOH and OPRHP as appropriate.

***Archaeological Resources.*** If OPRHP requests that an archaeological study be performed, a Phase 1A Archaeological Assessment would be prepared. The Phase 1A would provide a prehistoric and historical contextual overview in which to assess archaeological resources, a development history of the Proposed Project area, an in-depth assessment of past disturbance, and the identification of any potential resource types and their potential significance that may be present in the Proposed Project area.

In a consultation letter dated December 13, 2013, OPRHP determined that the Proposed Project would not result in an impact upon historic or archaeological resources in or eligible for inclusion in the State and National Register of Historic Places (see Appendix B); therefore, the Proposed Project is not expected to result in any significant adverse impacts to such resources. This DEIS will include a summary of these findings.

***Task 8. Urban Design and Visual Resources***

Urban design is defined as the totality of components that may affect a pedestrian’s experience of public space. These components include streets, buildings, visual resources, open spaces, natural resources, and wind. According to the *CEQR Technical Manual*, a preliminary assessment of urban design and visual resources is appropriate when there is the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning. Examples include projects that permit the modification of yard, height, and setback requirements, and projects that result in an increase in built floor area beyond what would be allowed “as of right” or in the future without the Proposed Project. The Proposed Project would be allowable under existing zoning, and would therefore not result in significant adverse impacts to urban design and visual resources.

As part of the Urban Design and Visual Resources assessment, the *CEQR Technical Manual* recommends an analysis of pedestrian wind conditions for projects that would result in the construction of large buildings at locations that experience high-wind conditions (such as along the waterfront, or other locations where winds from the waterfront are not attenuated by buildings or natural features), which may result in an exacerbation of wind conditions due to “channelization” or “downwash” effects that may affect pedestrian safety. Development of the Project Site would constitute infill construction within a built urban neighborhood and is not a

location that would result in high-wind conditions, and furthermore the size and orientation of the proposed building do not warrant an analysis of pedestrian wind conditions.

Therefore no further analysis is warranted, and the DEIS would not include an urban design and visual resources analysis.

### ***Task 9. Natural Resources***

A natural resources assessment is conducted when a natural resource is present on or near a development site and the Proposed Project may involve the direct or indirect disturbance of that resource. The *CEQR Technical Manual* defines natural resources as water resources, including surface water bodies and groundwater; wetlands, including freshwater and tidal wetlands; terrestrial resources, such as grasslands and thickets; shoreline resources, such as beaches, dunes, and bluffs; gardens and other ornamental landscaping; and natural resources that may be associated with built resources, such as old piers and other waterfront structures. The Project Site is developed with a paved parking lot with landscaping around the periphery of the paved area and along the street. As such, natural resources within the Project Site are limited to the few urban-adapted species of wildlife that would utilize building exteriors as habitat and are ubiquitous throughout the city. Specifically, these include house sparrows (*Passer domesticus*), rock pigeons (*Columba livia*), European starlings (*Sturnus vulgaris*), and Norway rats (*Rattus norvegicus*). The Proposed Project would not have the potential to result in significant adverse impacts to the urban tolerant wildlife species using the Project Site. While individual wildlife may be affected should suitable habitat not be available nearby, the loss of some individuals would not adversely affect populations of these widespread urban-tolerant species within the metropolitan region. Tree replacement, protection, and transplanting would comply with the City's applicable rules and regulations. Trees under the jurisdiction of NYCDPR, such as those along the street, may not be removed without a permit pursuant to Title 18 of the *Administrative Code of the City of New York*. Chapter 5 of Title 56 of the *Rules of the City of New York* establishes rules for valuing trees that are approved for removal in order to determine the appropriate number of replacement trees.

Any historic underground streams that may be present within the Project Site are expected to have been diverted during the development of the area; typically, before a building or other structure was constructed such streams were diverted to the nearest large waterbody and their previous courses on the site would have been filled in. Neither the current drainage maps for the area, nor sewer maps received from the New York City Department of Environmental Protection ("NYCDEP") note the presence of an active stream or river running through the Project Site.

The Proposed Project would not result in any significant adverse impacts to natural resources within or near the Project Site, and no further analysis is required. The DEIS would not include a natural resources analysis.

***Task 10. Hazardous Materials***

The DEIS would consider the potential presence of hazardous materials on the Project Site. The hazardous materials analysis would then determine whether any resulting additional testing, remediation, mitigation or other measures should be required prior to or during construction to ensure there would be no potential for significant adverse impacts associated with any such hazardous materials. This analysis would include a summary of a Phase-I Environmental Site Assessment (“ESA”) that has been prepared for the Project Site. The Phase-I ESA includes:

- A land use history of the project area from historical maps, atlases, aerials, and other records.
- A review of databases maintained by the United States Environmental Protection Agency (“USEPA”) and the New York State Department of Environmental Conservation (“NYSDEC”) and on-line records of various New York City agencies relating to identified problem sites or activities on or adjacent to the project area, including registered underground storage tanks, hazardous waste disposal sites, hazardous waste generators or treatment facilities, and hazardous substance releases. The database search areas were at least as extensive as those recommended in the American Society for Testing and Materials (“ASTM”) Standard E1527-05.
- Available information on subsurface conditions (geology and hydrogeology).
- A visual inspection of the project area for any evidence of potential site contamination, including the presence of drums or other containers of hazardous materials, and a preliminary asbestos survey for the presence of any suspect asbestos-containing material. The Project Site was inspected for evidence of undocumented tanks, such as fill caps and vent pipes. The Project Site inspection also included a visual inspection of neighboring properties, either from the property boundary or accessible rights of way.
- Interviews to obtain information about the Project Site conditions.

Based on the findings of the Phase-I ESA, the work plan for a Phase-II Investigation (laboratory analysis of subsurface samples) was prepared for review and approval by the NYSDOH. A Phase-II was performed in September 2013 by AKRF, Inc. Based on the results of the Phase-I and Phase-II studies, a Remedial Action Plan (“RAP”) and Construction Health and Safety Plan (“CHASP”) will be prepared for implementation during construction of the Proposed Project (these plans will also be subject to NYSDOH approval). The RAP and CHASP will outline the appropriate measures to be implemented for protection of site workers and the surrounding community and will include appropriate procedures to be followed during construction to ensure airborne lead and dust levels stay within acceptable levels (based on relevant federal/state requirements). The DEIS will also set out monitoring methods to confirm that the procedures are being followed and are effective.

The DEIS will include a summary of the Phase-I ESA, the Phase-II Investigation, the RAP/CHASP, and any other prior hazardous materials studies relevant to the Proposed Project.

The need for any additional testing, remediation, or other measures (including the RAP/CHASP) needed prior to or during construction of the Proposed Project will also be discussed in the DEIS.

#### ***Task 11. Water and Sewer Infrastructure***

The *CEQR Technical Manual* outlines thresholds for analysis of a project's water demand and its generation of wastewater and storm water. For the Proposed Project, an analysis of the water supply is not warranted since the Proposed Project would not result in a demand of more than 1 million gallons per day ("gpd") and is not located in an area that experiences low water pressure such as the Rockaway Peninsula or Coney Island. An analysis of the Proposed Project's effects on wastewater and storm water infrastructure is warranted because the Proposed Project is located in a combined sewer area and would exceed 250,000 gsf of community facility space in Manhattan. This preliminary wastewater infrastructure analysis will include, among other elements, the following: description of the existing wastewater and storm water conveyance systems in the vicinity of the project site; a description of the available dry-weather treatment capacity of the North River Wastewater Treatment Plant ("North River WWTP") and a general description of New York City's combined sewer system and associated wet-weather sewer overflows; a determination of the existing sanitary flows, Future No-Build Condition sanitary flows, and With Action sanitary flows; and consideration and analysis of incremental flows from the Proposed Project on the capacity of the North River WWTP. The preliminary storm water infrastructure analysis will include, among other elements, the following: description of existing surface types, Future Without the Proposed Action surface types and Future With Action surface types; determination of the volume and peak discharge rates of storm water expected from the Project Site under existing, Future No-Build and With Action conditions; and completion of the NYCDEP flow calculations matrix in order to determine the volume and peak discharge rates of storm water expected from the Project Site under existing, Future No-Build and With Action conditions. Based on the results of the preliminary analysis, a detailed assessment may be warranted and/or mitigation may be required if significant impacts are identified. A description of potential storm water control best management practices and measures to minimize the generation of sanitary wastewater would be included in this section of the DEIS.

#### ***Task 12. Solid Waste and Sanitation Services***

A solid waste assessment determines whether a project has the potential to cause a substantial increase in solid waste production that may overburden available waste management capacity or otherwise be inconsistent with the city's Solid Waste Management Plan ("SWMP" or "Plan") or with the state policy related to the city's integrated solid waste management system. The city's solid waste system includes waste minimization at the point of generation, collection, treatment, recycling, composting, transfer, processing, energy recovery, and disposal. The *CEQR Technical Manual* states that few projects generate substantial amounts of solid waste (50 tons a week or more) that would result in a significant adverse impact. The Proposed Project is not expected to generate an amount of solid waste that the *CEQR Technical Manual* defines as affecting the city's capacity to handle solid waste. In addition, JHL would use private carters.

***Infectious and Radioactive Waste Disposal.*** Infectious waste disposal is regulated by NYSDOH and NYSDEC. These regulations stipulate that all medical waste must be placed in sealed containers and disposed of in a proper manner (e.g., incineration, disinfection, or sterilization). JHL currently generates approximately 1,800 pounds per month (0.9 ton per month) of infectious waste. The volume of infectious waste is expected to be reduced as a result of the Proposed Project, since the total bed complement would be reduced by 100 beds. Infectious waste generated by JHL is transported and disposed off-site by a NYSDEC-licensed waste hauler in compliance with NYSDEC's regulations for Waste Transporter Permits (6 *N.Y.C.R.R.* Part 364) and Storage, Treatment and Disposal of Infectious Waste (6 *N.Y.C.R.R.* Part 360), which is mandatory.

Compliance with NYSDEC's regulations for the Low-Level Radioactive Waste ("LLRW") Transporter Permit and Manifest System (6 *N.Y.C.R.R.* Part 381) is also mandatory. All LLRW is stored in appropriate containers prior to use or disposal. It is anticipated that the Proposed Project would reduce the volume of low-level radioactive waste to the waste stream.

Therefore, the Proposed Project would not result in any significant adverse impacts to solid waste and sanitation services, and no further analysis is required. The DEIS would not include a solid waste and sanitation services analysis.

### ***Task 13. Energy***

As described in the *CEQR Technical Manual*, all new structures requiring heating and cooling are subject to the 2010 New York City Energy Conservation Code. Therefore, the need for a detailed assessment of energy impacts would be limited to projects that may significantly affect the transmission or generation of energy. According to the *CEQR Technical Manual*, a detailed assessment of energy impacts is only required for projects that would significantly affect the transmission or generation of energy or that would result in substantial consumption of energy. The Proposed Project would not affect the transmission or generation of energy. It is expected that the Proposed Project, when in operation, would consume approximately 94,263 million British Thermal Units ("BTUs") per year.<sup>6</sup> This would not be considered a significant demand for energy. Therefore, the Proposed Project would not result in significant adverse impacts to energy supply or consumption, and no further analysis is warranted. The DEIS would not include an energy analysis.

### ***Task 14. Transportation***

Based on the *CEQR Technical Manual* guidance, detailed transportation analyses may be warranted if a Proposed Project is anticipated to result in an increase of 50 or more peak-hour vehicles trips, 200 or more peak-hour subway or bus trips, or 200 or more peak-hour pedestrian trips. Should these thresholds be exceeded, a trip assignment screening would be performed to

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<sup>6</sup> A British Thermal Unit ("BTU") is the amount of heat energy needed to raise the temperature of one pound of water by one degree Fahrenheit. This is the standard measurement used to state the amount of energy that a fuel has as well as the amount of output of any heat generating device.

determine if the Proposed Project would result in individual intersections with more than 50 vehicle trips, pedestrian elements with more than 200 pedestrian trips, 50 bus trips in a single direction on a single route, or 200 passengers at a subway station or subway line during any analysis peak hours, in which case detailed transportation analyses may be warranted. As shown in Appendix C, "Travel Demand Factors Memorandum," the Proposed Project would not result in 200 or more peak-hour subway or bus trips or 200 or more peak-hour pedestrian trips. Based on a trip assignment screening, no individual intersections would have an increase of 50 vehicle trips.

While a detailed analysis is not warranted based on *CEQR* guidance thresholds, in response to community comments, a detailed traffic analysis will be performed. The scope of the transportation analysis will include the following tasks:

- A. Screening analyses. Level 1 and Level 2 screenings have been prepared based on methodologies described in the *CEQR Technical Manual*. These estimates include a detailed breakdown of project-generated trips by vehicles, taxis, ambulettes, buses, and pedestrians. Project-generated vehicle trips have been distributed throughout the surrounding roadway network to identify potential study area locations. Preliminary trip generation and trip distribution assumptions are detailed in Appendix C, "Travel Demand Factors Memorandum." The time periods for the detailed analyses are:
  - Weekday a.m.
  - Late Weekday Midday (corresponding with adjacent school dismissal)
  - Weekday p.m.
- B. Define the study area. The traffic study area will include the key intersections along the travel corridors that provide access to and egress from the Project Site. Based on comments, the following two locations have been identified for detailed analysis:
  - West 97<sup>th</sup> Street at Amsterdam Avenue
  - West 97<sup>th</sup> Street at Columbus Avenue
- C. Perform traffic data collection. Traffic volumes, pedestrian volumes, and relevant data will be collected during the study peak periods as per *CEQR Technical Manual* guidelines via a combination of manual and machine counts. A field inventory of all study area locations will be performed to gather information on lane widths, sidewalk/crosswalk widths, traffic control, pavement markings and usage, bus stop locations, parking regulations, etc. Traffic signal timings will be obtained from the New York City Department of Transportation ("NYCDOT") and checked in the field.
- D. Conduct analysis for Existing Condition. The data collected will be reduced and balanced. Existing Condition flow diagrams will be prepared to show peak hour traffic volumes and pedestrian volumes at study area intersections. Using the latest approved Highway Capacity Software ("HCS"), capacity analyses will be performed to determine v/c ratios, delays, and levels of service ("LOS") at the study locations.

- E. Develop the Future No-Build Condition. Existing Condition volumes will be grown to the Proposed Project's 2018 build year. The growth rate applied will be based on *CEQR* criteria. In addition, the volume of trips generated by other proposed developments in the area that would impact study area intersections will be estimated and distributed based on standard sources, census data, and information from other environmental studies. The Future No-Build volumes will also incorporate any unrelated roadway projects or approved mitigation that would impact travel patterns and/or capacity within the study area. Using HCS, Future No-Build volume-to-capacity ("v/c") ratios, delays, and LOS will be determined for the study locations.
- F. Perform traffic impact assessment for the Proposed Project. Project-generated volumes will be distributed throughout the surrounding roadway network to determine the changes in traffic volumes at each study location due to the Proposed Project. This increment will be added to the background Future No-Build volumes to create the Future With-Action Condition volume network. Using HCS, future With-Action v/c ratios, delays, and LOS will be determined for the study locations and compared to the Future No-Build capacity analysis results. Significant adverse impacts in LOS will be noted in accordance with *CEQR* impact criteria.
- G. Analyze current and future parking conditions. On-street parking regulations will be obtained and the number of legal on-street parking spaces within one-quarter mile of the Project Site will be inventoried, along with the capacity and utilization of on-street and off-street locations within one-quarter mile of the Project Site. The study area will be expanded to one-half mile from the Project Site if needed. Future parking demand projections will be prepared based on the projected accumulation of parking generated by the Proposed Project. Off-street parking will also be evaluated. The parking analysis will assume that the existing 88 spaces on the Project Site will be relocated to another surface location within the PWV complex, as the PWV property owner has indicated that this is the most likely option. The analysis will consider the existing parking supply and demand as well as the parking supply and demand for the proposed developments.
- H. Safety assessment. Crash data will be obtained from NYCDOT and a safety review for the three most recent years available will be performed to determine if any study locations are identified as high vehicular and/or pedestrian crash locations. Improvements and mitigation measures will be recommended at high crash locations.

### ***Task 15. Air Quality***

Pollutant emissions from stationary sources (e.g. building stacks) and mobile sources (e.g. vehicles) can affect air quality and need to be evaluated under *CEQR Technical Manual* guidance. The Proposed Project is not expected to exceed the 170-vehicle-trip screening threshold, above which a quantified analysis of impacts of carbon monoxide ("CO") emissions

from mobile sources is required. The Proposed Project is also not expected to exceed the particulate matter (“PM”) emission screening threshold discussed in Chapter 17, Sections 210 and 311 of the 2012 *CEQR Technical Manual*. Therefore, an analysis of emissions from mobile sources is not required.

Following the *CEQR Technical Manual* methodology, a screening analysis of the potential impacts from the Proposed Project’s fossil-fuel-fired heating, ventilation and air conditioning (“HVAC”) system would be conducted. A screening analysis would be performed to determine whether emissions from any on-site, fuel-fired, HVAC system equipment (e.g., boilers/hot water heaters) are significant. The screening analysis would use the procedures outlined in the *CEQR Technical Manual*, which consider the distance of the HVAC system exhaust to the nearest building of equal or greater height, the building size (floor area), the building use, the height of the exhaust, and the type of fuel used.

If the HVAC system for the Proposed Project fails the screening analysis, a detailed stationary source analysis will be performed using the American Meteorological Society (“AMS”) and USEPA’s Regulatory Model (“AERMOD”) dispersion model. Five years of meteorological data (2007-2011) with surface data from LaGuardia Airport and concurrent upper air data from Brookhaven, New York, will be used for the modeling study. Concentrations of PM, nitrogen dioxide (“NO<sub>2</sub>”) (and sulfur dioxide [“SO<sub>2</sub>”] if burning fuel oil) will be determined and the predicted values will be compared with National Ambient Air Quality Standards (“NAAQS”), New York State Ambient Air Quality Standards (“NYSAAQS”) and other relevant criteria. In the event that a violation of the standards is predicted, design measures will be examined to reduce potential concentrations of applicable pollutants to acceptable levels.

***Task 16. Greenhouse Gas Emissions***

According to the *CEQR Technical Manual*, a greenhouse gas (“GHG”) consistency assessment is appropriate for projects in New York City being reviewed in an EIS that would result in development of 350,000 square feet or greater. Therefore, GHG emissions from the Proposed Project will be quantified and an assessment of consistency with the city’s GHG reduction goal will be performed. Project GHG emissions will be estimated for one worst-case development plan and one analysis year and reported as carbon-dioxide-equivalent (“CO<sub>2</sub>e”) metric tons per year. The quantified assessment will include operational emissions (emissions from the operation of the buildings in the Proposed Project, including direct and indirect emissions), and mobile source emissions. The construction phase or the extraction or production of materials or fuels needed to construct the Proposed Project is not likely to be a significant part of total project emissions. Therefore, emissions resulting from construction activity and construction materials will be assessed qualitatively. The Proposed Project would not fundamentally change the city’s solid waste management system. Therefore a quantified assessment of emissions due to solid waste management is not warranted. Features of the Proposed Project that demonstrate consistency with the city’s GHG reduction goal will be described. The GHG analysis will rely on significant input from the applicant and project architect and would consist of the following subtasks:

- Direct and Indirect Operational Emissions — emissions from on-site boilers used for heat and hot water would be quantified, as well as emissions from purchased electricity generated off site and consumed on site. Emissions would be based on the carbon intensity factors specified in the *CEQR Technical Manual* or project specific information on energy use.
- Indirect Mobile Source Emissions — emissions from vehicle trips to or from the Proposed Project will be quantified using trip distances and emission factors provided in the *CEQR Technical Manual*.
- Emissions from construction and emissions associated with the extraction or production of construction materials will be qualitatively discussed. Opportunities for reducing GHG emissions associated with construction will be considered.
- Features of the Proposed Project that reduce energy use and GHG emissions will be discussed and quantified to the extent that information from the project team is available.
- Consistency with the city's GHG reduction goal will be assessed. While the city's overall goal is to reduce GHG emissions by 30 percent below 2005 level by 2030, individual project consistency is evaluated based on proximity to transit, building energy efficiency, efforts to reduce carbon fuel intensity or improve vehicle efficiency for project-generated vehicle trips, and other efforts to reduce the Proposed Project's carbon footprint.

