

A. INTRODUCTION

This document summarizes and responds to comments on the Willets Point Development Draft Supplemental Environmental Impact Statement (DSEIS). Oral and written comments were received during the public hearing held by the New York City Planning Commission, on Wednesday, July 10, 2013. Written comments were accepted through the public comment period, which ended on Monday, July 22, 2013.

Section B lists the elected officials, organizations, and individuals who provided comments on the DSEIS. Section C contains a summary of these comments and responses to relevant comments. As is standard practice, 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 DSEIS. Where more than one commentator expressed similar views, those comments have been grouped and addressed together. It is noted that many of the comments offered substantive concerns, issues, and recommendations about the overall plan itself, but not specifically on EIS technical issues. In these instances, the responses include either an acknowledgment of the comment (“Comment noted.”) or an indication that the comment raised issues beyond City Environmental Quality Review (CEQR) and the technical scope of the DSEIS.

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

1. Queens Community Board 3, oral comments by Giovanna Reid (CB3)

ORGANIZATIONS

2. Auburndale Improvement Association, written submission by Henry Euler dated July 10, 2013 (Auburndale)
3. Bay Terrace Community Alliance, oral comments by Phil Konigsberg (BTCA)
4. International Union of Operating Engineers, Local 14, oral comments by James Conway (IUOE)
5. Jackson Heights Beautification Group, oral comments and undated written submission by Edwin Westley (JHBG)
6. Kew Gardens Improvement Association, oral comments by Sylvia Hack (KGIA)

¹ This entire chapter is new to the FSEIS.

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7. New York League of Conservation Voters, oral comments and written submission dated July 10, 2013 by Dan Hendrick (NYLCV)
8. New York City Park Advocates, oral comments by Geoffrey Croft (NYCPA)
9. Queens Civic Congress, written submission dated June 6, 2013 by Richard Hellenbrecht, read by Phil Konigsberg (QCC)
10. Urban Justice Center, oral comments by Edward W. De Barbieri (UJC)
11. Willets Point Sunrise Co-operative, oral comments by Marco Neira (Sunrise-Neira); oral comments by Sergio Ageri (Sunrise-Ageri)
12. Willets Point United, oral comments and written submissions (July 10, 2013 and July 19, 2013) by Gerald Antonacci (WPU-Antonacci)¹; oral comments by David Schwartz (WPU-Schwartz); written submission dated July 17, 2013 by Michael B. Gerrard (WPU-Gerrard); written submission dated July 10, 2013 by Brian Ketcham, P.E. (WPU-Ketcham)

INTERESTED PUBLIC

13. Joseph Ardizzone, affected resident and member of Willets Point United, oral comments (Ardizzone)
14. Benjamin Haber, oral comments and written submissions dated July 5, 2013 and July 12, 2013 (Haber)
15. Irene Presti, affected property owner and member of Willets Point United, oral comments (Presti)
16. Heather Russell-Loux, written submission dated July 17, 2013 (Russell-Loux)

C. COMMENTS AND RESPONSES

GENERAL

Comment 1: We support the project; it will provide 20,000 sustainable jobs and apprenticeship training opportunities. (IUOE)

We support the project. In addition to the jobs it will create and the economic investment it will make in Queens, this project presents what is probably the best hope to finally improve the water quality in Flushing Creek and Flushing Bay, while creating new access points and green spaces for residents. (NYLCV)

Response: Comment noted.

Comment 2: This plan is robbing me of my past, my present and my future. (WPU-Ardizzone)

Response: Comment noted.

¹ Written submission included developer RFP responses as an attachment.

APPROVAL PROCESS

Comment 3: The Willets Point parking lot would enable the applicants to transfer the Mets CitiField parking lot to Willets Point so the area can be made available for a 1.4 million square foot shopping mall at CitiField. This mall has nothing to do with the 2008 approved plan, nor any connection with CitiField. This is a change in land use and the applicant must comply with current law and undertake the Uniform Land Use Review Procedure (ULURP) for the mall. (Haber)

The approval to allow a parking lot on the Willets Point District is just to facilitate development of a mall. It would be both inappropriate and an abdication of the Commission's responsibilities for the Commission to narrowly consider just the parking lot application, while disregarding the specific intended larger effect of that application—the construction of a huge shopping mall on parkland. (WPU-Antonacci)

Response: The proposed project will result in development in the 61-acre District as substantially similar to the project described and analyzed in the 2008 Final Generic Environmental Impact Statement (FGEIS) and subsequent technical memoranda. The proposed project also includes the development of land beyond the District, at Willets West and south of Roosevelt Avenue. The DSEIS assesses the potential for impacts on all land comprising the proposed project including assessment of the potential for impacts on the surrounding neighborhoods resulting from the development in the District as well as development from additional parcels beyond the District.

