

A. INTRODUCTION

This chapter of the Final Environmental Impact Statement (FEIS) summarizes and responds to substantive comments received during the public comment period for the Two Bridges LSRD Draft Environmental Impact Statement (DEIS), issued on June 22, 2018, for the proposed Two Bridges project.

City Environmental Quality Review (CEQR) requires a public hearing on the DEIS as part of the environmental review process. The DEIS public hearing was held on October 17, 2018, at the City Planning Commission Hearing Room, Lower Level, 120 Broadway, New York, NY 10271, at 10:00 AM. The comment period remained open until 5:00 PM on Monday, October 29, 2018.

Section B lists the organizations and individuals that provided comments relevant to the EIS. Section C contains a summary of these relevant comments and a response to each. 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 EIS. Where more than one commenter expressed similar views, those comments have been grouped and addressed together. All written comments are included in Appendix J, “Written Comments Received on the Draft Environmental Impact Statement.”

B. LIST OF ORGANIZATIONS AND INDIVIDUALS WHO COMMENTED ON THE DRAFT SCOPE OF WORK¹**COMMUNITY BOARD**

1. Manhattan Community Board 3, written testimony submitted on September 28, 2018 (CB3_001), oral comment notes submitted by Alyssa Lewis-Coleman, Board Chair, on October 17, 2018 (CB3_013), oral comments delivered by Susan Stetzer, District Manager on October 17, 2018 (Stetzer_040), oral comments delivered by Luiz Lopez on October 17, 2018 (Lopez_041), oral comments delivered by My Phuong Chung, Chair of the Land Use Committee, on October 17, 2018 (Chung_042), oral comments delivered by Sandra Struthers on October 17, 2018 (Struthers_043), oral comments delivered by Jim Shelton, Assistant District Manager, on October 17, 2018 (Shelton_044), and oral comments delivered by Meghan Joye, Chair of the Economic Development Committee, on October 17, 2018 (Joye_045)

¹ Citations in parentheses refer to internal comment tracking annotations.

ELECTED OFFICIALS

2. Nydia Velazquez, Congresswoman, New York's 7th Congressional District, written comments submitted on October 17, 2018 (Velazquez_010)
3. Yuh-Line Niou, Assemblymember, New York State Assembly, oral comment notes submitted on October 17, 2018 (Niou_011), oral comments delivered on October 17, 2018 (Niou_047), and written testimony submitted on October 29, 2018 (Niou_249)
4. Gale Brewer, President, Borough of Manhattan – City of New York, oral comments delivered on October 17, 2018 (Brewer_012) and written testimony submitted on October 29, 2018 (Brewer_233)
5. Margaret Chin, Council Member, 1st District, oral comments delivered on October 17, 2018 (Chin_038), oral comments notes delivered on October 16, 2018 (Chin_131), and written testimony submitted on October 17, 2018 (Chin_115)
6. Brian Kavanagh, Senator, oral comments delivered on October 17, 2018 (Kavanagh_039)

GENERAL PUBLIC

7. Alex Kitnick, email dated October 11, 2018 (Kitnick_003)
8. Katherine O'Sullivan, Inwood Preservation, Executive Committee, letter dated October 11, 2018 (O'Sullivan_005), letter dated October 11, 2018 (O'Sullivan_155), and on behalf of Moving Forward Unidos, letter dated September 27, 2018 (O'Sullivan_251)
9. Catherine Y, Chinatown Tenants Union at CAAAV, Volunteer, letter dated October 12, 2018 (CY_007)
10. Anna Harsanyi, email dated October 17, 2018 (Harsanyi_008)
11. Sam Moskowitz, letter dated October 17, 2018 (Moskowitz_009)
12. Raquel Questell-Rodriguez, oral comments notes delivered on October 17, 2018 (Questell-Rodriguez_014)
13. Esq. Paula Segal Community Development Project (CDP), Senior Staff Attorney, oral comments notes delivered on October 17, 2018 (Segal_015) and oral comments delivered on October 17, 2018 (Segal_056)
14. Prianga Pieris, oral comments notes delivered on October 17, 2018 (Pieris_016)
15. Daisy Echevarria, oral comments notes delivered on October 17, 2018 (Echevarria_017), oral comments notes delivered on October 17, 2018 (Echevarria_033), and oral comments delivered on October 17, 2018 (Echevarria_099)
16. Xue Ming Liang, oral comments notes delivered on October 17, 2018 (Liang_018), oral comments delivered on October 17, 2018 (Liang_054), and letter dated October 17, 2018 (Liang_122)
17. Minerva Durham, oral comments notes delivered on October 17, 2018 (Durham_021)
18. Chris Walters, Association for Neighborhood and Housing Development Inc (ANHD), Rezoning Technical Assistance Coordinator, oral comments notes delivered on October 17, 2018 (Walters_023), oral comments delivered on October 17, 2018 (Walters_075), oral

- comments notes delivered on October 17, 2018 (Walters_109), and email dated October 26, 2018 (Walters_110)
19. Lynn Ellsworth, Human-Scale NYC, oral comments notes delivered on October 17, 2018 (Ellsworth_024) and oral comments delivered on October 17, 2018 (Ellsworth_079)
 20. Olympia Kazi, oral comments notes delivered on October 17, 2018 (Kazi_025) and oral comments delivered on October 17, 2018 (Kazi_061)
 21. Emily Mock, CAAAV: Organizing Asian Communities, Chinatown Tenants Union Membership Organizer, oral comments delivered on October 17, 2018 (Mock_028) and oral comments notes delivered on October 17, 2018 (Mock_057)
 22. Francisca Benitez, oral comments notes delivered on October 17, 2018 (Benitez_029), oral comments delivered on October 17, 2018 (Benitez_086), and letter dated October 11, 2018 (Benitez_150)
 23. Eva Hanhardt, oral comments notes delivered on October 17, 2018 (Hanhardt_031), letter dated October 29, 2018 (Hanhardt_118), oral comments delivered on October 17, 2018 (Hanhardt_096), and letter dated October 29, 2018 (Hanhardt_229)
 24. Wei Hong Zeng, oral comments notes delivered on October 17, 2018 (Zeng_034)
 25. Elvia Fernandez, oral comments notes delivered on October 17, 2018 (Fernandez_035) and oral comments delivered on October 17, 2018 (Fernandez_089)
 26. K Webster, oral comments notes delivered on October 17, 2018 (Webster_036)
 27. Pasquale Follano, 32BJ, Member, oral comments delivered on October 17, 2018 (Follano_048)
 28. Zamir Khan, 32BJ, Member, oral comments delivered on October 17, 2018 (Khan_049)
 29. Edith Prentiss, Taxis For All, oral comments delivered on October 17, 2018 (Prentiss_050)
 30. Susan Yung, oral comments delivered on October 17, 2018 (Yung_051) and email dated October 22, 2018 (Yung_204)
 31. Jose Rafael Rodriguez, Stop 1 Deli, Co-Owner, oral comments delivered on October 17, 2018 (Rodriguez_052)
 32. Sophia Chok, CAAAV, oral comments delivered on October 17, 2018 (Chok_053)
 33. Ren Ping Chen, CAAAV, oral comments delivered on October 17, 2018 (Chen_055)
 34. Elaine Hoffmand, Tenants United Fighting for the Lower East Side (TUFF-LES), Vice President of 82 Rutgers Slip, oral comments delivered on October 17, 2018 (Hoffmand_060)
 35. Brenda Maloy, oral comments delivered on October 17, 2018 (Maloy_062)
 36. Alexa Sewell, Settlement Housing Fund, President, oral comments delivered on October 17, 2018 (Sewell_063)
 37. Adrienne Sosin, oral comments delivered on October 17, 2018 (Sosin_064)
 38. Chad Williams, RNC, oral comments delivered on October 17, 2018 (Williams_066)
 39. Liu Shu Zhen, CAAAV, oral comments delivered on October 17, 2018 (Zhen_067)

Two Bridges LSRD

40. Julian Morales, Good Old Lower East Side (GOLES), Director of Organizing, oral comments delivered on October 17, 2018 (Morales_068)
41. Ivan Alevante, Good Old Lower East Side (GOLES), oral comments delivered on October 17, 2018 (Alevante_069)
42. Marc Richardson, Tenants United Fighting for the Lower East Side (TUFF-LES), oral comments delivered on October 17, 2018 (Richardson_070) and oral comments notes delivered on October 29, 2018 (Richardson_242)
43. Esq Justin Rostoff, Two Bridges Townhouse Condominiums, Attorney, oral comments delivered on October 17, 2018 (Rostoff_071)
44. Justin Stern, Little Cherry, LLC, oral comments delivered on October 17, 2018 (Stern_072)
45. David Gaeza, Henry Street Settlement, Executive Director, oral comments delivered on October 17, 2018 (Gaeza_073)
46. Tara Kelly, The Municipal Art Society of New York (MAS), oral comments delivered on October 17, 2018 (Kelly_074)
47. Melissa Shetler Local 46 Metallic Lathers and Reinforcing Ironworkers, Political Director, oral comments delivered on October 17, 2018 (Shetler_076)
48. Mike Anderson, oral comments delivered on October 17, 2018 (Anderson_077)
49. David Jason Williams (goes by UNDAKVA), Local 46 Metallic Lathers and Reinforcing Ironworkers, oral comments delivered on October 17, 2018 (UNDAKVA_078)
50. Candice Georgis, oral comments delivered on October 17, 2018 (Georgis_080)
51. Andrew Hiller, Lower Manhattan Democratic Socialists of America (DSA), oral comments delivered on October 17, 2018 (Hiller_081)
52. Bob Angles, Lower Manhattan Democratic Socialists of America (DSA), oral comments delivered on October 17, 2018 (Angles_083)
53. David Tsu, oral comments delivered on October 17, 2018 (Tsu_084)
54. Rob Hollander, Chinatown Working Group, oral comments delivered on October 17, 2018 (Hollander_087)
55. Melissa Michalak, oral comments delivered on October 17, 2018 (Michalak_088)
56. Alma Rodriguez, Chinatown Working Group, oral comments delivered on October 17, 2018 (Rodriguez_090)
57. Edith Figeroa, oral comments delivered on October 17, 2018 (Figeroa_092)
58. Briar Winters, Chinatown Working Group, oral comments delivered on October 17, 2018 (Winters_093)
59. Laure Travers, oral comments delivered on October 17, 2018 (Travers_097) and letter dated October 25, 2018 (Travers_217)
60. Yanin Pena, oral comments delivered on October 17, 2018 (Pena_098) and letter dated October 29, 2018 (Pena_248)
61. Ellen Osuna, oral comments delivered on October 17, 2018 (Osuna_100)

62. Barbara Jeter, LEOTA/Tenants United Fighting for the Lower East Side (TUFF-LES), oral comments delivered on October 17, 2018 (Jeter_101)
63. Melanie Meyers, Fried Frank, oral comments delivered on October 17, 2018 (Meyers_102)
64. Mercar Jabul, oral comments delivered on October 17, 2018 (Jabul_103)
65. Hannington Dia, oral comments delivered on October 17, 2018 (Dia_104)
66. Brian Neff, email delivered on October 21, 2018 (Neff_108)
67. Margaret Jolly, Seward Park Housing Group, past Board President, letter dated October 29, 2018 (Jolly_112) and letter dated October 29, 2018 (Jolly_218)
68. Paula Segal, Collective for Community, Culture, and Environment, Senior Staff Attorney, letter dated October 27, 2018 (Segal_113) and letter dated October 27, 2018 (Segal_224)
69. Karen Argenti, Bronx Council for Environmental Quality, Secretary, letter dated October 12, 2018 (Argenti_114)
70. Eve Baron, letter dated October 17, 2018 (Baron_119)
71. Kirsten Theodos, email dated October 17, 2018 (Theodos_126)
72. Frank Haines, email dated October 25, 2018 (Haines_127)
73. Karen Kubey, email dated October 30, 2018 (Kubey_128)
74. John Antush, letter dated October 28, 2018 (Antush_129)
75. Adam Lawrence, email dated September 27, 2018 (Lawrence_133)
76. Anita Ramirez, email dated October 29, 2018, (Ramirez_134)
77. Andrew Fairweather, letter dated September 27, 2018 (Fairweather_140)
78. Annette Chow, letter dated October 1, 2018 (Chow_141)
79. Margaret Lee, Art Against Displacement, Member, letter dated October 27, 2018 (Lee_142)
80. Angela Rosado, Community Educational Council District 1, letter dated October 11, 2018 (Rosado_143)
81. Arthur Phillips, letter dated October 11, 2018 (Phillips_144)
82. Cici Wu, letter dated October 11, 2018 (Wu_145)
83. Crys Yin, letter dated October 11, 2018 (Yin_146)
84. Erik Wysocan, letter dated October 11, 2018 (Wysocan_148)
85. Erin Edmison, letter dated October 11, 2018 (Edmison_149)
86. Geordan Goldstein, letter dated October 11, 2018 (Goldstein_151)
87. Howard Huang, letter dated October 11, 2018 (Huang_152)
88. Jacqueline Klempay, letter dated October 11, 2018 (Klempay_153)
89. Jill Hamberg, letter dated October 11, 2018 (Hamberg_154)
90. Laoise Mac Reamoinn, letter dated October 11, 2018 (Mac Reamoinn_156)

Two Bridges LSRD

91. Lindsey Cormack, letter dated October 11, 2018 (Cormack_157)
92. Marion Riedel, letter dated October 11, 2018 (Riedel_158)
93. Matt Wolf, letter dated October 11, 2018 (Wolf_159) and letter dated September 28, 2018 (Wolf_250)
94. Meg Sherlock, letter dated October 11, 2018 (Sherlock_160)
95. Michael Pope, letter dated October 11, 2018 (Pope_161)
96. Michelle Rosenberg, letter dated October 11, 2018 (Rosenberg_162)
97. Oliver Newton, letter dated October 4, 2018 (Newton_163)
98. Paula Segal, letter dated October 11, 2018 (Segal_164)
99. Rosa Huang, letter dated October 11, 2018 (Huang_165)
100. Serena Liu, letter dated October 11, 2018 (Liu_166)
101. Shabd Simon-Alexander, letter dated October 11, 2018 (Simon-Alexander_167)
102. Sunita Prasad, letter dated October 11, 2018 (Prasad_168)
103. Tali Hinkis, letter dated October 11, 2018 (Hinkis_169)
104. Vanessa Thill, letter dated October 11, 2018 (Thill_172)
105. Viola Yesiltac, letter dated October 11, 2018 (Yesiltac_173)
106. Wendy Brawer, Green Map System, letter dated October 4, 2018 (Brawer_174) and letter dated October 15, 2018 (Brawer_196)
107. Barbara Katz-Rothman, letter dated October 17, 2018 (Katz-Rothman_175)
108. Dr. Caitlin Cahill, letter dated October 14, 2018 (Cahill_176) and letter dated October 21, 2018 (Cahill_199)
109. Carlin Greenstein, letter dated October 18, 2018 (Greenstein_177)
110. Carmelle Safdie, letter dated October 17, 2018 (Safdie_178)
111. David Burgreen, letter dated October 17, 2018 (Burgreen_179)
112. Elyse Derosia, letter dated October 13, 2018 (Derosia_180)
113. Eneida DelValle, letter dated October 18, 2018 (DelValle_181)
114. Frank Avila-Goldman, letter dated October 18, 2018 (Avila-Goldman_182)
115. Gail Kreigel Mallin, letter dated October 18, 2018 (Kreigel Mallin_183)
116. Harry Burke, letter dated October 13, 2018 (Burke_184)
117. Jacques Servin, letter dated October 17, 2018 (Servin_185)
118. Jennifer Randolph, letter dated October 16, 2018 (Randolph_186)
119. Jenny Woo, letter dated October 17, 2018 (Woo_187)
120. Jillian Chaitin, letter dated October 17, 2018 (Chaitin_188)
121. Leslie Levison, letter dated October 17, 2018 (Levison_190)

122. Maria Torre, letter dated October 16, 2018 (Torre_191)
123. Nancy Sheran, letter dated October 15, 2018 (Sheran_192)
124. Sallie Stroman, letter dated October 15, 2018 (Stroman_193)
125. Spencer Everett, letter dated October 17, 2018 (Everett_195)
126. William Ferns, letter dated October 16, 2018 (Ferns_197)
127. Anna Cheung, letter dated October 22, 2018 (Cheung_198)
128. Hope Beach, letter dated October 23, 2018 (Beach_200)
129. Hubert Tang, letter dated October 22, 2018 (Tang_201)
130. Lisa Dailey, letter dated October 22, 2018 (Dailey_202)
131. Marie Catalano, JTT Gallery, Director, email dated October 22, 2018 (Catalano_203)
132. James Makin, Carpenters Union, Area Standards Representative, email dated October 18, 2018 (Makin_205)
133. Jesse Stanton, email dated October 19, 2018 (Stanton_206)
134. Joanna Estevez, email dated October 19, 2018 (Estevez_207)
135. John Jongebloed, email dated October 24, 2018 (Jongebloed_208)
136. Diego Segalini, letter dated October 29, 2018 (Segalini_209)
137. Douglas Cubberley, letter dated October 28, 2018 (Cubberley_210)
138. Eddie Chan, letter dated October 28, 2018 (Chan_211)
139. Elizabeth Gery, letter dated October 27, 2018 (Gery_212)
140. Ellen Weinstein, letter dated October 27, 2018 (Weinstein_213)
141. Garret Linn, letter dated October 29, 2018 (Linn_214)
142. Jacqueline Carson-Aponte, letter dated October 27, 2018 (Carson-Aponte_215)
143. Marijke Briggs, letter dated October 27, 2018 (Briggs_219)
144. Mary Taylor, Chinatown Working Group, letter dated October 29, 2018 (Taylor_220)
145. Matthew Goldie, letter dated October 27, 2018 (Goldie_221)
146. Michael Perles, letter dated October 26, 2018 (Perles_222)
147. Moi Hung, letter dated October 26, 2018 (Hung_223)
148. Ping Foster, letter dated October 27, 2018 (Foster_225)
149. Sean Benson, letter dated October 29, 2018 (Benson_226)
150. Ben Zhang, letter dated October 29, 2018 (Zhang_227)
151. Bonnie Tse, letter dated October 29, 2018 (Tse_228)
152. Richard Yuen, letter dated October 29, 2018 (Yuen_232)
153. Alina S, letter dated October 29, 2018 (S_234)

Two Bridges LSRD

154. Carol Porteous-Fall, letter dated October 29, 2018 (Porteous-Fall_236)
155. David Yap, letter dated October 29, 2018 (Yap_237)
156. Denice Kondik, letter dated October 29, 2018 (Kondik_238)
157. Edwin Morris, letter dated October 29, 2018 (Morris_239)
158. Liu Wei, letter dated October 29, 2018 (Wei_241)
159. Mosco Aa, letter dated October 29, 2018 (Aa_244)
160. Nancy Linn, form letter dated October 29, 2018 (Linn_252)

ORGANIZATIONS

161. The Municipal Art Society of New York (MAS), written testimony submitted on October 9, 2018 (MAS_002) and October 17, 2018 (MAS_022), and additional written testimony submitted by Thomas Devaney on October 11, 2018 (MAS_170)
162. Good Old Lower East Side, Inc. (GOLES), written testimony submitted by Damaris Reyes, Executive Director, on October 9, 2018 (GOLES_004) and written testimony submitted by Damaris Reyes, Executive Director, on October 11, 2018 (GOLES_147)
163. Tenants United Fighting for the Lower East Side (TUFF-LES), written testimony submitted submitted by Trever Holland, President, on October 11, 2018 (TUFF-LES_006), oral comments notes delivered by Grace Mak, Board Member, on October 17, 2018 (TUFF-LES_020), Grace Mak, oral comments delivered on October 17, 2018 (Mak_059), Trever Holland, oral comments delivered on October 17, 2018 (Holland_058), and Trever Holland, oral comments notes delivered on October 17, 2018 (Holland_019)
164. Lower East Side Organized Neighbors (LESON), oral comments notes delivered by Stephanie Kranes on October 17, 2018 (LESON_026), oral comments notes delivered by Jihye Simpkins on October 17, 2018 (Simpkins_027), oral comments delivered by Jihye Simpkins on October 17, 2018 (Simpkins_082), written testimony submitted by Jihye Simpkins on October 28, 2018 (Simpkins_111), Stephanie Kranes, oral comments delivered on October 17, 2018 (Kranes_085), written testimony submitted by Ken Kimerling on October 28, 2018 (LESON_124), and written testimony submitted by Tanya Castro-Negron on October 29, 2018 (LESON_245)
165. Lower East Side Power Partnership (LESPP), oral comments notes delivered on October 17, 2018 (LESPP_030), oral comments delivered by Vaylateena Jones, President, on October 17, 2018 (Jones_091), oral comments notes delivered by Vaylateena Jones, President, on October 23, 2018 (LESPP_107), and letter from Vaylateena Jones dated October 29, 2018 (LESON_243)
166. Chinese Progressive Association (CPA), Mae Lee, Executive Director, oral comments notes delivered on October 17, 2018 (CPA_032) and Mae Lee, Executive Director, oral comments delivered on October 17, 2018 (Lee_095)
167. Chinese-American Planning Council (CPC), Alice Wong, letter dated October 24, 2018 (CPC_105)

168. CAAAV: Organizing Asian Communities, oral comments submitted by Melanie Wang, Chinatown Tenants Union organizer, delivered on October 17, 2018 (Wang_065) and letter dated October 29, 2018 (CAAAY_231)
169. Asian American Legal Defense and Education Fund (AALD), Ken Kimerling, letter dated October 29, 2018 (AALD_120)
170. Two Bridges Townhouse Condominiums, counsel: Christopher Slowik, Esq. from Klein Slowik, letter dated on October 29, 2018 (Slowik_230)
171. Asian Americans for Equality, Ed Litvak, email dated October 29, 2018 (Litvak_136)
172. Lands End II Resident Association, email submitted by Tanya Castro-Negron on October 30, 2018 (Castro-Negron_137) and letter dated October 30, 2018 (LandsEnd2RA_138)
173. Chinese Staff and Workers Association; Chinatown Working Group, oral comments delivered on October 17, 2018 (Ning_094) and letter submitted by Zishun Ning on October 29, 2018 (Ning_235)
174. Two Bridges Neighborhood Council, Inc., Victor Papa, President, letter submitted on October 29, 2018 (Two Bridges_247)
175. Two Bridges Tower Resident Association (TBTRA) at 82 Rutgers Slip, Trever Holland, President letter dated October 29, 2018 (Holland_135)

PETITIONS

176. Chinatown Tenants Union (CTU), petition delivered on October 29, 2018 with 17 signatories (CTU_117)
177. Lands End II Resident Association, petition delivered on October 30, 2018 with 220 signatories (LandsEnd2RA_139)
178. Petition delivered on October 17, 2018 with 213 signatories (Petition_037)
179. Petition delivered on October 29, 2018 with 47 signatories (Petition_123)

C. COMMENTS AND RESPONSES

PROJECT DESCRIPTION

Comment 1-1: There is nothing in the Rules of the City of New York (RCNY) that allows the City Planning Commission to find that the proposed changes are minor modifications. The finding that a significant change to an LSRD is a minor modification has the potential to significantly impact New York City Land Use Policy. (TUFF-LES_006, Chin_038, Chin_115, Kavanagh_039, CB3_001, Brewer_012, Brewer_046, Brewer_233, Taylor_220, LESON_132, LESON_245, AALD_120, LESON_124, Baron_119, Holland_135, Ning_094, Mak_059, Rostoff_071, Gaeza_073, Kelly_074, Shetler_076, Anderson_077, Ellsworth_024, Ellsworth_079, Tsu_084, Fernandez_089, Fernandez,

035, Winters_093, Ning_235, Hanhardt_096, Stetzer_040, Lopez_041, Segal_015, Holland_019, Zeng_034, Webster_036, Segal_164)

There is no process in the Zoning Resolution for modifying previously approved LSRD plans. (GOLES_004, Morales_068)

The characterization of the proposed actions as “minor modifications” is flawed because it relies on a section of the Rules of the City of New York that has been misapplied. In a letter regarding the proposed projects dated August 16, 2016, then-Department of City Planning Director Carl Weisbrod wrote that the modifications would be treated as “minor,” referencing determination criteria laid out in the Rules of the City of New York (RCNY) § 2-06(g)(5)(ii) 1. However, this Rule does not belong in the approval process for changes to a LSRD. The Rule former Director Weisbrod cited has only been adopted for application in a specific context: when a Land Use application is altered in the midst of ULURP review after the CPC has voted on a prior version; the rule provides the standard for determining whether a new CPC vote is needed during the period for City Council review. This context is distinct from the context for the Two Bridges application, in which actions have been proposed by a private applicant independent of an ongoing ULURP process. In that same letter, former Director Weisbrod stated, “I agree that the development contemplated here is significant when each development is considered individually, and that the potential impacts to the surrounding neighborhood require unique consideration when the three proposed projects are assessed cumulatively.” The decision to treat a significant change to an LSRD as a minor modification has the potential to significantly impact New York City land use policy. This conclusion would impact all Large Scale special permits and perhaps even other special permits granted by the CPC outside the Large Scale special permits. (CAAAY_116, CAAAY_231, Mak_059, Wang_065, Gaeza_073, Kelly_074, Echevarria_017, Segal_015, Echevarria_033, Echevarria_099, Holland_019, Lee_142, Cahill_176, Wolf_250)

The Zoning Resolution does not allow for any modification of previously granted Authorizations and Special Permits in the Two Bridges LSRD. The text of the Rule itself is clear: The Commission shall receive from the City Council during its fifty (50) day period for review copies of the text of any proposed modification to the Commission's prior approval of an action. Upon receipt the Commission shall have fifteen (15) days to review and to determine... whether the modification requires the initiation of a new application. Any other use of this rule is ultra vires: it is outside the scope of authority delegated to your Department pursuant to the requirements of the City Administrative Procedure Act. Any determination based on such a misuse of a rule is null and void. The

applications filed by JDS Development Group, Two Bridges Associates, LP, and Starrett Development are not, at this time, going through ULURP; there has been no CPC hearing or vote. The rule former Director Weisbrod cited is irrelevant and its application here is unlawful. It cannot be used to circumvent the approval procedures mandated in the ZR. Further, any reliance on approvals granted for past projects is misplaced because those approvals cannot be transferred to the present applications and have lapsed. (Segal_015).

Response 1-1: Applications are considered a minor modification to a previously approved large-scale development when the proposed changes comply with the underlying zoning; specifically that no new zoning action, no new waivers, and no other modifications are sought; and when the findings made for previously granted authorizations and special permits when the large-scale development remain valid. The proposed changes are properly considered minor modifications consistent with standards which have been uniformly applied with respect to post-ULURP modifications to previously approved applications. See also response to Comment 1-2.

Comment 1-2: The findings of ZR Section 78-313 should be made with respect to the proposed changes. (TUFF-LES_006, TUFF-LES_020, Chin_038, Chin_115, Kavanagh_039, CB3_001, Brewer_012, Brewer_046, Brewer_233, Kelly_074, Slowik_230)

The City Planning Commission's intentional use of an inapplicable provision of zoning law to avoid the controlling provisions of ZR 78-311, 312, and 313—particularly bypassing the affirmative conditions precedent established in 78-313 that would likely block these megatowers—is a violation of due process. (TUFF-LES_020, LESON_132, LESON_245, Tsu_084, Slowik_230)

The approval of the mega tower projects is illegal under ZR Article 7, Chapter 8, which is legally binding. (Pieris_016, Winters_093, Ning_094, Ning_235, Travers_097, Rodriguez_090, Brawer_196, Cahill_199, Travers_217)

Response 1-2: ZR Section 78-313 requires that findings be made in connection with special permits or authorizations for waivers or zoning modifications to underlying use, bulk, or parking regulations. The proposed changes do not require any special permit of authorization because they do not require any waivers or zoning modifications to underlying use, bulk, or parking regulations.

Comment 1-3: The developers, with the help of the Department of City Planning, have circumvented the public review process. In addition, these projects have been considered within a single EIS, which has resulted in an environmental review process to the detriment of the community. (Theodos_189, Torre_191, Cahill_176, Chin_038, Chin_115, Cahill_199, Niou_011, Niou_047, Holland_135, Litvak_136, Brawer_196)

The developers did not conduct enough community engagement. We conducted a survey amongst the LSRD buildings, which better represents the community. (Holland_058)

The DEIS further fails to include legally required cumulative impact analysis. As related to the proposed project, the DEIS impact categories are affected by the cumulative effects of all factors including shadow, sewage, transportation, education, health and safety, open space, and policy compliance. When considered together, we argue that the proposed project's impact to these categories constitutes a significant adverse impact for the neighborhood. (LESON_132, LESON_245, AALD_120, LESON_124, Lee_142)

The DEIS process of evaluating the development of this community must include the existing community voice. The DEIS must be completely refuted as irrelevant to the current requirements of appropriate community development. (Jolly_218)

The adverse environmental effects of the proposed project could not be mitigated without considering the cumulative impact of all of the development projects happening in the surrounding area. (Comment Letter 1/multiple signatories, Moskowitz_009, Avila-Goldman_182, AALD_120, LESON_124)

Response 1-3: With regard to community input, as part of the CEQR process, a scoping meeting and a public hearing before the City Planning Commission were held to solicit public comments on the Draft Scope of Work and DEIS. In addition, the projects were referred to the Community Board, which held a public hearing and provided comments. See response to Comment 1-19.