### ***Task 17. Noise***

The *CEQR Technical Manual* requires that the noise study address whether the Proposed Project would result in a significant increase in noise levels (particularly at sensitive land uses such as residences) and what level of building attenuation is necessary to provide acceptable interior noise levels within the proposed building.

The Proposed Project will generate vehicular trips and; therefore, a mobile-source noise screening analysis will be performed. Given the background conditions and the anticipated project-generated traffic, it is not expected that project-generated traffic would be likely to result in significant noise impacts. It is assumed that outdoor mechanical equipment would be designed to meet applicable regulations and that no detailed analysis of potential noise impacts due to outdoor mechanical equipment will be performed. Consequently, the noise analysis will examine the level of building attenuation necessary to meet *CEQR Technical Manual* guidance interior noise level requirements. The building attenuation study will be an assessment of noise levels in the surrounding area associated primarily with traffic and nearby uses and their potential effect on the Proposed Project.

Specifically, the proposed work program will include the following tasks:

- Select appropriate noise descriptors. Appropriate noise descriptors to describe the existing noise environment will be selected. The  $L_{eq}$  and  $L_{10}$  levels will be the primary noise descriptors used for the DEIS analysis. Other noise

- descriptors including the  $L_1$ ,  $L_{10}$ ,  $L_{50}$ ,  $L_{90}$ ,  $L_{min}$ , and  $L_{max}$  levels will be examined when appropriate.
- Based on the traffic studies, perform a screening analysis to determine whether there are any locations where there is the potential for the Proposed Project to result in significant noise impacts (i.e., doubling of Noise PCEs) due to project generated traffic.
  - Select receptor locations for building attenuation analysis purposes. A maximum of four receptor locations will be selected. Receptor locations will include locations adjacent to the site of the Proposed Project.
  - Perform 20-minute measurements at each receptor location during typical weekday a.m., midday, and p.m. peak periods.  $L_1$ ,  $L_{10}$ ,  $L_{50}$ ,  $L_{90}$ ,  $L_{min}$ , and  $L_{max}$  values will be recorded. Where site access and security permits, a 24-hour continuous measurement may be performed in lieu of a 20-minute measurement.
  - Data analysis and reduction. The results of the noise measurement program will be analyzed and tabulated.
  - Determine the level of attenuation necessary to satisfy *CEQR Technical Manual* criteria. The level of building attenuation necessary to satisfy *CEQR* guidance requirements is a function of exterior noise levels and will be determined. Measured values will be compared to appropriate standards and guideline levels. As necessary, recommendations regarding general noise attenuation measures needed for the Proposed Project to achieve compliance with standards and guideline levels will be made. Due to the relatively high ambient noise levels adjacent to the project area, any development in the area would be expected to require acoustically-rated windows together with the provision for some kind of alternate ventilation — that does not degrade the acoustical performance of the façade — to achieve acceptable interior noise levels.

***Task 18. Public Health***

According to the *CEQR Technical Manual*, a public health analysis is not warranted if a project does not result in a significant unmitigated adverse impact in other *CEQR* analysis areas, such as air quality, water quality, hazardous materials, or noise. However, in response to community concerns raised during the public review of the *Draft Scoping Document*, the lead agency has requested that a public health analysis be included as part of the DEIS.

***Task 19. Neighborhood Character***

Neighborhood character is determined by a number of factors, such as land use, urban design, visual resources, historic resources, socioeconomic conditions, traffic, and noise. Methodologies outlined in the *CEQR Technical Manual* will be used to provide an assessment of neighborhood character. Work items for this task are as follows:

- Based on other technical analyses, describe the predominant factors that contribute to defining the character of the neighborhood surrounding the Project Site.
- Based on planned development projects, public policy initiatives, and planned public improvements, summarize changes that can be expected in the character of the area in the future without the Proposed Action.
- Assess and summarize the Proposed Action's effects on neighborhood character using the analysis of impacts as presented in other pertinent analyses (particularly urban design and visual resources, historic resources, socioeconomic conditions, traffic, and noise).

**Task 20. Construction Impacts**

Construction activities, though temporary, can have a disruptive and noticeable effect on the adjacent community, as well as people passing through the area. Construction activity could affect transportation conditions, community noise patterns, and air quality conditions. This task will describe the construction schedule and logistics, discuss anticipated on-site activities, and provide estimates of construction workers and truck deliveries. It is assumed that the project team will provide the necessary construction phasing information and logistics documentation, as well as equipment, materials, and personnel projections for the construction of the proposed facility. The DEIS will include quantitative analyses of potential transportation, air quality, and noise impacts, and will assess construction effects on nearby receptors, such as P.S.163 and residential buildings adjacent to and across the street from the Project Site. This analysis will also describe the temporary relocation of GrowNYC, a New York City-sponsored green market organization, which currently hosts a weekly Greenmarket Farmers' Market every Friday (8:00 a.m. – 2:00 p.m.) on the sidewalk along the Project Site fronting West 97<sup>th</sup> Street.

Technical areas to be analyzed include:

- **Hazardous Materials.** This section will examine the potential for historical uses on the Project Site or nearby area that may have resulted in elevated levels of lead (and other) contamination and will also include laboratory analysis of Project Site soil samples for lead (and other contaminants). Based on the levels of lead identified, appropriate procedures will be set out to be followed during construction to minimize and to ensure airborne lead (and dust) levels stay within acceptable levels.
- **Transportation Systems.** The traffic study area will include key intersections along the travel corridors that provide access to and egress from the Project Site for construction workers and deliveries. Because the time periods during which trip-making is expected to be the greatest for the Proposed Project's construction would be on weekdays in the hour before construction workers arrive and the hour after they depart, the analysis of the area's traffic conditions will focus on the weekday 6:00 a.m. to 7:00 a.m. and 3:00 p.m. to 4:00 p.m. construction peak hours. Based on the detailed vehicle-trip

assignments for these time periods and consistent with the full build analysis, two intersections will be selected for quantitative traffic analyses where the construction trip increment would exceed 50 passenger car equivalents (“PCEs”). Where appropriate, the relevant mitigation measures will be discussed. Parking for construction workers is anticipated to be accommodated with off-site parking within one-quarter mile of the Project Site and will be evaluated during the weekday mid-morning and mid-afternoon periods. A qualitative discussion of the projected construction worker trip-making by transit services in the area, as well as walk-trips on the area’s pedestrian facilities, will be provided.

- **Air Quality.** A quantitative (i.e., model-predicted concentrations) air quality analysis will be conducted to determine the potential for air quality impacts during on-site construction activities and construction-generated traffic on local roadways. Air pollutant sources would include combustion exhaust associated with nonroad engines (i.e., cranes, excavators), on-road engines, and on-site activities that generate fugitive dust. A dispersion analysis of construction activities will be performed to determine the concentration levels for each pollutant of concern (carbon monoxide, particulate matter, and nitrogen dioxide) at nearby sensitive receptor locations, including residential locations (i.e., PWV buildings to the north and east of the Project Site) and academic uses (i.e., P.S. 163) at both ground-level and elevated locations (e.g., residential windows), and in open spaces (i.e., Happy Warrior Playground and the landscaped areas serving the PWV buildings). To formulate the reasonable worst-case scenario for analysis of construction activities, the highest emission averaged over annual and short-term (24 hours or less) periods will be identified for modeling. The potential for significant impacts will be determined by a comparison of model predicted total concentrations to the NAAQS and NYSAAQS, and by comparison of the predicted increase in concentrations to applicable interim guidance thresholds. The construction air quality impact section will also discuss measures to reduce air emissions from construction and would include components such as diesel equipment reduction; clean fuel; best available tailpipe reduction technologies; utilization of equipment that meets specified emission standards; fugitive dust control measures; and idling restrictions.
- **Noise.** A quantified noise analysis will be prepared which will examine potential noise impacts due to construction-related stationary and mobile sources. Appropriate recommendations will be made to comply with NYCDEP “Rules for Citywide Construction Noise Mitigation” and the *New York City Noise Control Code*. Existing noise levels will be determined by noise measurements performed at at-grade receptor locations, and by use of a combination of measurements and mathematical models for elevated receptor locations. During the most representative worst-case time period(s), noise levels due to construction activities at each sensitive receptor will be

predicted. Based on the criteria contained in the *CEQR Technical Manual*, a change of 3.0 dBA<sup>7</sup> or more for two or more consecutive years will be considered a significant noise impact. Based on the results of the construction noise analysis, if necessary, the feasibility, practicability, and effectiveness of implementing measures to mitigate significant construction noise impacts will be examined.

- ***Other Technical Areas.*** As appropriate, discuss other areas of environmental assessment for potential construction-related impacts.

### ***Task 21. Mitigation***

If significant adverse impacts resulting from the Proposed Project are identified in the analyses discussed above, measures to mitigate those impacts will be identified and evaluated, and summarized in this chapter of the DEIS. Where impacts cannot be mitigated, they will be described as unavoidable adverse impacts.

### ***Task 22. Alternatives***

The purpose of an alternatives chapter is to examine reasonable and practicable options that avoid or reduce project-related significant adverse impacts while achieving the goals and objectives of the Proposed Project. The specific alternatives to be analyzed are typically finalized with the lead agency as project-related impacts become clarified. Three alternatives to the Proposed Project will be discussed in this chapter of the DEIS: (1) a No-Build Condition alternative; (2) an alternative that avoids or minimizes any potential significant adverse impacts that may be identified as a result from the operation of the Proposed Project; and (3) a West 106<sup>th</sup> Street Alternative, which considers a project that would redevelop the current JHL site on West 106<sup>th</sup> Street with a new nursing facility and a new residential building. If other alternatives are developed, e.g., with respect to construction means and methods or other aspects of the Proposed Project that may result in significant adverse impacts, they would be analyzed and presented in this chapter as well.

### ***Task 23. Other Assessments***

Other assessments for the DEIS may include the following (as appropriate):

- Unavoidable significant adverse impacts (i.e., those that cannot be mitigated);
- Growth-inducing aspects of the Proposed Project; and
- Irreversible and irretrievable commitment of resources.

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<sup>7</sup> In order to establish a uniform noise measurement that simulates people's perceptions of loudness and annoyance, the decibel measurement is weighted to account for how those frequencies are heard in the human ear. This is known as the A-weighted sound level, or "dBA," and is the descriptor of noise levels most often used for community noise.

**NEW YORK STATE DEPARTMENT OF HEALTH  
STATE ENVIRONMENTAL QUALITY REVIEW**

**APPENDIX A TO THE  
FINAL SCOPING DOCUMENT**

**for the**

**Jewish Home Lifecare, Manhattan  
*Replacement Nursing Facility Project***

**NEW YORK STATE DEPARTMENT of HEALTH**  
**STATE ENVIRONMENTAL QUALITY REVIEW**  
**RESPONSE TO COMMENTS ON THE**  
**DRAFT SCOPING DOCUMENT**  
  
**for the**  
  
**Jewish Home Lifecare, Manhattan**  
***Replacement Nursing Facility Project***

***Introduction***

This document summarizes and responds to comments on the *Draft Scoping Document*, issued for public review on June 5, 2013, for the Jewish Home Lifecare, Manhattan (“JHL”) *Replacement Nursing Facility Project* (“Proposed Project”).

Oral and written comments were received during a public scoping session held by the New York State Department of Health (“NYSDOH”) on September 17, 2013, at Public School (“P.S.”) 163 located at 163 West 97<sup>th</sup> Street, in Manhattan, New York. Written comments on the *Draft Scoping Document* were accepted through the close of the public comment period, which ended on October 4, 2013.

The following section contains a summary of those relevant comments and a response to each. Because of the extremely large volume of comments, these summaries convey the substance of the comments made, but do not necessarily quote the comments verbatim. Comments are organized by subject matter and generally parallel the chapter structure of the *Draft Scoping Document*.

***Environmental Review Process***

*Comment 1:* The Certificate of Need for the Proposed Project is a Type 1 Action requiring the preparation of an Environmental Impact Statement (“EIS”). The public comments received should be submitted and made available to JHL, the EIS consultant, and the public. The EIS should be posted on the NYSDOH and the New York State Department of Environmental Conservation (“NYSDEC”) websites for public comment.

*Response:* NYSDOH has determined that the Proposed Project may have a significant impact on the environment and that a Draft Environmental Impact Statement (“DEIS”) will be prepared in compliance with the New York State *Environmental Quality Review Act* (“SEQRA”), codified at Article 8 of the New York *Environmental Conservation Law*

(“ECL”), and its implementing regulations, promulgated at Part 617 of Title 6 and Part 97 of Title 10 of the *New York Code, Rules and Regulations* (“N.Y.C.R.R.”). Collectively, these provisions of law and regulation set forth the requirements for the *State Environmental Quality Review* (“SEQR”) process relevant to the Proposed Project. The *City Environmental Quality Review Technical Manual* (“CEQR Technical Manual”)<sup>1</sup> will serve as a guide with respect to environmental analysis methodologies and impact criteria for evaluating the Proposed Project in the EIS. As indicated in its letter dated June 5, 2012, NYSDOH is the lead agency in accordance with the provisions of SEQR. NYSDOH made a preliminary determination that the Proposed Project is a Type I action as specifically designated by 6 N.Y.C.R.R. 617.4(b)(6)(v) and 10 N.Y.C.R.R. Part 97.14(b)(1)(v), and a *Positive Declaration Notice of Intent to Prepare a Draft Environmental Impact Statement* (“Positive Declaration”) was issued. The DEIS will assess the potential of the Proposed Project to result in significant adverse impacts as described in the *Draft Scoping Document* issued on June 5, 2013. In accordance with SEQR, a *Draft Scoping Document* was made publicly available on June 5, 2013, to all interested parties for review and comment. The purpose of the *Draft Scoping Document* was to describe the technical approach for the DEIS analysis and to solicit public comments on the key issues to be studied.

Notice of the *Positive Declaration* and *Draft Scoping Document* was first published in NYSDEC’s *Environmental Notice Bulletin* (“ENB”) on June 12, 2013, and the Notice of Public Scoping Meeting was published on June 28, 2013, in the *New York Daily News*. The Scoping Meeting was subsequently postponed twice in response to requests from the community and local elected officials. A public scoping meeting for the Proposed Project was held on September 17, 2013, at P.S. 163. The comment period for the *Draft Scoping Document* was extended beyond the customary 10-calendar-day period, and written comments were accepted until October 4, 2013. After all comments were considered, NYSDOH prepared and issued a *Final Scoping Document*. The *Final Scoping Document*, which incorporates relevant comments and revisions, will provide the framework for the preparation of the DEIS. Once NYSDOH deems the DEIS complete, it will issue the DEIS for public review and will notice and schedule a public hearing to take comments on the DEIS. All comments received on the DEIS at the public hearing and during the public review period will be considered during the preparation of the Final Environmental Impact Statement (“FEIS”). When completed, the availability of the DEIS and FEIS documents will be noticed and be made publicly available for review. SEQR requires the lead agency to post the DEIS and FEIS on its own publicly-accessible website. Hence, these documents will be posted on the NYSDOH website, but not the NYSDEC website.

*Comment 2:* Concerns about the effects of the Proposed Project on the community must be addressed. NYSDOH must carefully and thoroughly consider the 23 technical areas outlined in the *Draft Scoping Document*, including open space, waste management, and quality of life. A catastrophic impact analysis should be required given the number of negative impacts of the Proposed Project.

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<sup>1</sup> The City of New York, Mayor’s Office of Environmental Coordination, *City Environmental Quality Review Technical Manual*, 2012 Edition, Revised June 5, 2013.

*Response:* As presented in the *Draft* and *Final Scoping Documents*, screening analyses were undertaken in general accordance with the *CEQR Technical Manual*, which provides guidance for assessing potential for environmental impacts on New York City projects and is widely relied on by city agencies. Based on the Proposed Project's program and the impact thresholds presented in the *CEQR Technical Manual*, the following technical areas do not require detailed analyses: Socioeconomic Conditions, Community Facilities and Services, Open Space, Urban Design and Visual Resources, Natural Resources, Solid Waste and Sanitation Services, and Energy. The DEIS will assess the potential of the Proposed Project to result in significant adverse impacts with respect to the following areas: Land Use, Zoning, and Public Policy, Shadows, Historic and Cultural Resources, Hazardous Materials, Water and Sewer Infrastructure, Transportation, Air Quality, Greenhouse Gas Emissions, Noise, Public Health, Neighborhood Character, Construction Impacts, and Alternatives. As required under *SEQRA* and consistent with the *CEQR Technical Manual*, NYSDOH will, in the context of a DEIS, (i) examine the nature and extent of each of these impacts, (ii) identify steps to avoid or minimize any significant impacts, (iii) identify required mitigation measures, and (iv) disclose unavoidable significant adverse impacts. The DEIS will also include alternatives that would address or minimize the Proposed Project's potential for significant adverse impacts and those alternatives' ability to achieve the goals and objectives of the Proposed Project.

*Comment 3:* Relying on information provided by JHL and data from its West 106<sup>th</sup> Street facility to assess impacts at the proposed West 97<sup>th</sup> Street facility is inappropriate.

*Response:* As described in the *Draft* and *Final Scoping Documents*, the DEIS will assess the potential for significant adverse impacts in various technical areas. As discussed in those documents, the DEIS will follow methodologies and impact thresholds outlined in the *CEQR Technical Manual* as well as utilize relevant operational data from JHL's West 106<sup>th</sup> Street facility and adjust as applicable for the Proposed Project's reduced number of beds. The DEIS analyses will use reasonable assumptions, and where relevant, will use project-specific characteristics to more accurately depict future conditions with the Proposed Project.

*Comment 4:* According to JHL's website, the Proposed Project would "feature affinity floors: Kosher households; LGBT households." By stating a preference or a limitation for residents based on their race, religion, or sexual orientation, JHL's Proposed Project violates the Fair Housing Act, the New York State Human Rights Law, and the New York City Human Rights Law.

*Response:* The comment raises legal issues that are not pertinent to the scope of the environmental review. JHL has stated that it will operate its facility in compliance with all laws. The inclusion of affinity households is consistent with JHL's proposed Green House model and would be offered on a purely voluntary basis that would permit, but not require, residents to live as part of such a household.

***Analysis Framework***

*Comment 5:* The public was alerted to the inclusion of TDFM Table A-2 to the *Draft Scoping Document* at the public scoping meeting held on September 17, 2013, not before.

*Response:* Table A-2 of Appendix B (“*Travel Demand Factors Memorandum*”) of the *Draft Scoping Document* was inadvertently omitted from the document. Table A-2 presented the Proposed Project’s vehicular trips in 15-minute increments for a 12-hour period, which was used to determine the peak a.m., midday, and p.m. hours for analysis. Table 4, “*Total Vehicle Trips*,” within Appendix B of the *Draft Scoping Document* provided a summary of the peak-hour trips presented in Table A-2. This omission was noted at the public scoping meeting and that table was made available in the *Draft Scoping Document* distributed at the meeting, as well as updated electronically on the NYSDOH website. Table A-2 has also been included in the *Final Scoping Document*.

*Comment 6:* The referenced “eight years” of planning was not for the currently proposed site, but for the West 106<sup>th</sup> Street site.

*Response:* The eight years of planning refers to the time JHL has spent identifying the best location and model of care for the JHL facility. Throughout this planning process, there was coordination with NYSDOH on the programming and identification of the proposed location.

*Comment 7:* The DEIS should consider the cumulative effects of the Proposed Project and other known development projects for the area by 2018, including:

- Park West Village (“PWV”) relocation of parking spaces to a newly created parking lot in front of 788 Columbus and the addition of parking spaces;
- Development of the 100<sup>th</sup> Street parking lot after development of the 97<sup>th</sup> Street lot;
- City’s plan for infill construction development on parking lots of NYCHA housing on 100<sup>th</sup> Street; and
- 100 percent occupancy of “destination” commercial space on Columbus and Amsterdam Avenues.

In addition, the EIS must consider the following:

- that the driveway of 784 Columbus Avenue will be turned into a through roadway; and
- the shared roadway between 100<sup>th</sup> Street and 97<sup>th</sup> Street may become a northbound and/or southbound through roadway.

*Response:* In accordance with *SEQR* and consistent with the *CEQR Technical Manual* guidance, the DEIS will consider background projects that are known or have been approved for completion by the Proposed Project's 2018 build year. As discussed in the Analysis Framework of the *Draft* and *Final Scoping Documents*, the DEIS will also consider other future development projects and changes to the surrounding area that are anticipated to occur in the future with or without the Proposed Project. This will include research of public sources as well as consultation with the New York City Department of City Planning. It will also include, where relevant, general background growth.