ULURP is not required for a change in land use as described by the commenter. As it is proposed to be constructed on mapped parkland, the portion of the development outside the Special Willets Point District—including the development on Willets West—is not zoned, is not subject to the regulations of the Zoning Resolution, and does not require approval pursuant to ULURP. The only portion of the proposed project subject to ULURP is the proposed interim parking area and recreational use within the Special Willets Point District. Nonetheless, as discussed above, this Final Supplemental Environmental Impact Statement (FSEIS) assesses the potential for impact of all components of the project, including on proposed project land not subject to ULURP.

Comment 4: Please reject this application. Let the city issue a new Request for Proposal (RFP) and let the respondents conform with the parameters and goals of the project that was approved in 2008. (WPU-Antonacci)

Response: This is not a comment on the DSEIS. However, the proposal for the initial 23 acres fulfills the first phase of the original vision for the area and more. The developer proposal, in its final form, conformed fully with the vision, addressing two key challenges—the absence of development activity in the

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general area surrounding Willets Point, and the need to remediate environmental contamination on a large portion of the district. The proposed project would allow for initial uses in the immediate area that are critical to create the economic environment necessary to achieve the full vision at Willets Point.

Comment 5: Public participation in the environmental analysis is a farce. Over the past five years more than a thousand pages of comments have been generated on the FGEIS, the Access Modification Report (AMR), the Phase 1 Report, the Van Wyck Ramp Environmental Assessment (EA) and the Final Scoping Document for Willets Point “West.” Thousands of comments have had no effect on the outcome of these analyses. Comments were deemed as not requiring a response, given a meaningless response, or the response simply disagreed with the commenter. In 2010, there was a meeting with the Federal Highway Administration (FHWA), the New York State Department of Transportation (NYSDOT), the New York City Economic Development Corporation (EDC), and a host of lawyers where WPU identified problems so significant that it forced a two-year delay in the Willets Point project. The project presented one story in the FGEIS and another in the Environmental Assessment for the Van Wyck Ramps. The EA report hid traffic volumes to under-report project impacts. (WPU-Ketcham)

WPU discovered that the draft AMR relied on traffic presumptions that differed dramatically from those contained in the FGEIS. Thereafter, NYSDOT and FHWA did not approve the draft AMR, but rejected it; restructured the ramp approval process to require an Environmental Assessment prior to approval of any AMR, and sent EDC back to the drawing board to draft a new AMR, which took two years. (WPU-Antonacci)

Response: The public comment process for the GEIS, AMR, and this FSEIS review was extensive. As a result of public input, comments were considered by the lead agencies and these documents were revised, where appropriate.

The Draft AMR referred to in the comment was a preliminary draft, and the traffic analysis contained therein underwent substantial revision, culminating in the traffic analysis contained in the EA. The two-year length of time that was required to complete and issue the EA for public comment suggests the rigorous nature of the EA’s review by NYSDOT and FHWA.

It should be noted that the EA and FGEIS use different methodologies. The EA, in evaluating the proposed access modification project, is a National Environmental Policy Act (NEPA) document and thus was guided by NYSDOT and FHWA procedures for assessing potential impacts from highway projects. This assessment is more regional in its approach and focused on highway systems. The FGEIS was developed in consultation with the New York City Department of Transportation (NYCDOT) and in accordance with the *CEQR Technical Manual*. Second, because the proposed access modification project

looks at the highway system, there were different data needs than used in the FGEIS. A complete data collection program was developed to record traffic volumes along highway and local roads, which resulted in a new base of traffic for evaluation in the EA. Third, each methodology used a different growth to forecast the future No Build condition. While the FGEIS used a conservative standard flat rate, as defined in the *CEQR Technical Manual*, the EA, being more regional in nature and focused on the highway system, used the regional long-range planning model. Fourth, the FGEIS follows the *CEQR Technical Manual*, and considers traffic flow on a localized level to determine site-specific impacts, whereas the EA analyzes traffic on a more regional level. Fifth and last, projected growth associated with both the proposed project and other local developments as defined in the FGEIS are the same for both the EA and FGEIS.

Comment 6: The Commission has treated unequally those who would provide proxy testimony opposed to the Willets Point development, versus those who would provide proxy testimony in favor of the Willets Point development. (WPU-Antonacci)

Response: The New York City Planning Commission accepted all oral and written testimonies that were offered at the public hearing. All testimony that was submitted within the public comment period was accepted for consideration by the lead agency. The comment period remained open for 10 days beyond the hearing date pursuant to New York State Environmental Quality Review Act (SEQRA) regulations. Thus, all comments on the DSEIS were included in the record.

RFP, BIDDING DOCUMENTS, LEASE TERMS, COMMUNITY INVOLVEMENT

Comment 7: Gone is the pledge to provide workers with a living wage. (Presti)

A living wage for retail workers has been pushed off into the indefinite future. (WPU-Schwartz)

Response: This is not a comment on the DSEIS. Living wage provisions are not a socioeconomic impact issue under CEQR guidance and, thus, are outside the scope of this project's environmental review.