As noted on page 1-1 of DEIS Chapter 1, "Project Description," the three proposed projects were considered together for environmental review purposes since all three project sites are located within the Two Bridges LSRD and would be developed during the same construction period. As such, the potential environmental impacts of the three proposed projects were analyzed cumulatively. By considering the three applications together on a cumulative basis, the EIS provides a conservative analysis of the potential for significant adverse impacts. As described on page 1-

11 of the DEIS, Chapter 1, “Project Description,” the 2014 *CEQR Technical Manual* served as a general guide on the methodologies and impact criteria for evaluating the proposed projects’ potential effects on the various areas of analysis. In accordance with CEQR guidelines, detailed analyses were presented in the DEIS for: land use, zoning, and public policy; socioeconomic conditions; community facilities and services; open space; shadows; historic and cultural resources; urban design and visual resources; natural resources; hazardous materials; water and sewer infrastructure; solid waste and sanitation services; energy; transportation; air quality; greenhouse gas emissions and climate change; noise; neighborhood character; construction; alternatives; mitigation; and public health. The DEIS identified potential significant adverse impacts on the basis of a cumulative analysis and identified proposed mitigation measures to address those impacts.

Comment 1-4: The DEIS is thorough in describing the effects if one or more of the proposed developments is delayed indefinitely or not pursued. It would be good know definitively that the “minor modification” relating to the development site that does not move forward is no longer considered as such. (Hanhardt_031, Hanhardt_096, Hanhardt_118)

Response 1-4: In the event that the three proposed development applications are approved as minor modifications to the LSRD, Chapter 22, “Project Permutations,” of the DEIS considered how the cumulative impacts of the proposed projects might change with respect to environmental impacts that would occur should one or more of the approved proposed developments be delayed or not pursued.

Comment 1-5: The Two Bridges LSRD site plan has been under the control of the City Planning Commission since the creation of the LSRD in 1972. The proposal is before you as a “minor modification” despite the fact there is no process in the Zoning Resolution for modifying previously adopted LSRD plans. The Two Bridges URA was designated in 1961 with the goal of redeveloping a badly blighted and primarily residential area for residential use. The primary focus was to create predominantly middle-income housing and improve affordability and diversity in and around the Two Bridges neighborhood. Construction plans for buildings in the LSRD that would otherwise not be permitted by the zoning resolution were approved by the Commission, conditioned on the plans for the entire area submitted at the time. Instead they are calling four mega towers a “minor modification” of the previously approved plans. (Woo_187, Burgreen_179, Randolph_186, Brawer_174, Cahill_199, Riedel_158, Sherlock_160, Huang_152, Phillips_144, Benitez_029, Benitez_086, Benitez_150 Wu_145, O’Sullivan_005, O’Sullivan_155, Newton_163,

Liu_166, Prasad_168, Cormack_157, Simon-Alexander_167, Hinkis_169, Pope_161, Klempay_153, Hamberg_154, Segal_015, Linn_214, Jolly_112, Yuen_232, Mosco, Wang_065, Echevarria_017, Echevarria_033, Echevarria_099, Zeng_034, Kubey_128, Segal_164, Porteous-Fall_236, Yap_236, Kondik_238, Wei_241, Aa_244)

Response 1-5:

As described in EIS Chapter 1, “Project Description,” the proposed projects each require a minor modification to the previously approved Two Bridges LSRD. Because the proposed projects do not require special permits or any other action listed under New York City Charter Section 197-c, they do not require approval through the City’s Uniform Land Use Review Procedure (ULURP) process. The proposed projects would comply with the underlying C6-4 district regulations applicable to the sites under the Zoning Resolution, and no discretionary use or bulk waivers would be required to facilitate the proposed projects. However, the previously approved Two Bridges LSRD site plans restrict the maximum developable floor area, lot coverage, location of buildings, and other features of development on the Two Bridges LSRD sites. While the proposed actions would not change the maximum allowable FAR, floor area, or building envelopes permitted by the underlying zoning district, the requested minor modifications would modify the approved site plans to enable the proposed developments to be constructed within the Two Bridges LSRD boundary, utilizing unused existing floor area.

Comment 1-6:

In 2008, the Commission mandated that one of the vacant sites now proposed for a tower become a permanent playground. Developers are not seeking approval of a new plan now. (O’Sullivan_005, O’Sullivan_155, Segal_164)

The DEIS ignores the requirement that in 2008, the City Planning Commission clearly resolved that as part of the DEP’s use of Site 6A for work associated with the neighboring Shaft 21 of NYC’s Water Tunnel 1, the DEP would create and maintain a usable public open space with a playground in perpetuity. Instead of selling the land to the City for DEP’s use, Starrett leased it to the municipality. The impact of filling the open space that DEP has been relying on for a staging area has not been examined in the DEIS. (TUFF-LES_006, Segal_015)

Response 1-6:

The Commission did not mandate that a portion of Site 6A become a playground in 2008; rather, it authorized the proposed acquisition of the site by DEP for use as a staging facility in connection with construction work at the adjacent Shaft 21 of the City Water Tunnel No. 1 located on Lot 13, with the understanding that if DEP acquired the site it would be used for playground purposes prior to and then following completion of construction work. DEP did not move forward with the acquisition.

- Comment 1-7:** The description of the minor modifications to the LSRD are unclear. More detail should be provided, including detailed calculations of existing floor area, remaining floor area, and why the proposed modifications are minor modifications, rather than requiring a special permit or authorization. The EIS needs to provide a detailed explanation of the LSRD calculations. (CB3_013, TUFF-LES_006, Holland_019, LESON_132, LESON_245)
- Response 1-7:** The Final Scope of Work, DEIS, and the land use applications for each of the three proposed projects provide detailed information concerning the maximum floor area available to each parcel, the amount currently utilized, and the amount requested for use in new development. See also response to Comments 1-1 and 1-2.
- Comment 1-8:** DEIS Appendix B inexplicably uses the term “waiver” when the correct terms are “Certifications, Authorizations, and Special Permits” as used in Appendix A. (TUFF-LES_006)
- Response 1-8:** Appendix B identifies zoning requirements that previously have been waived and the “Notes” column provides cross-references to the actions that are listed in Appendix A. Please see Appendix A for details regarding the actions (i.e., certifications, authorizations and special permits) that were associated with the respective waivers listed in Appendix B.
- Comment 1-9:** The implications of the application by Manhattan Borough President Gale Brewer and City Councilmember Margaret Chin to require a special permit for modifications to the LSRD should be considered as part of the Public Policy section of the EIS. (TUFF-LES_006, Hanhardt_118)
- Response 1-9:** Public Policy analysis under CEQR considers officially adopted and promulgated public policies, including formal plans or published reports. As described in Chapter 2, “Land Use, Zoning, and Public Policy, there is a pending land use application, the “Modification to LSRD Special Permit Text Amendment,” proposed by Manhattan Borough President Gale Brewer and City Councilmember Margaret Chin. The land use application and the draft Environmental Assessment Statement (EAS) are currently in the pre-referral process.
- Comment 1-10:** It is unclear how the proposed actions would comply with ZR Section 78-313 (a through d), as it relates to better site planning and open space requirements; not unduly increasing the bulk of buildings, population density, or intensity of use to the detriment of residents; access to light and air; effects on traffic congestion; and character of the area. (CB3_001, Devaney/MAS_002, Brewer_012, Brewer_046, Brewer_233, Hanhardt_031, Hanhardt_118, LESON_132, LESON_245, Haines_127,

Chow_141, Lee_142, Porteous-Fall_236, Yap_237, Kondik_238, Wei_241, Aa_244)

Pursuant to 78-313, the plan must aid in achieving the general purposes and intent of the LSRD, including the promotion and facilitation of better site planning and community planning, and to enable open space that would best serve the recreation needs of residents and the City as a whole. In addition, the distribution of floor area and dwelling units must benefit residents of the LSRD and not unduly increase the bulk of buildings, density of population, of nearby blocks. The distribution and location of floor area must not adversely affect access to light and air outside the LSRD or create traffic congestion, and the modification of height and setback must not impair the essential character of the surrounding area and must not have adverse effects upon access to light, air and privacy of adjacent properties. The proposed projects would: result in adverse impacts to shadows, open space, traffic, and parking; infringe on light and air of area residents; and substantially change the character of the neighborhood. (TUFF-LES_006, TUFF-LES_020, CommentForm Letter 1/multiple signatories, Brawer_174, Mac_Reamoynn_156, Wolf_159, Benitez_029, Benitez_086, Benitez_150, Devaney/MAS_002, Taylor_220, Linn_214, Travers_097, Brewer_012, Brewer_046, Brewer_233, Hanhardt_0996, Yuen_232, Estevez_207, LESON_132, LESON_245, AALD_120, LESON_124, Theodos_189, Haines_127, Niou_011, Niou_047, Holland_135, Pena_098, Pena_248 LandsEnd2RA_137, Hiller_081, Lopez_041, CB3_013)

Response 1-10: See Response to Comment 1-2.

Comment 1-11: The Final Scope of Work was not responsive to the majority of TUFF-LES comments. The DEIS does not disclose all of the projects' impacts, which should be addressed in a Supplemental DEIS or in the FEIS. (TUFF-LES_006, TUFF-LES_020, CAAAV_116, CAAAV_231,, Hanhardt_118)

Response 1-11: The Final Scope of Work takes into account comments received at the October 17, 2018 Scoping Hearing, as well as written comments received during the public comment period. The cumulative impact analysis in the DEIS reflects a conservative assessment of the potential of the projects to result in significant adverse impacts.

Comment 1-12: The deliberate circumvention of the Authorization, Special Permit, and Findings requirements in the ZR directly results in the conversion of property held in public trust under the LSRD by the City of New York to private ownership and use. The public property being converted includes the essential character of the neighborhood, light, air, privacy, open

space, recreation assets, and freedom from congestion established on behalf of residents when the LSRD was zoned into place. This knowing transfer of the Two Bridges LSRD public property is susceptible of interpretation as knowingly permitting, or allowing by gross culpable conduct, person or persons (including corporate entities) to convert public property, or as official misconduct insofar as the intentional use of a non-applicable zoning provision coupled with the deliberate failure to follow applicable due process constitutes a knowingly unauthorized exercise of official function that deprives the residents of the full benefits to air, light, open space, recreation assets, and freedom from congestion granted by law under Chapter 8 of Article VII of the Zoning Resolution. (LESON_132, LESON_245, LESON_026, Kranes_085, Petition_037, Petition_123, Antush_129, Form_130)

Response 1-12: The project sites are not owned by the City of New York and are not public property. Also see response to Comment 1-1.

Comment 1-13: The *CEQR Technical Manual* cannot be relied upon as agency policy, as it was never properly promulgated with a notice and comment period as required by the City Administrative Procedures Act. (TUFF-LES_006)

Response 1-13: The *CEQR Technical Manual* provides a comprehensive set of guidelines for the performance of environmental review and is not a rule subject to promulgation under the City Administrative Procedures Act.

Comment 1-14: The study area should be expanded to include the area bounded by Grand Street, following Bowery to Oliver Street and the East River. The study areas used for the various technical analyses in the DEIS should not necessarily follow the guidance in the *CEQR Technical Manual*. (CB3_001)

The study area should be expanded to a 1/2-mile radius. (TUFF-LES_006)

The DEIS methodology is flawed. The DEIS uses a 0.25-mile study area but changes the study area to 0.5 miles or 1.5 miles to show positive results. (Moskowitz_009, Avila-Goldman_182)

The DEIS uses a 0.25-mile radius for the analysis study area; TUFF-LES, CAAAV_116, CAAAV_231, and GOLES called for using a 0.5-mile radius during the scoping session. (TUFF-LES_020, CAAAV_116, CAAAV_231, Hanhardt)

Response 1-14: The study areas used in the various DEIS analyses are based on guidance from the *CEQR Technical Manual*. For example, for Land Use, Zoning, and Public Policy analysis, the *CEQR Technical Manual* defines the study area as a 1/4-mile radius from the outer edges of the Two Bridges LSRD. However, for the Open Space analysis, the *CEQR Technical*

Manual defines the study area as a 1/2-mile radius from the outer edges of the Two Bridges LSRD. The study areas used in the DEIS analyses are appropriate and vary depending on technical analysis and the scale of the proposed project.

Comment 1-15: Justify the unprecedented scale of change proposed in the area in the purpose and need for the proposed actions. (CB3_013)

Response 1-15: In the context of a housing shortage, the proposed actions would provide up to 2,775 new housing units, including up to 694 units of affordable housing, through unsubsidized mixed-use development at a Lower Manhattan waterfront location that is zoned for high density.

Comment 1-16: Provide detailed relocation plans for the ten senior units at 80 Rutgers Slip, including relocation costs, duration of time, where the residents will be housed. (CB3_001, CB_013, GOLES_004, TUFF-LES_006, TUFF-LES_020, Benitez_029, Benitez_086, Benitez_150, Niou_011, Niou_047, Morales_068, Jones_091, P_Chung_042)

Response 1-16: As noted in the FEIS, on Site 4 (4A/4B), there are 10 DUs that would be removed from the 80 Rutgers Slip building and replaced in the new Site 4 (4A/4B) building. The Site 4 (4A/4B) applicant intends to relocate the approximately 19 residents living in these units during the construction period to comparable, newly renovated units in the building as they become available, or, if necessary, to units in neighboring buildings. As units in 80 Rutgers Slip become available prior to construction, they would not be retenanted, but instead would be renovated and offered as temporary or permanent dwelling units for residents of the relocated or renovated units. Because the 80 Rutgers Slip building is under a U.S. Department of Housing and Urban Development (HUD) regulatory agreement, the dwelling units and residents could only be moved under a relocation plan approved by HUD. The Site 4 (4A/4B) applicant has stated that they would coordinate the project construction to minimize disruptions to these tenants and to ensure that, to the extent possible, residents of these units remain in the building throughout construction. No residents would be permanently displaced from Site 4 (4A/4B).

Comment 1-17: The EIS should examine the impacts of gentrification-driven over-policing on existing low-income communities of color, particularly the youth in the study area. (CB3_001, AALD_120, LESON_124, Morales_068)

Response 1-17: See EIS Chapter 3, "Socioeconomic Conditions," for a discussion on whether the proposed developments are likely to result in a significant adverse impact with respect to residential displacement. Policing policies

are not considered potential environmental impacts and therefore are not assessed in environmental review.

Comment 1-18: The history and intent of the Two Bridges Urban Renewal Area (now the Two Bridges LSRD) was that all of the units would be affordable. The affordability levels are not reflective of the area's existing income levels. (GOLES_004, Niou_011, Niou_047, Richardson_070)

The proposed projects are not consistent with the goals of the LSRD. The history of the intent of the URA and the subsequent LSRD has been that all of the developments of the Two Bridges LSRD would be affordable units for low, middle, and moderate incomes. There are concerns as to whether the proposed actions would facilitate the better use of open space, the preservation of natural features, and a general protection of health, safety, and general welfare as required by the LSRD. (TUFF-LES_006, TUFF-LES_020, Tsu_084)

The EIS's determination that the proposed actions are consistent with the overall development objectives of the Two Bridges LSRD is questionable. (CB3_001)

The DEIS states the proposed development is consistent with the goals of the LSRD overlay to provide for low and moderate and middle income families by providing 25 percent affordable units with the remaining 75 percent as market rate units. However, historically the intent of the Urban Renewal area and subsequent LSRD has been that all of the developments of the Two Bridges LSRD would be affordable units for low, middle and moderate incomes. (Hanhardt_118, Webster_036)

Response 1-18: The Urban Renewal Plan for Two Bridges, which is now expired, focused on the creation of low, middle, and moderate income housing. Large Scale Residential Development Plans established under Article VII, Chapter 8 of the Zoning Resolution do not prescribe the type or amount of affordable housing; instead, the LSRD was used to effectuate the Urban Renewal Plan by allowing for flexibility with respect to the location of buildings, distribution of bulk and open space, and modification of height and setback through the use of special permits and authorizations. The proposed developments would result in up to 694 affordable units in mixed income developments, consistent with *Housing New York: A Five-Borough, Ten-Year Plan*, and would not require any new special permits or authorizations.

Comment 1-19: The proposed modifications to the LSRD should not be considered minor, and should require ULURP. Without ULURP, there is a lack of any real community input, particularly on the mitigation measures. (CB3_001,

GOLES_004, TUFF-LES_006, Torre_191, Randolph_186, Burgreen_179, Woo_187, Burke_184, MAS_002, Mak_059, Maloy_062, Alevante_069, Kazi_025, Kazi_061 Webster_036, Richardson_242)

Without the benefit of ULURP, the public's only opportunity to comment on the project is through the CEQR process. However, the CEQR process does not provide the opportunity for the robust public discourse a project of this magnitude requires. The Department of City Planning (DCP) released the project DEIS on June 22, 2018, which started a 60-day period for Manhattan Community Board 3 to review the proposal, CEQR documents, and issue a resolution. However, the DEIS does not provide sufficient, specific mitigation measures to address the many adverse impacts that are expected to result from the development. Without ULURP, the public has no opportunity to comment on any subsequent proposed mitigation measures. (MAS_002, Brewer_012, Brewer_046, Brewer_233, Niou_011, Niou_047, TUFF-LES_020, Kazi_025, Kazi_061)

Given that the actions are not subject to ULURP, limiting effective public input, the EIS should identify all potential mitigation measures and the LSRD residents should be consulted on mitigation measures. (TUFF-LES_006)

Response 1-19:

ULURP is only required for the actions enumerated in Section 197-c of the New York City Charter. If a project does not require a special permit or any other action listed in Section 197-c, no ULURP may be required.

The environmental review process has included a scoping hearing at which public comment was received on the Draft Scope of Work, as well as a public hearing before the City Planning Commission with respect to the EIS. The land use applications were referred to Community Board 3 on June 25, 2018, and the Community Board held a public meeting on August 14, 2018. Under this process, the role of the City Planning Commission as CEQR lead agency in reviewing the EIS and making findings with respect to mitigation measures is no different with respect to the proposed developments than it would be under ULURP. As such, the City Planning Commission held a public hearing on the EIS on October 17, 2018. Comments were requested on the DEIS and were accepted through 5:00 PM on Monday, October 29, 2018.

Comment 1-20:

The DEIS does not provide details of the regulatory agreements for the existing affordable units in the LSRD, nor does it disclose the proposed projects' terms of affordability, unit-type mix, or total number of new affordable units. The FEIS should discuss AMI levels offered within the developments. The permanent affordability identified in the DEIS is

subject to a Regulatory Agreement with HPD whose specific provisions have yet to be determined. (CB_001, CB3_013, Hanhardt_118, Niou_011, Niou_047, Litvak_136)

Response 1-20:

The DEIS considers the 694 affordable units in the proposed developments from an environmental perspective, and in particular with regard to the potential of these units to result in significant adverse impacts, particularly with respect to child care services. While details of the affordable housing plans such as the unit mix and precise affordability levels for the proposed developments are not relevant to the environmental analysis, the Applicants are committed to providing 25 percent of residential units as permanently affordable. More specifically, Cherry Street Owner, LLC would provide up to 165 affordable units; LE1 Sub LLC would provide up to 191 affordable units; and Two Bridges Associates, LP would provide up to 338 affordable units, for a total of up to 694 new permanently affordable units. Together, the proposed projects would represent the largest number of new affordable units constructed in a Manhattan in many decades.

The affordable housing program would be implemented via site-specific regulatory agreements with the Department of Housing Preservation and Development (“HPD”); the full 25 percent commitment would be incorporated in those agreements. The Applicants would comply with the income limit of 80 percent AMI for the units governed by the R10 Inclusionary Housing program and are proposing to follow the income levels under Affordable New York Option E (10 percent at 40 percent AMI; 10 percent at 60 percent AMI; and 5 percent at 120 percent AMI) for the remainder of the units. The final AMI levels remain subject to discussion with HPD.

Comment 1-21:

The proposed development at Site 4A/B (247 Cherry Street) would cantilever over the existing Two Bridges Helen Hayes Senior Residences at 80 Rutgers Slip. As such, the proposed developments would infringe upon the light and air of area residents. (MAS_002)

Of particular concern is the application for 247 Cherry Street, which would cantilever over an affordable building for seniors, eliminating an entire line of apartments and causing the displacement of an unknown number of elderly New Yorkers. (Chin_038, Chin_115, Brewer_012, Brewer_046, Brewer_233, Holland_019)

Response 1-21:

Comment noted. See EIS Chapter 3, “Socioeconomics Conditions,” for details regarding the extent of potential residential displacement. See response to Comment 1-16.

Comment 1-22: The project should increase the amount of proposed parking spaces on Site 5. The 103 parking spaces is a replacement for existing parking on the site and will not be open to the public. (TUFF-LES_006)

Response 1-22: Comment noted. As noted in Chapter 1, “Project Description,” no new parking would be created with the proposed projects. The existing 103 at-grade parking spaces on Site 5 would be relocated to a below-grade facility on that site.

Comment 1-23: As currently envisioned, the proposed projects would designate 25 percent of dwelling units as affordable units. This number should rise to 50 percent to address the shortage of affordable housing in the community and to ensure Two Bridges retains its economically diverse character. (Litvak_136, P_Chung_042, CPA_032)

Response 1-23: Comment noted. The proposed developments would provide affordable housing units without subsidy at a level consistent with recent zoning policy.

Comment 1-24: The proposed public space at Rutgers Slip is private space that serves as the entrance to the residential building at 82 Rutgers Slip, and the residents have expressed safety concerns with converting the space into a public plaza. (CB3_001, CB_013, Holland_135, Mak_059)

Response 1-24: The paved open space at Site 4 (4A/4B) is publicly accessible today. Although this would not change, with the proposed projects it would be dedicated as publicly accessible space and would be altered with new pavers, plantings, and seating.

Comment 1-25: We believe that lot coverage should be limited to 40 percent of any lot where the development is taking place, and should facilitate new publicly accessible open space that allows through access to the waterfront from the upland blocks. (Shelton_044)

Response 1-25: Comment noted. The proposed developments have each been designed to take advantage of opportunities for the creation of open space.

LAND USE, ZONING, AND PUBLIC POLICY

Comment 2-1: The DEIS does not consider the impacts of the proposed actions on the NYCHA NextGen plan, particularly for complexes within ½-mile of the study area, including LaGuardia Houses and Smith Houses. The projects’ consistency with HPD’s Where We Live NYC plan must be considered, and any inconsistencies must be mitigated. (TUFF-LES_006, CB3_013, TUFF-LES_020, Hanhardt_118, AALD_120, LESON_124, Lopez_041)

Response 2-1: Because the project sites are not controlled by NYCHA or subject to its policies, the DEIS did not include an assessment of the proposed project’s consistency with NextGen NYCHA. For informational purposes, the FEIS will include a description of NextGen NYCHA plans affecting NYCHA developments in the vicinity of the project sites.

At this time, there is no formulated public policy associated with Where We Live NYC. Where We Live NYC is a collaborative planning process that includes extensive community participation as well as data and policy analysis that will culminate with the release of a public report in the Fall of 2019 with measurable goals and strategies that are designed to foster inclusive communities, promote fair housing choice, and increase access to opportunity for all New Yorkers. HPD is partnering with NYCHA to lead the process, along with a set of key government partners including the Department of City Planning, Department of Transportation, Department of Education, Department of Health and Mental Hygiene, Department of Social Services, and the NYC Commission on Human Rights, among others.

Additional text has been added to the Chapter 2, “Land Use, Zoning, and Public Policy,” of the FEIS. As described in Chapter 2, the study area includes one NextGen project at the LaGuardia Houses complex, located across Cherry Street from the project sites. The proposed projects would not affect the proposed development of new mixed-income housing at the LaGuardia Houses complex or at the existing LaGuardia Houses. The residential, community facility, and local retail space expected with the proposed projects would be consistent with and supportive of the overall residential character of the existing primarily residential development at LaGuardia Houses, including the mixed-income housing anticipated as part of NextGen NYCHA. The proposed projects would only directly affect the project sites within the Two Bridges LSRD, which does not include the LaGuardia Houses.

Comment 2-2: The assessment of public policies in the DEIS with respect to Housing New York, NextGen NYCHA, and OneNYC are insufficient and require a more detailed consideration. (CB3_001, CB3_013, Stetzer_040)

Response 2-2: Additional assessment of Housing New York: 2.0 (Housing New York: A Five Borough, Ten Year Plan at the time of the DEIS), OneNYC (which was built on PlaNYC, analyzed in the DEIS), and NextGeneration, NYCHA (NextGen NYCHA) has been added to the public policy sections in FEIS Chapter 2, “Land Use, Zoning, and Public Policy.” The FEIS analysis concludes that the proposed projects would support the goals and objectives of Housing New York: 2.0 to preserve and/or create 300,000 affordable dwelling units by 2026 and be consistent

with the goals of OneNYC including incorporating resiliency measures within each projects' design and providing increased resilience to the potential flooding and sea level rise conditions project through the 2050s. The proposed projects would not affect the proposed development of new mixed income housing or existing housing at LaGuardia Houses, which would be part of NextGen NYCHA. The proposed projects would not result in any significant adverse impacts to these or other public policies analyzed in Chapter 2, "Land Use, Zoning, and Public Policy." See also response to Comment 2-1.

Comment 2-3: The DEIS identifies unmitigated significant adverse impacts on community facilities, transportation, and open space, and would result in inadequate public facilities and infrastructure, but states that "with appropriate mitigation measures in place, it is assumed that public facilities and infrastructure would be adequate in the future With Action condition." (CB3_013, Chin_038, Chin_115, Cheung_198, Ramirez_134)

Response 2-3: Comment noted. According to Chapter 24 of the DEIS, "Unavoidable Adverse Impacts," absent the implementation of mitigation for significant adverse impacts related to elementary schools, publicly funded child care, and construction, these impacts would be unmitigated. Because partial mitigation is proposed for significant adverse impacts associated with open space, shadows, and transportation, these impacts would also be considered unmitigated. For transportation, the DEIS disclosed potential unmitigated impacts to traffic and transit. Since its publication, significant adverse traffic impacts identified at two study area intersections were confirmed to be unmitigatable. However, for transit, NYC Transit has confirmed the feasibility of the mitigation measures identified in the DEIS; therefore, those impacts will be described as fully mitigated in the FEIS.

Comment 2-4: Figure 2-2 of the DEIS does not indicate the M1-4 zoning on the Murry Bergtraum Field. (TUFF-LES_006, Hanhardt_118)

Response 2-4: Figure 2-2 has been updated to reflect the M1-4 zoning mapped on the Murry Bergtraum Field.

Comment 2-5: The DEIS does not consider impacts on and compliance with the Lower Manhattan Coastal Resiliency Project and the East Side Coastal Resiliency Project. (CB3_001, AALD_120, LESON_124, Niou_011, Niou_047, Lopez_041, Joye_045)

Response 2-5: Chapter 2, "Land Use, Zoning, and Public Policy," of the FEIS has been revised to include discussions of the proposed projects' consistency with

the Lower Manhattan Coastal Resiliency (LMCR) Project and the East Side Coastal Resiliency (ESCR) Project. With LMCR and ESCR, the City is pursuing long-term, integrated coastal protection initiatives aimed at reducing flood risk due to coastal storms and sea level rise in Lower Manhattan while improving access to the waterfront and enhancing waterfront open space. The proposed projects would be consistent with the LMCR and ESCR projects by improving open space at Rutgers Slip, including the installation of new open space amenities and increasing the amount of permeable cover. The existing Rutgers Slip Open Space would be enlarged and would replace an existing paved surface parking area between the private Rutgers Slip Open Space and the 265 Cherry Street building with open space amenities. This area, in addition to the existing private Rutgers Slip Open Space, would total approximately 33,550 sf (approximately 0.72 acres) and would be dedicated as publicly accessible open space. The Rutgers Slip Open Space would serve as an attraction for pedestrians visiting the waterfront and would encourage integration into the upland community of Two Bridges. The proposed projects would be designed to provide increased resiliency to the potential flooding and sea level rise conditions projected through the 2050s, and the design would be adaptive such that enhancements could be implemented in the future to further protect uses up to the potential flooding elevations at the end of the century.

Comment 2-6:

The analysis of Waterfront Revitalization Policies in the DEIS is insufficient and inaccurate. The DEIS does not disclose the projects' proposed resiliency measures' effects on the surrounding area, nor does it address climate change or sea level rise. The proposed measures are not necessarily consistent with Policy 6, and could move flood waters to other areas that are less protected and have structures less resilient than the proposed project. (CB3_001)

Response 2-6:

The FEIS will include a qualitative evaluation of the potential for the proposed resiliency measures to affect adjacent properties. Climate change and sea level rise were addressed in Chapter 16, "Greenhouse Gas Emissions and Climate Change," Section C, "Resilience to Climate Change" of the DEIS, which evaluated the effect of climate change and sea level rise on the proposed projects. This chapter concluded that the new construction for the proposed projects would be designed to provide flood resilience to the potential conditions projected through the 2050s, and the designs would be adaptive such that enhancements could be implemented in the future to further protect uses up to the potential flooding conditions projected for the end of the century if necessary, based on future adjustments to end-of-century potential flood elevations

estimates. An evaluation of the potential for the proposed resiliency measures to affect adjacent properties has been included in the FEIS.