The PWV property owner would relocate the Project Site's surface parking to other locations within the PWV complex, either on a surface lot or within the 808 Columbus Avenue parking garage. Park West Drive, the north-south access road within the PWV complex, may be modified as part of the PWV property owner's planning for the complex, but will continue to function as a discontinuous two-way access road for PWV parkers. Vehicle circulation is anticipated to remain similar to current conditions outside of the PWV complex.

*Comment 8:* Where will JHL relocate its day care facility?

*Response:* The future location of JHL's adult day-care facility has not been determined. The Proposed Project does not include a day-care facility.

### ***Project Description***

#### ***Purpose and Need***

*Comment 9:* The Proposed Project would not satisfy the needs for more nursing home beds or benefit the seniors living in the area. The Proposed Project is not in the best interest of the community and would cause hardship to the residents of PWV and P.S. 163 students and staff.

*Response:* As described in the Purpose and Need section of the *Draft* and *Final Scoping Documents*, the Proposed Project would result in a vitally needed new state-of-the-art nursing facility that would provide an innovative model of long-term care called "Green House" living, which creates a small home environment that allows more enhanced, focused attention and care between residents and staff and allows for greater independence. The new facility would also accommodate the significant shift that is occurring from long-term care to short-stay, post-acute rehabilitation needs. JHL's existing facility has 514 beds and, in 2012, has served over 1,950 patients/residents. The proposed facility would continue to serve the residents in the community and in the borough. As noted in the *Draft* and *Final Scoping Documents*, the DEIS will assess the potential effects of the operation and construction of the Proposed Project in the study area, including on the residents of PWV and the P.S. 163 community.

*Nursing Home Culture and Community*

*Comment 10:* The proposed design would not improve the quality of care. The proposed facility would not provide adequate bathing facilities, exercise areas, or public community areas. There will be a great impact on the nursing home residents with this ill-conceived design.

*Response:* The DEIS will include a description of the Green House model and its adaptation to an urban environment and setting. There are many high-rise, health-care institutional buildings in the City of New York.

*Comment 11:* The Green House model in a 20-story building poses concerns related to fire safety and emergency evacuations.

*Response:* The Proposed Project would be designed to meet all applicable codes, as well as, comply with safety and emergency response protocols. The Proposed Project would comply with all applicable fire and safety codes.

*Comment 12:* The height shown in the proposed plans is incorrect—the Proposed Project would effectively be 27 stories tall.

*Response:* As described in the *Draft* and *Final Scoping Documents*, the proposed building could be up to 280 feet in height.

*Comment 13:* There is not adequate space between the proposed building and the 784 Columbus Avenue building. Light and air, and vehicle circulation will be compromised.

*Response:* The Proposed Project would comply with all the requirements under the existing zoning regulations. JHL is not seeking any discretionary approvals that would affect the light and air requirements or vehicular circulation.

*Comment 14:* The Proposed Project would eliminate benches, trees, playgrounds, and walkways.

*Response:* The Proposed Project would not be eliminating benches, playgrounds, or walkways. As described in the *Draft* and *Final Scoping Documents*, the Project Site comprises an existing accessory parking lot and trash removal area, which would be relocated nearby. While the on-site trees would be removed, the Proposed Project would create a new, approximately 8,700-gross-square-foot (“gsf”) landscaped area along the west side of the Project Site, which would be accessible for JHL residents, visitors, and employees as well as PWV residents, who would access it using a keycard. The Proposed Project would also comply with the tree planting requirements of the *Zoning Resolution of the City of New York* (“*Zoning Resolution*”) for the zoning lot, and would replace trees removed from the Project Site. As part of the Builders Pavement Plan (“BPP”) and Forestry Application, as currently contemplated, approximately 3 existing street trees would be removed and 5 would be protected along the West

97<sup>th</sup> Street frontage of the Project Site. Approximately 18 trees would be planted along the boundary of the zoning lot, including along West 97<sup>th</sup> and West 100<sup>th</sup> Streets, and Columbus Avenue, and additional trees would be planted off-site at the direction of the New York City Department of Parks and Recreation (“NYCDPR”). The size and species of the proposed replacement trees would be determined by NYCDPR. Trees that are currently located on the Project Site would be removed during the construction of the Proposed Project, and new trees would be planted within the PWV property.

### ***Land Use, Zoning, and Public Policy***

#### *Land Use*

*Comment 15:* If the 400 foot study area is expanded to 425 feet, it would capture additional residential, community facility, and retail uses that would be impacted.

*Response:* The Proposed Project would introduce a community facility use in an area that already contains a mix of land uses, including residential, community facility, and retail uses. Given the proposed use as a nursing care facility and consistent with the *CEQR Technical Manual* guidance, it is appropriate for the Land Use Task to study a 400-foot study area as the potential for greatest effects would occur closest to the Project Site.

*Comment 16:* The Proposed Project would further turn the residential neighborhood into a commercial zone.

*Response:* The Proposed Project would introduce a community facility use in an area that contains a mix of land uses, including residential, commercial, community facility, open space, and parking. Consistent with the *CEQR Technical Manual* guidance, the DEIS will assess the potential impacts of the Proposed Project on land use and neighborhood character within a 400-foot study area surrounding the Project Site.

*Comment 17:* The presence of residents in the proposed nursing home makes this a residential use, requiring residential zoning.

*Response:* The Proposed Project is a nursing home, which is classified as a community facility use under the *Zoning Resolution*. The Proposed Project’s use is allowable under existing zoning on the Project Site and complies with Section 22-42, “Certification of Certain Community Facility Uses,” for which a certification was approved on March 26, 2012.

#### *Definition of the Project Site as Open Space Under Zoning Resolution*

*Comment 18:* The Project Site is considered to be open space intended for PWV. The EIS should assess the loss of this open space as a result of the Proposed Project.

*Response:* The Project Site is currently occupied by an 88-space, accessory, surface parking lot and trash removal area serving the neighboring PWV residential complex. While the

Project Site is considered “open space” under the *Zoning Resolution*, it is not considered as a recreational open space resource under *SEQRA* or *CEQR*. Therefore, as described in the *Draft* and *Final Scoping Documents*, the Proposed Project would not exceed the *CEQR* guidance thresholds requiring an open space assessment and would not result in significant adverse impacts to open space resources.

*Comment 19:* The Proposed Project may lead to changes in public policy such as diminishing tenants’ rights and protection of affordable housing. The Proposed Project would provide a precedent for landlords to revoke ancillary services whenever and however they choose.

*Response:* The Proposed Project is the relocation of a local, existing nursing-care facility and is not expected to affect public policy related to tenants’ rights or affordable housing protection. Consistent with the *CEQR Technical Manual* guidance, the DEIS will assess the potential impacts of the Proposed Project on public policy on the Project Site and within a 400-foot study area surrounding the Project Site.

*Comment 20:* The Smart Growth Impact Statement Assessment Form is being completed to weigh the decision in favor of JHL.

*Response:* The DEIS will include a NYSDOH Smart Growth Impact Statement Assessment Form (“SGISAF”), as part of the public policy analysis in Task 2, “Land Use, Zoning, and Public Policy.” The SGISAF will be completed based on information known about the Proposed Project. The SGISAF will not be used in order to present favorable information about the Proposed Project, but rather to determine whether the Proposed Project is consistent with the State of New York *State Smart Growth Public Infrastructure Policy Act* (“SSGPIPA”), Article 6 of the New York *ECL*, for a variety of policy areas related to land use and sustainable development. NYSDOH will review the SGISAF to determine whether the Proposed Project is generally consistent with the relevant Smart Growth Criteria.

### ***Socioeconomic Conditions***

*Comment 21:* The scope of the EIS is inadequate because it screens out socioeconomic conditions. A socioeconomic analysis should be considered.

*Response:* As stated in the *Draft* and *Final Scoping Documents*, the Proposed Project would not directly displace any residential populations, businesses, or employees, and would not introduce any residential units or commercial or retail uses. For purposes of *SEQRA*, nursing home rooms do not constitute residential units.<sup>2</sup> Therefore, the Proposed Project does not meet the *CEQR Technical Manual* threshold for further analysis, and the DEIS will not include an analysis of socioeconomic conditions.

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<sup>2</sup> Pursuant to 6 *N.Y.C.R.R.* 617.2(ae): “Residential means any facility used for permanent or seasonal habitation, including but not limited to: realty subdivisions, apartments, mobile home parks, and campsites offering any utility hookups for recreational vehicles. It does not include such facilities as hotels, hospitals, nursing homes, dormitories or prisons.”

*Direct Displacement*

*Comment 22:* The Proposed Project will displace the neighborhood farmers' market.

*Response:* Task 20, "Construction Impacts" of the *Final Scoping Document* has been revised to include an assessment of potential significant impacts on the local greenmarket during the construction of the Proposed Project. JHL is working with GrowNYC, the New York City-sponsored green market organization, which hosts a weekly farmers market on the sidewalk in front of the Project Site. The possibility of a safe, nearby continuation of the farmers market during construction will be explored, and the continuing presence of the market upon opening of the new nursing home is welcome.

*Indirect Displacement*

*Comment 23:* An indirect residential displacement analysis should be conducted for the Proposed Project, which will further accelerate displacement started by the Columbus Square development.

*Response:* The Proposed Project would not introduce any residential units or commercial or retail uses to the Project Site that could substantially affect rents in the area. As described in response to Comment 21, the Proposed Project's nursing home rooms are not considered residential units under *SEQR*. While residents of the nursing home would be living in the neighborhood, they would not be expected to introduce a substantial new demand for retail goods and services that would be associated with the population of new residential units. Further, the residents of the proposed nursing home would live in rooms that would not be available within the larger residential market; therefore, these rooms would not compete with residential units in the study area, nor would they have the potential to substantially increase rents in the study area. The Proposed Project would be a new use in the study area, but it would not be defined as substantial new development because the scale of the use is contemplated under existing zoning, and the use is similar to the economic activities of other institutions and businesses within the broader neighborhood. Therefore, the Proposed Project would not be expected to introduce a trend or accelerate an existing trend of changing socioeconomic conditions that would lead to any indirect residential displacement. Accordingly, the DEIS will not include an analysis of indirect residential displacement.

*Comment 24:* The socioeconomic conditions analysis should include an assessment of the loss of low and middle income, rent-stabilized and market rate residents with families caused by the construction noise and pollution in a housing complex that was designed to retain an economically and racially mixed population.

*Response:* The construction of the Proposed Project would not result in the direct displacement of any residents. Further, the construction of the Proposed Project would be typical of construction activities that occur throughout the city. The expected 30 months of construction

would be temporary in nature, and would not be expected to result in disinvestment in the neighborhood/indirect residential displacement.

*Comment 25:* The nursing home will generate activity “markedly different from existing uses and activities”: 414 beds, 254 of them “long term” — i.e., residents will be living there — and upwards of 600 full time employees who will need to come and go 24 hours a day; the human flow in and out (and vehicle traffic of an anticipated 150 ambulances/ambulettes, access a ride, taxi, delivery truck, and visitor cars daily into and through PWV) will markedly change the socioeconomic conditions, use, and character of the neighborhood.

*Response:* The DEIS will address the commenter’s concerns related to project changes, but the concerns described by the commenter would not be appropriately addressed as part of a socioeconomic assessment under *SEQR*; rather, they will be addressed in other analysis areas of the DEIS, including most notably: Task 14, “Transportation” (which includes traffic, transit, pedestrian, and pedestrian safety analyses) and in Task 20, “Construction Impacts.” The cumulative effects of these concerns will be addressed in Task 19, “Neighborhood Character.”

The objective of a socioeconomic indirect residential or indirect business displacement analysis, per the *CEQR Technical Manual* guidance, is to determine whether a project could introduce or accelerate a trend that leads to increases in residential or commercial rents, which in turn may potentially displace a vulnerable population or business to the extent that the socioeconomic character of the neighborhood would change. The threshold for assessment as stated on page 5-3 of the *CEQR Technical Manual* is when, “The project would result in substantial new development that is markedly different from existing uses, development, and activities within the neighborhood” (emphasis added). The Proposed Project would be a new use in the area, but it would not be defined as substantial new development because the scale of the use is contemplated under existing zoning, and the use is similar to the economic activities of other institutions and businesses within the broader neighborhood. Conservatively including all of the 414 beds (including 264 long-term-care and 150 post-acute, short-term rehabilitation beds) as residents, the Proposed Project would generate a new neighborhood population that would represent approximately 1.3 percent of the existing population within a ¼-mile area of the Project Site. The estimated 625 FTEs that would be employed at the proposed facility would not represent a markedly different worker population, as the study area contains other community facility uses, including the William F. Ryan Community Health Center.

*Comment 26:* The socioeconomic conditions analysis should include an analysis of the effect of the proposed traffic pattern within PWV with respect to residents of the adjacent buildings and the residents of the surrounding neighborhood who would be adversely affected by the traffic generated by the nursing facility.

*Response:* The concerns described by the commenter will be addressed in Task 7, “Transportation.”

*Comment 27:* The socioeconomic conditions analysis should include an assessment of the historic antecedents of the project neighborhood which define the neighborhood's character.

*Response:* As described above, in the response to Comment 25, the concerns described by the commenter will be addressed in Task 19, "Neighborhood Character," which will include a discussion of historic and cultural resources that contribute to the neighborhood's character and any potential impacts to neighborhood character related to historic and cultural resources.

*Comment 28:* The Proposed Project would have a negative impact on real estate values in adjacent buildings.

*Response:* The potential impacts relating to lowered real estate values would be considered economic, not environmental, and therefore the project's potential effects on individual property values are beyond the scope of *SEQR* and properly not addressed in this DEIS. Such economic impacts are to be considered only if they have the potential to substantially alter community character. For example, it would be appropriate to assess the impacts associated with real estate values if the proposed action introduces a land use that is large enough or prominent enough, either on its own or combined with other like uses, to create a critical mass large enough to offset positive trends in the study area, to impede efforts to attract investment to the study area, or to create a climate for disinvestment. NYSDOH has determined that the Proposed Project would have no such effects. As described in response to Comment 21 above, the Proposed Project would not introduce a substantial new development markedly different than existing uses in the area that would warrant an analysis of indirect displacement under the *CEQR Technical Manual* guidance.

*Comment 29:* How many additional jobs will be created?

*Response:* The Proposed Project would employ approximately 625 full-time-equivalent ("FTE") employees on the Project Site, approximately 42 fewer FTEs than currently located at the West 106<sup>th</sup> Street facility.

### ***Community Facilities and Services***

*Comment 30:* The scope of the EIS is inadequate because it screens out community facilities and services, which would be affected by the residents added to the Project Site. The children at P.S. 163 constitute a community facility that would be impacted by construction of the Proposed Project.

*Response:* As discussed in the *Draft Scoping Document*, the *CEQR Technical Manual* requires a community facilities assessment if a project would have a direct effect on a community facility, or if it would have an indirect effect on an existing community facility or facilities by introducing new residential populations that would overburden such facilities. The Proposed Project would not displace any community facilities and thus would not have any direct effect on a community facility. In addition, the proposed number of nursing-care residents

added to the Project Site would not have the potential to result in any significant indirect effects on public schools, libraries, child-care facilities, health care facilities, or police and fire services. As noted below, the DEIS will include an assessment of construction impacts, including potential impacts on P.S. 163.

*Comment 31:* The Proposed Project would affect the services of the 24<sup>th</sup> Precinct police station and adjoining fire department, as well as, increase the need for ambulance services.

*Response:* As noted in the *Draft Scoping Document*, an analysis of police and fire services is warranted only if a project would directly affect a police or fire facility, or would result in the introduction of a significant number of new residents, workers, or visitors. Because the Proposed Project would neither result in the introduction of a sizable new neighborhood, nor would it directly displace a police or fire station, the Proposed Project would not result in significant adverse impacts to police and fire protection in the study area. The Proposed Project would relocate the existing nursing facility at West 106<sup>th</sup> Street to a new facility at the Project Site; it would have 100 fewer beds. Thus, there would not need to be additional ambulance service and any further analysis in this respect is unnecessary.

*Comment 32:* Traffic generated by the Proposed Project will impact community facilities and result in delayed emergency response times.

*Response:* As discussed in the *Draft Scoping Document*, the Proposed Project would not result in 50 or more peak-hour vehicle trips, 200 or more peak-hour subway or bus trips, or 200 or more peak-hour pedestrian trips and, thus, does not require a detailed traffic analysis. Nevertheless, in response to scoping comments, NYSDOH has determined that the DEIS will include a detailed traffic analysis. The *Final Scoping Document* has been revised to reflect that a detailed traffic analysis will be performed.

### *P.S. 163*

*Comment 33:* There would be permanent impacts to the adjacent P.S. 163 school from traffic and noise generated by the Proposed Project.

*Response:* The potential effects of the operation of the Proposed Project on the adjacent public school will be assessed as part of hazardous materials, noise, air quality, and construction analyses in the DEIS. These analyses will consider effects on all nearby sensitive receptors, including P.S. 163.

### ***Open Space***

*Comment 34:* The scope of the EIS is inadequate because it screens out open space. The Proposed Project would take away the parking lot — aka open space — and would replace it with a 20-story building that would generate 24 hour traffic.

*Response:* As noted above, while the Project Site is considered “open space” under the *Zoning Resolution*, it is not considered open space under *SEQRA* or per *CEQR Technical Manual* guidance. The *CEQR Technical Manual* recommends conducting an open space assessment for projects that would result in the physical loss of, or limit access to, an open space, change the use of an open space so that it no longer serves the same user population, or affect the usefulness of public open space due to pollution or shadows. The DEIS will consider the potential for the Proposed Project to result in direct effects on nearby open spaces as part of the shadows, noise, air quality, and construction analyses.

In addition, an open space assessment may be necessary for projects that would generate enough new residents or workers to noticeably diminish the capacity of an area’s open spaces to serve the future population. As discussed in the *Draft Scoping Document*, the Proposed Project would not introduce a number of residents or workers that would exceed the *CEQR* guidance thresholds requiring an assessment of indirect effects on open space. Therefore, no further analysis of indirect effects on open space is necessary.

*Comment 35:* The Proposed Project would bring more than 750 people to the site when accounting for administrative staff, meetings of administrative staff, trustees and other interested parties, relatives and friends visiting the residents.

*Response:* As noted in the *Draft Scoping Document*, the Proposed Project would relocate the existing JHL nursing care operations on West 106<sup>th</sup> Street to a new facility located on the Project Site. As such, the Proposed Project would not result in any additional employees and visitors in the study area, as they are already located at the West 106<sup>th</sup> Street site. As noted, the Proposed Project would employ approximately 625 FTEs at the West 97<sup>th</sup> Street site. In accordance with *CEQR Technical Manual*, this number of FTEs is below the 750-employee threshold requiring an open space analysis in this “well-served” area of the city. Furthermore, the Proposed Project would create a new, approximately 8,700-gsf landscaped area along the west side of the Project Site, which would be accessible for JHL residents, visitors, and employees as well as PWV residents, who would access it using a keycard.

*Comment 36:* What provisions are there for open space?

*Response:* As discussed in the *Draft and Final Scoping Documents*, open space is defined by *CEQR* as publicly- or privately-owned land that is publicly accessible and operates, functions, or is available for leisure, play or sport, or set aside for the protection and/or enhancement of the natural environment. The residents introduced by the Proposed Project would be served by an approximately 1,950-gsf rooftop garden. In addition, the ground-floor level would include an approximately 8,700-gsf landscaped area along the west side of the Project Site, which would be accessible for JHL residents, visitors, and employees as well as PWV residents, who would access it using a keycard.

*Comment 37:* The Proposed Project would change the use of existing open space so that it no longer serves the same user population and would affect the usefulness of public open space due to pollution.

*Response:* The Proposed Project would neither directly displace the use of any existing recreational open space resources nor their user population. The Project Site comprises an existing accessory parking lot and trash removal area serving the neighboring PWV residential complex. While the Project Site is considered “open space” under the *Zoning Resolution*, it is not considered open space under *SEQRA* or per *CEQR Technical Manual* guidance. The traffic, noise, and construction analyses will consider the potential effects on all nearby sensitive receptors, including publicly accessible open spaces. In addition, the DEIS will include a shadows assessment to determine how the project-generated shadow might affect nearby publicly-accessible recreational open space resources. Moreover, the Proposed Project would include the creation of an approximately 8,700-gsf, ground-floor landscaped area along the west side of the Project Site, which would be accessible for JHL residents, visitors, and employees as well as PWV residents, who would access it using a keycard.