Comment 8: The City used the threat of eminent domain to grab land that will now be used as a parking lot. What the City is getting for its overall investment of about \$500 million is a mall and a parking lot. Everything else is smoke and mirrors. (Presti).

The proposed development is nothing more than a land grab by private developers with deep pockets whose claims of improving the community are questionable at best. The current development is not to benefit the community

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but solely for the benefit of those who wish to attend events at CitiField. (Russell-Loux)

Don't believe for a second if there is a chance to use eminent domain they won't use it. The City is using inappropriate, un-American tactics for private enrichment. (WPU-Antonacci)

I voted against the proposal in 2008, and am still opposed because eminent domain is still an option. (BTCA)

Response: This is not a comment on the DSEIS. The City uses eminent domain sparingly and only as a last resort. Since the 2008 approval of the Plan, the City has undertaken outreach and has been negotiating with property owners in the District. Through negotiated acquisition, the City has acquired, or is in contract to purchase, approximately 95 percent of the land area within the proposed Phase 1A/1B footprint (Assemblage Option 2). The City will continue its outreach efforts as the development of the District moves forward. The City's acquisition of the land area within the District would serve to meet the goals and objectives of the Willets Point development plan, to remediate and transform the area surrounding CitiField into a thriving new neighborhood and regional destination.

Comment 9: There was no consultation with the community boards on the developers' plan. (CB3)

The community board was not included as part of the developer selection process. Had there been community board input, this shopping mall project would not have been selected. (Haber)

Community Board 9 was not consulted and involved in the proposals. (KGIA)

The decision to select the plan of Sterling/Related to the exclusion of all others was made by the City administration via a process that violated written guarantees within the Willets Point FGEIS and elsewhere, that the Willets Point Advisory Committee would participate in and help to guide developer selection. (WPU-Antonacci)

Response: Comment noted. Community Board participation in developer selection is outside the scope of this project's environmental review. The ULURP application and the DSEIS were referred out to Queens Community Board 7 for review pursuant to the ULURP rules. Furthermore, Queens Community Board 3 requested and was sent the ULURP application materials for review.

Comment 10: The 2008 approvals of the proposed Willets Point development—procured in the context of lobbying so illegal that it required the restructuring of EDC to ensure it will never happen again—still are the basis of the proposed Willets

Point Phase 1/Willets West development being considered now. (WPU-Antonacci)

Response: This is not a comment on the DSEIS and is outside the scope of this project's environmental review.

SUBSIDIES

Comment 11: Other developers would be happy to get the land for \$1 and receive \$99 million in taxpayer subsidy. (Haber)

The City has decided to gift the property to Related and Sterling Equities for \$1. (Presti)

They've gotten 23 acres for \$1. That's \$250 million dollars in land for \$1. They've gotten \$100 million grant, \$20 million in sales tax, and it just goes on and on. (WPU-Antonacci)

The City is taking over land from private owners to build a parking lot, just so a private developer can buy parkland for \$1 to build a mall. \$200 million has been spent to purchase property to be given to developers for \$1, with a \$99 million subsidy to the developer. (WPU-Schwartz)

Response: Business terms are beyond the scope of this project's EIS. The contamination of the Willets Point land in conjunction with the requirements to remediate the land renders it of only nominal value. The City has a certain amount of funding available for this project that has been allocated towards demolition, remediation and infrastructure costs in order to expedite the project. The Queens Development Group plans to invest \$3 billion to remediate the property and build a new mixed-use community in its place. A Request for Proposals (RFP) was issued by EDC providing an opportunity for developers to submit proposals for development of Phase 1 of the Willets Point Development Plan. No other developers responded with proposals that achieved the development of Willets Point according to the goals of the plan without requiring subsidies that far exceeded the current proposal.

Comment 12: The developers are getting a \$99 million grant for cleanup and \$20 million in sales tax exemptions. Any profits from that mall go directly to Sterling and Related, and the remediation is paid for by the tax paying people. (WPU-Antonacci)

Response: The business terms are beyond the scope of this EIS. Please refer to response to Comment 7 regarding the City's commitment to fund the environmental cleanup and required infrastructure to support the development.