Comment 2-7: The DEIS does not identify a proactive measure that would encourage and support recreational education and commercial boating; the project is not consistent with Policy 3.2, and is not applicable. The DEIS does not identify how the proposed projects would incorporate public access to the waterfront (Policy 8.2). (CB3_001, TUFF-LES_006, Hanhardt_118)

Response 2-7: The project sites are separated from the waterfront by the FDR Drive. As such, the proposed projects do not include waterfront elements that can support recreational and commercial boating (Policy 3.2) or public access (Policy 8.2). Nevertheless, Chapter 2, “Land Use, Zoning, and Public Policy,” of the DEIS discussed the consistency of the proposed projects with Policy 3.2 of the Waterfront Revitalization Program. As stated in Chapter 2, “The project sites are located adjacent to a Priority Marine Activity Zone that extends along the waterfront edge of Piers 35, 36, and 42 located roughly between Jefferson Street and the western edge of East River Park. The proposed projects would be located upland and separated from the waterfront by the FDR Drive and would not interfere with commercial boat operations or operations of other marine vessels. The proposed projects would not be developed in a way that would be incompatible with maritime use of the waterfront. As the proposed projects would be adjacent to a Priority Marine Activity Zone, but not in conflict with the Priority Marine Activity Zone or use of the waterfront, the proposed projects are consistent with this policy.”

EIS Chapter 2, “Land Use, Zoning, and Public Policy,” also addresses consistency of the proposed projects with Policy 8.2: “The proposed projects are located within proximity to a Priority Marine Activity Zone that extends along the waterfront edge of Piers 35, 36, and 42, located roughly between Jefferson Street and the western edge of East River Park. The proposed projects are directly west of the East River Greenway and Esplanade, a separated pathway (two-way bikeway and walkway) along the FDR Drive. In addition, the project sites are within walking distance to East River Park, an open space resource, which provides access to the waterfront. Development of the proposed projects would not hinder or discourage access to the Priority Marine Activity Zone, which includes the East River Greenway and Esplanade and East River Park. For these reasons, the proposed projects would not hinder access to the waterfront and are consistent with this policy.”

- Comment 2-8:** It is unclear how the conclusion in Policy 1.3 is supported. The DEIS states “with the appropriate mitigation measures in place, it is assumed that public facilities and infrastructure would be adequate in the future With Action condition.” (TUFF-LES_006)
- Response 2-8:** Policy 1.3 “Encourage[s] redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed.” The proposed projects would be built where infrastructure such as sanitary sewer and water supply have capacity to support the projects; however, as per the *CEQR Technical Manual*, the proposed projects have the potential to result in significant adverse impacts to elementary schools, publicly funded child care facilities, open space, shadows, traffic, transit (subway station), pedestrians, and construction-period transportation and construction-period noise. EIS Chapter 21, “Mitigation,” discusses the significant adverse impacts that would result in the future With Action condition and measures to mitigate these impacts to ensure that the infrastructure and public facilities are operational and fully cover the needs of the future population in the study area.
- Comment 2-9:** The response to Policy 1.5 is non responsive. The narrative does not mention climate change or sea-level rise; it focuses only on floodplains. The non-structural and structural elements to provide protection against flooding on the project sites in the future are not necessarily consistent with Policy 6, which requires that projects “minimize loss of life, structures, infrastructure, and natural resources caused by flooding.” The resiliency measures proposed may protect the project, but may be doing so by moving flood waters from this area to other areas that are both less protected and which have structures that are less resilient than those proposed. (TUFF-LES_006, TUFF-LES_020)
- Response 2-9:** EIS Chapter 2, “Land Use, Zoning, and Public Policy,” addresses Policy 1.5 and incorporates the response to Policy 6.2 by reference. The response to Policy 6.2 discusses how projections of climate change and sea level rise will inform the planning and design of the proposed projects. A qualitative evaluation of the potential for the proposed resiliency measures to affect adjacent properties has been added to this chapter of the FEIS.
- Comment 2-10:** The DEIS does not explain how the proposed actions will address and minimize the potential for losses from flooding and coastal hazards in the surrounding area (Policy 6.1). (CB3_001, TUFF-LES_006, Hanhardt_118)

Response 2-10: As described in Chapter 2, “Land Use, Zoning, and Public Policy,” under “Consistency of Proposed Projects with the Waterfront Revitalization Program Policies,” and Chapter 16, “Greenhouse Gas Emissions and Climate Change,” under “Resilience of the Proposed Projects to Climate Change,” the new construction for the proposed projects would be designed to provide flood resilience to the potential conditions projected through the 2050s, and the designs would be adaptive such that enhancements could be implemented in the future to further protect uses up to the potential flooding conditions projected for the end of the century, if necessary, based on future adjustments to end-of-century potential flood elevations estimates. This would include protecting all critical infrastructure up to potential flood conditions projected out to the year 2100, elevating all residential units above those levels, and designing non-critical uses located below the potential flood elevations projected for 2050 to either be protected from flood waters via stand-alone deployable barriers or to flood and quickly recover from severe flooding events. Nothing in the projects’ designs would structurally or otherwise preclude the introduction, at a later date, of additional flood protection measures (such as flood barriers).

As discussed in EIS Chapter 9, “Natural Resources,” under both the “Future Without the Proposed Condition” and the “Future With the Proposed Condition” and Chapter 2, “Land Use, Zoning, and Public Policy,” under “Consistency of Proposed Projects with the Waterfront Revitalization Program Policies,” coastal flooding is controlled by astronomic tides and meteorological forces and is unaffected by occupancy of the floodplain. The proposed projects would not affect the floodplain or result in coastal flooding within or adjacent to the study area. Similarly, the flood resilience measures to address flood risk at the sites of the proposed projects described under “Policy 6” in Chapter 2, “Land Use, Zoning, and Public Policy,” and “Resilience of the Proposed Projects to Climate Change” in Chapter 16, “Greenhouse Gas Emissions and Climate Change,” would not have the potential to increase flood risk to adjacent properties.

Comment 2-11: The DEIS does not explain how the proposed projects would address losses from flooding and coastal hazards in the surrounding area (Policy 6.2[d]). The FEIS must fully study the impact that the proposed projects and its flood mitigation measures will have on the surrounding neighborhood, and if significant impacts are found, a mitigation plan must be developed. (CB3_001, TUFF-LES_006, TUFF-LES_020, Niou_011, Niou_047)

Response 2-11: See response to Comment 2-10. A qualitative evaluation of the potential for the proposed resiliency measures to affect adjacent properties has

been added to the EIS in Chapter 2, “Land Use, Zoning, and Public Policy,” and Chapter 16, “Greenhouse Gas Emissions and Climate Change.”

Comment 2-12: Given the unmitigated significant adverse impacts on community facilities, transportation, and open space, there are not adequate public facilities and infrastructure that currently exist or are planned to be built; therefore, the proposed projects are inconsistent with WRP Policy 1.3. (TUFF-LES_006, Hanhardt_118)

Response 2-12: Policy 1.3 analyzes whether the proposed projects would “encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed.” As stated in EIS Chapter 2, “Land Use, Zoning, and Public Policy,” the proposed projects would be built where infrastructure, such as sanitary sewer and water supply, have capacity to support the projects; however, in accordance with the *CEQR Technical Manual*, the proposed projects have the potential to result in significant adverse impacts to elementary schools, publicly funded child care facilities, open space, shadows, traffic, transit (subway station), pedestrians, and construction-period transportation and construction-period noise. EIS Chapter 21, “Mitigation,” discusses the significant adverse impacts that would result in the future With Action condition and measures to mitigate these impacts to ensure that the infrastructure and public facilities are operational and fully cover the needs of the future population in the study area. The described flood resilience measures would provide for practicable and feasible public facilities and infrastructure in the future With Action condition. Moreover, the proposed projects would introduce new commercial, community facilities, and both new and altered publicly accessible and private open space that would contain new amenities on the project sites. Therefore, the proposed projects are consistent with this policy. Also see response to Comment 2-3.

Comment 2-13: The DEIS should include a discussion of how the proposed building will be consistent with the City’s policy on interbuilding voids, or identify modifications or mitigation to ensure consistency with the policy. An analysis of how the proposed project building on Site 4 (4A/4B) would address Section 28-103.8 of the Building Code should be provided. (CB3_001, TUFF-LES_006)

The Fire Department of the City of New York (FDNY) has serious concerns about interbuilding voids, and its potential to hinder efforts of firefighters in during emergency situations. The DEIS does not analyze

how this building would address the concerns FDNY has outlined as policy including concerns in case of fire. (AALD_120, LESON_124)

Response 2-13: Public Policy analysis under CEQR considers officially adopted and promulgated public policies, including formal plans or published reports. The City is at this time in the early stages of developing a zoning policy regarding “interbuilding voids.”

Comment 2-14: The DEIS is insufficient because the time between the close of the public scoping period and the issuance of the DEIS was more than 12 months, and therefore limited the opportunity to incorporate any new policies into the scope. The analysis of applicable public policies presented in the DEIS is insufficient. (CB3_001, TUFF-LES_006)

Response 2-14: In accordance with the *CEQR Technical Manual*, officially adopted and promulgated public policies describe the intended use applicable to an area or particular site(s) in the City. The DEIS Public Policy analysis considers relevant public policies which were officially adopted and promulgated as of the date that the DEIS was completed. Chapter 2, “Land Use, Zoning, and Public Policy,” of the FEIS includes analyses of additional policies not previously described in the DEIS; see also responses to Comments 2-7, 2-8, 2-9, and 2-10.

Comment 2-15: The DEIS states that the C6-4 zoning is typically mapped in central locations that are well served by mass transit. The location of the proposed developments is neither central nor well served by mass transit (with only one proximate overused subway station). Thus, the LSRD regulations and findings to determine the parameters of appropriate development should supercede the C6-4 zoning regulations that govern the proposed development sites. (TUFF-LES_020, Hanhardt_031, Baron_119)

Response 2-15: Comment noted. The project sites are served by subway and bus service, including the F line at the East Broadway station and the M9, M15, and M15 Select Bus Service, as described in EIS Chapter 14, “Transportation.” The City Planning Commission must make the referenced LSRD findings in order to waive or modify the underlying zoning requirements pursuant to an authorization or special permit. An approved LSRD site plan then supplements, but does not supersede, the underlying zoning. The proposed projects would modify the LSRD site plan in a manner that is consistent with the underlying zoning and do not require new authorizations or special permits. Therefore, the proposed projects may be approved as described in responses to Comments 1-1 and 1-5, above.

Comment 2-16: The DEIS does not explain how in relationship to Policy 9, the “development of the proposed projects would not obstruct prominent views to the waterfront and East River...” (TUFF-LES_006)

Response 2-16: As described in EIS Chapter 2, “Land Use, Zoning, and Public Policy,” the development of the proposed projects would not obstruct prominent views to the waterfront and the East River but would be consistent with the context of the waterfront’s new and active uses nearby. Views on north-south streets in the study area near the project sites would continue to include southward views toward the East River. As in existing conditions, however, these views would continue to be limited by the elevated FDR Drive. Views closer to the East River, including east-west views on South Street and areas near the FDR Drive would continue to include the East River.

Comment 2-17: Shuang Wen School is P.S. 184, not P.S. 104 as stated in the text on page 2.5 of the DEIS. Playgrounds at P.S. 2 and P.S. 184 are not adequately represented in the DEIS Appendix of No Build Projects Anticipated to be Complete by 2021. (TUFF-LES_006)

Response 2-17: The playground at P.S. 184 is included as No. 4 in the No Build list. The playground at P.S. 2 is not included since it is not publicly accessible and any projects anticipated would be completed outside the Two Bridges 2021 build year.

SOCIOECONOMIC CONDITIONS

Comment 3-1: The DEIS determination of no significant impact to indirect business displacement is inaccurate. The changing demographics in the study area could have a significant impact on local retail because residents in new market rate units would have significantly higher incomes than current residents in the study area. The analysis should be revised and mitigation measures should be identified. (CB3_001, Moskowitz_009, Servin_185, Derosia_180, Burke_184, Benitez_029, Benitez_086, Benitez_150, Neff_108, Niou_011, Niou_047, Wang_065, Pena_098, Pena_248, Porteous-Fall_236, Yap_237, Kondik_238, Wei_241, Aa_244)

Response 3-1: Chapter 3, “Socioeconomic Conditions,” of the EIS includes an assessment of the potential for indirect business displacement due to increases in rent. The assessment finds that the proposed projects would not result in significant adverse impacts due to indirect business displacement. The study area has well-established residential and retail markets such that the Proposed Actions would not add a new economic activity or add to a concentration of a particular sector of the local

economy enough to significantly alter or accelerate existing economic patterns.

The proposed projects' commercial uses would not be of a scale that could alter or accelerate study area trends. According to the *CEQR Technical Manual*, commercial development of 200,000 square feet or less would typically not result in significant socioeconomic impacts. Commercial uses resulting from the proposed projects only include retail uses. In terms of retail uses, there currently exists 13,660 gsf of retail floor area on the project sites and approximately 1.8 million gsf of retail floor area in the study area. The proposed projects would add an increment of 10,858 gsf of retail space. It is the applicants' intent that the additional retail space would enhance the streetscape and pedestrian environment, as well as strengthen local retail opportunities.

As compared to its commercial uses, the proposed projects' population would have a greater potential to influence retail trends in the study area. New residents' average income would be greater than the average income of current residents, and they would represent a sizeable portion of the study area's residential consumer base (the proposed projects' population would represent approximately 8.6 percent of the overall study area population by 2021). However, the study area overall, including areas closer to the project sites, are expected to see demographic change in the future without the projects, as market-rate units planned for the area will bring higher-income residents. Recent and planned developments include 815 market-rate condominiums at One Manhattan Square, located adjacent to Site 4; 50 Clinton Street, a 37-unit condominium building; 50 Norfolk Street, a 488-unit mixed-use building; 136 Baxter Street, an 11-unit luxury condominium building; and 123 Baxter Street, a 23-unit boutique, full-service condominium building. Planned projects and the proposed projects would contribute to this trend, which in turn could lead to additional displacement of some retail uses.

The *CEQR Technical Manual* specifies consideration of the following in determining the potential for significant adverse business displacement impacts: (1) whether potentially displaced businesses provide products or services essential to the local economy that would no longer be available to local residents or businesses; and (2) whether adopted public plans call for preservation of such businesses in the area. Stores that were identified as most vulnerable to indirect displacement do not meet these criteria. In addition, storefronts that are vacated due to indirect displacement would not remain vacant; they would turn over to other retail or community facility uses that could better capitalize on the market. The proposed projects would generate additional local demand for neighborhood retail and services necessary to maintain a strong retail presence along the

major retail corridors in the study area. The additional population resulting from the proposed projects is not so large as to substantially transform the retail character of the neighborhood. Therefore, the limited indirect business displacement that could result from increased rents would not lead to vacancies and disinvestment within nearby commercial strips, would not result in adverse changes to neighborhood character, and would not result in significant adverse socioeconomic impacts. See also the response to Comment 3-2.

Comment 3-2: Chinese (Small Businesses) businesses are particularly vulnerable to displacement. (CB3_001, Wolf_159, CAAAV_116, CAAAV_231, Catalano_203)

The DEIS fails to consider the two-way relationship between residents and commercial businesses in an ethnically and culturally specific community such as Two Bridges and Chinatown. As such, its analyses of both indirect residential and indirect commercial displacement are inadequate. (CAAAV_116, CAAAV_231) Concerns about cultural displacement. (Cahill_199)

Response 3-2: Race and ethnicity are not considered as part of a CEQR analysis of indirect business displacement. Based on *CEQR Technical Manual* guidelines, the assessment considers whether the proposed projects may introduce trends that make it difficult for businesses meeting the following criteria to remain in the area: if the businesses provide products or services essential to the local economy that would no longer be available in the “trade area” to local residents or businesses; or businesses that are the subject of regulations or publicly adopted plans to preserve, enhance, or otherwise protect them. Although some retail stores may be indirectly displaced, their displacement would not constitute a significant adverse environmental impact under CEQR because stores most vulnerable to indirect displacement would not meet these criteria.

Existing study area retail establishments most vulnerable to indirect displacement would be those in the immediate vicinity of the project sites, where property values and rents could increase due to increased pedestrian activity and consumer incomes. While these retail establishments could potentially benefit from the increase in activity, stores that struggle to produce sales growth proportionate to rent increases would still be vulnerable to displacement. Convenience stores and other retailers that cater primarily to a low- and moderate-income customer base may be less likely to capture spending dollars from the more affluent households introduced by the proposed projects. However, there currently exists in the study area a substantial number of low- to moderate-income residents who contribute to the demand for goods at a

range of price points within the neighborhood. Further, the proposed projects would add up to 694 DUs of permanently affordable housing, including low- and moderate-income residents who would contribute to the existing demand for goods and services at a range of price points. This could help to maintain neighborhood affordability and the overall consumer demand in the area at lower price points. While some additional retail stores might open that cater to households with higher incomes, with the proposed projects, there would continue to be a wide variety of household incomes, and over the long term, the permanently affordable housing could serve to maintain neighborhood affordability and preserve a mix of retail use types and price points in the study area.

Comment 3-3:

The definition of “vulnerable population” outlined in the *CEQR Technical Manual* limits the analysis to “privately held units unprotected by rent control, rent stabilization, or other government regulations restricting rent,” while excluding analysis of the market pressures on rent regulated units. The DEIS states that 88 percent of rental units in the study area are located in buildings that have received some form of government subsidy or have at least one unit protected by rent control, rent stabilization, or other government regulations; this by no means indicates that 88 percent of all rental units in the study are protected—merely that they are located in a building where at least one unit is rent protected, yet the DEIS proceeds with this faulty assumption and excludes all residents of these buildings from consideration as a vulnerable population. The vulnerable population is underestimated in the analysis, and market pressures, tenant harassment, and evictions are not properly accounted for in the analysis. (CB3_001, CB3_013, MAS_002, CAAAV_116, CAAAV_231,, AALD_120, LESON_124, Niou_011, Niou_047, Wang_065, Gaeza_073, Mock_028, Walters_110, S_234)

The data regarding renter-occupied units (approximately 5,569 units) in buildings containing one or more units are not all rent protected units. The Furman Center (the reference used for this citation) does not go into further depth on this. A closer building-by-building or unit-by-unit analysis is required to substantiate the claim that the “vast majority” of renters are living within protected units. Without this analysis, referring to these buildings and units as “rent-protected” is meaningless. (Walters_023, Litvak_136, Walters_075, Walters_109, Walters_110)

Response 3-3:

EIS Chapter 3, “Socioeconomic Conditions,” includes an assessment of potential indirect residential displacement due to increased rents. Consistent with *CEQR Technical Manual* guidelines, the assessment focuses on the potential impacts that may be experienced by renters living in privately held units unprotected by rent control, rent stabilization, or other government regulations restricting rents, and whose incomes or

poverty status indicate that they may not support substantial rent increases. Residents who are homeowners, or who are renters living in rent-restricted units would not be vulnerable to rent pressures. As noted in the *CEQR Technical Manual*, residential tenants are afforded protection against displacement through state rent regulations, regulations guiding the conversion of rental units to co-operatives or condominiums, and provisions against the harassment of tenants. Despite the protection afforded tenants under rent control and rent stabilization, tenants can be forced out of their apartments through illegal activities, such as harassment by landlords. Both the New York City Department of Housing, Preservation and Development (HPD) and DHCR administer measures against harassment that, in the more severe cases, provide very strong penalties for persons found guilty of harassment and illegal eviction. The CEQR analysis assumes that these and other planned measures and programs to prevent tenant harassment will be successful.

Based on the most current available data, the FEIS provides updated estimates of the percentage of rental units in the study area that are located in buildings that have received some form of government subsidy or have at least one unit protected by rent control, rent stabilization, or other government regulations. As set forth in the FEIS, approximately 83 percent of units within the ½-mile study area are within buildings that are subject to some form of rent protection for residents. These include units in NYCHA buildings and units in buildings with units protected by rent control, rent stabilization or other forms of governmental regulations limiting rent increases. A large proportion (59 percent of study area rental units) are located in buildings that ensure rent protections for all residents through long-term regulatory agreements or NYCHA ownership, and that are not subject to legal deregulation. Another 24 percent are within rent stabilized or rent controlled buildings that are not in a subsidy program or governed by an additional regulatory agreement. Individual units within these rent stabilized or rent controlled buildings can through legal means become deregulated. For example, if a rent controlled unit is a building with fewer than six units becomes vacant, it is generally removed from regulation. A rent stabilized unit can be deregulated if the legal rent exceeds \$2,773.75 following a vacancy. Given market-rate rents that exist in the study area, in the future with or without the proposed projects many vacated units in rent stabilized buildings could achieve a rent exceeding this threshold. Although there is no available data that can be used to accurately identify if units within non-subsidized rent stabilized and rent controlled buildings have been deregulated, assuming that some number of units have likely been deregulated in the past, the total proportion of units subject to rent protections, while less than 83 percent, is nevertheless likely to be well in excess of 59 percent. Given

current market-rate rent levels in the study area it is assumed that a vast majority of low- and moderate-income households in the study area live in housing that is protected by rent control, rent stabilization, or other government regulations limiting rent increases.

While the proposed projects would add new population, which, in the aggregate, would have a higher average household income than the average household income in the study area, the proposed projects are not anticipated to introduce or accelerate the existing trend of changing socioeconomic conditions, as defined by the *CEQR Technical Manual*. There is already a readily observable trend toward higher incomes and new market-rate residential development in the study area. The average monthly asking rent (lowest 10th percentile) for non-rent-protected units in the study area currently ranges from approximately \$1,900 for a studio unit to \$3,300 for a three-bedroom unit; these rents are generally not affordable to low- and moderate-income households. Therefore, the population living in units in buildings that are no longer rent stabilized are not likely a distressed population. CEQR considers if an action will potentially impact a low and moderate income population with risk of secondary displacement. Market-rate apartment rents are already high, and therefore likely occupied by a population of financial means. This is not a population at risk of displacement, because higher income families and individuals have options. The focus of a secondary residential displacement analysis is low and moderate families who live in housing units which are not subject to limitations on rent. The analysis found few such units exist in the study area.

The proposed projects are expected to introduce a higher percentage of affordable housing than is expected from planned development projects in the future No Action condition, which are primarily market-rate. In this respect, the proposed projects would serve to maintain a study area housing stock that is affordable to households with a wider range of incomes as compared to the No Action condition, in which projects are expected to continue the trend towards market-rate development and rising residential rents in the study area.

Comment 3-4:

The DEIS analysis of indirect residential displacement is inadequate, and should consider vulnerable populations including rent-regulated tenants, as well as an account of government-subsidized buildings that are nearing the end of their regulated term agreements, and consideration of the effect of proposed federal budget cuts on regulated housing stock. Detailed mitigation measures should be identified. (CB3_001, Chin_038, Chin_115, CTU_117, Tang_201, Niou_011, Niou_047, Wang_065, Walters_075, Benitez_029, Benitez_086, Benitez_150, Pena_098, Pena_248, Stetzer_040, Velazquez_010, Kazi_025, Kazi_061,

Walters_109, Walters_110, Porteous-Fall_236, Yap_237, Kondik_238, Wei_241, Aa_244)

Response 3-4: The assessment of indirect residential displacement in the DEIS follows *CEQR Technical Manual* guidance. According to the *CEQR Technical Manual*, the populations that are vulnerable to indirect residential displacement are renters living in privately held units unprotected by rent control, rent stabilization, or other government regulations that limit rents, whose incomes or poverty status indicate that they could not support substantial rent increases. See the response to Comment 3-3.

Comment 3-5: A meaningful analysis of indirect residential displacement should be performed and mitigation measures should be identified. The proposed projects would result in indirect residential displacement. People will be priced out of the neighborhood and hundreds of affordable units will be lost forever in the nearby area. The limited number of rent regulated apartments at rental levels that far exceed real affordability for the majority of area residents would not mitigate the indirect residential displacement. (CB3_001, GOLES_004, Moskowitz_009, Avila-Goldman_182, Kitnick_003, Yin_146, MAS_002, Taylor_220, Linn_214, Jolly_112, Neff_108, Niou_011, Niou_047, Morales_068, Walters_075, Georgis_080, Rodriguez_090, Jabul_103, Stetzer_040, Pieris_016, Mock_028, Walters_109)

Response 3-5: As noted in the DEIS, the projects' levels of affordability have not been finalized. Affordability requirements serve a range of incomes, from extremely low to moderate and middle incomes, as well as seniors, special needs, and formerly homeless. HPD issued updated term sheets in 2017 that reach deeper levels of affordability in all projects, serving a wide range of incomes that meet the underlying goals of the housing plan. It is expected that the applicants and HPD, as a supporting and regulatory agency, would at a later date establish levels of affordability for the proposed projects that meet the needs of the neighborhood in coordination with the applicants. The affordability requirements would be defined and ensured through regulatory agreements with City or State agencies or comparable binding mechanisms. Please also see the responses to Comments 3-3 and 3-4, above.

Comment 3-6: The DEIS does not consider the implications of the increase in market-rate housing as it relates to the desirability of building on the soft sites in the CWG plan within the larger 0.5-mile area. (Hanhardt_118)

The DEIS should consider how introducing 6,000-7,000 new residents will induce the addition or new construction of additional retail and other services. (Hanhardt_031, Hanhardt_118)

Response 3-6: Chapter 3, “Socioeconomic Conditions,” of the DEIS assessed the potential for the proposed projects to affect residential and commercial market conditions in a half-mile socioeconomic study area. The analysis found that the study area already has well-established residential and retail markets such that the proposed projects would not be introducing new economic activities to the project sites or to the study area. The proposed projects would not introduce or accelerate the existing trend of changing socioeconomic conditions. There is already a readily observable trend toward higher incomes and new market-rate residential development in the study area. The proposed projects are expected to introduce a higher percentage of affordable housing than is expected from planned development projects in the future No Action condition, which are primarily market-rate. In this respect, the proposed projects would serve to maintain a study area housing stock that is affordable to households with a wider range of incomes as compared to the No Action condition, in which projects are expected to continue the trend towards market-rate development and rising residential rents in the study area.

Comment 3-7: The Stop 1 Food Market would be temporarily displaced with the proposed projects. The DEIS did not address the projects’ indirect displacement impacts. (TUFF-LES_006, TUFF-LES_020)

Response 3-7: Chapter 3, “Socioeconomic Conditions,” of the DEIS assessed the potential effects of the temporary displacement of Stop 1 Food Market, and found that its temporary displacement would not result in a significant adverse impact. The Site 5 applicant is committed to working with Stop 1 Food Market to remain in operation during construction, if determined to be feasible, and to provide an opportunity for the business to re-tenant the building when the new space is ready for occupancy. However, even if Stop 1 Food Market did not re-tenant the space, its displacement would not constitute a significant adverse socioeconomic impact as defined under CEQR. The potential loss of employment (approximately 10 workers) falls well below the 100-employee CEQR threshold for assessment, and in this respect, its potential displacement would not alter the socioeconomic character of the neighborhood. In addition, while the Stop 1 Food Market is a convenient source of goods for residents of the study area and the project sites in particular, its products and services are not unique to the study area; alternative sources of similar products and services are available within close proximity. Finally, there are no regulations or publicly adopted plans aimed at preserving a market of this size (approximately 2,100 gross square feet [gsf]) within the neighborhood. EIS Chapter 3, “Socioeconomic Conditions,” also addresses the proposed projects’ indirect displacement impacts. See also response to Comment G-20.

Comment 3-8: The indirect business displacement analysis should consider services for the linguistically isolated populations in the area. (CB3_001, Niou_011, Niou_047)

Response 3-8: The requested assessment is beyond the scope of the proposed projects' environmental review. Please also see the response to Comment 3-2.

Comment 3-9: The *CEQR Technical Manual* methodology for socioeconomic impacts is flawed and inadequate. The methodology does not effectively approximate the threat of indirect residential displacement because it does: not consider race, ethnicity, or other demographics as part of the existing conditions; not provide enough guidance; exclude already gentrifying neighborhoods from indirect residential displacement analysis; exclude whole categories of housing from the potentially vulnerable/potentially undercounts vulnerable residents. The methodology only requires consideration of income when analyzing study area characteristics; does not require analysis of indirect displacement already in a gentrifying neighborhood; makes unjustified assumptions about rent stabilized residents; assumes tenants in regulated units are safe from displacement; and ignores less than legal loss of rent regulated housing. The analysis must count current residents of multi-unit buildings when considering those likely to be directly displaced by the proposed actions, and account for the acceleration of indirect displacement that the action would bring. It should also include the likely direct business displacement using methods that account for displacement of retail and commercial businesses that serve low-income residents in the study area, and address the cumulative impacts of the proposed actions on indirect business displacement. (TUFF-LES_006, TUFF-LES_020, Moskowitz_009, Avila-Goldman_182, Walters_023, Walters_109, CAAAV_116, CAAAV_231, Tse_228, Litvak_136, Chok_053, Wang_065, Morales_068, Walters_075, Walters_110)

Landlords will use tactics like Individual Apartment Improvements and Major Capital Improvements to increase tenants' rent beyond their means, resulting in stabilized and protected units vulnerable to displacement. (Walters_023, CTU_117, Liang_018, Liang_054, Tse_228, AALD_120, LESON_124, Dia_104, Mock_028, Walters_109)

There is a general consensus that the *CEQR Technical Manual* is outdated and insufficient. Housing market conditions have changed since its last revision, especially with regards to secondary displacement. In light of insufficient information about the potential for displacement, it is critical that the DEIS consider oral and written testimony of impacted community residents. It will tell the story that CEQR is unable to capture. (Baron_119)

Response 3-9: The assessment of indirect residential displacement in the DEIS follows *CEQR Technical Manual* guidance. According to the *CEQR Technical Manual*, the populations that are vulnerable to indirect residential displacement are renters living in privately held units unprotected by rent control, rent stabilization, or other government regulations that limit rents, whose incomes or poverty status indicate that they could not support substantial rent increases. Residents living within rent stabilized buildings that are not in a subsidy program or governed by an additional regulatory agreement (within which individual units could be deregulated through legal means) represent approximately 18 percent of the study area population. An estimated 59 percent of study area rental units are located in buildings that ensure rent protections through long-term regulatory agreements or NYCHA ownership, and that are not subject to legal deregulation. Race and ethnicity are not considered as part of a CEQR analysis, nor does a CEQR analysis assume that tenant harassment would occur, as this activity is illegal.