*Comment 38:* The 8,700 gsf of space would be covered by the building above, and would not be accessible except through JHL’s lobby; it is intended for use by the residents of the nursing home and their guests and is not accessible to the public. This space would not be true open space. The 1,950-gsf rooftop garden would not be publicly-accessible open space, and would not likely be used by the occupants of the proposed building.

*Response:* The Proposed Project would include an approximately 8,700-gsf landscaped area along the west side of the Project Site, of which only about 1,850 gsf would be covered by the building above. This area would not be considered publicly-accessible open space, but would be accessible for JHL residents, visitors, and employees, as well as PWV residents, who would access it using a keycard. The proposed building would also include an approximately 1,950-gsf rooftop garden, which would also not be considered publicly-accessible open space, but would be accessible for JHL residents and their visitors.

### ***Historic Resources***

Additional comments on the potential for the Proposed Project to affect historic resources during the construction period are summarized in the “Construction” section, below.

*Comment 39:* The EIS should identify any impacts of the Proposed Project on historic and cultural resources.

*Response:* The *Draft Scoping Document* for the DEIS includes an analysis of potential effects to historic and cultural resources.

*Comment 40:* There are concerns about traffic effects on Holy Name Church.

*Response:* As noted in the *Draft* and *Final Scoping Documents*, the DEIS will consider the potential for the Proposed Project to have direct, physical impacts on architectural resources in the surrounding area. Should the analysis conclude that there is potential for significant adverse impacts on these resources, NYSDOH would identify appropriate mitigation and avoidance measures related to such impacts.

#### *Archaeological Resources*

*Comment 41:* The EIS should note possible archaeological resources that may remain on the site. It may contain archaeological artifacts of an African American community that likely lived in the area surrounding the chapel built by St. Michael's Church.

*Response:* The New York State Office of Parks, Recreation and Historic Preservation ("OPRHP") has been consulted to determine whether the agency has any concerns regarding potential archaeological resources on the Project Site. In a consultation letter dated December 13, 2013, OPRHP determined that the Proposed Project would not result in an impact upon historic or archaeological resources listed or eligible for inclusion in the State and National Registers ("S/NR") of Historic Places; therefore, the Proposed Project is not expected to result in any significant adverse impacts to archaeological resources. This DEIS will include a summary of these findings.

#### *Architectural Resources*

*Comment 42:* The EIS should consider the potential for PWV to be designated as a historic resource and potential landmark.

*Response:* OPRHP has been consulted to clarify whether the PWV complex warrants consideration in the DEIS as a potential architectural resource. In a consultation letter dated December 13, 2013, OPRHP determined that the Proposed Project would not result in an impact upon cultural resources and did not deem PWV eligible for listing on the S/NR of Historic Places.

*Comment 43:* The EIS should include an assessment of PWV and Douglass Houses historic and cultural relationships in its description and analysis of the Build/No-Build/Alternative options.

*Response:* The DEIS will assess the Proposed Project's potential to result in any visual and contextual impacts on known and potential architectural resources, in comparison to the Future No-Build condition.

#### ***Shadows***

*Comment 44:* The Proposed Project will reduce sunlight and cast shadows that will impact the enjoyment and usefulness of area playgrounds.

*Response:* As described in the *Draft Scoping Document*, the DEIS will analyze the Proposed Project's shadows following *CEQR Technical Manual* guidelines and determine whether new shadows would fall on any sunlight-sensitive, publicly-accessible resources. Sunlight-sensitive resources are defined in the *CEQR Technical Manual* as: publicly-accessible open spaces, including parks, plazas, playgrounds, schoolyards, Greenstreets medians; as well as sunlight-sensitive features of historic resources such as stained glass windows. The DEIS will determine the extent and duration of any new shadows that would fall on sunlight-sensitive resources, and will assess their effects on vegetation and on the use and public enjoyment of the resource.

*Comment 45:* The Proposed Project would cast shadows on P.S. 163 and its gardens and playgrounds on the eastern side of the building. A full shadows analysis should be prepared.

*Response:* As described in the *Draft Scoping Document*, the DEIS shadows analysis will include the Happy Warrior Playground associated with P.S. 163 as a sunlight-sensitive resource.

*Comment 46:* There would be permanent depletion of light and air in P.S. 163 classrooms from shadows cast by the Proposed Project.

*Response:* According to the *CEQR Technical Manual*, classrooms are not publicly-accessible open space resources, and P.S. 163 is not a sun-sensitive historic resource. Therefore, the interior rooms of P.S. 163 will not be included as a sensitive resource in the CEQR shadow study.

*Comment 47:* The EIS should assess the shadow impacts on Frederick Douglass Playground, Happy Warrior Playground, St. Michael's Church, Trinity Lutheran Church, and Holy Name Church and School. Mitigation measures for those project-generated shadows should be identified.

*Response:* Frederick Douglass Playground and Happy Warrior Playground are publicly-accessible open spaces that will be included in the shadow study as sensitive resources. Trinity Lutheran Church, St. Michael's Church and Holy Name Church are all listed or potential historic resources that have sunlight-sensitive features, and will be assessed for potential shadows effects in the shadow study. If significant adverse impacts are identified, mitigation measures would be proposed.

*Comment 48:* Shadows from the proposed building on PWV (an architectural resource) should be analyzed.

*Response:* PWV is not currently listed, and as noted in Response to Comment 42, OPRHP has determined that it is not eligible for listing on the S/NR Register of Historic Places as a historic architectural resource. Therefore, it will not be included in the shadow study

*Comment 49:* Shadows from the proposed building on the following resources should be analyzed:

- Riverside Health Center and New York Public Library grounds on West 100<sup>th</sup> Street between Columbus and Amsterdam Avenues;
- Open Door Child Care Center play yard at 820 Columbus Avenue;
- the 788 Columbus Avenue playgrounds and benches;
- Open space and landscaped grounds bounded by 792, 808, 784, and 788 Columbus Avenue;
- West 97<sup>th</sup> Street when it is cordoned off for Holy Name School and De La Salle Academy; and
- Residential buildings adjacent to the Project Site, which would be permanently depleted of air and light.

*Response:* Any publicly-accessible, sunlight-sensitive resource as defined in the *CEQR Technical Manual* and described in the response to Comment 44, above, will be included in the shadow analysis. Private open spaces, buildings or structures that are not designated or potential historic resources, will not be included in the shadow study, nor will City streets and sidewalks, which are not considered sunlight-sensitive resources of concern.

*Comment 50:* The EIS should analyze the actual height of the proposed building, not “approximately 280 feet.”

*Response:* The DEIS will analyze a “reasonable worst-case” scenario of the proposed building for shadows, including rooftop mechanical equipment and parapets, per *CEQR Technical Manual* guidelines. The height of the proposed building analyzed in the shadow analysis will be the precise dimensions according to the most current architectural plans and will include rooftop mechanical equipment and parapets, per *CEQR Technical Manual* guidelines.

### ***Urban Design and Visual Resources***

*Comment 51:* The scope of the EIS is inadequate because it screens out urban design. Urban design needs to be addressed.

*Response:* According to the *CEQR Technical Manual*, a preliminary assessment of urban design and visual resources is appropriate when there is the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning. The Proposed Project would be allowable under the existing zoning regulations and would, therefore, not meet the *CEQR Technical Manual* threshold for an analysis of urban design and visual resources.

*Comment 52:* The proposed height of the nursing home is excessive.

*Response:* Comment noted.

*Pedestrian Wind*

*Comment 53:* The *Draft Scoping Document* does not include a pedestrian wind analysis. The Project Site is located in a dangerous wind channel.

*Response:* The *CEQR Technical Manual* recommends an analysis of pedestrian wind conditions as part of the urban design and visual resources assessment, for projects that would result in the construction of large buildings at locations that experience high-wind conditions (such as along the waterfront, or other locations where winds from the waterfront are not attenuated by buildings or natural features), which may result in an exacerbation of wind conditions due to “channelization” or “downwash” effects that may affect pedestrian safety. Development of the Project Site would constitute infill construction within a built environment and is not a location that would result in high-wind conditions, and furthermore that the size and orientation of the proposed building do not warrant an analysis of pedestrian wind conditions. Therefore, the DEIS will not include an analysis of pedestrian wind conditions.

***Natural Resources***

*Comment 54:* The scope of the EIS is inadequate because it screens out natural resources. There is an underground stream/river beneath the Project Site. The EIS should provide an assessment of groundwater.

*Response:* Any underground streams that may be present within the Project Site are expected to have been diverted during the development of the area; typically, before a building or other structure was constructed such streams were diverted to the nearest large water body and their previous courses on the Project Site would have been filled in during the historic development of the area, including that of the PWV complex. Neither the current drainage maps for the area, nor sewer maps received from the New York City Department of Environmental Protection (“NYCDEP”) note the presence of a stream or river running through the Project Site. Therefore, the DEIS will assume that the underground stream referenced by the commenter is no longer present on the Project Site and would not have the potential to be affected by the Proposed Project. The DEIS will evaluate subsurface conditions (geology and hydrogeology) and the potential for the Proposed Project to affect these conditions as part of the Hazardous Materials assessment. To the extent that excavation of the Project Site would result in pooling or ponding of water on the Project Site, there would be a need for dewatering. The need for dewatering is based on overall groundwater elevation, which often is high enough within the city to require dewatering of construction sites. The DEIS will describe subsurface conditions, including geology and hydrology, in the Hazardous Materials chapter, and any on-site dewatering practices will be described in the Hazardous Materials and Construction chapters, as necessary.

*Trees*

*Comment 55:* The EIS should assess the full number of trees on the lot, street, and surrounding grounds that would be affected. The loss of trees and the effect on sightlines, views, air quality, and temperature effects should be reported.

*Response:* Tree replacement, protection, and transplanting associated with the Proposed Project would comply with the city's applicable rules and regulations. Street trees are under the jurisdiction of the NYCDPR and may not be removed without a permit pursuant to Title 18 of the Administrative Code of the City of New York. Chapter 5 of Title 56 of the Rules of the City of New York establishes rules for valuing trees that are approved for removal in order to determine the appropriate number of replacement trees. As currently contemplated, approximately 3 existing street trees would be removed and 5 would be protected along the West 97<sup>th</sup> Street frontage of the Project Site. Approximately 18 trees would be planted along the boundary of the zoning lot, including along West 97<sup>th</sup> and West 100<sup>th</sup> Streets, and Columbus Avenue, and additional trees would be planted off site at the direction of NYCDPR. Trees that are currently located on the Project Site would be removed during the construction of the Proposed Project, and new trees would be planted within the PWV property. The *Final Scoping Document* has been revised to include this information. While urban trees do contribute to region-wide air quality, limited changes in local tree cover would not have a significant impact on local or regional air quality.

*Comment 56:* There are no policies, regulations, or enforcement on the tree guards. Tree guards at 711 West 94<sup>th</sup> Street and at 94<sup>th</sup> Street and Columbus Avenue are dangerous.

*Response:* The tree guards that would be installed as part of the Proposed Project must be approved by NYCDPR as part of the tree permit.

***Hazardous Materials***

*Comment 57:* The EIS should include an investigation of hazardous materials on the Project Site and include a Phase II testing. There are concerns about a leaking fuel tank, several spills on and within 1/8 mile of the Project Site. Historic maps show that 784 Amsterdam Avenue was once occupied by a Con Ed substation and a Department of Water Supply Pumping Station, with PCBs. Additional testing for toxins from exhausts and car leakages must be performed on the Project Site. The sampling methodology must be disclosed. A mitigation plan must be in effect before excavation on the site begins.

*Response:* The *Final Scoping Document* has been revised to include Phase II testing. The DEIS will include a summary of a previous Phase-I Environmental Site Assessment ("Phase-I ESA") documentary study to determine the potential for contamination (related to the site history and that of nearby properties) as well the collection and laboratory analysis of subsurface samples (Phase II Investigation) from the Project Site in accordance with a scope of work preapproved by NYSDOH. Based on the results of these studies, a Remedial Action Plan ("RAP") and Construction Health and Safety Plan ("CHASP") would be prepared for

implementation during construction of the Proposed Project (these plans would also be subject to NYSDOH approval). These plans would establish the appropriate measures to be implemented for protection of site workers and the surrounding community.

*Comment 58:* There are concerns about the high concentrations of lead found in the parking lot soil, which would create a health hazard during construction, particularly on the P.S. 163 students and other vulnerable populations. The DEIS should include a detailed analysis of lead contamination and a discussion of national and local standards for lead safety.

*Response:* The DEIS will examine the potential for historical uses on the Project Site or nearby to have resulted in lead (and other) contamination and will also include laboratory analysis of Project Site soil samples for lead (and other contaminants). The locations and types of samples will be subject to NYSDOH approval. Based on the levels of lead (or other contaminants) identified, the DEIS will establish appropriate procedures (subject to NYSDOH approval) to be followed during construction to ensure airborne lead (and dust) levels stay within acceptable levels (based on federal/state requirements). The DEIS will also establish monitoring methods to confirm that the procedures are being followed and are effective.

*Comment 59:* The proposed nursing care facility would generate biohazardous waste that does not belong next to an elementary school.

*Response:* Like all doctors' offices and other medical facilities, management of medical and other associated wastes is subject to strict regulatory requirements at the local, state and federal level. These facilities are located throughout the city next to and frequently within buildings with sensitive uses such as residences. There is nothing unique or significant regarding the potential environmental impacts associated with solid waste that will be generated and managed at the proposed facility. As such, a specific analysis of waste generation and management at the Proposed Project is not appropriate or necessary.

### ***Water and Sewer Infrastructure***

*Comment 60:* The wastewater treatment plant has routinely been operating over capacity, especially during major storms. An analysis of the Proposed Project's demand on existing infrastructure should be performed.

*Response:* As described in the *Draft Scoping Document*, the DEIS will include an analysis of the Proposed Project's effects on wastewater and storm water infrastructure. This preliminary analysis would include, among other elements, the following: a description of the existing wastewater and storm water conveyance systems in the vicinity of the Project Site; a description of the available dry-weather treatment capacity of the North River Wastewater Treatment Plant ("WWTP") and a general description of New York City's combined sewer system and associated wet-weather sewer overflows; a determination of the existing sanitary flows, Future No-Build sanitary flows, and With Action sanitary flows; and a consideration and analysis of incremental flows from the Proposed Project on the capacity of the North River WWTP.

*Comment 61:* The current sewage system is already overburdened, partly because of the new development at 808 Columbus Avenue. The Proposed Project would further strain the already overburdened resources in the neighborhood.

*Response:* New York City's sewers are sized and designed based on the designated zoning for a given area and related population density and surface coverage. The *CEQR Technical Manual* requires an analysis of wastewater and storm water infrastructure for projects that would (i) greatly increase population density, (ii) be located in an area of special concern in New York City (which the Project Site is not), or (iii) substantially increase impervious surfaces. A preliminary infrastructure analysis will be performed as described under the response to Comment 60, above. If the analysis indicates that the Proposed Project would increase flows of sanitary and storm water to a level that would overburden the wastewater or storm water infrastructure, changes to the affected sewer system and/or the preparation of an Amended Drainage Plan may be required. The need for these measures would be determined in consultation with NYCDEP.

*Comment 62:* There have been recent water main breaks in the immediate vicinity of the project site.

*Response:* Comment noted.

*Comment 63:* During heavy rains, the ramps at the 808 Columbus parking garage flood and crews must work to keep water out of the stores. The parking lot has long had flooding issues. The Proposed Project would significantly affect drainage flow on adjacent sites, due to the presence of underground water, the design of the proposed building, and the overall increase in impervious surface with the removal of trees, shrubs, and grass.

*Response:* The Proposed Project, which would be constructed on the surface, accessory parking lot currently located on the Project Site, would include appropriate storm water detention measures and storm water best management practices to control flooding on the site and to reduce sanitary and storm water runoff volumes to the combined sewer system. As described in the *Draft Scoping Document*, the analysis of the Proposed Project's effects on wastewater and storm water infrastructure will describe existing surface types, Future No-Build surface types, and With Action surface types. The DEIS will include the NYCDEP flow calculations matrix to determine the volume and peak discharge rates of storm water expected from the Project Site under existing, Future No-Build and With Action conditions. Based on the results of the preliminary analysis, NYSDOH will determine in the context of the DEIS whether a detailed assessment is warranted and whether mitigation of significant impacts may be required.

### ***Solid Waste and Sanitation***

*Comment 64:* The scope of the EIS is inadequate because it screens out solid waste and sanitation services. The EIS should address solid waste and sanitation, including medical waste.

The EIS should address the relocation of the existing dumpsters serving PWV and how the proposed nursing home would handle its trash disposal on an already overburdened streetscape.

Trash removal would occur on West 97<sup>th</sup> Street; garbage trucks exacerbate traffic and noise at all hours. There is a rat problem in the neighborhood.

*Response:* According to the *CEQR Technical Manual*, a solid waste assessment determines whether a project has the potential to cause a substantial increase in solid waste production that may overburden available waste management capacity or otherwise be inconsistent with the city's Solid Waste Management Plan ("SWMP" or "Plan") or with the state policy related to the city's integrated solid waste management system. The city's solid waste system includes waste minimization at the point of generation, collection, treatment, recycling, composting, transfer, processing, energy recovery, and disposal. The *CEQR Technical Manual* states that few projects generate substantial amounts of solid waste (50 tons a week or more) that would result in a significant adverse impact or that would affect the carting and transfer station capacity in the metropolitan area. The Proposed Project is not expected to generate an amount of solid waste that the *CEQR Technical Manual* defines as affecting the city's capacity to handle solid waste. In addition, JHL would use private carters and the Proposed Project's waste handling and storage operations would take place all internal to the building. Therefore, the Proposed Project would not result in any significant adverse impacts to solid waste and sanitation services, and no further analysis is required.

The *CEQR Technical Manual* also provides information on medical/healthcare facilities, which are required to separate their waste into two categories: regulated medical waste and ordinary waste. NYSDOH and NYSDEC regulate the generation, treatment, storage, transfer, and disposal of these medical wastes, and each health care facility is required to submit a plan to the New York City Department of Sanitation ("DSNY") explaining how it plans to dispose of its waste. Therefore, a detailed analysis of the Proposed Project's solid waste generation is not warranted.

The DEIS will describe the proposed relocation of the existing trash removal area on the Project Site, which serves the neighboring PWV residential complex.

### ***Energy***

*Comment 65:* The scope of the EIS is inadequate because it screens out energy. Energy needs to be discussed.

*Response:* According to the *CEQR Technical Manual*, a detailed assessment of energy impacts is only required for projects that would significantly affect the transmission or generation of energy or that would result in substantial consumption of energy. The Proposed Project would not affect the transmission or generation of energy and would not consume a substantial amount of energy. Therefore, the Proposed Project would not result in significant adverse impacts to energy supply or consumption, and no further analysis is warranted. However, although the Proposed Project would not require an analysis of its effect on the energy

supply grid, the Greenhouse Gas (“GHG”) analysis would consider energy consumption and energy efficiency in the context of climate change.

### ***Transportation***

*Comment 66:* A detailed traffic analysis should be conducted despite the Travel Demand Factors memorandum screening out the need for a detailed traffic analysis. Existing congestion, recent area development (including in particular 808 Columbus Avenue), and general neighborhood conditions and character should be considered when determining whether a detailed traffic study should be conducted. West 97<sup>th</sup> Street and any locations identified as problematic should be studied in the DEIS. Queuing on West 97<sup>th</sup> Street and the adjacent public school represent “unusual circumstances” that suggest the need for a detailed traffic study under the *CEQR Technical Manual* despite not meeting vehicle trip thresholds. The intersections of Central Park West with West 97<sup>th</sup> Street, Columbus Avenue with West 97<sup>th</sup> Street, and Amsterdam Avenue with West 97<sup>th</sup> Street are high-crash locations and should be studied for traffic safety. Traffic should be studied along West 97<sup>th</sup> Street between Central Park and West End Avenue and West 96<sup>th</sup> Streets between Broadway and the West Side Highway. The detailed analysis should be conducted during times of peak traffic and should present/consider potential mitigation including alternate site circulation.