VAN WYCK RAMP APPROVALS

Comment 13: The highways cannot be enlarged. There's never going to be ramps. The housing is never going to happen. (Haber)

The affordable housing and new schools will be delayed and contingent on the construction of the Van Wyck ramps. (CB3)

The Van Wyck ramps and the highway ramps are never getting built. A clause in the contract says that if Sterling and Related want to build them, they can build them by themselves. There's also a line in the contract that says under no circumstances is it to be assumed that the City is obligated to build the ramps. (WPU-Antonacci)

Had it been stated back in 2008 that the affordable housing would be put off for 10 years on some speculation that maybe our ramps will be built off the Van Wyck Expressway, this plan would never have been approved. This is a bamboozle. (WPU-Schwartz)

When the City put forward its original plan, it said that it would provide ramps off the Van Wyck to mitigate the tens of thousands of weekly car and truck trips. Now, even with an added 1.4 million square feet of mall, there are no immediate plans to build those ramps. And without them, heaven help those trying to navigate streets like Roosevelt Avenue, near where my property lies today. (Presti)

Response: The City sought and received approval for the Van Wyck Expressway ramps and is committed to funding the ramps in order to maximize the full allowable development in the first phase, including affordable housing, and ensure the development of future phases as well as to mitigate impacts of development. The Queens Development Group is not contractually prevented from building the ramps without waiting for the City to move ahead with its plans to construct them and it would have to meet any future obligations imposed by FHWA and NYSDOT before it could commence with their construction. The design and construction of the ramps is a complex process that, like any other large infrastructure project, will require extensive coordination from multiple governmental agencies. As described in Chapter 14, "Transportation," and Chapter 21, "Mitigation," the DSEIS has addressed and considered the impacts of the Willets Point development project, including the proposed development on the Willets West portion of the project site.

Comment 14: The City still refuses to disclose anything about the cost of the Van Wyck ramps, though they say the City has agreed to pay for them. It appears that the traffic methodology used for the DSEIS was similar to that employed by the City in the original FEIS. That FEIS also projected terrible traffic consequences, though not nearly as bad as those in the DSEIS (at least in part because of the

considerable enlargement of the project). The City then abandoned that methodology when it prepared an AMR in its successful effort to persuade NYSDOT and FHWA to approve the Van Wyck ramps. Now the City is going back to its original methodology. In view of this new information, the prior approvals by the NYSDOT and the FHWA are invalid, and those agencies need to undertake a fresh review under NEPA. (WPU-Gerrard)

Response: The comment appears to relate to the scope of the EA and Finding of No Significant Impact (FONSI) issued by FHWA, but not to the DSEIS. For the reasons noted in the response to Comment 5, it should be noted that FHWA requires a different analysis of modified or new access to and from the existing highways network than required under SEQRA or CEQR. The appropriate methodologies were used for the respective approval processes.

The AMR was approved by FHWA, upon recommendation for approval by NYSDOT. The Van Wyck Ramp project analyzed in the EA and the AMR, and discussed in FHWA's issuance of a FONSI, have not changed. The Willets Point development project is a background development project for the EA and changed after FHWA had issued the EA, FONSI and AMR. This DSEIS addresses a change to the schedule and scope of the background project. If the proposed changes to the Willets Point development project are approved, FHWA will be apprised of the changes to the background project as they relate to the EA, FONSI and AMR. As described in the Van Wyck Ramp EA, capital construction costs are estimated to be approximately \$50 million.

Comment 15: Why did not EDC and/or the developer revise the EA for the Van Wyck ramps? The DSEIS reports the Willets "West" Mall will be adding about 28,000 car and truck trips to the WP area (and a great deal more if their assumptions are wrong) for average weekdays. Adding the Willets "West" Mall traffic results in significant differences in background traffic that will affect travel conditions with the ramps. These trips, as many as 3,000 an hour entering or leaving the Willets "West" Mall, will get onto nearby expressways affecting the baseline conditions examined to determine the environmental impacts of the Van Wyck ramps to be constructed. The DSEIS itself reports that the Willets "West" Mall will produce significant traffic impacts on surrounding expressways requiring costly mitigation (should funds be available) (DSEIS Page 21-27). The EA must be updated. (WPU-Ketcham)

Response: FHWA requires a different analysis of modified or new access to and from the existing highways network than is required under the SEQRA/CEQR process. Thus, the AMR framework includes travel demand modeling and simulation to understand the potential effects within a larger regional area and much further into the future than is typically done in the SEQRA/CEQR process. Whereas the project's environmental assessment of project-generated traffic impacts conforms with the *CEQR Technical Manual* guidance of using Highway

Capacity Manual (HCM) (version 5.5) procedures, accounting for traffic generated by other nearby development projects, and applying prescribed annual background traffic growth rate, the AMR framework utilized the Best Practices Model (BPM), which is a travel demand forecasting model for the New York Metropolitan Transportation Council (NYMTC) region. The BPM macro-model comprises data and projections from 28 counties in the tri-state region. The traffic analysis performed for the AMR analyzes the regional highway impacts of the ramps themselves, whereas the potential impacts that are analyzed in the DSEIS are associated with the proposed project modifications on a more localized basis. Thus, the methodologies and inputs for both analyses are different with no inherent discrepancies or data oversight in the impact assessments between the Willets Point DSEIS and the AMR documents. The focus on the local effects of the Plan and the regional effects of the proposed Willets Point ramps on the Van Wyck Expressway necessitate the use of different modeling methodologies and time horizons. If the proposed changes to the Willets Point development project are approved, FHWA will be apprised of the changes to the background project as they relate to the EA, FONSI, and AMR.