Comment 3-10: The DEIS does not provide mitigation to protect existing businesses. The DEIS states that the expected additional population generating from the proposed project would not substantially transform the retail character of the neighborhood. This is not true; rising rents will push long-time businesses out of the neighborhood. (Moskowitz_009, Harsanyi_008, Derosia_180, AALD_120, LESON_124)

Response 3-10: The DEIS analysis of indirect business displacement concludes that the proposed actions would not result in significant adverse impacts. For this reason, mitigation measures have not been proposed. Please also see the responses to Comments 3-1, 3-2, and 3-7.

Comment 3-11: Tenants living in private housing, such as rent-regulated units, that is subject to the high pressure real estate market and related gentrification are vulnerable to displacement pressure in many forms—not simply market pressure on rents. Displacement pressure often takes the form of landlord negligence or outright harassment. Examples of these types of actions include frivolous eviction lawsuits, repeated harassment by building management, building negligence, lack of repairs, and buyout pressure. These many forms of displacement pressure have material impacts on tenants beyond just the financial. Indeed, tenants often face mental and physical health issues brought on by poor housing conditions or aggressive harassment. In 2018, the City of New York launched a pilot program to expand the Certificate of No Harassment program across the city, in recognition of the impacts of landlord harassment of rent regulated tenants. However, this pilot is currently limited to several Community Districts across the city and does not include Manhattan

CD3, which covers the study area, or indeed any CD in Lower Manhattan. There are provisions in the pilot program to allow in the inclusion of neighborhoods subject to city-sponsored rezonings, which the study area is not, and certain buildings across the city that have been subject to a full vacate order, participated in AEP, or with prior findings of harassment. The pilot is currently in effect for three years with no established mechanism for expansion. Based on these factors, the CONH pilot cannot be relied upon to mitigate harassment impacts to CD3. (CAA AV_116, CAA AV_231,, Tse_228, Liang_018, Liang_054, Chen_055, Mock_028, Mock_057, P_Chung_042, Echevarria_017, Echevarria_033, Echevarria_099)

Response 3-11: Comment noted. Please see the response to Comment 3-9.

Comment 3-12: We are deeply concerned that because the 700 affordable units are accompanied by over 2,100 units of luxury housing, their development will result in a net loss of affordable housing within the Chinatown and Two Bridges community. The DEIS as it stands dismisses the well-understood vulnerabilities of regulated housing and therefore completely misses an opportunity for a thorough, adequate study of potential impact to the surrounding community. State law is not satisfied by regulations that do not actually require an applicant to capture the impacts SEQR requires be captured; omissions in the *CEQR Technical Manual* are not sufficient cover for agencies to hide from the State law requirement that impacts on the environment must be carefully considered before an action like the one proposed here can be taken. (CAA AV_116, CAA AV_231)

Response 3-12: The proposed projects would introduce up to 694 new permanently affordable units, representing 25 percent of the total dwelling units proposed—a higher percentage than is expected to be built in the study area in the future without the proposed projects (Of the 2,817 DUs planned to be built in the socioeconomic study area by the 2021 analysis year, 465 DUs—approximately 16.5 percent—are known to be affordable units.) The proposed 694 new permanently affordable units also represent the largest number of new affordable units constructed in Manhattan in many decades. Please also see the response to Comment 3-9.

Comment 3-13: The DEIS should evaluate the socioeconomic impact to other Newtown Creek sewer shed areas and neighborhoods whose future development capacity may be curtailed by the proposed projects, should they take up the entirety of the available growth capacity. (Yuen_232, Pena_098, Pena_248)

Response 3-13: As detailed in EIS Chapter 11, “Water and Sewer Infrastructure,” the sanitary sewage generated by the proposed projects would be

approximately one-tenth of one percent (0.12 percent) of the average daily flow at the Newtown Creek Waste Water Treatment Plant (WWTP), and would not result in an exceedance of the plant's permitted capacity. The Newtown WWTP is well below its maximum permitted capacity.

Comment 3-14: It's vital to include a study of the impacts the towers would have on wages, working conditions, and the safety of local workers in the community, because some of the developers have documented track records of hiring irresponsible construction contractors who break the law, exploit workers, and put the health and safety of workers and the public at risk. (Shetler_076)

Response 3-14: Comment noted. EIS Chapter 3, "Socioeconomic Conditions," uses *CEQR Technical Manual* guidance and methodologies to determine the potential for changes in residential and commercial market conditions. Effects on wages, working conditions and the safety of local workers are not anticipated as potentially significant adverse environmental impacts that result from development projects, and therefore, the requested analyses are outside the scope of socioeconomic analyses under CEQR.

COMMUNITY FACILITIES AND SERVICES

Comment 4-1: The community facilities analyses of publicly funded childcare and schools should specifically take into consideration the planned developments La Guardia Houses, Essex Crossing, and 151 Broome Street as part of the No Action condition. (CB3_001, Niou_011, Niou_047, Struthers_043)

The DEIS does not include the projected residential units in the larger study area. One Manhattan Square will include 815 units, the NYCHA NextGen development at LaGuardia Houses will contain over 300 units, Essex Crossing will include 1,000 units, and the Grand Street Guild will include 400 new affordable units (including 150 senior units) at 151 Broome Street. The community facilities analysis should be revised to include these developments, including developments that are currently in construction or would be completed beyond 2021. The DEIS should include assessments of health care facilities (including outpatient and skilled nursing care facilities, emergency care, and centers and services for the elderly), fire protection, and police protection, accounting for all projected residential units in the larger study area. The EIS should also include an assessment of the projects' effects on social services and culturally accessible programs, even though these are not included in the *CEQR Technical Manual*. (TUFF-LES_006, TUFF-LES_020,

Moskowitz_009, Avila-Goldman_182, Niou_011, Niou_047, Maloy_062)

Response 4-1:

In accordance with the *CEQR Technical Manual*, the analyses of publicly funded childcare takes into account all publicly funded child care services eligible affordable DUs expected by the proposed projects' build year of 2021, including One Manhattan Square and Essex Crossing. The NextGen Neighborhoods NYCHA and Grand Street Guild projects are undefined regarding the overall development timeline and are not anticipated to be completed and occupied by the 2021 analysis year. In accordance with the *CEQR Technical Manual*, the DEIS analysis of public schools used the most recent DOE data on school capacity, enrollment, and utilization rates for elementary and intermediate schools in the sub-district study area. Future conditions, including the No Action condition, are based on SCA enrollment projections and data obtained from SCA's Capital Planning Division on the number of new housing units and students expected at the sub-district level. The planned No Action developments are not directly used in the assessment of public schools.

Regarding analyses of healthcare facilities, according to the *CEQR Technical Manual*, a detailed assessment of service delivery is conducted only if a proposed project would affect the physical operations of, or access to and from, a hospital or a public health clinic or where a proposed project would create a sizeable new neighborhood where none existed before. None of these circumstances are applicable to the proposed projects.

Comment 4-2:

The analyses of publicly funded childcare and schools in the DEIS should be revised to conservatively assume that all proposed senior units are family units that generate demand on schools and childcare services. (CB3_001)

Response 4-2:

It is the applicants' intention to provide needed affordable senior housing as part of the proposed projects. As described in the DEIS in Chapter 4, "Community Facilities and Services," the analyses of publicly funded childcare and schools were performed based on 2,575 residential units (accounting for 200 senior units) as well as all 2,775 proposed residential units, for the purposes of presenting a conservative analysis. The conservative scenario in which the 200 permanently affordable units may not be developed exclusively for seniors would result in a significant adverse impact on public elementary schools and publicly funded child care. Chapter 21, "Mitigation," of the DEIS identified required mitigation measures for the With Action condition that conservatively assumes the

2,775 residential units for the scenario's impact on public elementary schools, and publicly funded child care services.

Comment 4-3: The student generation rates in the *CEQR Technical Manual* (community facilities analysis) should be based on the Community District or some other sub-borough geography, not the entire borough of Manhattan. (CB3_001)

Response 4-3: Student generation rates used for the detailed analysis of public schools are based on the multipliers set forth in the *CEQR Technical Manual*, which recommends the use of borough-based multipliers for estimating the number public school students when conducting a detailed analysis of public schools. The multipliers are provided by the New York City School Construction Authority (NYCSCA) and represent the average number of students generated per residential unit. Since the October 17, 2018 Public Hearing, NYCSCA has released updated student multipliers that are at the Community School District (CSD) level. The multipliers were calculated using the latest 5-year estimates from the American Community Survey. For CSD 1, where the project is located, the multipliers are 0.05 for Primary Schools and 0.03 for Intermediate Schools, both of which are lower than the multipliers presented in the *CEQR Technical Manual* and in the EIS analysis; therefore, the conclusions presented in the EIS are more conservative than they would be if the latest data were used.

Comment 4-4: The proposed projects would increase elementary school enrollment in CSD 1, Subdistrict 1 from 90 percent to 111.3 percent, a 22 percent increase, yet no demonstrable mitigation is proposed. Utilization in Community School District 1, as a whole, would increase to 100 percent. (TUFF-LES_006, MAS_002, CPC_105, AALD_120, LESON_124AALD_120, Mak_059, CB3_013, Lawrence_133)

Response 4-4: Given that CSD1 is a "school choice" district and its small geographic size, DCP, in consultation with SCA, determined that a district-wide analysis that includes CSD 1 and Sub-district 1 is appropriate for the public schools analysis. Therefore, although utilization would increase at the sub-district level, the potential for significant impacts is determined based on an analysis of CSD 1 as a whole. As described in Chapter 4, "Community Facilities," in the DEIS, in the scenario that assumes 200 of the permanently affordable units would be for senior housing, the proposed projects would result in an increase of more than five percentage points over the No Action condition, while elementary school utilization would remain just below 100 percent, and therefore would not result in a significant adverse impact. However, in the scenario that

conservatively assumes the 200 permanently affordable units may not be developed exclusively for seniors, the proposed projects would result in a significant adverse impact on public elementary schools in CSD 1 as a whole.

As noted in Chapter 21, “Mitigation,” in the DEIS, possible mitigation measures for this significant adverse impact were to be developed in consultation with the lead agency, DOE, and SCA. Since the issuance of the DEIS, it has been determined that as mitigation to the identified elementary schools impact, the Restrictive Declarations for the proposed projects will require the applicants to fund the increase in school seat capacity, if required.

Comment 4-5: The impact on equity and excellence of schools should be evaluated. (CPC_105)

Response 4-5: The DEIS schools analysis follows *CEQR Technical Manual* guidelines for assessing the potential for public elementary, intermediate and high school impacts.

Comment 4-6: The proposed projects would increase utilization at publicly funded child care facilities in the study area from 87 percent in existing conditions to 110 percent, but no specific mitigation measures are proposed to address these impacts. (TUFF-LES_006, MAS_002, AALD_120, LESON_124)

Response 4-6: As described in EIS Chapter 21, “Mitigation,” mitigation measures for this significant adverse impact have been developed in consultation with ACS and will, if required, include the provision of funding to support adding capacity to existing or new facilities or the provision of a new child care facility within the project sites. The Restrictive Declarations for the proposed projects will require the applicants to implement the required mitigation measures.

Comment 4-7: The EIS should provide an assessment of underutilized schools, which are in danger of losing funding, as requested by TUFF-LES and GOLES in the Draft Scope of Work comments. (TUFF-LES_006)

Response 4-7: The schools analysis in the DEIS followed *CEQR Technical Manual* methodology to consider potential impacts to public schools. Per *CEQR Technical Manual* guidance, the DEIS considered enrollment, capacity, and utilization based on current data and projections from SCA. The public school analysis considered both CSD 1 and the sub-district in which the proposed projects are located.

Comment 4-8: The community facilities analysis should be revised to account for the most current and accurate data available, including the most current American Community Survey data; the most recent school enrollment data (2017–2018 data for the subdistrict); assess the utilization based on subdistrict rather than district level. The analysis should also be revised to eliminate the senior units. Neighborhood schools are already overcrowded; the analysis methodology is flawed. Detailed mitigation measures should be provided for overutilization in the subdistrict. The square footage available is not enough for SCA standards. (CB3_001, GOLES_004, TUFF-LES_020, Liang_018, Liang_054)

Response 4-8: In accordance with the *CEQR Technical Manual*, this analysis uses the most recent New York City Department of Education (DOE) data on school capacity, enrollment, and utilization rates for elementary and intermediate schools in the sub-district study area and New York City School Construction Authority (SCA) projections of future enrollment. Specifically, the existing conditions analysis uses data provided in the DOE’s *Utilization Profiles: Enrollment/Capacity/Utilization, 2016–2017* edition.

As described in EIS Chapter 4, “Community Facilities,” there is no zoned elementary school for the project sites; the school district has a school choice program, which allows students to apply to any elementary or middle school within CSD 1. Therefore, given that it is a “school choice” district and because of the district’s small geographic size, a district-wide analysis that includes CSD 1 and Sub-district 1 is appropriate for the public schools analysis, and the potential for significant impacts is determined based on an analysis of CSD 1 as a whole, to appropriately reflect actual enrollment policies. It is the applicants’ intention to provide needed affordable senior housing as part of the proposed projects. However, for the purposes of a conservative analysis, the EIS also considers a scenario in which these units would not be exclusively for seniors, and are analyzed as affordable family units. Possible mitigation measures for potential school impacts are discussed in EIS Chapter 21, “Mitigation.” Also, see also responses to Comments 4-2 and 4-4 above.

Comment 4-9: The *CEQR Technical Manual*’s methodology for calculating the number of school seats generated by a new residential unit is flawed. It obfuscates the demographic realities of the neighborhood. Unit sizes should be considered. The FEIS should update the numbers to reflect more current conditions, not using generation rates from the 2000 Census; the numbers can be developed by Community District or other sub-borough level to reflect neighborhood conditions. Multipliers from the American Community Survey sub-borough area should be used, along with the 2017–2018 school enrollment data. Overutilization in the subdistrict,

rather than the district-wide level should be assessed, and meaningful mitigation measures should be provided. (TUFF-LES_006, CB3_001, Struthers_043)

Response 4-9: See response to Comment 4-7.

Comment 4-10: The combined development of the project sites and other developments in the study area could result in significant adverse impacts on public libraries. (TUFF-LES_006, TUFF-LES_020)

Response 4-10: The public libraries assessment in the DEIS was based on *CEQR Technical Manual* guidelines. As discussed in Chapter 4, “Community Facilities,” in the DEIS, for the libraries within the study area (Seward Park Library, Chatham Square Library, and Hamilton Fish Park Library), the population increases attributable to the proposed projects are below the five percent threshold cited in the *CEQR Technical Manual*. Therefore, the proposed projects would not result in a noticeable change in the delivery of library services.

Comment 4-11: The DEIS did not address concerns about how the proposed project would change the socioeconomic makeup of schools due to the presence of luxury condominiums. Even if the children of these more affluent families decide to attend private or non-local schools, their income would affect funding for low-income students through programs like Title I. (AALD_120, LESON_124, Pena_098, Pena_248)

Response 4-11: The schools analysis in the DEIS followed *CEQR Technical Manual* methodology to consider potential impacts to public schools. Per *CEQR Technical Manual* guidance, the DEIS considered enrollment, capacity, and utilization based on current data and projections from SCA. The public school analysis considered both CSD 1 and the sub-district in which the proposed projects are located.

Comment 4-12: In Chapter 4, Page 17, the Table 4-10 is flawed because it omits a very important child care facility in the immediate LSRD area – Hamilton Madison House (also known as Clara Fox Head Start) at 82 Rutgers Slip houses three different child care programs under that space. (TUFF-LES_020)

Response 4-12: The Hamilton Madison House facility is accounted for in the child care analysis in DEIS Chapter 4, “Community Facilities and Services.” The Hamilton Madison House facility has two addresses—253 South Street and 82 Rutgers Slip. It is identified in Table 4-10 (Map No. 16) as 253 South Street, which is the address used for this child care facility in the

ACS data set. Table 4-10 has been revised for the FEIS to include both addresses for the Hamilton Madison House facility.

OPEN SPACE

Comment 5-1: The proposed development would overburden existing open space and offers no new open space to address the demand expected from the approximate 6,000 new residents. According to the DEIS, the proposed development would decrease the open space ratio—which is a measure of acres of open space per 1,000 residents—by over 7 percent. (MAS_002, AALD_120, LESON_124, Niou_011, Niou_047, Zeng_034, Brawer_196)

Response 5-1: As part of the proposed development, the existing private open space on Rutgers Slip would be expanded to 33,550 square feet (0.77 acres and dedicated to public use. Similarly, as mitigation, the existing private open space on Site 4(4A/4B) would be dedicated to public use. In addition, the three projects would fund improvements to three nearby playgrounds—Captain Jacob Joseph, Little Flower, and Coleman which would reconstruct these open spaces with new park features, resulting in up to 3.5 acres of revitalized open space. The improvements to the open spaces were developed in consultation among the applicants, DCP and NYC Parks.

Comment 5-2: The request in the scoping comments that the impacts during construction period on availability, environmental quality, and accessibility of all local open space was not addressed in the DEIS. A community-driven assessment of the uses surrounding open spaces and an analysis of the new open space in relation to surrounding playgrounds requested during scoping were not answered or addressed in the DEIS. An analysis of impacts during construction on the availability and accessibility of all local open space within ½-mile (especially the Cherry Clinton Playground) should be addressed. (TUFF-LES_006)

Response 5-2: Responses to comments on the Draft Scope of Work were provided in the Final Scope of Work (FSOW). Responses to comments related to the assessment of open space and playgrounds were provided in responses to Comments 5-1 through 5-9, Comment 6-5, Comment 16-4 and Comment 19-10 in the FSOW. Chapter 5 of the DEIS, “Open Space,” relied on the methodology and guidance presented in the *CEQR Technical Manual*. No construction will take place on the existing public open spaces or the sidewalks adjacent to those open spaces. See also response to Comment 19-6.

Comment 5-3: The DEIS identifies a number of private open spaces and walkway improvements connecting to the waterfront adjacent to Site 5 without identifying if they will be publicly accessible. (CB3_001, TUFF-LES_006, Hanhardt_118)

Response 5-3: All proposed publicly accessible open space has been identified in the FEIS, including in Chapter 1, “Project Description” and Chapter 5, “Open Space” which also includes site plans and illustrative renderings of the proposed publicly accessible open spaces (Figures 5-3, 5-7 and 5-8).

SHADOWS

Comment 6-1: The Greenstreet analysis is deficient in that it identifies “shade-tolerant and hardy plantings” without identifying what those plantings are. The shadows will impact the health of the trees. An inventory and identification of the specific species, including a discussion and analysis of how much sunlight they need compared to sunlight they would receive with the proposed projects, and an evaluation based on this inventory and detailed mitigation should be provided. (CB3_001, TUFF-LES_006, GOLES_004, Avila-Goldman_182)

Response 6-1: Among the sunlight-sensitive resources included in the shadows analysis in the DEIS (Chapter 6, “Shadows”) were two small traffic islands with planted areas and Greenstreets signage, located in the Rutgers Street roadbed on the block between Madison and Cherry Streets. One island is adjacent to the intersection of Madison Street, with a planted area about 300 square feet in size, and the other is adjacent to the intersection of Cherry Street, with a planted area approximately 480 square feet in size. There are no benches or other usable amenities. Each island is bounded by the adjacent crosswalk, the northbound and southbound roadbeds, and the parking lanes that occupy most of the middle of the roadbed between Madison and Cherry Streets.

The DEIS documented the extent and duration of project-generated incremental shadow that would fall on these planted areas, noted that they contained shade-tolerant and hardy plantings in order to thrive in their traffic-island environment, and calculated how much direct sunlight they would receive with and without the proposed project during the growing season months. The DEIS concluded that while during the “shoulders” of the growing season (March 21 and September 21) the additional project-generated shadow (30 minutes on the northern island, an hour and 20 minutes on the southern one) could cause additional stress to the plantings, during the more critical middle of the growing season from May through August, represented by the May 6/August 6 and June 21 analysis days, the islands would receive adequate direct sunlight for the

health of the plantings, i.e., approximately six or more hours each day; therefore, the project would not cause significant adverse impacts to these resources.

On October 25, 2018, the two Rutgers Street planted medians were surveyed by a certified arborist, who identified the tree, shrub and herb species within them and their sunlight requirements. Both contained cockspur hawthorn trees (two in the Cherry Street island, one in the Madison Street island), rose bushes, fragrant sumac, and Russian sage. In addition the Cherry Street island contained bittersweet nightshade, and the Madison Street island contained milkweed and hosta. Rose bushes, Russian sage and milkweed generally require six or more hours of sun, during the growing season to thrive, while the other species present are shade-tolerant, generally requiring a minimum of 3 hours of sun in the growing season.

Solar exposure analysis of the planted areas of the islands on the three analysis days representing the growing season showed the following: on March 21/September 21, the Madison Street island would receive approximately 3 hours 15 minutes of sun without the project, and approximately 2 hours 45 minutes of sun with the project. On the May 6/August 6 and June analysis days, it would not receive any incremental shadow from the project, and would therefore continue to receive a minimum of 7 to 10 hours throughout the critical May through August period. Therefore, the brief 30-minute duration of new shadow on the March 21/September 21 analysis day should not significantly affect the health or survival of the Madison Street island's plantings. Regarding the Cherry Street island, on March 21/September 21 it would receive approximately 4 hours 45 minutes of sun without the project, and approximately 3 hours 30 minutes with the project. On the May 6/August 6 analysis day it would receive approximately 7 or more hours of sun without the project and approximately 6 or more hours with the project. On the June 21 analysis day, it would receive over 7 hours of sun with and without the project. With six or more hours of sunlight throughout the critical May to August period of the growing season, the hour and 20 minutes of incremental shadow on the March 21/September 21 analysis day would not be expected to significantly impact the health of the plantings in the Cherry Street island despite the suboptimal amount of sun for certain species on this analysis day. (The shade-tolerant species would receive three and a half hours of direct sun on this analysis day, which is sufficient for their survival.)

Comment 6-2:

Sunlight will be spare and quality of life will suffer. (Avila-Goldman_182)

Response 6-2: As described in the DEIS and shown in the figures associated with the shadows analysis, shadows move clockwise, or generally west to east, across the landscape over the course of each day and are not permanent or perpetual at any given location. In the spring and fall and particularly in the summer, shadows are short from mid-morning to mid-afternoon. Shadows from the proposed projects as well as existing shadows would move across the area, falling to the west in the morning, north at mid-day and east in the afternoon, and would generally fall on portions of each sun-sensitive resource while leaving other parts in sun as they move, even in winter. The focus of the shadow analysis is the effect of new shadows on use and users of open spaces, on the health of the vegetation in the open spaces, and on the appreciation of sunlight-sensitive historic resources, and significant impacts were identified with regard to the use of two open spaces in the neighborhood.

Comment 6-3: There are significant omissions of many “sunlight sensitive resources” in the analysis. The Two Bridges area contains many New York City parks, but also many additional publicly accessible open spaces that have the potential to be adversely impacted by shadows. The analysis did not consider ballfields, school yards and school playgrounds, including P.S. 2 Yard/Playground, Murry Bertraum Softball Field, Shuang Wen School Yard with Playground, Orchard Collegiate School Yard, a ball court at NYCHA La Guardia Houses, and a tennis courts adjacent to the Cherry Clinton Playground. The shadows analysis should include additional sunlight sensitive resources in the study area: up to eight community gardens, and 33 publicly accessible open spaces. (CB3_001, LESPP_030, LESPP_107, Struthers_043)

Orchard Collegiate School Yard, Murry Bertraum Softball Field, the Tennis Courts at Shuang Weng, Shuang Wen School Yard with Playground, and the P.S. 2 Yard/Playground, along with up to 8 community gardens and 33 publicly accessible open spaces, should be included in the shadows analysis. (TUFF-LES_006)

Significant shadows will be cast on ballfields, schoolyards, playgrounds, and parks where our kids play and elders spend time. (GOLES_004)

The large extents and long duration of the incremental shadows from the proposed projects would significantly affect the user experience in the Lillian D. Wald Playground on the March 21/September 21 analysis day. (LESON_132, LESON_245, AALD_120, LESON_124)

Response 6-3: For the DEIS, the NYC Open Data GIS open space layer referenced in the comment was used, along with other datasets, as a starting point to determine the publicly accessible open spaces in the longest shadow study area. No open space features in this database were omitted from the

initial data compilation effort. With this database as a starting point, study area surveys were conducted to determine the sun-sensitivity and accessibility of each open space resource. This fieldwork was supplemented by desktop research regarding ownership, operation, accessibility of these features. The fieldwork and desktop research were done in coordination with the research conducted for the open space analysis.

Open spaces determined not to be publicly accessible, or not intended for public use were not included in the DEIS analysis. Chapter 7, "Open Space," of the *CEQR Technical Manual* defines public open space as "open space that is accessible to the public on a constant and regular basis, including for designated daily periods...public open space may be under government or private jurisdiction," and private open space as "open space that is not publicly accessible or is available only to limited users and is not available to the public on a regular or constant basis." Regarding the specific locations referred to in the comment: the P.S. 2 schoolyard, Murry Bergtraum Ball Field, and Shuang Wen schoolyard were found not to be accessible during or after school hours during site visits. There are tennis courts within Cherry Clinton Playground, and those were considered part of the playground and assessed for potential shadow impacts along with the handball courts, workout area, seating areas, and trees and plantings in the playground; there are also tennis courts southeast of Cherry Clinton Playground that are part of the Shuang Wen schoolyard, and were not accessible as noted above. There are ball courts in Little Flower Playground, which is in the superblock occupied by the LaGuardia Houses; these courts were considered part of Little Flower Playground and were assessed for potential shadow impacts along with the seating areas, play equipment, and trees and plantings in the playground.

Comment 6-4:

The DEIS does not evaluate shadow impacts on any NYCHA open spaces, and preliminary shadow analyses conducted by both the Municipal Art Society of New York (MAS) and George M. Janes & Associates have identified this significant shortcoming. (CB3_001, LESPP_030)

Although CEQR guidelines do not require that privately owned open space be evaluated for shadow impacts, the FEIS should provide a shadow analysis for Rutgers Park, Rutgers Slip, and all proposed new private open space areas. All private open spaces will have very restricted access to sunlight, severely limiting the public's enjoyment and use of such spaces. CEQR instructs that publicly accessible housing complex grounds should be considered open space; the grounds are open from the

sidewalk and freedom of movement between the neighborhood and the open space is not impeded. (TUFF-LES_006)

Public housing should be considered a sunlight-sensitive resource (even if not specifically identified in the *CEQR Technical Manual*). (Yuen_232)

Response 6-4:

The general grounds of the NYCHA LaGuardia Houses and the NYCHA Rutgers Houses are not considered publicly accessible open space as defined in the Chapter 7, "Open Space" of the *CEQR Technical Manual* in Chapter 5, "Open Space," nor in Chapter 6, "Shadows," of the EIS. However, the entire Little Flower Playground, located within the LaGuardia Houses, was included as it is under the jurisdiction of the Department of Parks and Recreation, and its seating areas, play structure areas and ball courts were analyzed for potential shadow impacts. Similarly, the general grounds of the NYCHA Vladeck Houses and NYCHA Gov. Alfred E. Smith Houses are not considered publicly accessible open space in the DEIS, but the Alfred E. Smith Playground, located in the Alfred E. Smith Houses, was included in the analysis as it is under the jurisdiction of the Department of Parks and Recreation, and Vladeck Park, located within the Vladeck Houses, was also included in the shadows analysis. Private open spaces such as Rutgers Park are not publicly accessible and the *CEQR Technical Manual* explicitly states that they are not considered resources for inclusion in an EIS shadow study. The landscaped grounds of NYCHA developments are considered accessory to the residential use of a NYCHA development. They are not publicly accessible and are intended for the use of NYCHA tenants, not the general public.

Comment 6-5:

The DEIS fails to elaborate on its methodology and give the CPC or residents a way to assess the developer's claims. To evaluate whether effects from the proposed project's shadows would be insignificant, the DEIS must be redone to include metrics by which community members can better assess the effects of light deprivation. These should include a month-by-month breakdown of sunlight availability for areas that are in danger of being affected by shadows from the proposed project. This is important because light varies by season, so deprivation must be understood as a shifting concept of harmfulness.

Response 6-5:

The DEIS followed *CEQR Technical Manual* guidelines and clearly presented the methodology, assumptions, data sources, analysis results and conclusions in its shadow study. The study quantified the extent and duration of incremental shadows on all sunlight-sensitive resources that could potentially be reached by project-generated shadow, and presented the results graphically in 48 figures. Representative dates in each season

were included in order to account for the full range of possible shadows over the course of the year, plus an extra date in the growing season per CEQR guidelines. The study explicitly stated the criteria for determination of impact significance and explained for each sunlight-sensitive resource how the criteria was applied.