*Response:* Although a detailed analysis is not warranted based on CEQR impact threshold criteria, NYSDOH has determined that the DEIS will include a detailed traffic analysis in response to comments. As described in the *Final Scoping Document*, the Transportation chapter of the DEIS will include a traffic analysis of the intersections of West 97<sup>th</sup> Street with Columbus and Amsterdam Avenues and will be conducted for weekday a.m., late weekday midday (corresponding with nearby school dismissal), and weekday p.m. peak hours. Consistent with the *CEQR Technical Manual*, the DEIS will analyze the Proposed Project’s potential impacts with respect to traffic conditions. Where potential impacts are found, mitigation measures will be proposed to improve intersection operations.

Per the *CEQR Technical Manual*, a safety assessment will be conducted for the two study area intersections. High vehicular and/or pedestrian crash locations will be identified based on a review of crash data and improvements and mitigations will be recommended at high crash locations.

*Comment 67:* The Travel Demand Factors memorandum was not accurate, not thorough, and potentially biased. The size of the proposed building and the number of anticipated employees implies a higher number of vehicle trips than was determined in the Travel Demand Factors memorandum. In particular:

- The employee trip generation was based on a punch-in/punch-out schedule that may have missed some employees that do not regularly punch in to work. A new, on-site survey of the current facility should be conducted and the number of employees that report to work on a typical day should be reported by time of day;

- The methodology for determining visitor trips used in the Travel Demand Factors memorandum was not accurate. The assumption of one person signing in representing 1.6 persons based on an auto occupancy from the Hospital for Special Surgery is not accurate as the source was not a reliable comparable; and
- The assumed dispersal of certain truck trips throughout the day was not appropriate.

*Response:* The trip generation analysis in the Travel Demand Factors memorandum used data from the existing West 106<sup>th</sup> Street facility to estimate trips for the proposed facility. This represents the best possible data source for the trip-generation analysis. The employee punch-in/punch-out data includes all staff on a representative day and, therefore, is representative of the full employee population that can be expected at the proposed facility.

For the visitor sign-in data, it was conservatively assumed that only one person from any group of visitors signed in. Thus, an estimate of the actual number of visitors arriving at the site was determined by multiplying the first number by 1.6. This factor is based on information from the *Hospital for Special Surgery Expansion FEIS* (2008)<sup>3</sup> and is representative of the number of people visiting patients at a medical facility. This factor represents an average of activity that considers the fact that some persons arrive alone and others arrive in a group.

Most of the trucks arriving at the current West 106<sup>th</sup> Street facility follow a regular schedule. This schedule was used in developing the arrival patterns assumed in the Travel Demand Factors memorandum. Only 5 truck trips out of 14 anticipated do not follow a regular schedule. These trips were reasonably assumed to arrive throughout the day as they currently do.

*Comment 68:* The PWV access roadway and parking areas should be studied in the DEIS. The study for the proposed action must consider any changes that will be made to this roadway and parking areas within PWV. The access roadway would be made a new through street or blocked entirely during the construction or full build phases of the proposed action, leading to changes in traffic circulation that should be studied along with the proposed action. The internal aspects PWV, including the surrounding buildings, parking areas, existing roadways/driveways, and the proposed pick-up/drop-off loop roadway included in the proposed action should be studied in the DEIS. Project-generated traffic on the access roadway would conflict with the existing traffic and conflict with pedestrians.

The vehicles that currently park on the Project Site would be relocated to a below-grade facility, which would be undesirable for the car owners. The legal status of the parking relocation must be confirmed before this Proposed Project can move forward.

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<sup>3</sup> New York City Planning Commission. *Final Environmental Impact Statement; Hospital for Special Surgery Expansion*. New York: New York City Department of City Planning, 2008.  
<[http://www.nyc.gov/html/dcp/html/env\\_review/hfss.shtml](http://www.nyc.gov/html/dcp/html/env_review/hfss.shtml)>

The EIS should confirm the statement in the SSE Technical Memorandum-Travel Demand Factors that “This ‘access road’ currently has New York City Department of Buildings (“NYCDOB”) approval for a continuous one-way southbound connection between West 100<sup>th</sup> Street and West 97<sup>th</sup> Street.”

*Response:* The PWV property owner would relocate the Project Site’s surface parking to other locations within the PWV complex, either on a surface lot or within the 808 Columbus Avenue parking garage. Park West Drive, the north-south access road within the PWV complex, may be modified as part of the PWV property owner’s planning for the complex, but will continue to function as a discontinuous two-way access road for PWV parkers. Vehicle circulation is anticipated to remain similar to current conditions outside of the PWV complex.

The proposed JHL facility would make use of the shared Park West Drive to access a private loop roadway allowing for pick-up and drop-off activity. The actual pick-up and drop-offs would occur on the private loop roadway separate from Park West Drive and, therefore, pick-up and drop-off activities are not anticipated to affect traffic along Park West Drive. Park West Drive will neither be closed off to PWV residents due to the Proposed Project, nor will it be closed during construction of the Proposed Project.

*Comment 69:* How will emergency and service vehicles access the site? The Proposed Project, with its associated traffic and internal changes to the Park West Drive, would block access for emergency vehicles for existing buildings in PWV.

*Response:* As described in Comment 68, above, the PWV property owner plans to make changes to Park West Drive. The PWV property owner would be responsible for obtaining any approvals for changes to Park West Drive, including necessary approvals from emergency response officials that would provide services to PWV.

The proposed JHL facility would make use of the shared Park West Drive to access a private loop roadway allowing for pick-up and drop-off activity. The actual pick-up and drop-offs will occur on a private loop roadway separate from Park West Drive and, therefore, pick-up and drop-off activity is not anticipated to affect emergency vehicle access along Park West Drive.

The Proposed Project would be responsible for obtaining approvals from emergency response officials that would provide emergency services to the proposed facility. Emergency vehicles could access the Proposed Site from West 97<sup>th</sup> Street, from Park West Drive, and from the JHL private loop roadway. Actual emergency response plans will be coordinated between JHL and emergency response officials.

*Comment 70:* Impacts to pedestrians and pedestrian safety in this area should be studied in the DEIS. The proposed loading dock, vehicle access for the Proposed Project across the north sidewalk of West 97<sup>th</sup> Street, and general increased traffic would impact pedestrian conditions, particularly along the north sidewalk of West 97<sup>th</sup> Street. It would also eliminate

sidewalks currently used by P.S. 163 students. How will the Proposed Project impact the regular closure of West 97<sup>th</sup> Street west of Amsterdam Avenue for the Holy Name School?

*Response:* As shown in the Travel Demand Factors memorandum, the Proposed Project will not generate more than 200 pedestrian trips (including walk trips destined to transit) during any peak hour. Therefore, the proposed action does not exceed the thresholds described in the *CEQR Technical Manual* for a pedestrian analysis to be warranted.

No sidewalks will be closed as part of the Proposed Project. The Holy Name School has closed recently, and West 97<sup>th</sup> Street is no longer closed to serve as a play street for that school.

*Comment 71:* The proposed action does not meet Department of Health guidelines that require public health facilities to accommodate vehicles within their lot lines.

*Response:* There is no NYSDOH regulation that requires health facilities to accommodate vehicles within their lot lines. JHL has stated that it will operate its facility in compliance with all laws, and appropriate access will be provided as outlined by Part 711 of NYSDOH's regulations.

*Comment 72:* On- and off-street parking should be studied in the DEIS. Where would staff and visitors park? What would be the impact of displacing the 88 parking spaces located on the site of the proposed action? The DEIS should consider including a parking facility on the site of the proposed action.

*Response:* Although a detailed analysis is not warranted based on *CEQR* impact threshold criteria, NYSDOH has determined that the DEIS will include a detailed traffic analysis in response to comments. This will include a study of on-street and off-street parking supply within one-quarter mile of the Project Site following the procedures outlined in the *CEQR Technical Manual*.

*Response:* The PWV property owner would relocate the Project Site's surface parking to other locations within the PWV complex, either on a surface lot or within the 808 Columbus Avenue parking garage. The parking analysis will assume that the 88 spaces will be relocated to another surface location within the PWV complex, as the PWV property owner has indicated that this is the most likely option.

*Comment 73:* There is insufficient space on West 97<sup>th</sup> Street for the loading activity associated with the Proposed Project. The increased truck traffic during the construction and operation of the Proposed Project would impact traffic conditions in the area and that would add to the other truck activity already occurring along West 97<sup>th</sup> Street between Amsterdam and Columbus Avenues.

*Response:* Truck loading will be fully enclosed within the loading docks provided as part of the Proposed Project.

*Comment 74:* Transit should be studied in the DEIS.

*Response:* As shown in the Travel Demand Factors memorandum, the Proposed Project would not generate more than 200 transit trips during any peak hour. Therefore, the Proposed Project would not exceed the thresholds described in the *CEQR Technical Manual* for a transit analysis to be warranted.

### ***Air Quality***

*Comment 75:* Air quality should be analyzed in the EIS. The removal of 90 street trees would result in the loss of carbon and pollution reduction, drainage, shade and temperature reduction, and would increase the risk of particulate pollution from automobiles and other sources.

*Response:* As described in the *Draft and Final Scoping Documents*, air quality will be analyzed in the DEIS. Contrary to the comment, however, the Proposed Project does not include the removal of 90 street trees. As discussed in Comment 55, tree replacement, protection, and transplanting associated with the Proposed Project would comply with the City's applicable rules and regulations. As currently contemplated, approximately 3 existing street trees would be removed and 5 would be protected along the West 97<sup>th</sup> Street frontage of the Project Site. Approximately 18 trees would be planted along the boundary of the zoning lot, including along West 97<sup>th</sup> and West 100<sup>th</sup> Streets, and Columbus Avenue, and additional trees would be planted off site at the direction of NYCDPR. Trees that are currently located on the Project Site would be removed during the construction of the Proposed Project, and new trees would be planted within the PWV property. While urban trees do contribute to region-wide air quality, limited changes in local tree cover would not have a significant impact on local or regional air quality.

*Comment 76:* There are air quality concerns related to emissions from traffic, including idling ambulettes and increased truck traffic from the Proposed Project. This will worsen air quality within PWV and P.S. 163 and adversely affect those with asthma.

*Response:* As described in the *Draft and Final Scoping Documents*, an air quality analysis will be included in the DEIS, as required by the *CEQR Technical Manual*, to ensure that air quality concerns are reviewed. As stated in the *Draft and Final Scoping Documents*, the Proposed Project is not expected to exceed the thresholds for mobile-source air quality analyses, indicating that the Proposed Project would not cause significant adverse air quality impacts from increased traffic volumes or changes in speed or other similar effects. Air quality emissions from the operation of the Proposed Project are expected to be negligible and thus, a public health assessment of potential asthma effects is not warranted.

*Comment 77:* There is an air quality concern related to environmental contaminants that will be stirred up as a result of the Proposed Project, particularly toxins from the old leaded gasoline.

*Response:* The potential for site contamination and the release of contaminants in airborne dust and whether any testing, remediation, mitigation or other measures should be required prior to or during construction to ensure there would be no potential for significant adverse impacts associated with any such hazardous materials will be assessed under Task 10, “Hazardous Materials” and Task 20, “Construction”.

*Comment 78:* The addition of another large building on the superblock could trap air pollution and there could be a lack of air dispersal caused by covered turnaround driveway. The effect of 808 Columbus Avenue’s HVAC must be included in the air quality analysis.

*Response:* The buildings in the nearby vicinity are tall enough such that the HVAC emission plumes from their rooftops would not be diverted to the ground level; specifically, the 808 Columbus Avenue building is taller than the Proposed Project’s building, and HVAC typically vents from the roof. The effect of these aerodynamic changes on air quality, if any, would be very minor. There would not be substantial emissions under the covered turnaround driveway, and as a consequence, any changes to nearby air quality would be insignificant. Overall, these aerodynamic effects would be insignificant and do not require analysis.

### ***Greenhouse Gas Emissions (GHG)***

*Comment 79:* The Proposed Project would result in increased greenhouse gas emissions because of the additional project-generated traffic and the loss of trees. The Project Site as it is (an open space, parking lot) would have a lower carbon footprint than a 20-story building.

*Response:* The DEIS will include a GHG analysis as required by *SEQRA* and outlined in the *CEQR Technical Manual*. This analysis will estimate GHG emissions as well as efforts to reduce potential emissions and ensure that the Proposed Project is energy efficient. Emissions or sequestration of carbon associated with small numbers of urban trees are not typically included in such an analysis because the estimates would be highly uncertain and the overall potential GHG emissions due to their removal are very small. Note that although the analysis will estimate GHG emissions associated with the Proposed Project, such emissions would not necessarily represent a net increase in emissions — if the Proposed Project is not constructed. Absent the Proposed Project, the existing, inefficient JHL facility at West 106<sup>th</sup> Street would continue to operate. By contrast, in accordance with the city’s GHG goals and JHL’s commitment that its new facility would achieve LEED<sup>®</sup> Certification, the Proposed Project would implement numerous efficiency measures to conserve energy and other resources that would reduce potential emissions.

### ***Noise***

*Comment 80:* The noise from project-generated traffic and building mechanical equipment needs to be assessed in the EIS.

*Response:* As described in Task 17, Noise, the DEIS will assess the future noise levels at sensitive receptor locations due to project-generated activities.

*Comment 81:* Noise levels are already high in the neighborhood due to the presence of a police precinct, fire station, and two medical clinics.

*Response:* Existing noise levels at the Project Site, including contributions from vehicular traffic and nearby land uses, will be measured as part of the DEIS noise analysis. As prescribed in the *CEQR Technical Manual*, sound level measurements were suspended during unusual events including emergency sirens, so these events are not included in the measured noise levels.

*Comment 82:* Noise from 808 Columbus Avenue's HVAC system should be considered. The effect of 808 Columbus Avenue's HVAC must be included in the new scenario as it will vent into the space between buildings that may have no airflow.

*Response:* Existing noise levels will be measured at the Project Site and will include ambient noise that will account for noise from 808 Columbus Avenue's HVAC system, and other mechanical equipment surrounding the Project Site.

*Comment 83:* Noise from ambulance sirens would decrease the quality of life for P.S. 163 students and area residents.

*Response:* The Proposed Project is not expected to result in an increase in ambulance trips or siren use as compared to the No-Build condition.

### ***Public Health***

*Comment 84:* The scope is not in-depth enough to know what the effects of the Proposed Project would be on air quality, noise, hazardous materials, transportation, and construction, and therefore the DEIS must examine these areas before public health can be dismissed. The EIS should include an assessment of public health impacts on schoolchildren and children in community due to exposure to lead, fuel oil, dust, and diesel fumes.

*Response:* As stated in the *Draft Scoping Document*, the DEIS will include an assessment of public health in conformance with the guidance of the *CEQR Technical Manual*. The DEIS will also include assessments of air quality, hazardous materials, and noise, as well as an assessment of potential impacts during construction of the Proposed Project. These analyses will account for the proximity of sensitive receptors, including P.S. 163 and nearby residential uses. If these analyses identify unmitigated significant adverse impacts, a detailed public health assessment will be performed. The Final Scope has been revised to include a more detailed discussion of the potential exposure to lead as part of the public health analysis.

*Comment 85:* We object to the project because of concerns about health effects on the community, including those with respiratory problems.

*Response:* Comment noted. As stated in the *Draft Scoping Document*, the DEIS will include a screening level assessment of public health in conformance with the *CEQR Technical Manual*. If required, a detailed public health assessment will be performed.

*Comment 86:* The project's impacts on solid waste and sanitation would constitute a threat to public health and safety.

*Response:* As discussed in the *Draft Scoping Document*, the Proposed Project would not result in any significant adverse impacts to solid waste and sanitation services. Therefore, it would not have the potential to adversely affect public health due to impacts on solid waste and sanitation services.

### ***Neighborhood Character***

*Comment 87:* Neighborhood character should be assessed, including the impact of both of the proposed new building and of the proposed road reconfigurations on the flow of pedestrians and the uses of spaces within and through PWV. This assessment should be carried through the Build/No-Build/ and Alternative scenarios. The project will impact neighborhood character by doing away with the Tower in the Park style.

The project will adversely affect neighborhood character due to the removal of trees, open space, benches, playgrounds, and walkways; additional traffic in the area; and the addition of a large transient population.

*Response:* As discussed in the *Draft Scoping Document*, the DEIS will include an assessment of neighborhood character in accordance with the guidance of the *CEQR Technical Manual*. This analysis will describe the predominant factors that contribute to defining the character of the neighborhood surrounding the Project Site, summarize changes that can be expected in the character of the area in the future without the Proposed Project, and assess and summarize the Proposed Project's effects on neighborhood character using the analysis of impacts as presented in other pertinent analyses (particularly urban design and visual resources, historic resources, socioeconomic conditions, traffic, and noise). As appropriate, the effects of the various alternatives on neighborhood character will also be assessed.

*Comment 88:* Adding a cross street to a superblock would have a significant impact on neighborhood character.

*Response:* The Proposed Project would not add a new cross street to the PWV complex. As noted above and in the *Draft Scoping Document*, the DEIS will include an assessment of neighborhood character in accordance with the guidance in the *CEQR Technical Manual*.

### ***Construction Impacts***

*Comment 89:* Construction will be disruptive to the students of P.S. 163 and the residents of PWV and other nearby residences. They will suffer from air pollution, noise pollution, traffic congestion, and noxious fumes from construction of the Proposed Project.

*Response:* As noted in the *Draft Scoping Document*, the analysis of potential construction-related impacts on the adjacent community will include an analysis of all relevant technical areas, including transportation systems, air quality, noise and vibration, and hazardous materials.

#### *Construction Methods/Practices*

*Comment 90:* How will sinkholes during construction be prevented?

*Response:* A geotechnical report will be prepared for the Project Site prior to the start of construction. The geotechnical report will provide specific information on subsurface soil, rock, and water conditions. If the risk of a sinkhole is identified in the report, appropriate preventative measures will be considered.

#### *Public Safety*

*Comment 91:* The dump trucks, crane unloading, and movement of loaded trucks and other construction vehicles during construction will make intersections near the school, and portions of West 97<sup>th</sup> Street dangerous for schoolchildren. The increased traffic congestion would increase the risk of accidents.

How will construction traffic be managed during pickup and dropoff of students?

The school buses and construction vehicles will vie for space. The only place to park the school buses will be on Amsterdam Avenue, which is already congested in the afternoon rush hour.

*Response:* To ensure the safety of the children, teachers, administrative personnel and the public traveling to-and-from P.S. 163, the construction manager would coordinate construction activities with the New York City Department of Education (“NYCDOE”) and with the P.S. 163 principal on an ongoing basis. Appropriate safety measures such as the use of flaggers will be identified and described in the DEIS. The DEIS will also identify any temporary curb-lane and sidewalk closures that are anticipated for the construction of the Proposed Project. The DEIS will note that a Work Zone Traffic Control Plan will be developed in coordination with the New York City Department of Transportation’s (“NYCDOT’s) Office of Construction Mitigation and Coordination to protect pedestrian safety and minimize effects on traffic during construction.

With regard to construction trucks potentially impacting school activity, efforts will be made to schedule deliveries (except for concrete deliveries since concrete operation is very sensitive) to be made outside of the school commuting peak hours (generally 8:00 a.m. to 9:00 a.m. and 3:00 p.m. to 4:00 p.m.) to the extent practicable. Between 15 and 27 construction trucks are anticipated over an entire day depending on the phase of construction. With these trips mostly scheduled to avoid school commuting peak hours, no conflict between school and construction truck activity is anticipated.

*Comment 92:* Concerns were raised about protecting the school from catastrophic accidents and falling objects.

*Response:* As discussed above, to ensure the safety of the children, teachers, administrative personnel and the public traveling to-and-from P.S. 163, the construction manager would coordinate construction activities with NYCDOE and with the P.S. 163 principal on an ongoing basis. The DEIS will identify and describe appropriate safety measures such as the use of safety netting (to prevent inadvertent construction debris from falling to the ground) and the installation of sidewalk bridges (to protect the safety of the public passing through the area).

*Construction and P.S. 163*

*Comment 93:* P.S. 163 students would suffer from air/dust pollution, noise pollution, traffic congestion, and noxious fumes from construction of the Proposed Project.

There is a notion that construction can come to a halt at “sensitive periods.” Who determines what that is? Any time a child is in school is a sensitive period.