RELOCATION/ RELOCATION ASSISTANCE

Comment 16: The DSEIS still does not identify relocation sites for the remaining businesses that have not agreed to sell. The Response to Comments on the Draft Scope (page 20) says that the City is still working on this, but there is no indication that any progress has been made for the last several years. The original EIS assumed that all the businesses could be readily relocated. Five years later relocation sites have not yet been found for my clients and others. The Supplemental EIS must acknowledge this reality. (WPU-Gerrard)

The City has been trying to push us out of Willets Point. They've arrested 54 of the owners and workers. We want to know where we're going to relocate, and how the City is going to follow through. We found land where we can relocate as a group, but nobody is taking us seriously. Our interests are being pushed behind others. (Sunrise-Ageri)

Response: Since the approval of the 2008 Plan, the City has been undertaking an extensive outreach effort to the existing businesses and their workers. EDC has contracted with The Cornerstone Group, a business relocation expert, to provide relocation assistance and advisory services free of charge to affected tenant businesses on city-owned property in the Phase 1 footprint of the District. Cornerstone has been providing services at Willets Point since they were initially engaged by EDC in 2008, and has maintained a regular presence in the District since that time. Cornerstone commenced its most recent round of outreach to affected Willets Point tenant businesses on City-owned property in September 2012 and their outreach in Willets Point is ongoing. To date, Cornerstone has identified

over 120 potential relocation sites (for rent and sale) with a range of sizes and prices. They have been in contact with all tenant businesses on City-owned property in the Phase 1 footprint who are on record with the New York City Department of Housing, Preservation, and Development (HPD) (as landlord) and have presented each of them with multiple potential relocation sites over the past several months. They have taken many business representatives on site tours, and as instructed by businesses, made a number of offers on their behalf. Cornerstone is actively working with individual businesses, as well as businesses who have expressed a desire to co-locate in clusters. The identification of potential sites for relocation will not be provided in the SEIS, as the public release of such information could jeopardize negotiations with existing property owners. The DSEIS provides a reporting of the businesses that remain on the project site, and the anticipated timing of their displacement. The DSEIS also clarifies that the proposed project would result in the same direct business displacement identified and analyzed in the 2008 FGEIS and subsequent technical memoranda.

Comment 17: Cornerstone recently has been helpful in analyzing the market and finding sites to relocate to. Unfortunately, the task is to relocate all the businesses. They benefit from co-location, they're asking to be relocated together, and Cornerstone hasn't been able to help us get to that point. We have approached EDC, the developer, and we have worked with Councilmember Ferreras to get a relocation plan that's meaningful and workable for the members of the [Sunrise] cooperative. Unfortunately, we don't have a viable relocation plan, and that's a serious flaw in this project. The City has given no commitment to help with a viable relocation plan. Our concern is that the displaced businesses will die. (UJC)

We would like to see our members relocated as a group, similar to the Fulton Fish Market model. (Sunrise-Neira)

These businesses are all interrelated with each other, and that's why it's so important for the relocation that these businesses are kept together. And there is really no plan to do that. (WPU-Schwartz)

The 79+ businesses that are not members of the Sunrise Corporation are just as dependent upon co-location for their future survival as are the members of the Sunrise Corporation. (WPU-Antonacci)

Response: As described above, EDC has contracted with The Cornerstone Group, a business relocation expert, to provide relocation assistance and advisory services free of charge to affected tenant businesses on City-owned property in the Phase 1 footprint of the Willets Point District. Cornerstone commenced its most recent round of outreach to affected Willets Point businesses on City-owned property in September 2012 and their outreach is ongoing. Cornerstone

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is actively working with individual businesses, as well as tenant businesses who have expressed a desire to co-locate in clusters.

Comment 18: LaGuardia Community College's retraining program doesn't work. The workers already have jobs, they're running businesses. All they're asking for is to be relocated somewhere else where they can continue to operate their business. (UJC)

Response: This is not a comment on the DSEIS. However, the Willets Point Worker Assistance Program (WAP), administered by LaGuardia Community College on behalf of EDC, has successfully provided a variety of services at no cost to Willets Point workers who have enrolled in the program. These services include job training, job placement, General Education Development (GED) test preparation, referrals to counseling for immigration issues, as well as educational and vocational classes. To date, over 600 Willets Point workers have registered with the WAP, and 470 have taken advantage of program services. On a weekly basis, LaGuardia Community College identifies potential job opportunities, which are provided to Willets Point workers who have enrolled in the program and who have expressed interest in finding employment beyond the District. LaGuardia Community College has successfully placed over two dozen participants in the WAP into jobs in various industries.