Comment 6-6: The DEIS does not consider the impacts on fish and benthic community in the water that will be shaded by the proposed buildings (Policy 4.8). (CB3_001, TUFF-LES_006, Hanhardt_118)

Response 6-6: The areas that receive the longest durations of new shadow would continue to receive many hours of direct sunlight because there are no intervening structures to the south. Fish would have ample areas of the East River available for foraging and to maintain anadromous fish migration. The incremental shadows resulting from the proposed projects would not have a significant effect on fish migration, or movement or spawning in the East River. The portion of the East River in the vicinity of the proposed projects ranges from approximately 15 to 50 feet deep. The average summer Secchi reading (a measure of turbidity) in the Inner Harbor or New York, which the East River is part of, was 3.3 feet. Therefore, light attenuation in the East River, due to depth and turbidity of the water, is already high. Accordingly, incremental shadows resulting from the proposed projects would not have a significant effect on benthic habitat. Incremental shadows from the proposed projects would therefore not significantly affect aquatic resources in these areas of the East River.

Comment 6-7: The DEIS does not evaluate how shadows might result in increased amounts of crime due to lack of light and decreased residential use. (AALD_120, LESON_124)

The DEIS does not address the shadow impacts to transportation and street conditions due to lowered temperatures from lack of sunlight. With the addition of shadows from the proposed project, commuters may endure more dangerous walking and biking conditions during winter months. Lower shadow temperatures could cause ice to freeze more solidly and lead to greater slip-and-fall accidents, cause residents and businesses to spend longer on winter cleanup, and lead to quicker sidewalk deterioration as a result of increased salting. (AALD_120, LESON_124)

Response 6-7: As noted above in the response to Comment 6-2, the DEIS shadow analysis follows CEQR methodology and focuses on the potential effects of new shadows on use and users of publicly accessible open spaces, on the health of the vegetation in the open spaces, and on the appreciation of sunlight-sensitive features of historic resources, and significant impacts

were identified with regard to two open spaces in the neighborhood. Shadows falling on streets and sidewalks are outside the scope of the DEIS. However, as stated earlier, shadows move clockwise and generally west to east throughout the day, falling on different areas at different times of day, and varying in angle and length by season. Shadows in the study area would be typical for dense urban areas, like many neighborhoods in New York City. No effects on levels of criminal activity are expected from the limited shadow impacts caused by this project. Any shading effects on temperature of paved streets and sidewalks would likely be minimal and temporary at any one location as the incremental shadows moved across the landscape over the course of the day.

Comment 6-8: The shadows should be shown in plan view, as shown in the *CEQR Technical Manual*. The FEIS should present images consistent with the standards outlined in the *CEQR Technical Manual*. (TUFF-LES_006)

Response 6-8: The shadows analysis rigorously followed the standards and methodology set forth in the *CEQR Technical Manual*. The graphic material documenting the incremental shadows on each affected resource were presented clearly and according to CEQR standards. Site plans and photos of both resources where significant adverse shadow impacts were identified were presented. Incremental shadow was highlighted in a contrasting color per CEQR guidelines.

Comment 6-9: In all of the shadows figures, the north arrow does not point true north; it should be turned to the east by six degrees. However, the analyses appear to have been rendered correctly. (TUFF-LES_006)

Response 6-9: In some of the shadows figures, the diagram was rotated a bit to maximize the efficiency of the view or align the street grid to the page. In these cases the north arrow, which must point to geographic north, also rotated with the diagram. As the comment notes, the analyses correctly modeled and rendered the shadows.

URBAN DESIGN AND VISUAL RESOURCES

Comment 8-1: The Urban Design and Visual Resources analysis in the DEIS should be revised to include a more detailed analysis, more accurate photo simulations, and consider the impairment of the quality of a viewpoint rather than the complete blockage as an impact threshold. Detailed mitigation strategies should be provided. (CB3_001)

The DEIS should provide more renderings so that views from the existing LSRD buildings and from Brooklyn would not obstruct views of the

Manhattan Bridge and other bridges, the East River, and the Brooklyn waterfront. The illustrative renderings should show the tops of buildings. Three-dimensional renderings should be included to show how views from areas upland of the development sites, existing buildings in the LSRD, and views from Brooklyn are obstructed to prominent features such as the Manhattan Bridges and other Bridges, to the East River and to the Brooklyn Waterfront and other prominent views. (CB3_001, TUFF-LES_006)

Response 8-1:

The Urban Design and Visual Resources analysis follows *CEQR Technical Manual* guidelines for a detailed analysis. As part of the detailed analysis, components that may affect a pedestrian's experience of public space were analyzed using drawings, maps, renderings, and photographs and photographic montages. The drawings and illustrative renderings included in EIS Chapter 8, Urban Design and Visual Resources," provide artistic views of what the spaces would likely look like at the completion of the project; however, these drawings and illustrative renderings are based on plans rather than existing photographs. Photographs and photographic montages are created using recent photographs of the area to show existing pedestrian conditions and views. Massings of the proposed project buildings are inserted into the photographs to give a sense of the changes to scale and to assess the potential of view corridor obstructions. No other alterations are made to the photographs from the existing conditions photograph to the with action photographic montages. Generally, in the DEIS, illustrative renderings of the proposed projects were used to show closer views of the project sites to better show the street-level alterations that would alter the pedestrian experience of the areas immediately adjacent to the project sites. These renderings depict greater details about the material, ground-floor usage, open spaces, and street life. Photomontages and massings were used in the DEIS to depict changes to building scale and context, closer street-level views, and longer contextual view corridors.

When analyzing whether there would be an impact to a visual resource, the Urban Design and Visual Resources analysis follows the guidance of the *CEQR Technical Manual*, which states that "Key considerations in the assessment of the significance of a visual resource impact may include whether the project obstructs important visual resources and whether such obstruction would be permanent, seasonal, or temporary; how many viewers would be affected; whether the view is unique or do similar views exist; or whether the visual resource can be seen from many other locations." Based on CEQR guidance, the proposed projects would not result in a significant adverse impact on important visual resources as they would not permanently eliminate any unique views. Views to visual resources including the East River, the Brooklyn and Manhattan Bridges,

One World Trade Center, Empire State Building, and Chrysler Building would remain available from multiple vantage points throughout the primary and secondary study areas as well as from longer, more distant vantage points from Brooklyn.

Comment 8-2:

The wind study should be provided for review. The identification of comparable locations in the City and the safety and comfort of wind conditions for pedestrians should be disclosed. If significant adverse impacts are found, adequate mitigation measures, including the placement and number of marcescent trees that would be needed and the effectiveness of such mitigation measures should be identified. (CB3_001)

No detailed information about the pedestrian wind study was included in the DEIS. Where are the comparable locations in the City where wind conditions would be similar? Are wind conditions there safe for pedestrians? Pedestrian comfort is not addressed in the EIS. Mitigation measures and their effectiveness should be disclosed. (TUFF-LES_006)

Response 8-2:

The pedestrian wind study was provided in the DEIS as Appendix G. The results of the wind tunnel study indicated that pedestrian wind conditions at the project sites in the With Action condition would be similar to conditions at comparable locations along the waterfront at locations near the East River. There would be up to seven locations in the Two Bridges LSRD where pedestrian-level winds could potentially exceed the safety criterion, and two additional locations that are not on the project sites or within the Two Bridges LSRD where pedestrian-level winds could potentially exceed the safety criterion; exceedances at the measured locations were predicted to occur primarily or entirely during the winter months (November to April). The DEIS identified measures that would be undertaken at each of the project sites to reduce or minimize the effects of wind at ground level. With these measures in place, no significant adverse urban design impacts at the project sites would result from potential pedestrian wind conditions.

Comment 8-3:

The DEIS evaluation of the proposed developments' impacts on urban design and visual resources fails to recognize the scale and proportion of the proposed projects. With towers ranging between 730 and over 1,000 feet tall, and additional bulk that would bring over 2.5 million square feet of floor area, the magnitude of the developments cannot be overstated. (MAS_002, TUFF-LES)

The tallest proposed development (Site 4A/4B) will be over 15 times taller than the median height of existing buildings within the primary area (including One Manhattan Square). There are 370 buildings within the

primary study area (quarter-mile distance). The mean height of these buildings is 67 feet, hundreds of feet shorter than the proposed projects. Within the secondary study area there are 1,414 buildings, these have a mean height of approximately 62 feet. Only 21 buildings in New York City surpass the 800 foot mark, and only one (One Manhattan Square) is within the urban design study area. The DEIS does not evaluate potential impacts of the proposed development on views of the Manhattan Bridge. (MAS_002, TUFF-LES_006, Chaitin_188, Randolph_186, CB_013)

Response 8-3:

Chapter 8, “Urban Design and Visual Resources,” of the DEIS accurately disclosed the scale and massing of the proposed projects and considers the effects of the proposed projects’ scale and massing on the surrounding study area. As disclosed in the DEIS, the proposed buildings would be considerably taller than the existing buildings in the primary study area, with bases with higher lot coverage that would alter the streetwalls along Cherry Street, Clinton Street, South Street, and Rutgers Slip. However, the study area is already developed with a variety of building heights, forms, and massings, with buildings ranging from three-story townhouses and tenements with small footprints and high lot coverage, to 27-story buildings with large footprints and low lot coverage set within landscaped grounds. In addition, a new context for tall buildings in the primary study area is currently being developed, with the construction of the 80-story (819-foot-tall) One Manhattan Square building immediately west of Site 4 (4A/4B).

The urban design and visual resources analysis evaluates changes to views of the Manhattan Bridge from vantage points adjacent to the project sites, from longer distances within the primary study area, and longer views from the Brooklyn waterfront. The analysis also considers changes to views of the Manhattan Bridge expanse over the East River and views to the bridge’s approaches and piers from vantage points within the primary study area.

Comment 8-4:

The developments would affect existing urban design and the pedestrian experience in the neighborhood. (MAS_002, TUFF-LES_006)

Response 8-4:

In accordance with the methodology of *CEQR Technical Manual*, the urban design and visual resources analysis considers changes to the pedestrian experience of urban design in the study areas. The bulk of the massing of the proposed buildings would front onto South Street and the elevated FDR Drive, away from the narrower north-south streets. The new buildings would establish a more consistent streetwall along Cherry and South Streets, with new retail frontage and residential lobbies, replacing a surface parking lot and an undeveloped lot. Changes to landscaping and the Rutgers Slip Open Space and Site 4(4A/4B) open

space would also change the pedestrian experience of the project sites. These changes to the urban design of the project sites would enliven the streetscape near the project sites, contributing to the urban design character of the study area.

Comment 8-5:

The *CEQR Technical Manual* has no requirement for photosimulations, instead requiring “photographic montages” and/or “sketches or renderings for each view.” The DEIS, however, includes many images that appear to be photosimulations, but when closely analyzed, follow no standard and are misleading and confusing. The photosimulations found in the DEIS do not appear to follow best practices to disclose impacts on visual resources. They shows a different aspect ratio, shading, colors of building and sky. A photosimulation should use the exact same base image and it should only show changes in that image that are due to the action. Changes in the image that are not proposed by the action have the potential to mislead the public reviewing the image. Techniques that lessen the perception of building mass should not be used in environmental review. Many of these images alter the base photograph significantly, bringing into question just what the action is. Many of the other images in the DEIS do not alter the underlying photograph and use architectural massing models to describe the proposed building. While not ideal, it is acceptable to show photosimulations using architectural massing models, especially if materials for the proposed actions have not yet been determined. But the representation of the massing must be guided by the principle of showing reasonable worst case visibility conditions. All the figures from 42 through 48 use white for massing models against a white, cloud-filled sky. There’s just no good reason for this choice of colors and it understates the impact on the resource. The FEIS should amend all of these figures so that they better disclose the project’s impacts on visual resources using reasonable worse case assumptions. (TUFF-LES_006)

Response 8-5:

As the commenter notes, the DEIS figures comparing existing/No Action conditions to the future With Action condition utilize both architectural massings imposed on photographs as photographic montages and illustrative renderings prepared that are by project architects. The two are produced by different methods. As described in Response 8-1, photographic montages are created using recent photographs of the area to show existing pedestrian conditions and views. Massings of the proposed project buildings are inserted into the photographs to give a sense of the changes to scale and to assess the potential of view corridor obstructions. The massings of the proposed buildings are typically shown in neutral tones as the purpose of these figures is to illustrate the proposed building’s massing in the context of the existing built environment. The

color used for the massings shown in the FEIS has been adjusted to a darker gray to better contrast the existing built environment. No other alterations are made to the photographs from the existing conditions photograph to the with action photographic montages. Illustrative renderings are intended to match the viewpoints of the existing conditions photographs, but do not utilize existing conditions photographs in their preparation and thus have some differences. Per *CEQR Technical Manual* guidance, details that are shown on illustrative renderings that would not be required as part of the proposed projects are noted as being illustrative on the figures.

Comment 8-6: The DEIS claims that the project will “not eliminate any significant publicly accessible view corridors or completely block public views to any visual resources.” While this may be true, “completely blocking” is not the only standard for assessing impacts in a DEIS. Rather, the DEIS should have studied how the project impairs the quality of the viewpoint, or otherwise significantly impacts public views to visual resources. The FEIS should explain how the “project sites do not have a connection to the urban design of the area west of the approach.” And “therefore, the proposed buildings would not adversely impact the urban design character of the western portion of the primary study area.” Views do not need to be unique to be important. The analysis of impacts minimizes the visual impacts created on views to the bridges stating that you can see these views elsewhere. That’s not an acceptable mitigation program. (TUFF-LES_006)

Response 8-6: The *CEQR Technical Manual* guidance for determining a visual resources impact states that “key considerations in the assessment of the significance of a visual resource impact may include whether the project obstructs important visual resources and whether such obstruction would be permanent, seasonal, or temporary; how many viewers would be affected; whether the view is unique or do similar views exist; or whether the visual resource can be seen from many other locations.” Following the CEQR guidance, the Urban Design and Visual Resources analysis did not identify any significant adverse impacts.

Comment 8-7: The DEIS should list views from upland and Brooklyn as a natural resource. (Hanhardt_118)

Response 8-7: In the *CEQR Technical Manual*, “natural resources” are defined as (1) the City’s biodiversity (plants, wildlife, and other organisms); (2) any aquatic or terrestrial areas capable of providing suitable habitat to sustain the life processes of plants, wildlife, and other organisms; and (3) any areas capable of functioning in support of the ecological systems that

maintain the City's environmental stability. Views from upland and Brooklyn do not meet this definition of natural resources. The proposed projects' potential to affect views from upland and Brooklyn is considered in DEIS Chapter 8, "Urban Design and Visual Resources."

Comment 8-8: The DEIS concludes that "the proposed buildings would be consistent with new development projects in the primary and secondary study areas..."; the proposed project is not generally consistent with or similar to other nearby projects or most of the recent development projects in the primary or secondary study area. The EIS should acknowledge that the proposed projects are consistent with just two of the approximately 40 major construction projects in the study area and virtually none of the existing buildings. (TUFF-LES_006)

Response 8-8: The Urban Design and Visual Resources analysis considers the variety of building heights, forms, and massings from different development periods within a changing urban context, which includes new development. In accordance with CEQR methodology, the analysis considers the future condition of the primary and secondary study areas, which includes No Build development projects, such as 80-story One Manhattan Square and the multi-building Essex Crossing mixed-use development with buildings ranging from 14 to 25 stories that will contain residential, office, and retail use. The analysis therefore considers the future condition of the study area, which includes changing trends in development. As described in EIS Chapter 8, "Urban Design and Visual Resources," the proposed buildings would change the context of the study areas, particularly the primary study area, by replacing underdeveloped sites with structures that are taller than most buildings in the primary and secondary study areas; however, the proposed buildings but would be comparative in height, material, and form to the 80-story building under construction at One Manhattan Square directly west of Site 4 (4A/4B) and the multi-building, mixed-use Essex Crossing development currently under construction.

Comment 8-9: Shuang Wen School is labeled incorrectly in the Urban Design and Visual Resources Chapter. It is P.S. 184. (TUFF-LES_006, TUFF-LES_020)

Response 8-9: The Shuang Wen school number has been corrected in FEIS Chapter 8, "Urban Design and Visual Resources," and in View 27 of Figure 8-16.

NATURAL RESOURCES

Comment 9-1: Details of the buildings' design and confirmation of the applicants' commitment to implementing design features to reduce bird collisions should be provided. (CB3_001, MAS_002)

The DEIS downplays the impacts of the proposed development on bird collisions. The DEIS describes methods that could reduce bird collisions (patterned or frittered glass), but does not indicate that these methods would be implemented or how bird collisions would be reduced by the proposed design or materials, yet the DEIS concludes that there would be no significant impacts to natural resources. (TUFF-LES_006)

Response 9-1: The available details of the proposed buildings' design are presented in the DEIS. As detailed in EIS Chapter 9, "Natural Resources," nighttime bird collisions with the proposed buildings would likely be a rare occurrence and have no significant impact on migratory birds. The potential for daytime collisions at the proposed buildings would depend on the design and glass coverage of the proposed buildings as well as the presence of nearby vegetation. To minimize the potential for daytime bird collisions, design features would be considered, such as the use of patterned or fritted glass on the first two stories of the buildings at locations where trees would be adjacent to the project site buildings.

HAZARDOUS MATERIALS

Comment 10-1: The DEIS should include a Phase II analysis much like the one conducted for the Health Care Chaplaincy EAS. (LandsEnd2RA_137)

Response 10-1: The 2016 *Health Care Chaplaincy EAS* (CEQR No. 12DCP157M) cited a June 2008 Phase II Site Investigation Report. The previously proposed Health Care Chaplaincy project would have been developed on Site 5. As described in EIS Chapter 10, "Hazardous Materials," as part of the environmental review for the Health Care Chaplaincy project, an (E) Designation (E-312) was placed on the property, requiring that prior to any new construction entailing subsurface disturbance, the applicant was required to submit a Phase I Environmental Site Assessment and sampling protocol for any additional subsurface investigation to the New York City Office of Environmental Remediation (OER) for review and approval. A report documenting the subsurface investigation findings along with a Remedial Action Plan (RAP) setting out procedures to be followed prior to, during, and following construction would have been submitted to OER for review and approval, and documentation that the RAP procedures were properly implemented would have been required

by OER before New York City building permits allowing occupancy could be issued.

Similarly, as described on page 10-4 of the EIS, an (E) Designation (E-489) would be placed on each of the three project sites requiring, among other things, that prior to any new construction entailing subsurface disturbance, the applicants would submit to OER, for review and approval, a Phase I ESA and sampling protocol for any additional subsurface investigation. A report documenting the subsurface investigation findings along with a RAP setting out procedures to be followed prior to, during, and following construction (e.g., for soil management, dust control, air monitoring for workers and the community, health and safety, and vapor controls for each new building) is then submitted for OER review and approval. For each project site, documentation that the RAP procedures were properly implemented is required by OER before New York City building permits allowing occupancy can be issued. With the measures required under the (E) Designation, no significant adverse impacts related to hazardous materials would be expected to occur as a result of the proposed projects.

WATER AND SEWER INFRASTRUCTURE

Comment 11-1: The DEIS fails to include the NYS Department of Environmental Conservation as an involved party. Because the City of New York has not complied with multiple provisions of the Clean Water Act, and the Newtown Creek LTCP requirements have been identified and not yet fulfilled, the New York State DEC must be a party to any EIS evaluating major development that could interfere with compliance. (Yuen_232)

The USEPA is an involved party due to significant legal compliance requirements affected by the project under two major statutes, CWA (The Clean Water Act: USEPA Administrative Compliance Order No. CWA-02-2016-3012 for State Pollution Discharge Elimination System permit violations including NY0026204 pertaining to the Newtown Creek Wastewater Treatment Plant) and CERCLA. Comprehensive Environmental Response, Liability and Compensation Act (CERCLA, also known as “Superfund”)—Newtown Creek, the single location of wastewater treatment for the project and dozens of other large-scale developments, is the site of a major Superfund Cleanup. A draft report of the investigative phase was submitted to EPA for review on November 15, 2016 pursuant to a Consent Order for the site. Given the sensitivity of the area to additive contaminants and the overarching need to comply with the federal cleanup requirements, USEPA expertise and oversight is required for the Two Bridges EIS. (LESON_132, LESON_245, Ning_094, Ning_235)

Response 11-1: As defined in Chapter 1, “Procedures and Documentation,” of the *CEQR Technical Manual*, involved agencies are “agencies other than the lead agency, that have the jurisdiction to fund, approve, or undertake an action.” The NYS DEC and U.S. EPA are not involved agencies because they are not undertaking any discretionary actions with respect to the proposed projects.

Comment 11-2: The DEIS does not identify any concrete mitigation measures for the demand that the proposed projects would place on the sewer systems. During a high tide or storm surge event, flooding could result and potentially causing the precipitation and sanitary sewage in the local drainage system to backup and surcharge into streets and properties. The project sites and the local combined sewage drainage area are naturally vulnerable to many types of flooding as they are low lying and next to the coast, and during a storm event the drainage areas low lying points may need to simultaneously manage the compounded impacts of tidal flooding, extreme rainfall, sanitary sewage generation, and storm surge, resulting in a heightened and disastrous flood risk. The proposed actions would result in total on-site sewage generation of 820,429 gallons per day (gpd), 3.30 times the volume of current sanitary sewage generation, resulting in that much less space for the local drainage area to simultaneously manage storm water during flash or tidal flooding, or a coastal storm event. The principal conclusions in this analysis should include and represent these incremental increases as percentage values to illustrate the relative change in volume as measured in Table 11-5. (CB3_001, Moskowitz_009, Avila-Goldman_182, Harsanyi_008, Newton_163, Simpkins_111)

The proposed projects will make the area more vulnerable to tidal flooding and storm surges, including potential sewage flooding. (GOLES_004, Simpkins_111, Zeng_034)

Response 11-2: Incremental increases as percentage values have been added to Table 11-5, “DEP Flow Volume Matrix: Existing and With Action Volume Comparison,” in Chapter 11, “Water and Sewer Infrastructure,” of the FEIS. These increases show an increase of approximately 50 percent during various rainfall events. See also response to Comment 11-4.

Comment 11-3: The load exceedances will be even worse in wet weather and must be analyzed separately from dry-weather factors using data from both the building operations and stormwater runoff, fully accounting for system limits including regulators that currently allow only approximately two times the amount of design dry weather flow into the interceptors to

control flooding at the Newtown Creek. (LESON_132, LESON_245, AALD_120, LESON_124)

Response 11-3: Table 11-5 separately identifies increases in dry weather flow and wet weather flow.

Comment 11-4: Based on DEP data, the outfall servicing the combined sewer system spilled over 18 million gallons of raw sewage across 26 Combined Sewer Overflow events in 2016. With the proposed actions, it is expected that there would be a significant increase in the frequency of CSO events and the volume of raw sewage overflow. The proposed actions would overwhelm the sewer system, causing millions of gallons of raw sewage to contaminate the East River on an annual basis. The DEIS grossly underestimates recent rainfall volume trends and erroneously concludes that there would not be adverse impacts on the sewer system. (TUFF-LES_006)

Response 11-4: As stated in EIS Chapter 11, “Water and Sewer Infrastructure,” the incorporation of the required sanitary flow and stormwater source control best management practices (BMPs) as part of the NYC Department of Environmental Protection (DEP) site connection approval process would reduce the volume of sanitary sewer discharge as well as the peak stormwater runoff rate from the project sites. The specific stormwater detention measures that will be reviewed and approved by DEP will detain stormwater on-site, releasing stormwater at a restricted flow rate, whereas in the existing condition, all stormwater from the project sites runs directly to the combined sewer during a rainfall event.

Comment 11-5: The developments would exacerbate the City’s inability to comply with Federal and State water pollution laws, including the Clean Water Act. (Petition_037, Theodos_189, Argenti_174, Simpkins_111, Chan_211, Yuen_232, LESON_132, LESON_245, LESON_026, Haines_127, Pena_098, Pena_248, Hiller_081, Kranes_085, Antush_129, Form_130)

The construction of these proposed projects and their subsequent sewage impact are inconsistent with the City’s One NYC policy, and New York State’s LINAP initiative, which aims at reducing nitrogen pollution in water bodies surrounding Long Island, including the Long Island Sound. As already mentioned, these developments would undermine pledges to reduce CSOs and nitrogen pollution. Furthermore, these developments would deprive the city of valuable potential green infrastructure. Green infrastructure absorbs stormwater, keeping it out of the sewage system and thus limiting, and potentially preventing, untreated sewage from overflowing into the water. The need for green infrastructure is especially acute in the Lower East Side, where there is a low amount of permeable

surfaces and above-ground green space. Furthermore, the city is already planning on converting existing permeable surfaces at LaGuardia House as part of its Next Generation NYCHA plan. Additionally, these waterfront developments are in a FEMA flood zone, and are thus in desperate need of green infrastructure to mitigate the effects of flooding. Any development in a FEMA flood zone, due to all the excess water, would also further exacerbate CSOs. Instead of endangering the existing residents, the Commission should reject these proposed developments and consider smart green infrastructure projects that would safeguard their health, livelihoods, and lives. (Simpkins_082, Simpkins_111, LESON_027)

Response 11-5:

The developments would not affect the City's compliance with its policies or its obligations with respect to federal and state water pollution laws. As discussed in EIS Chapter 11, "Water and Sewer Infrastructure," the proposed project's wastewater and stormwater will be conveyed to the Newtown Creek WWTP via the City's combined sewer system. The City has entered into an Order on Consent with the NYS DEC (DEC Case No. C02-20110512-25) concerning combined sewer overflows (CSOs). The City has agreed to implement certain projects and facility plans to address CSOs. In connection with this Order on Consent, the City has completed all required milestones to date for the Newtown Creek CSO relating to: (i) enhanced aeration in East Branch and Upper Newtown Creek; (ii) construction and implementation of bending weirs/floatable controls; and (iii) submission of drainage basin specific Long Term Control Plan for Newtown Creek which has been approved by DEC.

Comment 11-6:

The DEIS lacks a full system analysis required by law and the *CEQR Technical Manual*, especially as the analysis concedes a major adverse impact due to sewer system exceedances from project loading and runoff. The DEIS must identify the wastewater treatment plant(s) that would serve the site; identify affected components of the downstream collection system, including pumping stations, regulators, and interceptors; if the area of the proposed project is currently served by a combined sewer system, describe and show on a map the affected combined sewer system, including affected drainage or catchment areas, outfalls, and receiving waterbodies. (LESON_132, LESON_245, LESON_026, Kranes_085)

The DEIS does not assess the impacts to the transport and flow infrastructure of the wastewater infrastructure nor does it assess the impaired Newtown Creek, the newly drafted long term control plan (LTCP) for Newtown Creek, or the combined sewage overflows into the East River from Manhattan, Brooklyn, and Queens. Multi-borough access and use of sewage and water discharge capacity must be shared and sustained for future generations. (Yuen_232)

This disclosed sewer capacity overload also requires a full analysis of the corresponding and compounding impacts to regulators, interceptors, drainage and catchment, outfalls, receiving water bodies (including Combined Sewer Overflow exceedances), other compliance violations, and operational interference with requirements of the Newtown Creek Wastewater Treatment Plant Long Term Control Plan. Although sewer permit issuance does not require a separate EIS, no sewer permit can be considered while New York City is under the multiple sewage compliance orders in place and City Officials are aware (as they are now) that the system capacity would be overloaded and compliance interference is likely by virtue of the impacts uncovered and disclosed in this EIS. Granting such permits without fully evaluating potential system overload, violations, and compliance interference could be tantamount to knowing conversion of public property to private use or as official misconduct. The acknowledged overload to the sewage system must be assessed for Cumulative Impacts including—and especially—the additive and compounding load levels from the Extell Tower, the Essex Crossing Megaproject, 1 Seaport and other scaled development feeding the same sewer shed infrastructure and using the same infrastructure capacity from street to wastewater treatment plant to receiving body. Furthermore, such a study should become the basis for an EIS for passing the full Chinatown Working Group rezoning plan. The Two Bridges Megatower proponents have acknowledged the project exceeds the capacity of the existing sewers, and notably fail to include necessary evaluation of linked infrastructure of the existing pumping stations, regulators and interceptors, affected drainage or catchment areas, outfalls, and receiving waterbodies. (LESON_132, LESON_245, AALD_120, LESON_124, Tsu_084, Echevarria_017, Echevarria_033, Echevarria_099, Richardson_242)

The EIS should require the LSRD area to function as a true resilient community with permeable surfaces, maximum street trees with tree guards, bioswales, and solar-wind power requirements and maintenance for these initiatives through a resident-led LSRD Neighborhood Improvement District. (TUFF-LES_006, Joye_045)

Additional water and sewer analyses should be performed. (LandsEnd2RA_137)

Response 11-6:

Table 11-5 identifies increases in flow to the combined sewer system as per the analysis required by the *CEQR Technical Manual*. These volumes do not, however, reflect the use of the incorporation of the required sanitary flow and stormwater source control best management practices (BMPs) as part of the NYC Department of Environmental Protection (DEP) site connection approval process, which would reduce the volume

of sanitary sewer discharge as well as the peak stormwater runoff rate from the project sites.