Perhaps construction should be limited to times when school is not in session: summers, winter and spring breaks, and weekends.

For environmental impact purposes, the school day must be considered 7:45 a.m. to 5:45 p.m. Construction plans must factor in that breakfast starts at 7:45 a.m., extended day for special learners starts at 8:00 a.m., and a percentage of P.S. 163 students stay for afterschool and leave at 5:45 p.m. rather than 3:00 p.m.

*Response:* The *Draft* and *Final Scoping Documents* describe the analysis of potential construction-related impacts. That analysis will include all relevant technical areas, including transportation systems, air quality, noise and vibration, and hazardous materials. The construction analyses will consider all sensitive receptors including P.S. 163 and related playground spaces. The *Final Scoping Document* has been revised to provide additional details on the assessment to be undertaken in the DEIS. JHL has committed to ensuring that its construction has a minimal impact on P.S. 163. To that end, the DEIS will identify measures that will be implemented during construction to minimize the effects of project construction on traffic conditions, noise, air quality, and other issues of concern. However, it is not logistically possible to limit construction activities to occur only during periods when school is not in

session. In addition, the DEIS will also describe safety measures that will be employed during construction to ensure the safety of the children, teachers, administrative personnel and the public traveling to and from P.S. 163.

*Access and Emergency Response*

*Comment 94:* Fire drills and full evacuations would be compromised due to the risk of construction hazards of the construction site.

*Response:* Construction of the Proposed Project would not restrict access to-and-from P.S. 163 or any nearby buildings.

*Comment 95:* Will residents be able to access the 784 Columbus Avenue driveway?

*Response:* Residents will be able to access the 784 Columbus Avenue driveway during construction.

*Comment 96:* Construction activities will hinder fire, police and emergency vehicle access and response times.

*Response:* The issue of emergency access will be addressed in the DEIS. Emergency access on 784 Columbus Avenue driveway will be maintained during construction. Construction activities would not materially affect the NYPD, FDNY, or other emergency services or response times.

*Hazardous Materials*

*Comment 97:* Construction of the Proposed Project will likely have significant lead impacts.

Dust—containing lead—would have harmful effects on the children in the surrounding residential buildings. There are concerns about lead and silica dust in the library and the school even after the Proposed Project is constructed.

*Response:* The DEIS will examine the potential for historical uses on the Project Site or nearby to have resulted in lead (and other) contamination and will also include laboratory analysis of Project Site soil samples for lead (and other contaminants). The locations and types of samples to be collected and analyzed will be subject to NYSDOH approval. Based on the levels of lead identified, the DEIS will establish appropriate procedures (subject to NYSDOH approval) to be followed during construction to ensure airborne lead (and dust) levels stay within acceptable levels (based on federal/state requirements). The DEIS will also describe the monitoring methods that will be employed to confirm that the procedures are being followed and are effective.

*Comment 98:* The proposed construction site must be probed with underground radar to assess the dangers of underground oil tanks before construction excavation — and certainly before driving of supporting beams and tie rods into unseen ground under the school can be permitted.

*Response:* The Phase I ESA and Phase II sampling will help determine the potential for underground storage tanks (“USTs”) on the Project Site based on prior uses. Should the potential for a UST be identified, a geophysical survey will be included as a part of the subsurface investigation, the scope of which will be subject to NYSDOH review and approval.

*Comment 99:* Underground, directly beneath this planned construction, is a major underground river, flowing from West to East. All the deep foundations in this neighborhood must have bathtub foundations that are impervious to water. Thus, a good part of that water is likely to back up, carrying the toxic lead soils with it back to and under the school. If the school’s foundations are somewhat porous, it is probable that the school foundation will be permeated by toxin-bearing groundwater. All this must be tested and assessed to insure the health and safety of the children.

*Response:* The Phase-I ESA will include an evaluation of area geology and hydrogeology (groundwater flow and depth) and the subsurface investigation will include analysis of groundwater samples. Ultimately, should the proposed construction require dewatering or foundation elements placed below the water table, such construction methods would be undertaken in compliance with the New York City Building Code and Use of Sewer requirements. Such construction methods are commonly implemented as part of NYC-based construction projects and do not typically require special analysis in the context of the *SEQRA* process.

#### *Transportation—Traffic*

*Comment 100:* Construction impacts on traffic should be analyzed in the EIS. The effects of construction and additional traffic on the following institutions and organizations should be included: schools (P.S. 163, Mandell, Solomon Schechter, the Open Door Nursery School at Douglass, and Chabad Early Learning Center).

A covered pedestrian walkway would obstruct traffic on West 97<sup>th</sup> Street.

*Response:* The DEIS will assess the potential for construction impacts on the area’s transportation systems and identify the increase in vehicle trips from construction workers and deliveries. The traffic study area will encompass key intersections along the travel corridors that provide access to and egress from the Project Site for construction workers and deliveries. The DEIS will consider existing traffic and parking as a background condition for purposes of assessing the construction-related transportation impacts of the Proposed Project.

*Comment 101:* The traffic analysis must be a 12-hour study from 7:00 a.m. to 7:00 p.m. The school peak pedestrian hour is 8:00 a.m. to 9:00 a.m. An analysis of construction traffic, which considers school bus activity and pedestrian safety, must be analyzed for a 7:45 a.m. to 5:45 p.m. school day.

*Response:* As detailed in the *Final Scoping Document*, because the time periods during which trip-making is expected to be the greatest for the Proposed Project's construction would be on weekdays in the hour before construction workers arrive and the hour after they depart, the analysis of the area's traffic conditions will focus on the weekday 6:00 a.m. to 7:00 a.m. and 3:00 p.m. to 4:00 p.m. construction peak hours.

#### *Transportation — Parking*

*Comment 102:* Street parking is already at capacity, and there will be additional burden to the neighborhood from construction worker parking.

*Response:* As indicated in the *Final Scoping Document*, the DEIS will assess the potential for parking impacts during construction.

#### *Transportation — Transit*

*Comment 103:* The DEIS needs to examine the impacts on public transportation during construction.

*Response:* As indicated in the *Final Scoping Document*, the DEIS will provide a qualitative assessment of potential transit impacts during construction.

#### *Transportation — Pedestrian*

*Comment 104:* The DEIS needs to examine the impacts on pedestrian conditions during construction, particularly on the south side of 97<sup>th</sup> Street, which is a narrow sidewalk, leading to bottlenecks.

*Response:* As noted in the *Final Scoping Document*, the DEIS will include a qualitative assessment of pedestrian trips generated by the projected construction workers.

#### *Air Quality*

*Comment 105:* Construction impacts on air quality should be analyzed in the EIS, especially on the effects on area residents and schoolchildren. Construction of the Proposed Project will likely have significant dust impacts.

As the school has no air conditioning, the windows would have to be open during construction and this leads students' exposure to airborne contaminants.

*Response:* As described in the *Final Scoping Document*, a quantitative air quality analysis will be undertaken to determine the potential for air quality impacts during on-site construction activities and construction-generated traffic on local roadways. Construction effects on nearby sensitive receptors such as P.S. 163, playgrounds, and surrounding residential buildings will be evaluated. Air pollutant sources to be analyzed include combustion exhaust associated with nonroad engines, on-road engines, and on-site activities that generate fugitive dust.

*Comment 106:* How will dust and debris be managed/mitigated? Standard mitigation measures are not effective for dust control. Dust will contaminate homes, P.S. 163, and the local library.

*Response:* The DEIS will identify and describe the air emission reduction measures that will be implemented during the construction of the Proposed Project. These measures may include reduced use of diesel equipment; use of clean fuel; use of best available tailpipe reduction technologies; use of equipment that meets specified emission standards; implementation of fugitive dust control measures; and enforcement of idling restrictions.

#### *Noise and Vibration*

*Comment 107:* Construction impacts on noise and vibration should be analyzed in the EIS. The elementary school students would suffer from inability to study because of noise and anxiety.

The DEIS must include a comprehensive description of all of JHL's proposed mitigation measures, including the details and efficacy of the 8-foot noise reduction wall.

*Response:* Noise and vibration during construction, including construction effects on nearby sensitive receptors such as P.S. 163, playgrounds, and surrounding residential buildings, will be assessed in the DEIS. Noise reduction measures to be implemented during construction will be identified and described in Task 20, "Construction."

*Comment 108:* Blasting and pile driving will affect the stability of P.S. 163 and surrounding buildings.

*Response:* Vibration levels due to construction of the Proposed Project at nearby sensitive receptors such as P.S. 163 and surrounding residential buildings will be assessed as part of the construction analysis in the DEIS.

#### *Community Facilities*

*Comment 109:* Impacts of construction on nearby community facility uses in the neighborhood should be analyzed. The proposed development creates significant impacts due to

construction traffic, pollution, and noise on an important west-east corridor that includes schools, a police precinct, fire station, public library, health department clinic, and churches.

*Response:* The potential effects of construction on community facilities will be discussed in Task 20, “Construction” of the DEIS. The construction noise and air analyses will consider all sensitive receptors including nearby community facilities and related playground spaces.

#### *Open Space*

*Comment 110:* During construction, because of dust, students will not be able to use the schoolyard, Happy Warrior Playground, or the small yards by the Kindergarten trailers.

*Response:* No open space resources will be used for staging or other construction activities. These open space resources include Happy Warrior Playground, a 1.7-acre park containing basketball and handball courts, and play equipment, located adjacent to P.S. 163 and northwest of the Project Site, and the landscaped open space areas serving the PWV buildings to the north and east of the Project Site. Measures that will be implemented during construction to minimize the effects of project construction on traffic conditions, noise, air quality, and other issues of concern will be identified and described in Task 20, “Construction.”

#### *Historic Resources*

*Comment 111:* There are concerns about construction impacts and structural damage to St. Michael’s Church and its programs, Holy Name Church, and Trinity Church.

*Response:* As indicated in the *Draft* and *Final Scoping Documents*, the DEIS will consider the potential for the Proposed Project to have direct, physical impacts on architectural resources in the surrounding area.

#### *Public Health*

*Comment 112:* Lead, dust, noise, and vibration from construction will impact the quality of life of the surrounding community and may create long-term health issues for residents. Children will suffer physical, emotional, cognitive, functional, and hearing damage from construction of the Proposed Project.

*Response:* The DEIS will include an evaluation of air quality, noise, and hazardous materials impacts from construction of the Proposed Project. If these technical analyses determine that the Proposed Project would result in any unmitigated significant adverse impacts, a public health analysis will be undertaken with respect to such impacts.

*Mitigation*

*Comment 113:* The DEIS must include a comprehensive description of construction mitigation measures.

*Response:* Measures that will be implemented during construction to minimize the effects of Project construction on traffic conditions, noise, air quality, and other issues of concern will be identified and described in Task 20, "Construction."

*Miscellaneous*

*Comment 114:* The neighborhood has experienced too much construction recently. Previous construction of 808 Columbus Avenue resulted in widespread dust in the neighborhood and damage to some of the PWV buildings and other nearby buildings. There is concern that construction of the Proposed Project will result in the same dust and structural damage.

*Response:* A comparison of the construction activities that occurred at nearby areas to the activities anticipated for the Proposed Project is not warranted. JHL is committed to ensuring that the construction of the Proposed Project will have as minimal an impact on P.S. 163 and nearby residences as reasonably possible. To that end, the DEIS will identify and describe measures that will be implemented during construction to minimize the effects of Project construction on traffic conditions, noise, air quality, and other issues of concern. In addition, the DEIS will describe safety measures that will be employed during construction to ensure the safety of pedestrians and vehicles passing through the area.

*Comment 115:* Construction of the Proposed Project will release dust and contaminants into the surrounding community. How will the community be safeguarded?

*Response:* The DEIS will identify and describe measures that will be implemented during construction to minimize the effects of project construction on traffic conditions, noise, air quality, and other issues of concern.

***Alternatives***

*Comment 116:* The DEIS should consider an alternative that has JHL redeveloping its existing facility on the West 106<sup>th</sup> Street site.

*Response:* The *Final Scoping Document* has been revised to include a new alternative that contemplates the redevelopment of the JHL facility on the current West 106<sup>th</sup> Street site. The DEIS will include a description of this alternative and an assessment of its potential impacts as compared to the Proposed Project.

*Comment 117:* Instead of the proposed nursing care facility, the Project Site should be used for a public school expansion, recreation center, open space, retail and/or residential use.

The Project Site should remain a parking lot and the Proposed Project should be developed elsewhere.

*Response:* Comments noted. As stated in the *Draft Scoping Document*, the DEIS will include an alternatives analysis to examine reasonable and practicable options that avoid or reduce project-related significant adverse impacts while achieving the goals and objectives of the Proposed Project. For the purposes of *SEQRA*, this DEIS will assess the potential for significant adverse impacts of the proposed JHL nursing care facility on the Project Site; it is outside the purview of the DEIS to assess other potential uses on the Project Site that are not being considered by JHL.

*Comment 118:* JHL should consider a possible site on Columbus Avenue between West 94<sup>th</sup> Street and West 95<sup>th</sup> Street.

*Response:* Comment noted. The selection of additional sites not under the control of JHL is outside the scope of this environmental review.

**NEW YORK STATE DEPARTMENT OF HEALTH  
STATE ENVIRONMENTAL QUALITY REVIEW**

**APPENDIX B TO THE  
FINAL SCOPING DOCUMENT**

**for the**

**Jewish Home Lifecare, Manhattan  
*Replacement Nursing Facility Project***

**CITY PLANNING COMMISSION**

March 26, 2012/Calendar No. 1

N120043ZCM

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**IN THE MATTER OF** an application, dated August 18, 2011 and revised January 12, 2012, for a certification pursuant to Section 22-42 of the New York City Zoning Resolution with respect to a skilled nursing facility to be located on West 97<sup>th</sup> Street between Columbus and Amsterdam Avenues ( Block 1852, Lot 5), within Community Board 7, Manhattan .

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**WHEREAS**, Jewish Home Lifecare seeks a certification by the City Planning Commission to the Department of Buildings pursuant to Section 22-42 of the Zoning Resolution of the City of New York that none of the findings which would require a special permit pursuant to Section 74-90 of the Z.R. apply in Community District 7 in the Borough of Manhattan, in connection with the development of a skilled nursing facility to be located on a site on the north side of West 97<sup>th</sup> Street between Columbus and Amsterdam Avenues ( Block 1852, lot 5) ( the “Site” ) ; and

**WHEREAS**, Section 22-42 of the Z.R. was enacted in 1973 in order to address a “ massive expansion” in the construction of nursing homes and other residential health care facilities in certain neighborhoods, with overconcentration of such facilities having the potential to create problems of parking and traffic congestion, a heavy demand for services and facilities such as medical and hospital care, a scarcity of available land for general community purposes, and a disruption of the land use balance in the affected communities ( See CP-22490, dated December 3, 1973); and

**WHEREAS**, in response to the potential problems caused by the proliferation of nursing homes at that time, Section 22-42 was enacted to provide that, for any nursing home or health-related facility located within a residence district or any enlargement, extension, or change in use thereof, the City Planning Commission must certify that none of the following conditions exists: (a) the ratio between the number of beds for such uses in existence, under construction or approved toward construction by the appropriate Federal or State governmental agency, to the population of the Community District compared to such ratio for other Community Districts shows a relative concentration of facilities covered in this Section in the affected district; or (b) a scarcity of land for general community purposes exists; or (c) the incidence of construction of facilities for the last three years warrants review over these facilities because they threaten to disrupt the land use balance in the community, and, if one of these conditions exists, to provide further that a Special Permit is required for the nursing home facility pursuant to Section 74-90 of the Z.R.; and

**WHEREAS**, the Site is located in a Residence District (R7-2) and development of a new skilled nursing facility at this location is subject to review under Section 22-42; and

**WHEREAS**, Jewish Home Lifecare currently operates a 514-bed skilled nursing facility at a location on West 106<sup>th</sup> Street between Columbus and Amsterdam Avenues and seeks to relocate its

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operations to the Site in a new, state-of-the-art facility with up to 414 beds (the “ New Building” ) , with operations at the current location to cease upon completion of the New Building, such that there will be no increase in the number of nursing homes in Community Board 7, Manhattan; and

**WHEREAS**, in addition to the current Jewish Home Lifecare facility on West 106<sup>th</sup> Street, there is only one other nursing home facility in Community Board 7, the Kateri Residence at 150 Riverside Drive; and

**WHEREAS**, for purposes of finding (a), the absence of a relative concentration of residential health care facilities in Community Board 7 resulting from these two existing facilities is evidenced by data maintained by the Department of City Planning which demonstrates: (a) that Community District 7 contains 1,034 beds in nursing homes and residential care facilities to serve a population of 207,700, resulting in a ratio of 5.0 beds per 1,000 residents, which is below the city-wide average of 5.7 beds per 1,000 residents, and (b) that since the new facility will contain approximately 100 fewer beds than the existing campus, the ratio of beds per 1,000 residents in Community Board 7 will as a result of the decommissioning of the current facility be reduced to approximately 4.5, further below the citywide average; and

**WHEREAS**, other than the instant application, there have been no applications submitted to the Commission pursuant to Section 22-42 for facilities in Community Board 7, Manhattan, since January, 2002 and no new nursing homes or residential health care facilities have been constructed in Community Board 7 during the past three years ; and

**WHEREAS**, for purposes of finding (c), there is therefore no incidence of construction of residential health care facilities which warrants review pursuant to special permit because they threaten to disrupt the land use balance in the community; and

**WHEREAS**, in its application, Jewish Home Lifecare states that the conditions under Finding (b) of Section 22-42 (“... a scarcity of land for general community purposes exists...”) do not exist on the basis that, in the absence of a competition for land between nursing homes and other community uses within Community Board 7, the underlying premise for this finding is not present; and

**WHEREAS**, Jewish Home Lifecare further states in its application that there is no general scarcity of land available for community purposes in Community Board 7 since, for purposes of Section 22-42, land available for community purposes may consist of a new building on a vacant site or an underdeveloped parcel, as well as the purchase or lease of existing buildings or portions of existing buildings, and , with respect to vacant parcels, cites to data showing that as of June, 2011, Community District 7 contained 1.5 million square feet of vacant land ( a significant portion of which it acknowledges is associated with open space and streets in the Riverside South/Center Large Scale Development) , and with respect to underdeveloped parcels cites to data showing that as of such date Community District 7 had 524,000 sf of parking facilities; and

**WHEREAS**, Community Board 7, by Resolution dated February 7, 2012, stated that in its view the conditions set forth in Findings (a) and (c) of Section 22-42 do not currently exist in

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Community District 7, Manhattan, but that there exists a “scarcity of land in this District for general community purposes”, such that a special permit is required for the New Building; and

**WHEREAS**, by letter, dated February 17, 2012, Community Board 7 highlighted, in respect of its February 7, 2012 Resolution, that of the 1.5 million sf of vacant land in the Community District, 1.25 million sf is located in Riverside South, with 1.170 million sf of this amount attributable to open space and streets, and that only 80,000 sf is available for other uses, and that the applicant’s consequent “reliance on ‘underdeveloped’ parcels whose current structures use less than the total permissible floor area as potential sites [for residential care facilities] further confirms the existence of a scarcity of land” and reflects an admission that “such uses must be shoe-horned into other structures since there is no other place for them to go in our District.”; and

**WHEREAS**, by letter dated February 28, 2012, Jewish Home Lifecare responded to the February 17, 2012 Community Board 7 letter, reiterating its view that “land for general community purposes” includes “both vacant land and underdeveloped parcels, such as a one story building, or parking lot or garage” and noting that “many community facilities seek to locate within an existing building, since they do not have the ability to obtain financing for new construction, and may have immediate space needs that cannot await the completion of a new building”; and

**WHEREAS**, by letter dated March 1, 2012, Community Board 7 responded to certain points in Jewish Home Lifecare’s February 28 letter, reiterating its view that streets, parks and sites already slated for development should not be counted towards available vacant land in order to evaluate finding (b) and that JHL had not offered any additional evidence for the absence of a scarcity of land “other than the potential for community groups to share unspecified space, [thereby] reaffirming rather than dispelling the existence of scarcity...”; and

**WHEREAS**, the Commission has considered the application, the Community Board Resolution, the several letters described above, as well as analysis and data presented to it by Department staff, at the Review Session held on March 26, 2012; and