HOUSING

Comment 19: The housing is never going to be built. Phase 2, with the promise of 35 percent for affordable housing, has a scheduled completion of 2032. (JHBG)

Gone is the housing, pushed way back into the distant future with no guarantee that it will ever get built. (Presti)

Affordable housing has been pushed off into the indefinite future. (WPU-Schwartz)

The housing won't get built. There's a \$30 million out clause. And if the city doesn't build the ramps, they don't have to build the housing. Without the ramps, only Phase 1A (essentially, the mall) can be built. (WPU-Antonacci)

The estimated cost is \$3 billion for Phase 1A and 1B, but they have an out clause that costs \$35 million. These developers are kicking the can down the road. (JHBG)

Response: The purpose of the SEIS is to analyze the potential environmental impacts of the project as proposed. The remediation of the Willets Point Phase I area, the development of Willets West and the activation of 126th Street combined will catalyze further development of the area in the future phases, including affordable housing. The RWCDS for Phase 1B and Phase 2 of the project include the development of a mixed-use community that contains thousands of

housing units, hundreds of which are anticipated to be affordable housing units. The residential uses will require the supportive development of the retail, office, school, community facility, and open space uses that will surround it. As such, plans do not currently call for the construction of stand-alone residential uses in this area without the other uses that would support such housing. It should be noted that affordable housing is one of a number of important goals for the proposed project and is anticipated to commence in Phase 1B.

LEASE FOR PARKLAND

Comment 20: The 1961 Legislation does not permit any shopping mall. Administrative Code 18-118 explicitly states that any moneys gained from a temporary lease on the property must go back into the property. The intention of the law was not to allow any project to make a permanent claim on parkland or its facilities. The parkland we are talking about here today was never alienated as required under state law and no replacement for this parkland is being proposed. If the 30+ acres of parkland they are attempting to seize for the project were no longer needed for parking for the Mets, then it should revert back to its original use. (NYCPA)

The DSEIS does not satisfactorily address the comments raised by a number of commenters that the land that the City acquired for park purposes cannot lawfully be utilized for a shopping mall and associated parking, in particular there is no, or insufficient, legislative authorization to abrogate the public trust doctrine in this instance, and that the Administrative Code does not permit the City to lease or sell the parkland at issue to construct a mall. (WPU-Gerrard)

There is no plan to replace the 30.7 acres of parkland. Urban Justice Center has issued an opinion that there is nothing in the 1961 legislation that even hints of the building of a mall. It does address possible development but only as it relates to a sports venue. (JHBG)

The mall is taking away 30 acres of parkland. A shopping mall on public parkland is not appropriate. The Commission is being asked to approve a ULURP application to facilitate construction of a mall that is unlawful and cannot occur. (WPU-Antonacci)

This is a radical change in land use from a parking area to a huge shopping mall and not contemplated in the 1961 lease of the CitiField property. There is no obligation to replace parkland. (Haber)

The 1961 legislation doesn't specifically allow a mall to be built on the Willets West site. (UJC)

Any change in use should be subject to State alienation legislation. As parking lots they could be easily returned to public space as open space if they were no longer needed, but the introduction of a massive steel and concrete mall to these

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western parking lots would permanently destroy a public park amenity the community should enjoy for recreation and fun. (QCC)

Flushing Meadows Corona Park is being murdered piece by piece. If it's so wonderful to have these things, I don't understand why Central Park or Prospect Park never get looked at. How is it that 30 acres or so of property is being transferred for the use of a mall? That is outrageous. (KGIA)

Community Board 3 is opposed to constructing a mall on active parkland. (CB3)

Taking parkland from the residents of Queens is outrageous. (WPU-Schwartz)

Response: Comments regarding the permissibility and appropriateness of building on Willets West are not comments on the DSEIS. Nonetheless, the City has previously received the legislative authority to enter into leases for the use of the portion of the project here known as Willets West in furtherance of entertainment, trade and commerce for the benefit of the City, and therefore additional parkland alienation approval is not required for the proposed project. Specifically, Section 18-118 of the Administrative Code (originally codified as Section 532-15.0) was enacted by the New York State Legislature under Chapter 729 of the Session Laws of 1961 and authorizes the City to enter into leases, contracts and other agreements for a multitude of purposes, including for any purpose which is of such a nature so as to foster or promote amusement, entertainment or the improvement of trade and commerce. The statute declares that such purposes, as well as others set forth in the statute, are for the benefit of the people of the City and for the improvement of, among other things, their health, welfare, recreation and prosperity, and for the improvement of trade and commerce, and are further declared to be public purposes. The proposed use fits within the uses allowed by the above statutory provision.