Comment 11-7: The analysis of scenarios that would be considered flash flooding or greater by the National Weather Service (NWS) (identified as rainfall of at least to 1.5 in over 1 hour) should be performed to accurately assess and disclose the capacity of drainage systems during heavy rain and coastal flooding events which the area is naturally predisposed to. (CB3_001, Struthers_043)

Response 11-7: As discussed on page 11-9 of the EIS Chapter 11, “Water and Sewer Infrastructure,” the stormwater detention system for each site will be reviewed and approved by DEP as a part of the site connection approval process. The systems will be designed based on the DEP design storm of 5.95 inches per hour of rainfall.

Comment 11-8: The DEIS states that the proposed projects would be adequately served by existing sewer infrastructure. It then states that the proposed projects are not within the limits of the existing sewers and would require at-grade improvements. The DEIS does not discuss the nature of the sewer improvements; this analysis should be included in the FEIS. (Simpkins_111)

Response 11-8: EIS Chapter 11, “Water and Sewer Infrastructure,” states that the projects sites are all served by combined sewers. The chapter discusses the DEP sewer that is located within an easement on Site 5. Per easement requirements, no building construction is allowed within the easement and any other minor construction, such as a playground structure, benches, etc., is required to be coordinated with DEP. No sewer improvement work is proposed within the City right-of-way. On-site stormwater site detention is required and will require the review and approval of DEP as a part of the site connection approval process,

Comment 11-9: Best management practices (BMPs) should be identified and disclosed. (CB3_001, Simpkins_111, Joye_045, LESON_027)

Mitigation measures should be identified. (TUFF-LES_006)

Response 11-9: The specific best management practices will vary by building depending on final design; regardless of what the selected practice is, it will achieve the same outcome because the system for each site will be designed to meet the restricted stormwater release rate per DEP site connection proposal requirements. As discussed on page 11-9 of the EIS Chapter 11, “Water and Sewer Infrastructure,” a DEP approved site connection

proposal is a requirement for a new building approval issued by the NYC Department of Buildings (DOB).

Comment 11-10: There is no reason for the CPC to vote to approve the proposed projects, which are in a crowded residential area that already has mixed uses, and has little infrastructure to handle the excessive potential sewage. (Argenti_174)

Response 11-10: As discussed in EIS Chapter 11, “Water and Sewer Infrastructure,” the conveyance system and the Newtown Creek WWTP have sufficient capacity to convey and treat sanitary waste resulting from the proposed projects. The proposed projects would be expected to generate 588,010 gallons per day (gpd) of sanitary sewage; this incremental increase in sewage generation would be approximately 0.12 percent of the average daily flow at the Newtown Creek Waste Water Treatment Plant (WWTP) and would not result in an exceedance of the plant’s permitted capacity.

Comment 11-11: Because the combined sewer system must convey both sanitary sewage and ground level stormwater within a drainage area, sewage generated by the proposed project would result in less space for the local drainage area to simultaneously manage stormwater during flash or tidal flooding, or during a coastal storm event. Further analysis should be performed on other potential flood scenarios that more closely align with National Weather Service flash flood classifications to see how the additional sanitary sewage generated by the project will impact the local area’s ability to respond to the variety of flooding hazards it faces. (TUFFLES_006)

Response 11-11: The stormwater detention system for each site will be reviewed and approved by DEP as a part of the site connection approval process. The systems will be designed based on the DEP design storm of 5.95 inches per hour of rainfall.

Comment 11-12: There will be significant environmental impacts due to the proposed projects location within the FEMA flood zone. The DEIS should review the additional cost in the monthly rental given the FEMA insurance expense for the 25% affordable housing units in these proposed projects. (Argenti_174, Chan)

Response 11-12: Construction for the proposed projects would occur in accordance with NYC Building Code. For buildings within the floodplain, this would include the requirement that all residential units be located above the base flood elevation. As noted in EIS Chapter 16, “Greenhouse Gas Emissions and Climate Change,” the proposed projects would be designed to provide resilience to the potential conditions projected through the 2050s,

and the design would be adaptive in the event of future adjustments to end-of-century potential flood elevations estimates. All new residential units would be protected from potential 1-in-100 flood events throughout the end of the century.

Comment 11-13: The City is legally responsible for limiting Nitrogen pollution from the East River to the Long Island Sound by limiting development along the corridor. (Argenti_174, Simpkins_082, Simpkins_111, LESON_027)

Response 11-13: The City is committed to reducing the combined nitrogen discharges from its WWTPs located along the East River by 58.5 percent by January 2017. By September 2016, the City had exceeded this goal, reducing nitrogen discharges from the City WWTPs to the East River by approximately 61 percent. (Source: http://www.nyc.gov/html/dep/html/press_releases/17-001pr.shtml)

As stated in EIS Chapter 11, “Water and Sewer Infrastructure,” the Newtown Creek WWTP wastewater is fully treated by physical and biological processes before it is discharged into the Hudson River. The quality of the treated wastewater (effluent) is regulated by a State Pollutant Discharge Elimination System (SPDES) permit issued by the New York State Department of Environmental Conservation (DEC), which establishes limits for effluent parameters (i.e., nitrogen). The treatment capacity at the Newtown Creek WWTP is sufficient to handle wastewater flow resulting from the proposed projects.

Comment 11-14: The adverse environmental impacts of the proposed towers cannot be mitigated without considering the cumulative impact of all the development happening in the Newtown Creek WWTP sewer system, which is currently not meeting the terms of the Long Island Sound Study to eliminate nitrogen pollution. The adverse environmental impacts on public waters must adequately be studied and mitigated. (Argenti_174, Simpkins_111, LESON_027, Yuen_232, AALD_120, LESON_124, Pena_098, Pena_248, Travers_097, Petition_037)

Response 11-14: As mentioned above, the City committed to reducing the combined nitrogen discharges from its WWTPs located along the East River by 58.5 percent by January 2017. By September 2016, the City had exceeded this goal, reducing nitrogen discharges from the City WWTPs to the East River by approximately 61 percent. (Source: http://www.nyc.gov/html/dep/html/press_releases/17-001pr.shtml)

The quality of treated wastewater (effluent) is regulated by SPDES permits issued by DEC, which establishes limits for effluent parameters (i.e., nitrogen). As stated in EIS Chapter 11, “Water and Sewer

Infrastructure,” the treatment capacity at the Newtown Creek WWTP is sufficient to handle wastewater flow resulting from the proposed projects. Therefore, the proposed projects would not result in a failure of the Newtown Creek WWTP to meet its SPDES effluent limits and would not have the potential to affect water quality of the East River.

Comment 11-15: New York City is operating under a 2014 CSO BMP Order on Consent that requires all of the City’s thirteen SPDES Permits meet effluent limitations, monitoring requirements, special conditions and general conditions, including certain permit conditions under the Section titled “BEST MANAGEMENT PRACTICES FOR COMBINED SEWER OVERFLOWS (CSO BMPs).” The BMPs are technology-based controls designed to reduce CSOs and their effects on receiving water. DEC recognizes that the City’s system is not currently designed to assure that individual regulators will not discharge outside a critical wet weather event, a factor that must be addressed in the DEIS. The DEIS must include data and evidence showing the CSO Consent Order BMPs are in place for the sewage system components being overloaded by the Megatower Project that interconnect with the unfixed sewers, including system operational impacts under both dry and wet weather flow levels (including Regulator NC-M21, CSO outfall NCM-063, and the intercept to the Newtown Creek WWTP). The DEIS should also assess whether and how additive cumulative load to the sewage system can be managed in unique weather events, especially given the area is in a floodplain. (LESON_132, LESON_245, AALD_120, LESON_124)

Response 11-15: The proposed projects do not run counter to the City’s application of the Newtown Creek WWTP CSO BMPs. The referenced BMP provisions of the CSO BMP Order (Order) have been incorporated into the Clean Water Act permits for the City’s WWTPs issued by NUSDEC and are no longer enforced under the Order. That said, the Proposed Project is unrelated to and will not impact the City’s compliance with the BMPs in the permit for the Newtown Creek WWTP. The permit BMPs do not limit or otherwise impede development in the City. In fact, the City’s long term CSO planning accounts for projected population growth. Moreover, the statements that the sewage system components would be overloaded by the development, or that there are “unfixed” sewers, are without foundation.

Comment 11-16: The EA incorrectly stated that no permit was required from the New York Department of Environmental Protection (DEP) for stormwater and sewer needs. The Newtown Creek WWTP is not collecting stormwater or sewage overflow. The DEP has started a pilot program called “Wait...,” a volunteer program that texts users when there is heavy rain

so that they avoid using their indoor drainage. More residential units would exacerbate this issue. (Argenti_174, Simpkins_082, Simpkins_111, LESON_027)

Response 11-16: During and immediately after wet weather, combined sewers can experience a much larger flow due to stormwater runoff collection. To control flooding at the Newtown Creek WWTP, regulators built into the system allow approximately two times the amount of design dry weather flow into the interceptors and to the WWTP; the excess flow is discharged to the combined sewer overflow (CSO). The Wait... Pilot Program is designed to minimize these discharges by voluntary reduction in sanitary water use during a heavy rain, when the sewers reach capacity. (Source: http://home2.nyc.gov/html/dep/html/stormwater/wait_program.shtml)

As stated in EIS Chapter 11, "Water and Sewer Infrastructure," the incorporation of the required sanitary flow and stormwater source control BMPs as part of the site connection approval process would reduce the volume of sanitary sewer discharge as well as the peak stormwater runoff rate from the project sites. Sewer conveyance near the project sites and the treatment capacity at the Newtown Creek WWTP are sufficient to handle wastewater flow resulting from the proposed projects. No significant adverse impacts to water and sewer infrastructure would result from the proposed projects.

Comment 11-17: The information in Chapter 11 has many errors. For instance, Croton Aqueduct does not have 22 MGD. (Argenti_174)

Response 11-17: Information regarding NYC water supply system was sourced from NYC DEP—<http://www.nyc.gov/html/dep/pdf/wsstate17.pdf>. This source is referenced in Chapter 11, "Water and Sewer Infrastructure."

Comment 11-18: The DEIS incorrectly states that treated wastewater from the Newtown Creek WWTP is released into the Hudson River. Treated wastewater is discharged into the East River, where it flows to the Long Island Sound. (Simpkins_111, LESON_027)

Response 11-18: The text in FEIS Chapter 11, "Water and Sewer Infrastructure," has been corrected to refer to the East River.

Comment 11-19: The DEIS does disclose impacts on the stormwater infrastructure during heavy rain events. According to the DEIS, the volume of sewage sent to combined sewer system (CSS) NCM-063 will more than double from existing conditions, up to 480,000 gallons. Including the runoff volume of a 2.5-inch storm event with a duration of 19.5 hours, the total volume of wastewater sent to CSS NCM-063 is expected to reach 840,000

gallons, a 50 percent increase over existing conditions. No mitigation measures have been identified. (MAS_002)

Response 11-19: As stated above and in EIS Chapter 11, “Water and Sewer Infrastructure,” the incorporation of the required sanitary flow and stormwater source control BMPs as part of the DEP site connection approval process would reduce the volume of sanitary sewer discharge as well as the peak stormwater runoff rate from the project sites. The specific stormwater detention measures that will be reviewed and approved by DEP will detain stormwater on-site, releasing stormwater at a restricted flow rate, whereas in the existing condition, all stormwater from the project sites runs directly to the combined sewer during a rainfall event. See also responses to Comments 11-7 and 11-9.

Comment 11-20: The DEIS does not show on a map or describe the affected combined sewer system, including affected drainage or catchment areas, outfalls, and receiving water bodies. (Simpkins_111, LESON_027, LESON_132, LESON_245, AALD_120, LESON_124)

Response 11-20: The affected combined sewer system is described in text within the body of EIS Chapter 11, “Water and Sewer Infrastructure.”

Comment 11-21: The DEIS should consider the loss of permeable surfaces that can absorb rain and flood waters. (Hanhardt_118)

Response 11-21: As stated in EIS Chapter 11, “Water and Sewer Infrastructure,” due to the reconstructed Rutgers Slip Open Space and other landscape improvements on the project sites, the amount of pervious surfaces will increase as compared to the existing condition.

SOLID WASTE

Comment 12-1: The proposed projects exceed the management population sewage and garbage disposal. Curbside pickup would increase, and more rodents would be present. The sanitation department would need sufficient space to pick up garbage, and the proposed buildings would need sufficient storage space to properly store garbage. I’m very concerned about multiplying the rat population in this neighborhood. (Jeter_101)

Response 12-1: Comment noted.

TRANSPORTATION

Comment 14-1: Full mitigation of all 15 identified traffic impacts, as well as disclosure of proposed signal timing changes and lane restriping plans with approval

from DOT should be provided. (CB3_001, AALD_120, LESON_124, Niou_011, Niou_047)

The DEIS does not go beyond identifying standard mitigation measures such as signal timing changes and lane restriping. The DEIS states that mitigation measures have yet to be approved by NYCDOT, and may be deemed infeasible, which would leave the impacts unmitigated. This is unacceptable. (TUFF-LES_006)

Response 14-1:

As described in Chapter 1, “Procedures and Documentation,” Section 243.5 of the *CEQR Technical Manual*, “CEQR requires that any significant adverse impacts identified in the DEIS be minimized or avoided to the greatest extent practicable. Mitigation measures must be identified in the DEIS. A range of mitigation measures may be presented and assessed in the DEIS for public review and discussion, without the lead agency selecting one for implementation. Where no mitigation is available or practicable, the DEIS must disclose the potential for significant adverse impacts.”

The DEIS provided full disclosure of the proposed traffic mitigation measures, including signal timing and lane restriping changes. NYCDOT has continued their review of these measures subsequent to the issuance of the DEIS and the NYCDOT findings are reflected in the FEIS. The unmitigated impacts disclosed in the DEIS for the two intersections referenced in the comment would remain unmitigated. If NYCDOT determines that other proposed mitigation measures are not feasible, then those corresponding impacts would also be unmitigated.

Comment 14-2:

The traffic impact study should consider ride-sharing modes such as Uber and disclose substantial explanation of the methodology for calculating the impacts of the growing ride-hailing industry or the impacts of online-based vendor deliveries to the area, both of which may have an elevated impact in the study area under the proposed With Action conditions due to the higher anticipated income of new residents. (CB3_001)

Response 14-2:

As described in DEIS Chapter 14, “Transportation,” applicable references and the latest available census data for nearby tracts, which capture recent area travel patterns including those attributable to the ride-hailing industry, were used to develop pertinent travel characteristics for analyzing potential impacts associated with the proposed projects. These and other travel demand assumptions were reviewed by NYCDOT and deemed appropriate for the DEIS analyses. Furthermore, an abundance of recent transportation data were collected to form the basis of the DEIS’s analyses of existing conditions; these data and analyses accounted for travel via all modes of transportation in the area surrounding the project sites. However, there are no specific data that

correlate how, which, and to what extent travel modes have changed due to the ride-hailing industry. There are also no income-based statistics on users of this type of transportation services.

Comment 14-3:

The vehicle occupancies from the 2011–2015 ACS used for the residential trip generation is not the most current data available. Travel demand data from the Seward Park Mixed-Use Development Project should not be used because Essex Crossing is 50 percent affordable, and the Two Bridges developments would have higher incomes and therefore might own more cars. Also, Two Bridges has fewer mass transit options than Seward Park, so residents might need to use ride hailing or taxis more often. (TUFF-LES_006)

The DEIS states that the proposed projects would not significantly impact subway line service, but would result in adverse impacts to station access and pedestrian circulation during the AM and PM peak hours. (TUFF-LES_006)

A detailed bus line-haul analysis should be conducted to address the unique conditions in the study area, including limited access to subway lines, that would differ from the standard Travel Demand Assumptions outlined in the *CEQR Technical Manual* regarding modal splits. (CB3_001, CPC_105)

The DEIS does not address potential crowding on the M9 bus line. (AALD_120, LESON_124)

Response 14-3:

Travel demand assumptions, including the application of the most recently available census data for tracts encompassing and near the project sites as well as other applicable factors, were reviewed and approved by NYCDOT. Specifically, prevalent travel modes for this area's residents are based on journey-to-work data from local census tracts. These statistics reflect mode choice of local residents, including the use of rail-hailing or taxis, and are specific to this neighborhood and are not the same as those used in studying the potential impacts for the Seward Park project. That project was referenced only for its taxi occupancy factor, which is common with most other studies for residential projects across the City, and for its local retail travel characteristics. While there is only one nearby subway line (F train) serving the project sites, its East Broadway station provides access at various locations, the closest of which is located at Madison and Rutgers Streets, at generally less than ¼-mile (5-minute walk) from the project sites. As such, recent census data showed a relatively low share of travel via bus. Contrary to the commenter's assertion, this is not based on standards prescribed by the *CEQR Technical Manual*, which does not provide data on modal splits. As demonstrated in the DEIS's travel

demand projections, the number of projected peak hour bus riders would not amount to a level that would warrant a detailed analysis of bus line-haul conditions or result in significant impacts to bus lines. This conclusion was reviewed by NYCDOT and NYC Transit.

Comment 14-4:

Anticipated MTA New York City Transit repairs to the Rutgers Tube slated for 2022 are expected to limit F-line service at the East Broadway subway station just after the proposed actions' 2021 projected build year. The only significant adverse impacts identified in the DEIS are for the F-line East Broadway subway station S1 stairway during weekday AM and PM peak hours, and the P3 stairway for the weekday AM peak hour, and therefore the only mitigations proposed are station accessibility and circulation-based. The conceptual engineering studies for these mitigations have at this time been performed and are described as feasible in the DEIS; the details of these studies should be disclosed. The subway line haul methodology and trip generation methodology should be refined to more accurately reflect use patterns the proposed actions will influence, as well as reflect publicly known service interruptions that are expected to impact transit in the study area. (CB_001, CB3_013, Joye_045)

The East Broadway F train has an average weekday ridership of 14,365. The Draft EIS states that the approximately 7,000 additional residents expected with the new developments would not significantly impact the subway line service (but will result in adverse impacts to station access and pedestrian flow during peak hours). (GOLES_004, Harsanyi_008, Stroman_193, MAS_002, Chin_038, Chin_115, CPC_105, Beach_200, LESPP_107, LESPP_243)

Response 14-4:

The closest entrance to the East Broadway (F train) station is generally less than ¼-mile (5-minute walk) from the project sites, whereas the Grand Street (B/D train) station is nearly one mile away (20-minute walk). Transfers between the F and B/D trains can also be made at the Broadway-Lafayette Street station, two stops from the East Broadway station and one stop from the Grand Street station. Accessing the East Broadway station is more convenient for area residents; however, some are expected to use the Grand Street station, which is closer to key shopping areas in Chinatown. These assumptions were discussed with NYC Transit during the review of the DEIS analyses and were deemed reasonable. As a result, a quantified analysis, in conformance with *CEQR Technical Manual* guidelines, of subway line-haul conditions on the F line was prepared. Using data provided by NYC Transit, this analysis showed that incremental trips generated by the proposed projects would not result in the potential for significant adverse subway line-haul impacts. This finding was reviewed by NYC Transit. Regarding the

planned Rutgers tube repair by NYC Transit, while it would affect service on the F line, it will be temporary and not a function of the proposed development projects. Similar to the upcoming repair of the Canarsie tube that serves the L train, NYC Transit is expected to take actions to accommodate area users during the repair work to the extent practicable. The specific activities related to this project, however, is outside of the scope of study for this EIS. Regarding the stairway impacts identified in the DEIS, additional discussions with NYC Transit have taken place since the issuance of the DEIS to ascertain the feasibility of the proposed mitigation measures, which will be funded entirely by the developers of the proposed project. The text in the FEIS has been updated.

Comment 14-5: The transit mitigation proposed in the DEIS are major capital improvements. Are there commitments to make sure that these improvements are made? The community requires commitments to improve this station now. The City should commit to a feasibility study for mitigating the impacts at this subway station, and true community input is required to determine possible improvements. The EIS should examine building an elevator at Rutgers and Madison Streets. (TUFF-LES_006)

Response 14-5: The applicants will enter into Restrictive Declarations committing them to coordinate with NYC Transit and implement the mitigation measures set forth in the DEIS. This work would have to be completed before a temporary certificate of occupancy (TCO) can be issued to the first completed building. Although NYC Transit's capital program does not include other improvements to this station, analysis has indicated that building an elevator at Rutgers and Madison Streets is infeasible. Therefore, the agency has identified for the applicants that the two elevators accompanying the stairway improvements should be sited at the southeast corner of East Broadway and Rutgers Street.

Comment 14-6: There should be select bus stops (SBS) added to Pike Street between Madison Street and Henry Street, in both directions. (LESPP_243)

The EIS should consider adding a M15 SBS stop at Pike Street. (TUFF-LES_006)

Response 14-6: The addition of bus stop locations is under the purview of New York City Transit, which determines service routes and schedules based on demand.

Comment 14-7: The intersections of Allen Street with Canal, Delancey, and Division Streets, the intersection Bowery and Canal Street at the Manhattan Bridge, the intersection of Chatham Square and Park Row, the intersection of Worth Street and Mott Street, the intersections of Pike

Street with East Broadway and Madison Street, and the intersection of Rutgers Slip and South Street were highlighted in the DEIS as having been the site of ten or more injuries during the study period between November 1, 2013 and October 31, 2016. The DEIS indicates that none of these intersections were found to have design deficiencies, yet a number of the intersections, such as Chatham Square/Park Row and Worth Street/Mott Street are very difficult to navigate and involve several turning movements and pedestrian crossings. Further study of the intersections of Chatham Square/Park Row and Worth Street/Mott Street and South Street and Montgomery Street should be performed, and the intersections should be redesigned as a necessary mitigation of the anticipated adverse impact. (CB3_001, Moskowitz_009)

The intersection of Rutgers and Cherry Streets is difficult for both pedestrians and vehicles. It would benefit from additional study and possibly a redesign, considering the projected increase in traffic. Vehicular and pedestrian traffic will increase along Clinton, Montgomery, and South Streets. The DEIS should identify enhancements and amenities along South Street between Montgomery Street and Rutgers Slip as mitigation for pedestrian accessibility and usability. (TUFF-LES_006, TUFF-LES_020)

Response 14-7:

In accordance with criteria presented in the *CEQR Technical Manual*, three intersections (Allen Street and Canal Street, The Bowery and Bayard Street, and Chatham Square/Park Row and Worth Street/Mott Street) were identified as high crash locations, for which safety improvements were recommended where possible. In recent years, geometric and operational changes have been made at these and other study area intersections in the study area to improve safety and provide delineated space for all road users (i.e., bicyclists and pedestrians). As part of Mayor de Blasio's Vision Zero initiatives, NYCDOT continues to explore traffic safety strategies for implementation to improve traffic, bike, and pedestrian safety across the City. Regarding the unmitigated traffic impacts identified for the two study area intersections, no feasible mitigation measures have been identified through studies and discussions with NYCDOT, partly due to traffic, bike, and pedestrian safety measures that have been already put in place and which limited the ability to provide additional capacity for traffic movements. Therefore, these impacts would remain unmitigated.

Comment 14-8:

The DEIS has identified significant parking shortfalls that will result from the proposed actions, yet the *CEQR Technical Manual* does not designate parking shortfalls in the borough of Manhattan as constituting a significant adverse impact due to the magnitude of available alternative modes of transportation. The study area in fact lacks a significant

magnitude of alternative modes of transportation as exemplified by the transit analysis trip generation methodology that identifies 95 percent of residents in the study area are likely to use a single subway station and line, the F-line at the East Broadway subway station. Further study of these parking shortfalls and a reconsideration of the mitigation standards typically applied to Manhattan actions due to the unique circumstances of limited public transit access in the study area should be performed. The DEIS fails to note that almost all of the parking facilities in the study area, including Pier 42, have closed, exacerbating the parking shortfall. Therefore, it is faulty to conclude that the proposed projects would not result in a significant adverse parking impact. (CB3_001, MAS_002, TUFF-LES_006)

The area will be short over 700 parking spaces during peak hours after these mega-towers are built, plus an additional 355 more parking spaces during the three years of construction—for three years, the neighborhood will be short over 1,000 parking spaces. (GOLES_004, Moskowitz_009, Avila-Goldman_182)

Within one-half-mile of the project area, public parking utilization will increase to more than 112 percent of off-street parking facility capacity in the area. This represents a parking shortfall of more than 1,500 spaces during weekday peak periods. Furthermore, during the anticipated 30–36 month construction period, the proposed development is expected to generate a need for 355 additional spaces based on construction worker demand. (MAS_002, AALD_120, LESON_124, Niou_011, Niou_047, LandsEnd2RA_137)

Response 14-8:

The DEIS stated that 95 percent of the proposed project’s subway riders are expected to use the East Broadway F train station (not 95 percent of residents in the study area). EIS Chapter 14, “Transportation,” shows that only 44 percent of residential trips are expected to be made via the subway. Also, the commenter’s assertion that the area is unique with regard to its limited public transit access and therefore should be studied differently is incorrect. The area is part of the Manhattan Central Business District and although different neighborhoods within this District may have different characteristics corresponding with nearby transportation systems, such as highway, local roadway, and public transportation access, study of potential transportation impacts is subject to the same *CEQR Technical Manual* requirements. The parking shortfall that would result from the proposed projects were identified in accordance with *CEQR Technical Manual* guidance. Parking facilities that would be closed in the No Action condition, including Pier 42, are reflected in the No Action public parking supply shown on Table 14-52 in EIS Chapter 14, “Transportation.” As stated in EIS Chapter 14, “Transportation,” such

parking shortfall in Manhattan does not constitute a significant adverse parking impact, due to the magnitude of available alternative modes of transportation.

Comment 14-9: For those who cannot afford parking, we would have to rely on public transportation. For a family of five, in which four pay public transportation, that is an additional \$480 a month. (LandsEnd2RA_137)

Response 14-9: Comment noted.

Comment 14-10: The EIS should assess adding residential parking permits, as has been done in other parts of the City. Street parking for cars along South Street and other highly restrictive streets should be implemented immediately, which will help increase the availability of off-street parking. Bus parking and overnight commercial parking should be eliminated. (TUFF-LES_006)

Response 14-10: The purpose of the EIS is to assess potential impacts associated with the proposed projects, including effects on the area's parking resources. The proper disclosures have been made in the DEIS. The requests made in the comment are beyond the scope of this environmental review document.

Comment 14-11: The DEIS claims that only 10 traffic intersections and 4 pedestrian elements would be impacted; proposed mitigation includes retiming the lights and restriping the lanes. The DEIS ignores added congestion generated by the proposed 3,550 units. The DEIS should detail more effective mitigation. (Moskowitz_009)

Response 14-11: The DEIS identified the potential for impacts on the area's transportation system associated with the estimated trips from the proposed projects' up to 2,775 new dwelling units and approximately 28,000 square feet of supporting uses. Where significant adverse impacts were identified, improvement measures were proposed to mitigate those impacts to the extent practicable. These measures were reviewed by NYCDOT for the publication of the DEIS. The status of agency review and acceptance of these mitigation measures will be reflected in the FEIS.

Comment 14-12: The EIS should examine the potential for additional traffic on South Street that would result from the future L Train construction and protect side streets such as Rutgers Slip from being overwhelmed by redirected traffic. (TUFF-LES_006)

Response 14-12: Based on recent press release, the planned rehabilitation of the Canarsie subway tunnel and resulting L train service shutdown between Manhattan and Brooklyn, are anticipated to begin in April 2019 and last

approximately 15 months. While prolonged, the temporary condition would end prior to the completion and occupancy of the proposed projects. It is not a function of the proposed projects and does not need to be considered in evaluating potential impacts of the proposed projects. The rehabilitation work is being undertaken by NYC Transit, which is expected to take actions in collaboration with NYCDOT to accommodate L train riders and manage conditions in affected areas during the repair work to the extent practicable.

Comment 14-13: Tables within Chapter 14 directly contradict one another. For instance, Table 14-18 and 14-49. Additionally, Table 14-18 and Table 14-18 cont'd contradict one another. (Moskowitz_009)

Response 14-13: The comment is incorrect. Table 14-49 provides a summary of existing parking supply and utilization within ½-mile of the project site, while Table 14-18 provides a list of projects that are expected to be completed by the proposed projects' anticipated build year (i.e., the No Action condition). Specifically, Pier 42, which currently operates as a public parking garage of 400 spaces, is expected to be redeveloped into an open space use while the 294-space parking lot on Delancey Street, which was operational when the existing parking inventory was conducted, is now being developed as part of the Essex Crossing (i.e., Seward Park Mixed-Use Development) project. The displaced parking spaces were accounted for in Table 14-50, which shows the projected future No Action parking supply and utilization. These tables and the calculations contained in them were reviewed by NYCDOT.

Comment 14-14: The Two Bridges area is already afflicted with traffic congestion from the Brooklyn and Manhattan Bridges and FDR Drive. According to the DEIS, the proposed projects would result in additional significant adverse impacts at six intersections during the weekday AM peak hour, five intersections during the weekday midday peak hour, and 10 intersections during the weekday PM peak hour. According to Table 21-1 of the DEIS, a maximum of 10 intersections and 18 lane groups will experience significant adverse impacts. The weekday PM peak hour will be most affected. For mitigation of these impacts, the DEIS does not go beyond identifying the implementation of standard traffic mitigation measures such as signal timing and lane restriping. The mitigation measures have not been approved by DOT and may in fact be deemed infeasible, which would leave the impacts unmitigated. (MAS_002, AALD_120, LESON_124, Niou_011, Niou_047)

Response 14-14: Where significant adverse impacts were identified, improvement measures were proposed to mitigate those impacts to the extent

practicable. These measures were reviewed by NYCDOT for the publication of the DEIS. Their final sign off and acceptance of these mitigation measures are reflected in the FEIS. Nevertheless, no feasible measures can be identified to mitigate the impacts at South Street and Montgomery Street and at Chatham Square and Worth Street/Oliver Street. These impacts would remain unmitigated.