**WHEREAS**, the Commission notes that the legislative purpose of Section 22-42, as stated in the Commission’s 1973 Report, was “to regulate the trends toward overconcentration in various areas of the City” (CP-22490, P.2), and that, in view of the absence of any current or anticipated trend of proliferation of nursing homes in Community District 7, Manhattan, as well as the fact that the instant application will not result in an increase in the number of nursing homes in the area, there would appear to be no underlying predicate for a finding there is a scarcity of land in the Community District which warrants special permit review of the New Building; and

**WHEREAS**, the Commission further believes that in predominantly built-up areas of the City such as Community District 7, the number of vacant sites does not constitute the sole measure of whether there is a scarcity of land for purposes of finding (b) and that doing so would provide an inaccurate assessment of the actual opportunities for community facilities to grow and expand within the area, in that that sole reliance upon the amount of vacant land would almost inevitably lead to a finding of scarcity where none may be found based on a more realistic assessment of such opportunities; and

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**WHEREAS**, the Commission notes that, while the Far Rockaway and other neighborhoods in Queens which experienced the significant increase in the number of nursing homes and other facilities in the 1970's which precipitated the adoption of Section 22-42 had tracts of vacant land at the time, Section 22-42 does not by its terms limit the Commission's consideration to land which is vacant; and

**WHEREAS**, the Commission therefore believes it appropriate to consider the amount and number of underdeveloped parcels in Community District 7, as well as the number and size of existing buildings which currently house or could house community or public facilities; and

**WHEREAS**, the Commission also believes that , in determining whether a scarcity exists, it may be useful to assess whether new community facilities have been newly constructed on underdeveloped parcels and have newly occupied space within existing buildings or have expanded within existing buildings in recent years, thereby providing a further indication whether opportunities for the growth and expansion of community facilities exist; and

**WHEREAS**, the Commission has been advised by Department staff of each of the following with respect to Community Board 7, Manhattan:

a. Vacant Sites: There are 24 vacant lots in Community District 7 with 1.7 acres of lot area. This figure excludes City-owned sites as the Riverside South and Riverside Center developments ;

b. Riverside Center/Riverside South: The unbuilt sites at Riverside South and Riverside Center are approved for 332,000 sf of community facility floor area, of which approximately 110,000 sf will be dedicated for a new school;

c. Parking Facilities: There are 24 lots in Community District 7 with a total of 3.9 acres of lot area classified as in use for parking facilities. This calculation also excludes City-owned sites;

d. Other Soft Sites: There are 64 lots in private ownership in Community District 7 not located in historic districts, and also excluding individual landmarks and houses of worship, that meet the Department's criteria for qualifying as 'soft sites'; that is, sites of at least 5,000 sf built to less than half the FAR allowed pursuant to the underlying Zoning District. The soft sites exclude the parking facilities and vacant sites described in a. and c. above;

e. Existing Buildings: The Department's PLUTO records [11v2] indicate that there are 234 privately owned existing buildings within Community District 7, having floor area of approximately 6,328,599 sf that currently house or could house community or public facilities (based on the following Building Class Codes: Hospitals and Health; Theaters; Store Buildings; Houses of Worship; Asylums & Homes; Office Buildings; Places of Public Assembly; and Education);

f. Existing Public Facilities: The Department's PLUTO records [11v2] indicate that there are 25

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publicly owned existing buildings within Community District 7, having floor area of approximately 4,062,813 sf that currently house or could house community or public facilities (based on the following Building Class Codes: Hospitals and Health; Theaters; Store Buildings; Houses of Worship; Asylums & Homes; Office Buildings; Places of Public Assembly; and Education);

g. Existing Campuses: The campuses of Fordham Law School and Lincoln center also provide a significant supply of facility space. The 11 tax lots comprising these campuses provide over 1.5 million sf of facility space today according to PLUTO [11v2];

h. Major Alterations: Since 2000, there have been 13 Major Alteration ( Alt 1) permits issued or construction completed under previously issued permits for the purpose of conversion of existing space to community facility use or enlargements of existing buildings for expanded community facility use, for the purpose of schools, community centers, daycare facilities, and medical facilities . In some cases, the alteration or enlargement represents a significant amount of community facility space, such as in the case of the Jewish Community Center on Amsterdam Avenue at W. 76<sup>th</sup> St; and

i. New Buildings: Since 2000, there have been 3 New Building (NB) permits issued for new community facilities in Community District 7. This figure does not include new construction within institutional campuses, such as recent construction on the Lincoln Center and Fordham University campuses; and

**WHEREAS**, the Commission believes that the above data and information demonstrates that, in addition to vacant land, there exists underdeveloped property and existing buildings within Community District 7 that is available for the development of new community facilities and the expansion of existing facilities, such that there is no scarcity of land available for such purpose;

**NOW THEREFORE**, the Commission adopts the following Resolution:

**RESOLVED**, by the City Planning Commission that, based on the considerations described in this report, as of the date hereof, none of the conditions set forth in Findings (a), (b) or (c) of Section 22-42 of the Zoning Resolution exist in Community Board 7 , Manhattan; and be it further

**RESOLVED**, that Application N120043ZCM , for a certification pursuant to Section 22-42 of the Zoning Resolution is hereby APPROVED.

**AMANDA M. BURDEN, FAICP, Chair**

**ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,  
ALFRED C. CERULLO, III, MARIA M. DEL TORO, RICHARD W. EADDY,  
ORLANDO MARIN, SHIRLEY A. MCRAE, Commissioners**

**ANNA HAYES LEVIN, Commissioner, Abstained**

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**RESOLUTION**

**Date: February 7, 2012**

**Committees of Origin: Steering, Land Use and Health & Human Services**

**Re: 125 West 97<sup>th</sup> Street, Jewish Home Lifecare (Columbus-Amsterdam Avenues.)**

**Application by Jewish Home Lifecare ("JHL") for a certification by the Department of City Planning pursuant to section 22-42 of the Zoning Resolution concerning 125 West 97th Street, Block 1852, Lot 5, Application No. 120043 ZCM.**

**Full Board Vote: 37 In favor 0 Against 4 Abstentions 0 Present**

This resolution is based on the following facts:

Section 22-42 of the Zoning Resolution provides as follows:

*22-42 Certification of Certain Community Facility Uses  
R1 R2 R3 R4 R5 R6 R7 R8 R9 R10*

*In all #Residence Districts#, for any nursing homes and health-related facilities or #enlargement#, #extension# or change in #use# thereof, the City Planning Commission shall certify to the Department of Buildings, prior to the filing of any plans by the applicant for a building permit for such #use#, that none of the following conditions applies to the Community District within which such #use# or #enlargement#, #extension# or change in such #use# is to be located:*

- (a) the ratio between the number of beds for such #uses# in existence, under construction or approved toward construction by the appropriate Federal or State governmental agency, to the population of the Community District compared to such ratio for other Community Districts shows a relative concentration of facilities covered in this Section in the affected district; or*
- (b) a scarcity of land for general community purposes exists; or*
- (c) the incidence of construction of facilities for the last three years warrants review over these facilities because they threaten to disrupt the land use balance in the community.*

*If the Commission finds that one or more of the conditions set forth in this Section applies to the Community District within which such #use# or #enlargement#, #extension# or change in #use# is to be located, a special permit pursuant to Section 74-90 shall be required.*

The Department of City Planning referred JHL's application under section 22-42 to Community Board 7/Manhattan for comment.

CB7 held a public hearing on this application on January 17, 2012, in the auditorium of PS 163, which is adjacent to the site which is the subject of JHL's application.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan finds that:

(1) To the best of CB7's knowledge and understanding, the condition identified in subsection (a) of section 22-42 of the Zoning Resolution does not currently exist in Community District 7/Manhattan [*Vote of Combined Committee Members: 19-6-0-0; Vote of Non-Committee Board Members: 1-1-1-0*]; and

(2) The condition identified in subsection (b) of section 22-42 of the Zoning Resolution does exist in Community District 7/Manhattan, in that there is a scarcity of land in this District for general community purposes [*Vote of Combined Committee Members: 15-6-5-0; Vote of Non-Committee Board Members: 4-0-1-0*]; and

(3) To the best of CB7's knowledge and understanding, the condition identified in subsection (c) of section 22-42 of the Zoning Resolution does not currently exist in Community District 7/Manhattan [*Vote of Combined Committee Members: 25-0-1-0; Vote of Non-Committee Board Members: 4-0-1-0*]; and

(4) Therefore a special permit under section 74-90 of the Zoning Resolution is required in connection with this application and project.



## New York State Office of Parks, Recreation and Historic Preservation

Division for Historic Preservation  
P.O. Box 189, Waterford, New York 12188-0189  
518-237-8643

December 13, 2013

Andrew M. Cuomo  
Governor

Rose Harvey  
Commissioner

Charles P. Abel  
New York State Department of Health  
Div. of Health Facility Planning  
Corning Tower, Room 1805  
Albany, New York 12237

Re: DOH  
Jewish Home Lifecare - New Nursing Facility  
North side of W. 97th St. between Columbus  
and Amsterdam Aves/MANHATTAN, New  
York County  
13PR02920

Dear Mr. Abel:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

Based upon this review, it is the OPRHP's opinion that your project will have No Impact upon cultural resources in or eligible for inclusion in the State and National Register of Historic Places.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

Ruth L. Pierpont  
Deputy Commissioner for Historic Preservation

**NEW YORK STATE DEPARTMENT OF HEALTH  
STATE ENVIRONMENTAL QUALITY REVIEW**

**APPENDIX C TO THE  
FINAL SCOPING DOCUMENT**

**for the**

**Jewish Home Lifecare, Manhattan  
*Replacement Nursing Facility Project***



# Technical Memorandum

To: Rachel Fredman, JHL, Manhattan  
From: Jeff Smithline, P.E., PTOE  
Tom Pagano, P.E.  
Date: December 17, 2013  
Re: Proposed Jewish Home Lifecare, Manhattan  
Travel Demand Factors Memorandum

Sam Schwartz Engineering (“SSE”) has prepared a preliminary transportation screening for the proposed Jewish Home Lifecare, Manhattan (“JHL”) facility to be located on the north side of West 97<sup>th</sup> Street, between Amsterdam Avenue and Columbus Avenue in Manhattan (the “Proposed Project”). As advised by the 2012 *City Environmental Quality Review (“CEQR”) Technical Manual*, a trip-generation and travel-demand-factors (TDF) memorandum is required to disclose the projected trips generated by the proposed development through the two-tiered screening process. A Level 1 project-trip-generation screening process is performed to determine if the Proposed Project would generate a total of more than 50 vehicles trips, 200 peak-hour subway/rail riders, 200 bus transit riders, or 200 peak-hour pedestrian trips. If Level 1 thresholds are exceeded, a Level 2 trip-assignment screening assessment is performed to determine if the Proposed Project would result in individual intersections with more than 50 vehicle trips, pedestrian elements with more than 200 pedestrian trips, 50 bus trips in a single direction on a single route, or 200 passengers at a subway station or subway line during any analysis peak hours, which would typically require a detailed analysis.

## Proposed Project

The Proposed Project is a relocation of the existing JHL facility from West 106<sup>th</sup> Street to the proposed Project Site at West 97<sup>th</sup> Street with a reduced program. Table 1 compares the program of the existing and proposed facilities:

**Table 1.**  
**Existing and Proposed JHL Facility Characteristics**

	Existing	Proposed
Gross Square Feet	349,780	376,000
Number of Beds	514	414
Employees (full-time equivalents)	760.26	625

Furthermore, the existing, on-site, surface parking lot would be eliminated.

## Travel Demand Factors

A trip-generation analysis was conducted for the proposed JHL facility on West 97<sup>th</sup> Street for the weekday morning (AM), midday (MD), and evening (PM) peak hours. Based on conversations with the management of JHL in its current location, staff, visitors, and residents in the form of admissions/discharges and off-site appointments were identified as the generators of trips for the proposed JHL facility. Trucks trips are also anticipated to be generated by this development. Trip generation was calculated separately for each of these groups as described below.

### Staff

Staff trip generation was developed based on a punch-in/punch-out schedule provided by JHL for a typical weekday for the current JHL facility. All JHL staff are required to punch out. This data provided the arrival time and departure time of all employees on Monday, May 23, 2011 (a typically staffed weekday). In 2011, the JHL facility had 760.26 full-time-equivalent ("FTE") employees.<sup>1</sup> The proposed facility would have approximately 625 FTE employees; therefore, the total number of trips were reduced by a ratio of 2011 FTE employees to proposed full-time employees (0.82). This data was used to determine a total number of staff trips, the temporal distribution of trips, and directional distribution (in vs. out) throughout the day. The modal split and auto occupancies for the staff were determined using the 2000 Census Reverse Journey to Work data for the five closest census tracts to the Project Site. A taxi occupancy of 1.00 was conservatively assumed for staff.

### Visitors

JHL provided the visitor arrival log for the current JHL facility for Tuesday, July 2, 2011. This log included the time of visitor arrival/sign in. It was apparent from a review of this data that only one person from a group of visitors would sign in. To adjust this information to a total number of visitors, it was assumed that the auto occupancy would represent a typical group size, and therefore each signed-in visitor was assumed to represent 1.6 arriving trips (based on the *Hospital for Special Surgery Expansion FEIS* [2008]). As the number of New York State Department of Health ("NYSDOH")-certified beds at the proposed facility would decrease from 514 at the current facility to 414, visitor trips were reduced by a ratio of 0.81 (414/514). All visitors were assumed to stay for one hour. From this data, temporal and directional distributions were developed. The modal split and vehicle occupancies for the visitors were determined using the *Hospital for Special Surgery Expansion FEIS* (2008).

### Nursing Home Residents

There are two types of patient trips to and from the Project Site:

- Admissions/discharges
- Traveling to/from off-site appointments

Current JHL management provided the following characteristics for trips associated with admissions and discharges for the current facility:

- Approximately 8 admissions occur per day between 4:00 PM and 6:30 PM.
- Approximately 7 discharges occur per day between 11:00 AM and 12:00 PM.
- Nearly all of these trips are made via ambulance/ambulette

To develop a temporal distribution, admissions and departures were assumed to be evenly distributed throughout the period identified. Each vehicle was assumed to dwell for one hour. Therefore, for each admission and each discharge, both an inbound trip and an outbound

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<sup>1</sup> In 2013, the existing JHL facility has 667 FTEs.

trip were assumed, with the outbound trip occurring one hour after the inbound trip. Conservatively, no reduction in trips was assumed relating to the decrease in beds at the proposed facility. All trips were assumed to be made by ambulettes or private vehicles.

Off-site appointments refer to trips associated with residents of the facility needing to travel to another medical facility for a short-term appointment/treatment. JHL provided off-site appointment activity for the entire month of May 2011 for the current West 106<sup>th</sup> Street JHL facility. Based on a review of this data, five off-site appointments occurred on the 85<sup>th</sup>-percentile day. Therefore, five off-site appointments were assumed to occur on a typical day for the purposes of this analysis. Conservatively, no reduction was assumed despite the smaller size (i.e., lower bed count) of the proposed facility. These appointments were assumed to occur uniformly throughout the day.

Each off-site appointment produces four vehicle trips. An ambulette arrives to pick up the patient, departs with the patient, returns later to drop off the patient, and then departs. Each ambulette was assumed to dwell for 10-15 minutes while picking up or dropping off, and each appointment was assumed to last for three hours.

#### Trucks

JHL staff provided a schedule of deliveries for the current JHL facility, including approximate arrival time and duration of delivery. Out of 14 trucks anticipated to arrive daily, five trucks do not follow a specific schedule and were therefore distributed evenly throughout the day.

#### Site Parking Relocation and Park West Village Reconfiguration

An 88-space, surface parking lot exists at the site of the proposed JHL facility, which would be eliminated by the Proposed Project. This parking will be relocated within the Park West Village complex, either on a surface lot or within the 808 Columbus Avenue parking garage. There is a driveway east of the existing, on-site surface lot that can be accessed from West 97<sup>th</sup> Street and West 100<sup>th</sup> Street. The driveway (Park West Drive), the north-south access road within the PWV complex, may be modified as part of the PWV property owner's planning for the complex, but will continue to function as a discontinuous two-way access road for PWV parkers.

Therefore, it is anticipated that Park West Drive will operate in a manner similar to current conditions and no change in vehicle circulation is anticipated outside of the Park West Village complex.

To determine trips associated with this lot, the existing parking lot driveway was counted on Wednesday, May 25, 2011, between 7:30 AM and 8:00 PM. The results of this count are shown in Table 2.

The counts show that the trips associated with the existing surface lot during the weekday morning, midday, and evening peak hours (highlighted in the table) are as follows:

Weekday AM peak hour (8:30 AM to 9:30 AM):	20 trips (10 in, 10 out)
Weekday MD peak hour (2:15 PM to 3:15 PM):	17 trips (8 in, 9 out)
Weekday PM peak hour (6:00 PM to 7:00 PM):	21 trips (8 in, 13 out)

**Table 2.**  
**Surface Lot Vehicle Count**

Time	In	Out	Total
7:15 AM - 7:30 AM	1	0	1
7:30 AM - 7:45 AM	2	2	4
7:45 AM - 8:00 AM	4	4	8
8:00 AM - 8:15 AM	0	0	0
8:15 AM - 8:30 AM	0	0	0
8:30 AM - 8:45 AM	4	0	4
8:45 AM - 9:00 AM	2	4	6
9:00 AM - 9:15 AM	3	2	5
9:15 AM - 9:30 AM	1	4	5
9:30 AM - 9:45 AM	1	1	2
9:45 AM - 10:00 AM	0	0	0
10:00 AM - 10:15 AM	2	1	3
10:15 AM - 10:30 AM	0	3	3
10:30 AM - 10:45 AM	1	1	2
10:45 AM - 11:00 AM	0	0	0
11:00 AM - 11:15 AM	1	1	2
11:15 AM - 11:30 AM	0	0	0
11:30 AM - 11:45 AM	2	2	4
11:45 AM - 12:00 PM	1	3	4
12:00 PM - 12:15 PM	1	2	3
12:15 PM - 12:30 PM	3	0	3
12:30 PM - 12:45 PM	3	2	5
12:45 PM - 1:00 PM	2	2	4
1:00 PM - 1:15 PM	0	0	0
1:15 PM - 1:30 PM	2	1	3
1:30 PM - 1:45 PM	3	0	3
1:45 PM - 2:00 PM	2	5	7
2:00 PM - 2:15 PM	0	0	0
2:15 PM - 2:30 PM	1	2	3
2:30 PM - 2:45 PM	1	2	3
2:45 PM - 3:00 PM	5	3	8
3:00 PM - 3:15 PM	1	2	3
3:15 PM - 3:30 PM	1	1	2
3:30 PM - 3:45 PM	0	0	0
3:45 PM - 4:00 PM	1	1	2
4:00 PM - 4:15 PM	1	1	2
4:15 PM - 4:30 PM	0	2	2
4:30 PM - 4:45 PM	2	2	4
4:45 PM - 5:00 PM	2	1	3
5:00 PM - 5:15 PM	2	1	3
5:15 PM - 5:30 PM	1	2	3
5:30 PM - 5:45 PM	4	1	5
5:45 PM - 6:00 PM	2	2	4
6:00 PM - 6:15 PM	1	5	6
6:15 PM - 6:30 PM	2	1	3
6:30 PM - 6:45 PM	1	4	5
6:45 PM - 7:00 PM	4	3	7
7:00 PM - 7:15 PM	1	0	1
7:15 PM - 7:30 PM	4	2	6
7:30 PM - 7:45 PM	1	0	1
7:45 PM - 8:00 PM	0	2	2

Summary

Table 3 summarizes the trip-generation assumptions for the future conditions with the proposed JHL facility. Appendix Table A-1 shows person trips in 15-minute increments for staff and visitor as calculated for the proposed JHL facility for an entire day. Appendix Table A-2 shows vehicle trips for all components of JHL in 15-minute increments from 7:00 AM to 7:00 PM.