FRAMEWORK FOR ANALYSIS

Comment 21: The DSEIS relies on inaccurate "No Action" baseline assumptions that the existing uses on the project site would be maintained. The City intends, and is already taking steps, to evict tenant businesses that operate throughout the Willets Point Phase 1 property. The City has not disclosed what will become of City-owned Willets Point property in the event that the City's proposed Willets Point development does not occur, but it must do so now in order to ensure an accurate SEIS analysis. The SEIS must also assess what owner-development would likely occur, even without action on the part of the City, now that the sewer main lines along 126th Street directly adjacent to the Willets Point property exist. (WPU-Antonacci)

Response: The DSEIS assumption that the existing uses would be maintained in each of the three No Action scenarios is conservative. This framework for analysis allows for the displacement of Willets Point businesses and workers—as well as the

project's effects on traffic, parking, transit, and pedestrians—to be fully accounted for. The assumption of any current owner development in the No Action scenario would lessen the effects attributable to the proposed project.

CEQR methodologies require analysis of the incremental difference between the impacts of the development scenario where the City has taken action versus one where the City has not taken action. This SEIS conservatively assumes that if the City does not take action, existing conditions would continue. In addition, it is a reasonable assumption that development according to zoning would not proceed without City action even after the construction of sanitary sewers as significant assemblage, environmental remediation and change of grade would be required prior to development.

SOCIOECONOMICS

Comment 22: More tenant businesses are impacted than the Commission has been led to believe. The public hearing on July 10, 2013 included testimony from representatives of the Sunrise Corporation, an association of approximately 60 tenant businesses. It is our understanding that some of those 60 businesses are located within Willets Point but beyond the Phase 1 area that would be affected if the present Sterling/Related plan succeeds. In the recent eminent domain case pertaining to a first phase of Willets Point property that was substantially similar to the Phase 1 that is presently contemplated, the City's "Response to EDPL Comments" dated May 2011 acknowledged that 139 auto-related businesses in the first phase would be displaced. (WPU-Antonacci)

Response: The commenter is referring to testimonies related to different actions. The EDPL process, which has been subsequently withdrawn, only related to properties within the Phase 1 area, whereas this CEQR record addresses the redevelopment of Phase 1 and Phase 2 of the Special Willets Point District. As the DSEIS discloses, all existing businesses (260) in the District would be displaced by the full build year of 2032.

Comment 23: The DSEIS makes inconsistent statements about retail capture rate. The application claims that the project would capture retail spending in the surrounding suburbs yet would not affect the 5-mile study area. If the second statement is correct then they will put existing Queens malls into bankruptcy, like Atlas Mall in Middle Village. (JHBG)

Response: The DSEIS is consistent in its presentation of retail capture rates. The retail expenditure analysis conducted as part of the preliminary assessment indicates that the 5-Mile Primary Trade Area is currently under-retailed, with an overall retail capture rate of 61 percent. In the future with the proposed project, the retail capture rate would increase to 77 percent. That the capture rate in the future with the proposed project would remain well below 100 percent (the

CEQR threshold requiring a detailed analysis of indirect business displacement due to retail market saturation) indicates that there would continue to be ample retail expenditure potential in the 5-Mile Primary Trade Area to support the both the proposed project, existing retail, and retail introduced in the future independent of the proposed project.

As noted in the DSEIS, The Shops at Atlas Park has struggled to attract and retain tenants in recent years, in part due to its relative isolation and the lack of an anchor retailer. While shopping centers like Atlas Park may continue to struggle in the future, such troubles would be unrelated to the proposed project, as the capture rate analysis indicates that the retail market in the 5-Mile Primary Trade Area (and in Queens as a whole) would not approach saturation in the future with the project.

Comment 24: A mall will destroy hundreds of mom and pop businesses and surrounding neighborhoods, introducing potentially devastating competition to existing struggling malls such as the Shops at Atlas Park, Rego Park, and Queens Center Mall. (QCC)

There was no discussion of the displacement of the residents and the businesses [in Community Board 3]. We have small mom and pop stores that are going to be impacted by the proposed plan. (CB3)

The mall will harm hundreds of small businesses on Northern Boulevard, Roosevelt Avenue, Downtown Flushing, the shops on 20th Avenue, and Rego Park. (Haber)

The disruption to the community as well as to the users of Flushing Meadows Corona Park by the Willets Point West proposed development cannot be stressed enough. Businesses and workers will be displaced. (Russell-Loux)

What will happen to local businesses when the mall is completed? (Auburndale)

Response: The DSEIS followed *CEQR Technical Manual* guidelines in analyzing the potential for significant adverse impacts to neighborhood retail concentrations due to competition. Based on CEQR guidelines, if the capture rate for specific, relevant categories of goods would exceed 100 percent in the future with the proposed project, it may have the potential to saturate the market for particular retail goods and a detailed analysis is warranted. As indicated in the DSEIS, capture rates for each of the retail categories analyzed would remain below 100 percent in the future with the proposed project, indicating that the project would not have the potential to saturate the market for particular retail goods and that a detailed analysis was not warranted. Nonetheless, to maintain consistency with the analysis performed for the FGEIS, a detailed analysis of indirect business displacement due to retail market saturation was conducted. This detailed analysis focused on local grocery stores, which generally serve as anchors for local retail concentrations, as well as on anchors in regional retail centers,

including movie theaters and restaurants, because the Willets West component of the proposed project would constitute a major new shopping and entertainment center. The detailed analysis confirmed that the proposed project would not have a significant adverse impact due to indirect business displacement.