Comment 14-15: Cumulative effects of the proposed project and existing traffic issues must be studied. (AALD_120, LESON_124)

Response 14-15: In accordance with *CEQR Technical Manual* procedures, The DEIS studied existing conditions, a future baseline condition that accounts for background growth and other area projects, then a future condition with the proposed projects in place. The cumulative effects were then evaluated to assess potential significant adverse impacts. Where impacts were identified, improvement measures were proposed to mitigate those impacts to the extent practicable.

Comment 14-16: The DEIS must consider potential effects of the proposed project on biking. As was noted during the October 17, 2018 hearing, Citibike use is already so high that finding a bike in the morning is a large challenge (AALD_120, LESON_124)

Response 14-16: Chapter 16, "Transportation," of the *CEQR Technical Manual* does not require an analysis of a proposed action on bicycling; therefore an analysis of the potential effects of the proposed project on biking is outside the scope of this environmental review. In New York City, siting Citibike stations is coordinated between NYCDOT and the community boards. As demand in the area grows, to which the proposed projects would further contribute in the future, more station locations are expected to be explored for installation. This is, however, not within the control of the applicants and the possible installation of bike stations is not subject to environmental review in connection with the proposed project.

AIR QUALITY

Comment 15-1: The DEIS should account for the air quality effects of 35 additional garbage trucks assigned to the Pier 36 Sanitation facility. (TUFF-LES_006)

Response 15-1: The traffic analysis presented in the DEIS was based on conservative projections of traffic conditions in the future with the proposed projects as well as with the proposed projects. The Pier 36 sanitation facility is an existing use that is expected to continue operating independent of the proposed projects. Changing the number of garbage trucks stored at this

facility is part of DSNY's operating plans to serve the surrounding communities; nevertheless, the air quality effects on the neighborhood due to an increase such as noted by the commenter would be imperceptible. These trucks typically operate during off-peak hours and are dispersed onto various roadways to meet garbage pick-up needs. Therefore, any potential change in particulate matter concentrations would be negligible at local intersections.

NEIGHBORHOOD CHARACTER

Comment 18-1: The study area for neighborhood character should be revised to exclude the East River. The conclusion that the proposed projects would not result in a significant adverse impact to neighborhood character is not supported by the analysis contained in the DEIS. (CB3_001, TUFF-LES_006)

Response 18-1: The *CEQR Technical Manual* notes that "because a neighborhood's character is the result of the combination of various contributing elements, the salient features of the neighborhood should be identified." There is no precedent for excluding the East River, a large and important area, from the Neighborhood Character analysis. As discussed in the Response 18-2 below, urban design and visual resources are a component of Neighborhood Character as is land use. The conclusion of no significant adverse impact is supported by the analyses in the individual chapters pertaining to the components of Neighborhood Character.

Comment 18-2: The DEIS should include a more detailed explanation as to why the proposed projects would not result in a significant adverse impact to neighborhood character. (CB3_001, TUFF-LES_006, Yuen_232)

Response 18-2: The analysis in EIS Chapter 18, "Neighborhood Character," is based on methodology presented in the *CEQR Technical Manual*. Neighborhood character is an amalgam of elements including a neighborhood's land use, socioeconomic conditions, open space, shadows, historic and cultural resources, urban design and visual resources, transportation, and/or noise conditions, but not all of these elements contribute to neighborhood character in every case. To determine the effects of the proposed projects on neighborhood character, the defining features were considered together. Furthermore, as discussed in response to Comment 1-3, the three proposed projects were considered together for environmental review purposes since all three project sites are located within the Two Bridges LSRD and would be developed during the same construction period. As such, the potential environmental impacts of the three proposed projects were analyzed cumulatively. By considering the three

applications together on a cumulative basis, the EIS provides a conservative analysis of the potential for significant adverse impacts.

According to the *CEQR Technical Manual*, neighborhood character impacts are rare, and it would be unusual that, in the absence of a significant adverse impact in any of the relevant technical areas, a combination of moderate effects to the neighborhood would result in an impact to neighborhood character. In addition, a significant adverse impact identified in one of the technical areas that contributes to a neighborhood's character does not necessarily constitute a significant impact on neighborhood character, but rather serves as an indication that neighborhood character should be examined. As described in EIS Chapter 18, "Neighborhood Character," defining features of the projects' study area include the Manhattan Bridge, the Franklin Delano Roosevelt (FDR) Drive, the East River, and the prevalence of affordable mixed-income and public housing complexes. Based on the analyses presented in the EIS, the proposed actions would not result in significant adverse impacts to land use, zoning, and public policy; socioeconomic conditions; historic and cultural resources; urban design and visual resources; or noise. Although significant adverse impacts would occur with respect to increased utilization of open space, shadows on two open spaces, and increased traffic, pedestrians, and transit riders, these impacts would be at least partially mitigated and would not result in a significant overall change to the defining features of neighborhood character.

CONSTRUCTION

Comment 19-1: A large number of significant adverse construction-period traffic impacts, parking shortfalls during peak construction, and construction-period noise impacts will remain unmitigated. Study area residents have already endured unmitigated construction impacts during the construction period of the adjacent One Manhattan Square project. (CB3_001, CTU_117, AALD_120, LESON_124, Morales_068)

Response 19-1: The applicants are committed to implementing a variety of construction measures that well exceed NYC Code and local law requirements in order to minimize the construction effects on the nearby community. For example, in addition to complying with the requirements under the NYC Noise Control Code, the applicants are committed to using quieter models for certain pieces of equipment and using drilled caissons technique in lieu of the noisier driven piling method where practicable for foundation installation. However, even with the implementation of measures that are beyond regular NYC Code and local law requirements, the construction analysis presented in the DEIS disclosed the potential for unmitigatable noise impacts during the construction period. The additional control

measures would be memorialized in the Restrictive Declarations to ensure appropriate implementation during construction.

As presented in the DEIS, all of the significant adverse traffic impacts identified at the 13 study area intersections could be fully mitigated except for those at the South Street and Montgomery Street and the Chatham Square and Worth Street/Oliver Street intersections. Nevertheless, a more detailed construction traffic analysis will be added to the FEIS, with the purpose of providing additional information related to mitigation strategies that would be appropriate for implementation during interim stages of project development.

The One Manhattan Square project did not require environmental review and therefore did not include commitments to implement construction measures designed to minimize the construction effects on the nearby community.

Comment 19-2: Staggered build years (like Essex Crossing) should be considered. Residents of the LSRD have already endured five years of construction on the One Manhattan Square project and will experience the upcoming Lower Manhattan Coastal Resiliency work. (TUFF-LES_006, Joye_045)

Response 19-2: As described in the DEIS, the three proposed projects have separate developers, approvals, and financing; however, they are being considered together for environmental review purposes since all three project sites are located within the Two Bridges LSRD and would be developed during the same construction period. The applicants are committed to implementing a variety of construction measures that well exceed NYC Code and local law requirements in order to minimize the construction effects on the nearby community.

The One Manhattan Square project did not require environmental review and therefore did not include commitments to implement construction measures designed to minimize the construction effects on the nearby community.

Comment 19-3: The DEIS fails to identify 3 early childhood facilities located in the commercial portion of 82 Rutgers and the impact of construction and noise on these sites. The EIS should require the relocation of the early childhood facilities located in the retail base of 82 Rutgers Slip during the construction period. (TUFF-LES_006)

Response 19-3: As in the case of residential units in 82 Rutgers Slip, the childcare facilities are considered sensitive receptor locations and the potential air quality and noise impacts on these locations were studied. At 82 Rutgers Slip, even with the implementation of measures that are beyond regular

NYC Code and local law requirements, the DEIS disclosed the potential for significant adverse construction noise impacts at the northern, eastern, and southeastern facades of the building. The maximum noise levels predicted by the construction noise analysis would not persist throughout the construction period and would occur only for a limited period of time.

Comment 19-4: The DEIS does not provide sufficient details about the mitigation measures to be employed during the projects' stated 30- to 36-month construction period. (TUFF-LES_006, CTU_117, Niou_011, Niou_047, Joye_045)

Response 19-4: A more detailed construction traffic analysis that encompasses a study area of 15 intersections has been added to the FEIS, with the purpose of providing additional information related to mitigation strategies that would be appropriate for implementation during interim stages of project development.

As detailed in the DEIS, construction of the proposed projects would not only include noise control measures as required by the New York City Noise Control Code, but may also include measures such as the use of quieter equipment, where practicable. These additional controls would include the use of quieter models for certain pieces of equipment and the use of drilled caissons technique in lieu of the noisier driven piling method where practicable for foundation installation. However, even with these measures, elevated construction-period noise levels are predicted to occur for an extended period of time at the façades of residences facing the project sites on Cherry Street; the eastern, southern, and western façades of 64 Rutgers Street; 80 Rutgers Slip; the northern, eastern, and a portion of the southern façades of 82 Rutgers Slip; a portion of the northern façade and the eastern and western façades of 265 and 275 Cherry Street; residences immediately adjacent to Site 6A; portions of the northern and western façades of 286 South Street; and portions of the northern and eastern façades of the residences west of Site 4 (4A/4B). No feasible and practicable mitigation measures have been identified that would fully mitigate the construction-period noise impacts.

Comment 19-5: Adverse construction impacts are disclosed, but not mitigated. Mitigation measures that will limit and mitigate construction impacts should be examined. (TUFF-LES_006)

Full disclosure of all mitigation plans and a detailed explanation of: the process by which communication with the community would occur, including procedure for delivering construction updates and disclosure of dedicated hotline information; Maintenance and Protection of Traffic (MPT) plans for temporary sidewalks, street closures, etc. during the

entire construction period; pest management strategies that would be employed at the project sites during the construction period; emissions reduction strategies and best practices that would be employed during the construction period; and specific noise control measures being proposed should be provided. A commitment to regular coordinating meetings with all appropriate agencies and stakeholders as an additional and necessary mitigation; and Site 4 (4A/4B) relocation of residents during construction should be required. (CB3_013, CTU_117, Liang_018, Liang_054,, Niou_011, Niou_047, Morales_068)

Response 19-5:

As noted in DEIS Chapter 19, “Construction,” information about upcoming construction activities would be provided to the community members through regular email updates and a dedicated hotline would be established for community members to register concerns or problems that may arise during the construction period. In addition, a Community Construction Task Force will be established per requirements in the Restrictive Declarations. Details of the community outreach program will be further developed as construction planning efforts advance.

An overview of anticipated construction logistics was provided in Chapter 19, “Construction,” of the DEIS. Detailed MPT plans will be developed as the project design and construction planning efforts advance. These plans are subject to stringent review, stipulation, and enforcement by NYCDOT’s Office of Construction Mitigation and Coordination (OCMC).

As detailed in the DEIS, construction contracts for all projects sites would include provisions for a rodent control program. Before the start of construction, the contractor would survey and bait the appropriate areas and provide for proper site sanitation. During construction, the contractor would carry out a maintenance program, as necessary. Measures that may be implemented during construction include baiting the project sites within fenced construction areas, providing covered trash receptacles that would be emptied daily, trimming all vegetation regularly, and elevating construction trailers dumpsters and sheds to discourage rodents from nesting in them. To keep the community safe, signage on all baiting areas would be posted, and coordination would be conducted with the appropriate public agencies.

The project applicants are committed to implementing a comprehensive emissions reduction program during construction to reduce air pollutant emissions. As detailed in the DEIS, this program would include, to the extent practicable, dust suppression measures, use of ultra-low sulfur diesel (ULSD) fuel, idling restrictions, diesel equipment reduction, best available tailpipe reduction technologies, and the utilization of newer equipment.

As detailed in the DEIS, construction of the proposed projects would not only include noise control measures as required by the New York City Noise Control Code, but may also include measures such as the use of quieter equipment, where practicable. These additional controls would include the use of quieter models for certain pieces of equipment and the use of drilled caissons technique in lieu of the noisier driven piling method where practicable for foundation installation.

The control measures that are committed by the Project Applicants to minimize the effects of construction would be memorialized in the Restrictive Declarations to ensure appropriate implementation during construction.

Comment 19-6: The scoping request to examine pedestrian safety and usability of the waterfront section of the East River Esplanade along South Street between Montgomery Street and Rutgers Slip was not addressed in the DEIS. The closure of Rutgers Slip during construction will limit pedestrian access to the waterfront to Montgomery Street and Pike Slip, and possibly Clinton Street. Safety measures should be identified in the EIS. (TUFF-LES_006, TUFF-LES_020)

Response 19-6: Detailed Maintenance and Protection of Traffic (MPT) plans will be developed as the project design and construction planning efforts advance. These plans are subject to stringent review, stipulation, and enforcement by NYCDOT's Office of Construction Mitigation and Coordination (OCMC). As discussed in the DEIS, a number of measures would be employed to ensure public safety during the construction of the proposed projects including the erection of sidewalk bridges, the employment of flag persons, and the installation of safety nettings. See also response to Comment 5-2.

Comment 19-7: The DEIS fails to consider dangers caused by increased pollution. Many buildings in the Lower East Side are old and lack central air conditioning, thus prompting residents to keep their windows open during hot days in the fall, spring, and summer. This—along with poor insulation—creates a greater risk for current residents to inhale pollution from the project site during construction. This is more of a concern due to the size of the proposed projects. (AALD_120, LESON_124, Liang_018, Liang_054)

Response 19-7: The DEIS included a detailed analysis of the proposed projects' potential to result in air quality impacts due to construction. Air pollutant levels were studied and predicted at locations along the sidewalks closest to the construction sites that would remain publicly accessible, at surrounding residential buildings, other sensitive receptors such as schools, and in open spaces. The applicants are committed to implementing an emissions

reduction program to minimize the effects of construction activities on the surrounding community. Measures would include, to the extent practicable, dust suppression measures, use of ULSD fuel, idling restrictions, diesel equipment reduction, best available tailpipe reduction technologies, and the utilization of newer equipment. As described in the DEIS, with the implementation of the proposed projects' emission reduction measures, PM_{2.5}, PM₁₀, annual-average NO₂, and CO concentrations would be below their corresponding *de minimis* thresholds or the National Ambient Air Quality Standards (NAAQS), respectively. Therefore, the construction of the proposed projects would not result in significant adverse air quality impacts due to construction sources.

Comment 19-8: The DEIS should include a qualitative noise analysis via resident survey. The insulation of the Lands End II buildings, built in 1979, has degraded; therefore, noise is greater within those apartments. (LandsEnd2RA_137)

Response 19-8: Chapter 17, "Noise," and Chapter 19, "Construction," of the DEIS summarize the operational and construction noise analyses, respectively, prepared in accordance with guidelines presented in the *CEQR Technical Manual*. The DEIS quantitative construction noise analysis identified the potential for a significant adverse construction noise impact at the Lands End II buildings and examined the interior noise levels during construction, which would be anticipated to be in the low 60s dBA. These interior noise levels are up to approximately 17 dBA higher than the 45 dBA threshold recommended for residential use according to CEQR noise exposure guidelines. The units include through-the-wall air conditioning units and there are no additional practical or feasible methods to further reduce construction noise levels to the 45 dBA threshold.

Comment 19-9: Construction duration is expected to last for about three years. There is nothing that promises tenants that it will not extend for a longer period of time. Where will tenants go during these three or more years? (Chok_053)

Response 19-9: See response to Comment 19-5. The applicants are committed to implementing a variety of construction measures that well exceed NYC Code and local law requirements in order to minimize the construction effects on the nearby community. These commitments will be required through the Restrictive Declarations. While construction of the proposed projects would cause temporary disruptions on the adjacent community, it is expected that such disruptions in any given area would be temporary and would not be ongoing for the full duration of the construction period, due to the phasing of construction activities.

Comment 19-10: There are concerns about cumulative impacts to air quality with regards to airborne crystalline silica, known to cause respiratory diseases, and sometimes death. (LandsEnd2RA_137)

Response 19-10: The DEIS included an analysis of potential air quality impacts from the proposed actions, including impacts fine particulate matter (PM₁₀ and PM_{2.5}) associated with regulated air pollutants will be analyzed. These pollutants include all types of particles, including those from man-made and natural sources of minerals in the atmosphere. As noted in EIS Chapter 15, “Air Quality,” the proposed actions would not result in significant adverse air quality impacts, Concentrations of PM₁₀ due to the proposed projects would not result in any violations of National Ambient Air Quality Standards (NAAQS) at intersections in the study area, and incremental concentrations of PM_{2.5} would not exceed the City’s *de minimis* criteria for PM_{2.5}. In addition, concentrations of PM_{2.5} from the projects’ parking facility would not result in any significant adverse air quality impacts. Emissions of PM_{2.5} from the projects’ heating and hot water systems would be less than the applicable annual average criterion of local impacts and for neighborhood scale impacts, an the highest predicted increase in 24 hour average PM_{2.5} concentrations would not exceed the City’s applicable *de minimis* criterion.

ALTERNATIVES

Comment 20-1: The DEIS should include a Lower Density Alternative to the proposed projects. CB3 disagrees that a reduction in density would reduce the amount of permanently affordable housing and compromise the goals and objectives of the proposed projects. (CB3_001, Hanhardt_031, Hanhardt_118)

We believe height limits of 350 feet could also limit some of the shadow impacts while remaining consistent with the site planning and urban design goals of the LSRD, while also providing enough residential development capacity, given the FAR that’s available here, to still meet deeply affordable housing goals that will advance the New York Housing Plan and are consistent with the needs of actual area residents. (Shelton_044)

Response 20-1: A Reduced Height Alternative has been added to EIS Chapter 20, “Alternatives,” in response to this comment. In this case, the buildings on the project sites would be limited to a maximum height of 350 feet. Instead of up to 2,775 units provided by the proposed actions, the Reduced Height Alternative would provide only up to 1,023, thereby reducing the density of development on the project sites.

Comment 20-2: The DEIS fails to examine a range of reasonable alternatives to the proposed developments. The Chinatown Working Group Plan Subdistrict D should be considered and discussed as public policy. (TUFF-LES_006, Linn_214, Simpkins_111, CAAAV_116, CAAAV_231,, Hanhardt_031, Hanhardt_096 Hanhardt_118, Hanhardt_229, Baron_119, Tsu_084, Hollander_087, Rodriguez, Figueroa_092, Winters_093, Ning_094, Ning_235, Yap_237, Kondik_238, Wei_241, Aa_244)

The DEIS fails to explain why the proposed heights are required to meet the goals of the proposed projects, and fails to examine an alternative with equivalent floor area in buildings that are lower and cover more of the lots in the LSRD. The same FAR and affordable housing units could be accommodated in lower buildings more consistent with the LSRD regulation findings and the surrounding area (e.g., the Chinatown Working Group Plan). (Niou_011, Niou_047, TUFF-LES_006, Hanhardt_031, Hanhardt_096, Hanhardt_229)

Response 20-2: See response to Comment 20-1. The Reduced Height Alternative with 1,023 units analyzed in FEIS Chapter 20, “Alternatives,” was considered and found to be inconsistent with project goals and objectives to provide new housing, including a significant amount of affordable housing in furtherance of the City’s Housing New York program.

Comment 20-3: The Alternatives methodology does not consider a “proposed action.” Without the inclusion of a “proposed action,” it is difficult to compare other alternatives with lesser or least amount of impact. Furthermore, the DEIS states that the alternative with lesser units is not viable because it would not provide enough affordable housing units; there is no limit to affordable housing and therefore the number of affordable units could be the same as in the With Action condition. The Alternatives section is fatally flawed; the projects’ goals and objectives have little to do with alternative analysis to reduce the adverse impacts of the proposed actions. (Argenti_174)

Response 20-3: See Response to Comment 20-1. As detailed in the Reduced Height Alternative, the applicants have advised that given the land costs, construction costs and the cost of the transit mitigation measures, it would not be financially feasible to provide affordable units, for example, under the Reduced Height Alternative. Increasing the affordable units while decreasing the number of market-rate units would similarly not be viable.

Comment 20-4: The proposed projects’ goals and objectives do not align with the Alternatives analysis goal of reducing adverse impacts of a proposed action. If the Alternatives section considered a proposed action to build affordable housing in lieu of the residential and mixed-use towers

currently proposed, the alternatives analyzed could be smaller with less units, or could omit mixed uses entirely. (Argenti_174)

Response 20-4:

As noted in the *CEQR Technical Manual*, “SEQRA requires that alternatives to the proposed project be identified and evaluated in an EIS so that the decision maker may consider whether alternatives exist that would minimize or avoid adverse environmental effects. 6 NYCRR 617.9(b)(5). The EIS should consider a range of reasonable alternatives to the project that have the potential to reduce or eliminate a proposed project’s impacts that are feasible, considering the objectives and capabilities of the project sponsor.” The alternatives analysis provided in Chapter 20, “Alternatives,” of the FEIS considers a No Action Alternative, a No Unmitigated Significant Adverse Impacts Alternative, and a Reduced Height Alternative. The DEIS also considered a Lesser Density Alternative that would eliminate both the mitigated and unmitigated significant adverse impacts of the proposed projects. However, as detailed in EIS Chapter 20, “Alternatives,” the significant reductions in the amount of permanently affordable housing delivered by the alternatives to the proposed projects would substantially compromise the proposed projects’ stated goals and objectives, and unsubsidized projects providing only affordable housing are not financially viable.

Comment 20-5:

The DEIS should consider the following visualizations of height and bulk alternatives to the proposed project. These visualizations are based on zoning and height limits prescribed by the Chinatown Working Group plan. (Segal _113, CAAAV_116, CAAAV_231, Holland_135, Ning_094, Ning_235)

The only alternatives that are considered are the required No Action Alternative and a No Unmitigated Significant Adverse Impacts Alternative. The DEIS also discusses their consideration of a Lesser Density Alternative and erroneously concludes that the percentage of affordable units would necessarily remain the same thus significantly reducing the number of affordable units and substantially compromise the projects stated goals and objectives. The CWG Plan’s Subdistrict D is not a “lesser density alternative” as it does not propose a reduction in density although it would lower the permitted heights, thus requiring a different massing of the bulk. For these reasons, the CWG plan is a “reasonable alternative” that should be added as an alternative considered and fully evaluated in the FEIS. (CAAAV_116, CAAAV_231)

Response 20-5:

See responses to comments 20-1, 20-2, and 20-3, above.

MITIGATION

Comment 21-1: The DEIS does not provide many details for specific mitigation for any stated adverse impacts. The public would have no opportunity to comment on proposed mitigation measures if they are disclosed in the FEIS. A full ULURP should be required. (TUFF-LES_006, TUFF-LES_020, Maloy_062, Lopez_041, Echevarria_017, Echevarria_033, Echevarria_099, Kazi_025, Kazi_061)

Mitigation that has been identified in the DEIS has not been finalized. It is unclear why specific mitigations have not been determined in the DEIS, thus prohibiting the public from being able to assess and provide input. Mitigation measures that have not been solidified include significant adverse impacts to open space, shadows, transportation, construction and noise. In some instances, these impacts are not able to be mitigated at all. It is problematic to exclude the public from being able to comment on mitigation measures. (Hanhardt_031, Hanhardt_096, Shelton_044)

CB3 requests further explanation of the justifications, decision-making, public outreach, and agency consultations that went into the selection of all proposed mitigations. There must be a project timeline and cost estimate for all mitigations in significant capital projects and changes to neighborhood infrastructure so their feasibility and impacts on the neighborhood can be understood. (Joye_045)

CB3 believes that any proposal to define mitigations during the period between the October 17, 2018 DEIS hearing and the completion of the FEIS is insufficient as it denies the community boards and the public formal and guaranteed opportunity to vet, review, and comment on significant and necessary proposals prior to a CPC vote on the project application. (Joye_045)

Response 21-1: A range of mitigation measures was provided in the DEIS for public comment. Based on public comment, the lead agency, in consultation with expert agencies (e.g., the Department of Parks and Recreation for open space), then identified mitigation measures that will be required through the Restrictive Declarations.

Comment 21-2: The proposed mitigation measures to address impacts to publicly funded childcare and schools are insufficient because the measures would not be fully defined until the FEIS and would not provide CB3 adequate opportunity for review. The measures are also insufficient because allotted square footage for public school and childcare facilities is not enough to address the significant adverse impacts. (CB3_001, TUFF-LES_006, CTU_117, Niou_011, Niou_047, Shelton_044)

With the influx of at least 494 permanently affordable housing, the developers are proposing to add a measly 19 child care slots. That is an insane, low ball amount of seats and unheard of in other affluent neighborhoods with mega developments of this magnitude. In those areas, they actually build and create a whole new child care center or school to accommodate the incoming population. (TUFF-LES_020)

Response 21-2:

In accordance with the *CEQR Technical Manual*, a range of mitigation measures for potential school and child care impacts was provided in the DEIS for public comment. As noted in Chapter 21, “Mitigation,” of the FEIS, it was determined that, as mitigation, the Restrictive Declarations for the proposed projects will require the applicants to fund the increase in school seat capacity in CSD1. With the funding provided by the applicants, DOE and SCA responses to identified demand could take place in stages and include administrative actions and/or enlargement of existing schools. The *CEQR Technical Manual* lists potential mitigation measures for public school impacts, which may be implemented with these funds. These measures may include, but are not limited to, relocating administrative functions to another site, thereby freeing up space for classrooms; making space within the buildings in the school study area available to DOE; and/or restructuring or reprogramming existing school space within a district.

As discussed in FEIS Chapter 21, “Mitigation,” mitigation measures for the significant adverse impact to child care have been developed in consultation with the New York City Administration for Children’s Services (ACS) and will, if required, include the provision of funding to support adding capacity to existing or new facilities or the provision of a new child care facility within or near the project sites.

Comment 21-3:

The proposed 17,028 square feet of community facility space is not enough to meet the 46,000 square feet needed to accommodate elementary school children. The child care center requirements include at least 30 square feet per child and the SCA requires 1,000 square feet per pre-K classroom. (TUFF-LES_006, Moskowitz_009, Hanhardt_118, Niou_011, Niou_047)

Response 21-3:

As described in the DEIS in Chapter 4, “Community Facilities and Services,” the analyses of publicly funded childcare and schools were performed based on 2,575 residential units (accounting for 200 senior units) as well as all 2,775 proposed residential units, for the purposes of presenting a conservative analysis. Potential child care and elementary school impacts would only occur if the projects are developed with less than 200 units of affordable senior housing. In this instance, the applicants would be required to fund increases in child care and school

seat capacity. The community facility space within the building is not required for these purposes. See response to Comment 21-2.

Comment 21-4: The FEIS should examine expanding the capacity at P.S. 184. (TUFFLES_006)

Response 21-4: As described in the DEIS in Chapter 4, “Community Facilities and Services,” the analysis of schools was performed based on 2,575 residential units (accounting for 200 senior units) as well as all 2,775 proposed residential units, for the purposes of presenting a conservative analysis. Potential elementary school impacts would only occur upon completion and occupancy of all three buildings if the projects are developed with less than 200 units of affordable senior housing. In this instance, SCA would identify the facility or facilities that are most appropriate for capacity increases and the applicants would be required to fund the increase in school seats.

Comment 21-5: The open space mitigation proposed in the DEIS is insufficient to address the loss of open space and impacts of shadows on vegetation and use. Proposed mitigation includes \$15 million to improve local parks. Recent local park renovations cost \$3-7 million each. Therefore, the proposed \$15 million is not adequate to mitigate the negative impacts. (CB3_001, Moskowitz_009, Struthers_043, Shelton_044)

Response 21-5: As described in DEIS Chapter 21, “Mitigation,” while the approximately 33,350 square feet of dedicated publicly accessible open space that would be developed with the proposed projects would reduce the significant adverse open space impacts, it is not sufficient to avoid significant adverse open space impacts. The *CEQR Technical Manual* lists potential mitigation measures for open space impacts; these measures include, but are not limited to, creating new open space within the study area; funding for improvements, renovation, or maintenance at local parks; or improving existing open spaces to increase their utility or capacity to meet identified open space needs in the area, such as through the provision of additional active open space facilities. The proposed open space mitigation summarized in the DEIS was developed in consultation with the Department of Parks and Recreation based on the needs of the open spaces. The payments for maintenance of the two playgrounds affected by shadows is in addition to what will be paid to mitigate the impacts due to increased utilization. The costs to improve and expand the Rutgers Slip open space (east of Rutgers Slip) and to improve the Site 4 (4A/4B) open space are also not considered in the identified costs of mitigation measures for the three Department of Parks and Recreation playgrounds. As described in FEIS Chapter 21, “Mitigation,” potential

mitigation measures were explored by the applicant in consultation with DCP and NYC Parks between the DEIS and FEIS. As partial mitigation for the open space impact, the existing approximately 15,868 square feet (approximately 0.36 acres) of private open space on Site 4 (4A/4B) would be dedicated as publicly accessible open space, and new pavers, plantings, and seating would be installed at this space. The Restrictive Declarations for the proposed projects will require the applicants to undertake reconstruction of Coleman Playground, Captain Jacob Joseph Playground, and Little Flower Playground. However, because of the ongoing planning and future development of the Lower Manhattan Coastal Resiliency (LMCR) and East Side Coastal Resiliency (ESCR) projects, which include components in close proximity to the Two Bridges LSRD project sites, alternative improvements of the same scope may be required by DCP with NYC Parks if the aforementioned reconstruction projects are not deemed feasible at the time that their implementation is required. The projects' significant adverse impacts on open space would not be fully mitigated, and the proposed projects would result in unmitigated significant adverse impacts on open space.