**Table 3.  
 JHL Trip- Generation Assumptions**

Project Component		Staff	Visitor	Admissions / Discharges	Off-site Appointments	Truck Deliveries
Trip Rate		Staff, visitor, admissions / discharges, off-site appointment, and truck trips provided by JHL				
Scaling Factor		0.82 (ratio of full-time employees between new and old facilities)	0.81 (ratio of number of beds between new and old facilities)	1.0 (same as existing JHL Manhattan)	1.0 (same as existing JHL Manhattan)	1.0 (same as existing JHL Manhattan)
Mode Split		<b>(1)</b>	<b>(2)</b>	Assumed to be all private autos or ambulettes based on information provided by JHL		n/a
	Auto	28.81%	32.0%			
	Taxi	1.51%	11.0%			
	Transit / Walk / Other	69.68%	57.0%			
Vehicle Occupancy		<b>(1,3)</b>	<b>(2)</b>	Vehicle occupancies are all 1 patient per vehicle		n/a
	Auto	1.13	1.6			
	Taxi	1.00	1.4			
Temporal Split	AM	Arrival patterns for staff, visitor, admissions / discharges, and off-site appointment trips provided by JHL				Provided by JHL except where noted in the text.
	MD					
	PM					
In/Out Vehicle Percentage	AM	Arrival patterns for staff, visitor, admissions / discharges, and off-site appointment trips provided by JHL				Provided by JHL except where noted in the text.
	MD					
	PM					

**Notes**

1. Reverse Journey-to-Work data
2. Hospital for Special Surgery Expansion FEIS (2008)
3. Taxis for staff were conservatively assumed to have a vehicle occupancy of one person per vehicle.

### Trip-Generation Results

The results of the trip-generation estimates for the proposed JHL facility are summarized in Tables 4 (vehicles) and Table 5 (transit and pedestrians).

As shown in Table 4, the trip generation in passenger car equivalents ("PCEs") for the proposed JHL facility would be as follows:

- Weekday AM peak hour (7:15-8:15 AM): 62 trips
- Weekday MD peak hour (3:15-4:15 PM): 60 trips
- Weekday PM peak hour (4:30-5:30 PM): 59 trips

Since the trip generation for the Proposed Project would exceed more than 50 new trips during the AM (63 trips), MD (60 trips), and PM (59 trips) peak hours, a Level 2 screening for vehicle trips would be required as described in the *2012 CEQR Technical Manual* for the AM, MD, and PM peak hours.

**Table 4.  
 Total Vehicle Trips**

	Staff		Visitor		Residents		Trucks		Total		Total
	In	Out	In	Out	In	Out	In	Out	In	Out	
<b>Weekday AM</b>											
Auto / Ambulette	34	11	0	0	1	0	0	0	35	11	46
Taxi	3	3	0	0	0	0	0	0	3	3	5
Truck (PCEs)	0	0	0	0	0	0	6	4	6	4	10
<b>TOTAL</b>	<b>37</b>	<b>14</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>6</b>	<b>4</b>	<b>44</b>	<b>18</b>	<b>62</b>
<b>Weekday MD</b>											
Auto / Ambulette	13	24	6	3	1	1	0	0	19	28	48
Taxi	2	2	4	4	0	0	0	0	6	6	12
Truck (PCEs)	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>15</b>	<b>26</b>	<b>10</b>	<b>7</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>25</b>	<b>35</b>	<b>60</b>
<b>Weekday PM</b>											
Auto / Ambulette	1	26	4	5	8	0	0	0	13	30	43
Taxi	2	2	6	6	0	0	0	0	8	8	16
Truck (PCEs)	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>3</b>	<b>27</b>	<b>10</b>	<b>11</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>21</b>	<b>38</b>	<b>59</b>

**Note:** "Residents" includes both admission/discharge activity and off-site appointment activity  
 "PCEs" refers to Passenger Car Equivalents and was assumed to be 2.0 PCEs per truck as JHL anticipates to continue to use short trucks for deliveries and roll-off trucks only (not longer than 30 feet each)  
 Numbers may not add up exactly due to rounding.

As shown in Table 5, the trip generation for the proposed JHL facility would not exceed more than 200 transit riders or 200 walk trips in any peak hour. Therefore, based on the Level 1 screening criteria, the proposed JHL facility would not exceed the thresholds described in the *2012 CEQR Technical Manual* for pedestrians or transit and further analysis of these areas is not warranted.

**Table 5.  
 Total Walk Trips (Walk Only + Transit)**

	Staff		Visitor		Residents		Total		Total
	In	Out	In	Out	In	Out	In	Out	
<b>Weekday AM</b>									
Transit	73	24	0	0	0	0	73	24	97
Walk Only	20	7	0	0	0	0	20	7	27
TOTAL	93	30	0	0	0	0	93	30	124
<b>Weekday MD</b>									
Transit	27	52	11	5	0	0	38	57	95
Walk Only	8	15	6	3	0	0	13	17	31
TOTAL	34	66	17	7	0	0	51	74	125
<b>Weekday PM</b>									
Transit	2	55	9	10	0	0	11	64	75
Walk Only	1	15	5	5	0	0	5	20	26
TOTAL	3	70	13	15	0	0	16	85	101

**Note:** "Residents" includes both admission/discharge activity and off-site appointment activity  
 Numbers may not add up exactly due to rounding.

### Level 2 Screening (Vehicles)

As shown in Table 4, the Proposed Project would generate more than 50 new vehicle trips during the weekday AM, MD, and PM peak hours. Therefore, a Level 2 screening assessment was performed to determine whether the proposed project would result in more than 50 new vehicle trips at any one intersection. A Level 2 screening looks at how trips would be distributed throughout the surrounding roadway network to determine if any one intersection would experience 50 or more new trips as a result of the proposed action.

Vehicular access to site would be along West 97<sup>th</sup> Street via an existing curb-cut at Park West Drive. A turn-around located at the rear entrance of the building would serve as a pick-up/drop-off zone. Truck access to the loading docks would be provided via West 97<sup>th</sup> Street. Pedestrian access to the Project Site would be along West 97<sup>th</sup> Street.

For the purposes of this screening, it was assumed that all JHL vehicle trips would either be destined to or from the Project Site itself (a pick-up, drop-off, or a truck using the loading dock) or destined to or from one of the three parking facilities located on the same block as the Project Site.

As such, all of the inbound vehicle trips would pass through the intersection of Columbus Avenue and West 97<sup>th</sup> Street, and this intersection would experience a total of 44 inbound project-generated trips in the AM peak hour, 25 inbound project-generated trips in the MD peak hour, and 21 inbound project-generated trips in the PM peak hour. The outbound trips would travel through the intersection of Amsterdam Avenue and West 97<sup>th</sup> Street, and this intersection would experience a total of 18 outbound project-generated trips in the AM peak hour, 35 outbound project-generated trips in the MD peak hour, and 38 outbound project-generated trips in the PM peak hour.

## **Conclusion**

Based on the Level 2 screening analysis, which incorporates several conservative assumptions, the proposed JHL would not exceed the thresholds described in the *CEQR Technical Manual* for a traffic analysis to be warranted.

Per the *2012 CEQR Technical Manual*, a parking analysis is only required if a quantitative traffic analysis is required. Since the distributed project-generated trips are below the threshold for a detailed traffic analysis, a parking analysis is not required and no parking impacts are projected.

**Appendix Table A-1.  
 Proposed JHL Person Trips for Staff and Visitors**

Time	Staff			Visitor			Time	Staff			Visitor		
	15-Minute			15-Minute				15-Minute			15-Minute		
	In	Out	Total	In	Out	Total		In	Out	Total	In	Out	Total
12:00 AM - 12:15 AM	1	2	3	0	0	0	12:00 PM - 12:15 PM	1	1	2	4	5	9
12:15 AM - 12:30 AM	0	2	2	0	0	0	12:15 PM - 12:30 PM	7	0	7	4	3	6
12:30 AM - 12:45 AM	1	0	1	0	0	0	12:30 PM - 12:45 PM	2	0	2	8	4	12
12:45 AM - 1:00 AM	0	0	0	0	0	0	12:45 PM - 1:00 PM	2	0	2	6	1	8
1:00 AM - 1:15 AM	0	0	0	0	0	0	1:00 PM - 1:15 PM	1	1	2	9	4	13
1:15 AM - 1:30 AM	0	0	0	0	0	0	1:15 PM - 1:30 PM	2	0	2	4	4	8
1:30 AM - 1:45 AM	0	0	0	0	0	0	1:30 PM - 1:45 PM	2	1	2	4	8	12
1:45 AM - 2:00 AM	0	0	0	0	0	0	1:45 PM - 2:00 PM	1	4	5	4	6	10
2:00 AM - 2:15 AM	0	0	0	0	0	0	2:00 PM - 2:15 PM	0	2	2	5	9	14
2:15 AM - 2:30 AM	0	0	0	0	0	0	2:15 PM - 2:30 PM	0	2	2	3	4	6
2:30 AM - 2:45 AM	0	0	0	0	0	0	2:30 PM - 2:45 PM	1	1	2	6	4	10
2:45 AM - 3:00 AM	0	0	0	0	0	0	2:45 PM - 3:00 PM	3	10	13	3	4	6
3:00 AM - 3:15 AM	0	0	0	0	0	0	3:00 PM - 3:15 PM	3	12	16	1	5	6
3:15 AM - 3:30 AM	0	0	0	0	0	0	3:15 PM - 3:30 PM	29	8	37	6	3	9
3:30 AM - 3:45 AM	0	0	0	0	0	0	3:30 PM - 3:45 PM	16	44	60	9	6	15
3:45 AM - 4:00 AM	1	0	1	0	0	0	3:45 PM - 4:00 PM	4	13	17	5	3	8
4:00 AM - 4:15 AM	0	0	0	0	0	0	4:00 PM - 4:15 PM	1	30	30	9	1	10
4:15 AM - 4:30 AM	0	0	0	0	0	0	4:15 PM - 4:30 PM	3	14	17	3	6	9
4:30 AM - 4:45 AM	0	0	0	0	0	0	4:30 PM - 4:45 PM	0	25	25	8	9	17
4:45 AM - 5:00 AM	0	0	0	0	0	0	4:45 PM - 5:00 PM	2	19	21	5	5	10
5:00 AM - 5:15 AM	0	0	0	0	0	0	5:00 PM - 5:15 PM	2	37	39	1	9	10
5:15 AM - 5:30 AM	0	0	0	0	0	0	5:15 PM - 5:30 PM	0	20	20	9	3	12
5:30 AM - 5:45 AM	0	0	0	0	0	0	5:30 PM - 5:45 PM	0	13	13	5	8	13
5:45 AM - 6:00 AM	3	0	3	0	0	0	5:45 PM - 6:00 PM	0	12	12	12	5	17
6:00 AM - 6:15 AM	3	1	4	0	0	0	6:00 PM - 6:15 PM	0	10	10	4	1	5
6:15 AM - 6:30 AM	2	0	2	0	0	0	6:15 PM - 6:30 PM	0	7	7	5	9	14
6:30 AM - 6:45 AM	1	0	1	0	0	0	6:30 PM - 6:45 PM	1	3	4	4	5	9
6:45 AM - 7:00 AM	21	1	22	0	0	0	6:45 PM - 7:00 PM	2	7	9	4	12	15
7:00 AM - 7:15 AM	15	1	16	0	0	0	7:00 PM - 7:15 PM	0	4	5	3	4	6
7:15 AM - 7:30 AM	46	3	49	0	0	0	7:15 PM - 7:30 PM	0	6	6	5	5	10
7:30 AM - 7:45 AM	26	29	55	0	0	0	7:30 PM - 7:45 PM	0	3	3	3	4	6
7:45 AM - 8:00 AM	29	7	35	0	0	0	7:45 PM - 8:00 PM	0	4	4	4	4	8
8:00 AM - 8:15 AM	33	5	38	0	0	0	8:00 PM - 8:15 PM	0	5	5	0	3	3
8:15 AM - 8:30 AM	25	2	27	3	0	3	8:15 PM - 8:30 PM	1	9	9	1	5	6
8:30 AM - 8:45 AM	17	0	17	3	0	3	8:30 PM - 8:45 PM	9	2	2	1	3	4
8:45 AM - 9:00 AM	28	0	28	4	0	4	8:45 PM - 9:00 PM	10	6	6	1	4	5
9:00 AM - 9:15 AM	28	1	29	1	0	1	9:00 PM - 9:15 PM	11	5	5	0	0	0
9:15 AM - 9:30 AM	15	0	15	0	3	3	9:15 PM - 9:30 PM	11	5	5	1	1	3
9:30 AM - 9:45 AM	9	0	9	1	3	4	9:30 PM - 9:45 PM	4	1	1	3	1	4
9:45 AM - 10:00 AM	5	0	5	5	4	9	9:45 PM - 10:00 PM	2	0	0	0	1	1
10:00 AM - 10:15 AM	8	0	8	3	1	4	10:00 PM - 10:15 PM	1	0	0	0	0	0
10:15 AM - 10:30 AM	2	0	2	4	0	4	10:15 PM - 10:30 PM	0	2	2	0	1	1
10:30 AM - 10:45 AM	2	0	2	4	1	5	10:30 PM - 10:45 PM	0	0	0	0	3	3
10:45 AM - 11:00 AM	4	2	7	1	5	6	10:45 PM - 11:00 PM	0	1	2	1	0	1
11:00 AM - 11:15 AM	0	2	2	5	3	8	11:00 PM - 11:15 PM	0	3	4	0	0	0
11:15 AM - 11:30 AM	2	0	2	3	4	6	11:15 PM - 11:30 PM	0	21	40	0	0	0
11:30 AM - 11:45 AM	2	0	2	4	4	8	11:30 PM - 11:45 PM	0	19	32	0	0	0
11:45 AM - 12:00 PM	3	0	3	1	1	3	11:45 PM - 12:00 PM	1	7	12	0	1	1
<b>Daily Total</b>	<b>468</b>	<b>456</b>	<b>913</b>	<b>214</b>	<b>214</b>	<b>428</b>							

Note: In + Out may not equal total due to rounding.

**Appendix Table A-2.  
 Proposed JHL Vehicle Trips for All Components and All Vehicle Types**

Time	Staff			Visitors			Admissions/Discharges			Off-Site Appointments			Truck Deliveries			Total				
	15-Minute			15-Minute			15-Minute			15-Minute			15-Minute PCEs			15-Minute PCEs				
	In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total		
7:00 AM - 7:15 AM	4	0	4	0	0	0	0	0	0	0	0	0	0	0	2	0	2	6	0	6
7:15 AM - 7:30 AM	12	2	14	0	0	0	0	0	0	0	0	0	0	2	2	2	12	4	16	
7:30 AM - 7:45 AM	8	8	16	0	0	0	0	0	0	0	0	0	2	0	2	10	8	18		
7:45 AM - 8:00 AM	8	2	10	0	0	0	0	0	0	0	0	0	2	2	4	10	4	14		
8:00 AM - 8:15 AM	9	2	11	0	0	0	0	0	0	1	0	1	2	0	2	12	2	14		
8:15 AM - 8:30 AM	7	1	8	1	0	1	0	0	0	0	1	1	0	4	4	7	6	14		
8:30 AM - 8:45 AM	5	0	5	1	0	1	0	0	0	0	0	0	0	0	0	5	0	6		
8:45 AM - 9:00 AM	8	0	8	2	1	2	0	0	0	0	0	0	2	0	2	11	1	12		
9:00 AM - 9:15 AM	8	1	8	0	0	0	0	0	0	1	0	1	4	2	6	13	3	15		
9:15 AM - 9:30 AM	4	0	4	0	1	1	0	0	0	0	1	1	2	0	2	6	2	8		
9:30 AM - 9:45 AM	2	0	3	0	1	1	0	0	0	0	0	0	0	4	4	2	5	7		
9:45 AM - 10:00 AM	1	0	1	3	3	6	0	0	0	0	0	0	0	2	2	5	5	10		
10:00 AM - 10:15 AM	2	0	2	1	0	1	0	0	0	0	0	0	2	0	2	5	0	5		
10:15 AM - 10:30 AM	1	0	1	1	0	1	0	0	0	0	0	0	2	2	4	3	2	6		
10:30 AM - 10:45 AM	0	0	0	1	0	1	0	0	0	1	0	1	0	2	2	2	2	4		
10:45 AM - 11:00 AM	1	1	2	2	2	4	0	0	0	0	1	1	0	0	0	3	4	7		
11:00 AM - 11:15 AM	0	0	0	2	2	5	2	0	2	1	0	1	2	0	2	7	3	10		
11:15 AM - 11:30 AM	0	0	0	1	1	2	3	0	3	0	1	1	0	2	2	4	4	8		
11:30 AM - 11:45 AM	1	0	1	1	1	2	2	0	2	0	0	0	0	0	0	3	1	4		
11:45 AM - 12:00 PM	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1		
12:00 PM - 12:15 PM	0	0	0	2	2	5	0	2	2	2	0	2	0	0	0	5	5	9		
12:15 PM - 12:30 PM	2	0	2	1	1	2	0	3	3	0	2	2	0	0	0	3	6	8		
12:30 PM - 12:45 PM	0	0	0	3	2	6	0	2	2	0	0	0	0	0	0	4	4	8		
12:45 PM - 1:00 PM	1	0	1	3	2	5	0	0	0	0	0	0	0	0	0	4	2	6		
1:00 PM - 1:15 PM	0	0	0	3	2	5	0	0	0	1	0	1	2	0	2	6	2	8		
1:15 PM - 1:30 PM	0	0	0	2	2	3	0	0	0	0	1	1	0	0	0	2	3	5		
1:30 PM - 1:45 PM	0	0	1	2	3	6	0	0	0	1	0	1	2	0	2	6	3	9		
1:45 PM - 2:00 PM	0	1	1	2	3	6	0	0	0	0	1	1	0	4	4	3	9	12		
2:00 PM - 2:15 PM	0	1	1	2	4	6	0	0	0	0	0	0	2	0	2	4	5	9		
2:15 PM - 2:30 PM	0	0	0	2	2	3	0	0	0	0	0	0	0	2	2	2	4	6		
2:30 PM - 2:45 PM	0	0	0	2	2	4	0	0	0	0	0	0	0	0	0	3	2	4		
2:45 PM - 3:00 PM	1	3	4	1	1	2	0	0	0	0	0	0	0	0	0	2	4	5		
3:00 PM - 3:15 PM	1	3	4	1	2	2	0	0	0	1	0	1	0	0	0	3	5	8		
3:15 PM - 3:30 PM	8	3	11	2	2	4	0	0	0	0	1	1	0	0	0	10	5	16		
3:30 PM - 3:45 PM	5	12	17	3	3	6	0	0	0	0	0	0	0	0	0	8	15	24		
3:45 PM - 4:00 PM	1	4	5	2	2	3	0	0	0	0	0	0	0	0	0	3	5	8		
4:00 PM - 4:15 PM	1	8	9	2	1	3	0	0	0	1	0	1	0	0	0	4	9	13		
4:15 PM - 4:30 PM	1	4	5	2	2	4	0	0	0	0	1	1	0	0	0	3	7	10		
4:30 PM - 4:45 PM	0	7	7	4	4	8	2	0	2	0	0	0	0	0	0	6	11	17		
4:45 PM - 5:00 PM	1	5	6	3	3	6	3	0	3	0	0	0	0	0	0	7	8	16		
5:00 PM - 5:15 PM	1	10	11	1	2	3	2	0	2	0	0	0	0	0	0	4	12	16		
5:15 PM - 5:30 PM	0	5	6	2	2	4	1	0	1	0	0	0	0	0	0	4	7	11		
5:30 PM - 5:45 PM	0	4	4	3	4	7	0	2	2	0	0	0	0	0	0	3	10	13		
5:45 PM - 6:00 PM	0	3	3	5	3	8	0	3	3	0	0	0	0	0	0	5	9	14		
6:00 PM - 6:15 PM	0	3	3	1	0	1	0	2	2	0	0	0	0	0	0	1	5	6		
6:15 PM - 6:30 PM	0	2	2	2	3	6	0	1	1	0	0	0	0	0	0	3	6	9		
6:30 PM - 6:45 PM	0	1	1	2	2	3	0	0	0	0	0	0	0	0	0	2	3	4		
6:45 PM - 7:00 PM	1	2	3	2	3	5	0	0	0	0	0	0	0	0	0	2	5	7		
<b>Total, 7 AM - 7 PM</b>	<b>108</b>	<b>99</b>	<b>208</b>	<b>78</b>	<b>75</b>	<b>153</b>	<b>15</b>	<b>15</b>	<b>30</b>	<b>10</b>	<b>10</b>	<b>20</b>	<b>28</b>	<b>28</b>	<b>56</b>	<b>240</b>	<b>227</b>	<b>467</b>		

Notes: Numbers may not add up exactly due to rounding. Peak hours are highlighted. Table updated since last submission.