Comment 21-6:

According to the DEIS, one of the primary proposals considered to mitigate open space impacts, is expanding and enhancing private open space in the area. However, private open space is typically not publicly accessible. Therefore, the City should explore opportunities in the project area to develop new public open space. If new public open space is not feasible, we suggest legally binding agreements be put in place to ensure that private open space is made publicly accessible. (MAS_002, Maloy_062)

The mitigation measure which proposes that expanding and enhancing private open space in the area is unacceptable. We object to converting the private entrance at 82 Rutgers Slip to publicly accessible space; there are serious safety concerns. (TUFF-LES_006, CB_013)

Response 21-6:

The private Rutgers Slip open space is east of Rutgers Slip and part of Site 5. The Restrictive Declarations will commit that 0.77-acre space to public use. In addition, the open space at 82 Rutgers Slip would be enlarged, reconstructed with new amenities, including play equipment, basketball courts, and landscaping, walking paths, and seating for the residents and the community and, as mitigation, will be dedicated to public use.

Comment 21-7:

Two acres of new open space would be needed to reduce the open space ratio to the 5 percent CEQR impact threshold. The proposed mitigation would provide insufficient additional open space, even if the private open

spaces were made publicly accessible, to offset the adverse impacts as defined by the *CEQR Technical Manual*. (TUFF-LES_006)

Response 21-7: Existing private open spaces at Site 4 (4A/4B) and Site 5 would be improved and dedicated to public use. Renovation of existing open spaces in the vicinity of the project sites has also been identified as a practicable mitigation measure. Coleman Playground, Captain Jacob Joseph Playground, and Little Flower Playground have been proposed as potential candidates for reconstruction. See response to Comment 21-5.

Comment 21-8: The discussion of open space mitigation should be expanded to explain why the three specific playgrounds (Coleman Playground, Captain Jacob Joseph Playground, and Little Flower Playground) have been proposed as potential candidates for reconstruction. (CB3_001)

Response 21-8: The three open spaces for mitigation were identified and considered in consultation with DCP and NYC Parks, and through input received during community engagement meetings held prior to the start of the environmental review process. The open spaces for mitigation were also considered in part due to their proximity to the project sites. These three open spaces were among the closest to the project sites, and the most likely to be used by the largest number of people. As described in EIS Chapter 5, "Open Space," the three open spaces identified for mitigation have a total area of 3.94 acres, all of which is active space. Coleman Square Playground has a total area of 2.61 acres and contains a variety of active uses including a playground, a baseball field, handball courts, a skate park and spray showers. Captain Jacob Joseph Playground and Little Flower Playground are 1.29 acres and 0.14 acres in size, respectively, and each contain a playground and seating areas. Further, they include both small playgrounds typically used by younger children as well as a larger neighborhood park used by a variety of ages and populations.

Comment 21-9: The complete renovation of Cherry Clinton Playground, improvement of the green street median on Rutgers Street, and improvement of the Allen Street Malls up to East Broadway should be required. The bulk of all open space mitigations should be within the study area. (TUFF-LES_006, TUFF-LES_020)

Response 21-9: See responses to Comments 21-5, 21-7, and 21-8. All the proposed mitigations are within the open space study area.

Comment 21-10: The waterfront esplanade area and Pier 36 should be considered for open space mitigation. The EIS should consider Pier 36 for use as a water taxi stop. (TUFF-LES_006)

Response 21-10: The waterfront esplanade and Pier 36 are under the jurisdiction of the New York City Economic Development Corporation. Pier 36 is utilized by the Department of Sanitation and leased in part to Basketball City. No changes to Pier 36 are anticipated. The portion of the esplanade area at Pier 35 as well as the portion of the esplanade at Pier 42 are parts of improvements already in progress and/or planned by the Economic Development Corporation and the Department of Parks and Recreation.

Comment 21-11: The EIS should consider the NYCHA development proposal at LaGuardia Houses and the likelihood that the playground would be improved as part of that project. (TUFF-LES_006)

Response 21-11: Consideration of mitigation for a project that has not been approved or formally proposed is speculative and would occur beyond the approval process for the proposed actions. The RFP for development at the LaGuardia Houses does not request improvements to the playground.

Comment 21-12: The EIS should consider funding for improvements to Coleman Park. (TUFF-LES_006)

Response 21-12: As described in EIS Chapter 21, "Mitigation," Coleman Playground is one of the open spaces that would be improved with the open space mitigations proposed for the Two Bridges LSRD project.

Comment 21-13: The proposed development would cause adverse shadow impacts on Cherry Clinton Playground and Lillian D. Wald Playground. However, shadow impacts on NYCHA campuses and privately owned space, including Rutgers Slip were not evaluated in the DEIS. Despite significant impacts, the DEIS does not propose any mitigation measures to reduce shadows. The open space impacts raises critical questions about whether the proposed actions truly facilitate the better use of open space, the preservation of natural features, and a general protection of health, safety and general welfare as promoted by the LSRD regulations. The DEIS was deficient in not identifying specific mitigation measures regarding shadows. Therefore, we expect specific mitigation measures (e.g. building design modifications) will be outlined in the FEIS. (MAS_002, CB3_013, TUFF-LES_020, Struthers_043)

Response 21-13: Consistent with CEQR Technical Manual guidelines, the DEIS and FEIS identified potential of shadows impacts on public open space resources. Portions of NYCHA campuses that are primarily intended for the use of residents are not public open space resources and therefore mitigation measures are not required for incremental shadows affecting these spaces.

Comment 21-14: The Reduced Height Alternative does take into consideration a height reduction to 350 feet that would reduce shadow impacts on open spaces. The Reduced Height Alternative with 1,023 units has been analyzed in FEIS Chapter 20, “Alternatives,” and found to be inconsistent with project goals and objectives to provide new housing, including a significant amount of affordable housing in furtherance of the City’s Housing New York program. The project should include substantial community facility space at Site 6, senior programs and services, and more local early childhood day care spots and after school space. (TUFF-LES_006, TUFF-LES_020)

Response 21-14: The analyses presented in the DEIS and the FEIS demonstrate that child care and public schools would not be adversely impacted if 200 of the affordable units are reserved for seniors. If the 200 units are not reserved for seniors, then the developers would be obligated to provide funding to expand public elementary school and child care capacity. Senior programs and services are not within the scope of CEQR.

Comment 21-15: In addition to the mitigation measures that are currently proposed, the developers should expand their capital improvement efforts to the East River amphitheater/bandshell and create a cultural development fund to deliver engaging cultural experiences in the neighborhood. The team of developers could contribute to a fund, at a rate similar to the City's one percent for culture program, so that funds equivalent to one percent of the developments' costs would be placed in a fund managed by a local nonprofit entity committed to creating a vibrant and sustainable community. (Segalini_209)

Response 21-15: This open space resource is at the farthest eastern edge of the open space study area and is expected to be primarily passive open space. As described in EIS Chapter 5, “Open Space,” with the proposed projects, the study area’s total open space ratio would decrease by 7.31 percent, while the active open space ratio would decrease by 8.06 percent and the passive open space ratio would decrease by 6.25 percent. The three open spaces identified for mitigation have a total area of 3.94 acres, all of which is active space. Coleman Square Playground has a total area of 2.61 acres and contains a variety of active uses including a playground, a baseball field, handball courts, a skate park and spray showers. Captain Jacob Joseph Playground and Little Flower Playground are 1.29 acres and 0.14 acres in size, respectively, and each contain a playground and seating areas.

Response 21-16: These three open spaces for mitigation were identified in consultation with the Lead Agency and NYC Parks, and through input received during a series of community engagement meetings. A series of criteria,

including the nature and extent of the significant adverse impact (active vs. passive open space ratios), the extent to which measures were found to be practicable and feasible, and proximity to the project sites were considered in identifying possible mitigation measures. These three open spaces were among the closest to the project sites, and the most likely to be used by the largest number of people. Further, they include both small playgrounds typically used by younger children as well as a larger neighborhood park used by a variety of ages and populations.

Comment 21-16: The developers should provide annual funding for prevention (upgraded extermination, HEPA filter appliances, etc.), maintenance (repairs), and upkeep at Lands End II if the proposed projects are built, for the remainder of their existence. Annual funding should be earmarked for meetings with residents and the residents association quarterly before, during, and after the construction of the proposed projects. (LESPP_243)

Response 21-17: The developers would provide funding for extermination during construction and then during the life of the buildings and part of their routine maintenance. As described in EIS Chapter 15, "Air Quality," no air quality impacts were identified that would require the installation of HEPA filters. The Restrictive Declaration for the proposed projects will require the developers to implement an emissions reduction program in order to minimize construction phase emissions.

Comment 21-17: Provide more detail on the amount of funding to mitigate the shadows impacts and length of time for which the dedicated funding would be provided, the commitment mechanism, and an explanation on how the funds would be used to mitigate the shadows impact. There has been no disclosure of how specific playgrounds in the DEIS were selected and what those consultations look like. (CB3_001, Moskowitz_009, Avila-Goldman_182)

Provide an explanation of how the proposed temporary funding that will expire after the ten-year period can functionally mitigate irreversible impacts on parks, playgrounds, streets, residential buildings, and the residents of the Two Bridges neighborhood. (CB3_001, Shelton_044)

Response 21-18: EIS Chapter 6, "Shadows," Section B, "Definitions and Methodology" explains the shadows analysis methodology and Section D, "Detailed Shadow Analysis" states in detail why Lillian D Wald Playground and Cherry Clinton Playground would experience significant adverse impacts due to shadows. The Restrictive Declarations will commit the applicants to funding for the proposed shadows mitigation, which would be \$25,000 per year for each playground for ten years. This period was selected because it would provide enough time for any impact to occur and for sun

sensitive plants to be replaced with shade tolerant species. As described in EIS Chapter 6, “Shadows,” upon construction of the proposed projects, NYC Parks will utilize the enhanced maintenance funds to monitor the effects of shadows and to undertake appropriate measures. Such measures may include, for example, the relocation sunlight-sensitive elements within the open space, relocating or replacing vegetation, and undertaking additional maintenance to reduce the likelihood of species loss.

Under CEQR, shadow impacts are not considered to occur to sidewalks, streets, buildings, or playgrounds on private property. Therefore, no mitigation is considered for sidewalks, streets, buildings, or playgrounds on private property.

Comment 21-18: The DEIS suggests payment for the improper appropriation of community light using “dedicated funding for enhanced maintenance at these two playgrounds” (Cherry Clinton Playground, and the users of the Lillian D. Wald Playground). The proposed mitigation shows that participation by City officials in converting property held by in public trust under the LSRD by the City of New York to private ownership, which could be tantamount to knowingly permitting, or allowing by gross culpable conduct, person or persons (including corporate entities) to convert public property, or as official misconduct. (LESON_132, LESON_245)

Response 21-19: There is no proposal to make the playgrounds mentioned private property.

Comment 21-19: The FEIS should define the “dedicated funding for enhanced maintenance” and describe how it will be helpful in mitigating the impacts. Will funding from the developer be included in the restrictive declaration? How does “enhanced maintenance” affect the loss of sunlight for vegetation/cherry trees or playground users? (TUFFLES_006, Shelton_044)

Response 21-20: Funding for open space and shadows mitigation will required in the Restrictive Declarations for each of the projects. Funding for enhanced maintenance can help vegetation and enhance the user experience of these open spaces. As described in EIS Chapter 6, “Shadows,” upon construction of the proposed projects, NYC Parks will utilize the enhanced maintenance funds to monitor the effects of shadows and to undertake appropriate measures. Such measures may include, for example, the relocation sunlight-sensitive elements within the open space, relocating or replacing vegetation, and undertaking additional maintenance to reduce the likelihood of species loss.

Comment 21-20: Triple paned windows should be considered for all residents of Site 4 (4A/4B) to mitigate construction noise. (TUFF-LES_006)

Response 21-21: The DEIS quantitative construction noise analysis identified the potential for a significant adverse construction noise impact at 80 Rutgers Slip and 82 Rutgers Slip and examined the interior noise levels during construction, which would be anticipated to be in the low 60s dBA at 80 Rutgers Slip and in the mid 50s dBA at 82 Rutgers Slip. These interior noise levels are up to approximately 18 dBA higher at 80 Rutgers Slip and up to approximately 10 dBA higher at 82 Rutgers Slip than the 45 dBA threshold recommended for residential use according to CEQR noise exposure guidelines. With through-the-wall air conditioning units already installed, there are no additional practical or feasible methods available to reduce construction noise levels to the 45 dBA threshold. The maximum noise levels predicted by the construction noise analysis would not persist throughout the construction period and would occur only for a limited period of time.

PUBLIC HEALTH

Comment 23-1: The DEIS does not address the extent of the shadows potential effects on the community by dismissing the potential to have health and safety impacts to the community. Light deprivation has been scientifically proven to affect mood. (AALD_120, LESON_124, Niou_011, Niou_047, LandsEnd2RA_137)

The DEIS doesn't address potential health issues associated with lack of sunlight as a potential result of increased shadows. (Niou_011, Niou_047, Velazquez_010)

Response 23-1: As stated in the *CEQR Technical Manual*, the need for a public health impact analysis is based on the technical analyses for air quality, water quality, hazardous materials, and noise. As described in these analyses in this EIS, upon completion of construction, the proposed actions would not result in significant unmitigable adverse impacts in any of the technical areas related to public health. However, as identified in EIS Chapter 19, "Construction," the proposed projects may result in unmitigated significant adverse construction-period noise impacts. Therefore, the Public Health chapter provides a public health assessment of construction-period noise.

Comment 23-2: The DEIS analysis fails to adequately describe the impacts and harms from the identified light deprivation. The DEIS maps should indicate the boundary of the LSRD such that light deprivation effects to zoning lots outside the LSRD are visible. It should include an expanded table that

indicates the baseline day length for the dates assessed compared to the amount of light deprivation from megatowers, allowing the percentage of light loss to be understood by the public, rather than providing presumptive assertions regarding adverse impact. New York City has slightly more than 9 hours of daylight in December, the multiple instances of 2–3 hours of light deprivation constitute losses of a quarter to a third of the light available for the days in question. (LESON)

The affected dwellings full of light-sensitive children should be assessed, particularly public dwelling projects. (LESON_132, LESON_245)

The proposed projects would remove most of what little direct natural light the subject property currently enjoys. If approved, the proposed projects would eliminate nearly all of Site 6B's (Block 246, Lots 1101-1057) access to direct natural light, putting the Two Bridges Townhouse Condominium in a state of perpetual darkness and shade. (Slowik_230)

Response 23-2: Access to light inside private dwellings is not an analysis category under CEQR. The DEIS considers the potential impact of shadows generated by the proposed projects on sunlight sensitive publicly accessible resources and other resources of concern such as natural resources and historic resources. As noted in Response 23-1, according to the *CEQR Technical Manual* the technical areas related to Public Health are air quality, water quality, hazardous materials, and noise.

Comment 23-3: The proposed projects would significantly impact access to windows in the residential building, Lands End II. The proposed projects would directly impact 100 Section 8 apartments in this building, resulting in loss of a window. Residents have expressed serious concern about losing this source of natural sunlight, air, and ventilation. The proposed projects should be located at a distance from Lands End II to allow present residents access to their windows and accompanying sunlight, air, and ventilation. (LESPP_243, LandsEnd2RA_137, Castro-Negron_137)

Response 23-3: The two apartments on the south ends of each of the two existing buildings on Site 5 would each lose a south-facing window due to construction of the proposed building on that site. In every habitable room where a window is lost, there would still be an existing window which satisfies the legal light and air requirements for that room. However, in terms of CEQR, changes to private apartment windows are not considered.

Comment 23-4: The project site is located near the FDR highway. For residents of the towers, this could potentially expose residents to dangerous levels of emissions, noise pollution and air pollution. Even if this is mitigated by

sealing the building, it remains a problem with regards to open space. (AALD_120, LESON_124, LandsEnd2RA_137)

Response 23-4: In terms of air quality, an analysis was undertaken to determine maximum CO concentrations on the proposed projects from vehicle emissions along the nearby elevated portion of the FDR Drive. The maximum predicted 1-hour and 8-hour average CO concentrations show that With Action CO concentrations at the project sites near the elevated roadway would be well below the 1-hour and 8-hour CO NAAQS. PM concentrations at the proposed buildings due to vehicle emissions along the elevated FDR Drive were also determined. The results indicate that there would be no violation of the PM10 standard at the project sites in the With Action condition. Due to existing high levels of ambient noise in the area, building attenuation would be required to ensure that interior noise levels meet the CEQR criteria. The proposed building designs include acoustically rated windows and central air conditioning as alternate means of ventilation. The proposed buildings would provide sufficient attenuation to achieve the CEQR interior L10(1) noise level guideline of 45 dBA or lower for residential or community facility uses and 50 dBA or lower for retail uses. The window/wall attenuation and alternate means of ventilation requirements would be codified in a Noise (E) Designation (E-489) on the project sites.

GROWTH-INDUCING ASPECTS OF THE PROPOSED PROJECT

Comment 25-1: The proposed actions will allow the construction of luxury towers where nothing is allowed to be built now. (TUFF-LES_006)

Response 25-1: Together, the three proposed new buildings would contain a total of up to 2,775 new dwelling units, of which 25 percent or up to 694 units would be designated as permanently affordable, including approximately 200 new units of low-income senior housing. The proposed projects would also include approximately 10,858 gsf of Use Group 6 retail space, and approximately 17,028 gsf of community facility space.

Comment 25-2: The DEIS does not consider that approval of the proposed developments could accelerate a future decision to develop Site 6B, which has significant unused FAR. (TUFF-LES_006, Hanhardt_118)

Response 25-2: Any future development of Site 6B would be wholly independent of the current applications and would subject to its own land use and environmental review. The proposed developments would not have the effect of requiring or “accelerating” any such decision by the owners of Site 6B.

GENERAL COMMENTS

Comment G-1: The scale of the proposed project is not appropriate for the neighborhood. Therefore, I am opposed to the project because of the environmental impacts and potential negative impacts to neighborhood character. (DelValle_181, Kriegel-Mallin_183, Harsanyi_008, Velazquez_010, Safdie_178, Levison_190, Chaitin_188, Ferns_197, Torre_191, Sheran_192, Derosia_180, Mac_Reamoynn_156, Goldstein_151, Riedel_158, Wolf_159, Huang_152, Wysocan_148, Benitez_029, Benitez_086, Benitez_150, Yesiltac_173, Edmison_149, Cubberly_210, Perles_222, Tse_228, Cahill_199, Stanton_206, LandsEnd2RA_137, Holland, Mak_059, Hoffmand_060, Maloy_062, Sosin_064, Rostoff_071, Shetler_076, UNDAKVA_078, Questell-Rodriquez_014, Pieris_016, Durham_021, Fernandez_035, Lee_142, Rosenberg_162, Slowik_230, Morris_239, Wolf_250)

I am strongly opposed to this project. (Greenstein_177, Theodos_189, Everett_195, Katz-Rothman_175, Mac_Reamoynn_156, Huang_165, Rosado_143, Yesiltac_173, Kitnick_003, Yin_146, Thill_172, CY_007, CB3_001, Jolly_112, Benson_226, Carson-Aponte_215, Gery_212, Foster_225, Weinstein_213, Goldie_221, Briggs_219, Perles_222, Morris, Zhang_227, Dailey_202, Cahill_176, Cahill_199, Yung_051, Yung_232, Beach_200, Estevez_207, Haines_127, Ning_094, Ning_235, Chok_053, Liang_018, Liang_054, Chen_055, Maloy_062, Zhen_067, Alevante_069, Richardson_070, Anderson_077, Ellsworth_024, Ellsworth_079, Georgis_080, Angles_083, Michalak_088, Fernandez_089, Figueroa_092, Lee_095, Hanhardt_096, Travers_097, Pena_098, Pena_248, Osuna_100, Jabul_103, Stetzer_040, Questell-Rodriquez_014, Pieris_016, Durham_021, Lawrence_133, LandsEnd2RA_139, Yung_204, Jongbloed_208, O'Sullivan_251)

Response G-1: CITE TO RELEVANT RESPONSES ABOVE

Comment G-2: We strongly object to the proposed mitigations. (Holland_135, Maloy_062)

Response G-2: Comment noted. As noted in the *CEQR Technical Manual*, measures that minimize identified significant adverse impacts to the maximum extent practicable must be identified in the FEIS. Practicable and feasible mitigation measures for significant adverse impacts identified in the DEIS have been identified in the FEIS, based on the guidance provided in the *CEQR Technical Manual* and coordination between the applicants, expert agencies (e.g., NYCDOT, NYCDEP, NYC Parks), and the lead agency.

Comment G-3: Make the zoning laws that only allow a gradual increase of building floors into the district. (Zhang_227)

Response G-3: Comment noted.

Comment G-4: We are sensitive to the implications of relocating seniors and are taking measures necessary to minimize the impact to them. Two Bridges has had several meetings with the tenants of the building. Some of these meetings even included Settlement Housing Fund, JDS, and SHoP staff. All of these meetings have focused on imparting information about the development plans while fully disclosing the relocation implications upon those limited number of tenants who will be affected. In addition, we have also had one-on-one meetings with the affected tenants, always with the attendance of the social service staff of the building, the relocation specialists we have hired and members of the tenant's family we invite and welcome if they so desire to be there. These meetings took into account the tenant's preferences about which of several alternative temporary measures they would prefer during the interim. We plan more such meetings like this and will always assure that they include professionals that are familiar with the needs, culture, and language of the population at the senior building. (Two Bridges_247)

There should be a commitment to regular coordination meetings between all appropriate agencies and stakeholders for the proposed project and the Lower Manhattan Coastal Resiliency Project. (CB3_013, Niou_011, Niou_047, Joye_045Joye_045)

Response G-4: Comment noted. The Restrictive Declarations will commit the applicants to participate in a community construction task force which would include community representatives and applicant liaisons. The community construction task force would meet at regular intervals throughout the construction period, providing a forum for communications on relating to the construction schedule, outreach, and concerns.

Comment G-5: Residents expressed that they depend on Gouverneur Health within the community. However, Gouverneur Health often refers residents to Bellevue Hospital, which is difficult to travel to. The developers should provide annual funding to Gouverneur Health for health, wellness programming, and additional services such as shuttle buses and free round trip-metro cards for all Lands End II residents referred to Bellevue Hospital. (LESPP)

Response G-5: Comment noted.

- Comment G-6:** The EIS should examine a new bus, shuttle, or extension route along South Street to accommodate the proposed projects' residents and to connect to the waterfront area. (TUFF-LES_006)
- Response G-6:** The EIS identifies potential significant adverse impacts to traffic, transit and pedestrians and identifies potential mitigation measures. A new bus, shuttle, or extension route along South Street is not proposed as part of the projects, and would not be necessary to mitigate any significant adverse impacts identified in EIS Chapter 14, "Transportation."
- Comment G-7:** Residents expressed that the nearest supermarket, Fine Fare on Clinton Street, is inconvenient. Given that the previous Pathmark supermarket was demolished to build 1 Manhattan Plaza, the developers should provide an affordable supermarket. The developers should also provide a shuttle bus service, with ability to accommodate full shopping carts, on the 1st and the 15th of every month to Fine Fare on Clinton Street until an affordable supermarket is operational on the first floor of any of the proposed buildings. (LESPP_243)
- Response G-7:** Comment noted.
- Comment G-8:** The EIS should consider designs that follow "Pedestrians First" design principles, prioritizing pedestrians (particularly seniors and children) first, and assess a redesign of Rutgers Slip with corresponding intersections. Midblock crossings should be considered (e.g., Cherry Street between Pike and Rutgers Streets). (TUFF-LES_006)
- Response G-8:** Comment noted.
- Comment G-9:** The proposed project will cause serious problems to soil composition to the surrounding area and damage to existing buildings. Most of the buildings in the surrounding area and the FDR structure will start to sink. (Hung_223, Estevez_207)
- There is a danger that the proposed project would disrupt other buildings as it settles, leading to infrastructure damage and safety risks. This has already happened in the area, with One Manhattan causing cracks in adjacent buildings. The DEIS should address this. (AALD_120, LESON_124)
- The Two Bridges Townhouse Condominium may be exposed to long-term damage of their foundation. (Slowik_230)
- Response G-9:** The applicants will perform geotechnical surveys prior to commencing construction. Appropriate measures to comply with NYC Building Code requirements relating to building foundations and engineering will be

undertaken. The applicants are committed to minimizing construction impacts and ensuring the safety of surrounding buildings. As described in EIS Chapter 19, "Construction," a number of measures would be employed to ensure public safety during construction of the proposed projects including the erection of sidewalk bridges, the employment of flag persons, and the installation of safety nettings. In addition, all NYC DOB safety requirements and protocols would be followed and construction of the proposed projects would be undertaken so as to ensure the safety of the community and the construction workers themselves.

Comment G-10: The developers are proceeding without our approval or with the approval of all property owners in the LSRD, as required by the large-scale residential development modifications, pursuant to CPC's July 2, 2008 report N050402ZRM and zoning resolution Section 78-06, Subsection A. My clients, Two Bridges Townhouse Condominiums, are opposed to the proposed projects because of this. (Rostoff_071)

Response G-10: The Department of City Planning has determined that no further approval is required from the Two Bridges Townhouse Condominiums in order for the proposed developments to be reviewed and considered for approval.

Comment G-11: The contemplated enlargement of the zoning lot as proposed by JDS Development Group through Cherry Street Owner, LLC and Settlement Housing Fund Two Bridges Neighborhood Council cannot move forward without Little Cherry's consent as a party in interest. The pre-application statements submitted by JDS to the City Planning Commission does not reference Little Cherry. Two weeks ago, the Supreme Court of the State of New York issued a very powerful decision in our favor affirming that Little Cherry, LLC remains the tenant of a ground lease in good standing at the property and party in interest as certified in 2008. (Stern_072, Slowik_230)

Response G-11: The referenced litigation does not affect the ability of the proposed development at Site 4 to be reviewed and considered for approval by the City Planning Commission.

Comment G-12: The proposed projects violate the Public Authorities Law. The planned developments are a violation of the City's legal obligation to register, appraise or account for natural assets and property transactions as specified in Title 5A of the Public Authorities Law. (Kranes_085)

Response G-12: The cited provisions of the Public Authorities Law do not apply to review and consideration of the proposed developments

- Comment G-13:** If we allow this type of development on the basis of getting an accessible elevator, you're displacing a lot of other people just because of that. We need to look at accessibility more holistically and take into account the fact that we cannot displace so many people for an elevator. (Alevante_069)
- Response G-13:** The ADA-accessible elevator proposed for the corner of Rutgers Street and East Broadway would be required in connection with the Transit mitigation described in EIS Chapter 21, "Mitigation".
- Comment G-14:** We received an eviction letter attempt from the owners, the same co-applicants for the JDS proposal. We are evidence of indirect harassment. (Holland_058)
- Response G-14:** Comment noted.
- Comment G-15:** We do not see the issue of affordable units being addressed substantially enough. We need affordable apartments at a variety of income levels. (CPA_032, Lee_095, Fairweather_140)
- Response G-15:** Comment noted.
- Comment G-16:** The developers should provide annual funding to Rutgers Community Center for "Intergenerational Health, Wellness, and Enrichment programming" as mitigation for the proposed megatowers. Rutgers Community Center acted as resource for the community during Hurricane Sandy; all of the proposed projects are located within the 2015 FEMA-identified floodplain. (LESPP_030, LESPP_243, Jones_091)
- The developers should provide annual funding to Public School 2 for Intergenerational Health, Wellness, and Enrichment programming as mitigation for the proposed megatowers. (LESPP_030, LESPP_243, Jones_091)
- Response G-16:** Comment noted.
- Comment G-17:** The Two Bridges developer, JDS, has been negligent with regards to construction worker complaints, wage fraud, and mistreatments against their general contractor's sub-contractors on this project. Construction must be done responsibly. (Makin_205)
- Response G-17:** Comment noted.
- Comment G-18:** 32BJ is in support of the proposed project. The developers of the proposed buildings at Cherry Street, South Street, and Clinton Street have committed to building service jobs at their site. (Follano_048, Khan_049)

- Response G-18:** Comment noted.
- Comment G-19:** We support the program for the simple increase in elevator access to for the subway. (Prentiss_050)
- Response G-19:** Comment noted.
- Comment G-20:** I am the co-owner of Stop 1 on Cherry Street, and we've secured a long-term lease with L&M. This is something the community has fought for, and we plan to continue to serve the community. There is a possibility for me to expand my space should the proposed actions receive approval. (Rodriguez_052)
- Response G-20:** Comment noted.
- Comment G-21:** We're selling the excess air rights on the senior building and the land and air on the site to JDS development. We have wanted to figure out how to unlock these air rights to create housing and specifically affordable housing, but there are very serious constraints in developing this site that precluded our ability to go alone; we're very excited about JDS and SHoP's plans for this site. First, the new development would result in 15 units of permanent affordable housing. Second, the new development would result in significant investment to the 100 percent affordable senior building at 80 Rutgers (flood proofing). Residents would receive renovations to the existing lobby, and landscaping improvements. Both 80 and 82 Rutgers will remain affordable and under Settlement Housing's ownership. (Sewell_063)
- Response G-21:** Comment noted.
- Comment G-22:** I want to express my support for the developers that support local hiring programs, like the one Two Bridges Associates has proposed (260 South Street). (Williams_066)
- Response G-22:** Comment noted.

*