Comment 25: Can the project east of 126th Street accommodate nearly 600,000 square feet (sf) of local retail and, if so, how? What is the basis for assuming 593,000 sf of local retail east of 126th Street? This assumption appears very high for a project with just 5,850 residences, approximately 12,000 residents (plus workers and others, although local retail is nowhere close to the Willets “West” Mall and entertainment center and additional retail would be redundant for the Willets Point “West” shopping mall). Moreover, assuming stores are 60 feet deep, the developer is looking at installing nearly two miles of storefront space in the original Willets Point project. We don’t think there is enough space for this much local retail. And, with all this local retail using curb space, where will 657,000 sf of additional destination retail go if all frontage is occupied by local retail? So, what’s the point of so much local retail? Considering that just 15 percent of shoppers are assumed to arrive by auto for local retail we believe this is the developer’s way of hiding auto trips and minimizing traffic impacts. We are convinced that more than half of this “local retail” space will, in fact, end up as destination retail. The DSEIS must be revised to account for this worst case condition. (WPU-Ketcham)

Response: The DSEIS used the full available square footage under the District approvals for a reasonable worst-case development scenario (RWCDS) impact analysis. Further, there is a practical limit to the amount of destination retail that a single area can accommodate. The 2008 FGEIS assumed that up to 1.55 million square feet of destination retail would be developed within the District. Since the proposed project would introduce an additional one million square feet of destination retail to the area, and considering the amount of destination retail already existing in nearby downtown Flushing, it was assumed that the District could not reasonably accommodate more than 600,000 or 700,000 square feet of additional destination retail, due to reasonable limits on the number of large destination retailers that could viably locate there. The potential for big box stores would also be constrained by the building footprints imposed by the special district’s regulations, as well as by market conditions. The proposed project’s local retail offerings east of 126th Street would serve a substantial and diverse user base, including most notably the 5,850 households introduced by the project who would add approximately \$93.7 million in expenditure potential within the local economy. The proposed local retail space also would draw customers from the office, hotel, community facility, convention center, and school uses that would be introduced by the proposed project, as well as game-day Mets patrons and patrons of the area’s parks. In areas of New York City

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where local retail stores serve multiple consumer groups it is not uncommon to find the mix of uses proposed. In addition, these local retail uses could include mid-size supermarkets, grocery stores, restaurants, and other neighborhood amenities that would be essential to the new community that would be created within the District. Many of these could be substantially more than “60 feet deep” and occupy more than just “storefront space” within the future District buildings. Hence, the commenter’s assertion that “more than half of this local retail space will, in fact, end up as destination retail” is unfounded.

OPEN SPACE

Comment 26: We are very concerned about the three proposed projects to be constructed on parkland at Flushing Meadows Corona Park: expansion of the National Tennis Center, building of a soccer stadium, and construction of a huge mall. We oppose all three. The proposed 1.4 million-square-foot mall would be constructed on parkland, which is sacrosanct and should be off limits to any private development. The asphalt on the unused part of the parking lot to the west of CitiField should be removed and trees and other vegetation should be planted in order to make it look more like a park once again. (Auburndale)

I strongly oppose any proposed development which will diminish the green space now available in Flushing Meadows Corona Park. The proposed Willets Point West shopping mall can not be viewed in a vacuum but as part of the larger assault on Flushing Meadows Corona Park. There are currently three proposals to permanently annex public parkland for private use. The land which is now the old Shea Stadium parking lot was formerly green space which should revert back to green space if it is no longer needed for the original purpose for which it was annexed. The land should not be allowed to be transferred further. In fact, the very thought that it is acceptable to confiscate any amount of park space for the building of a shopping mall, as well as the other proposed developments, i.e. soccer stadium, increasing the USTA’s allotment of park space, speaks volumes about the current mayor and our politicians’ disregard for minorities and lower income residents of our community. Such a proposal would never have been tolerated much less suggested with regards to Prospect Park or Central Park. Apparently it is fair game to trample on the residents of Queens. (Russell-Loux)

Response: The three projects described are separate projects with separate approval processes. The DSEIS accounts for the potential cumulative impacts of these projects. Further, the mapped parkland on which the Willets West portion of the project was alienated in 1961 for economic and commercial activities and was never built as a green space open to the public. This area is currently, and has since 1961, been under a long-term lease to a private entity for uses to which public access is limited and controlled.

HISTORIC AND CULTURAL RESOURCES

Comment 27: We object to the demolition of the Empire Millwork Corporation building, which is on the State and National Registers of Historic Places. (JHBG)

Response: Comment noted. The effects of the proposed project on the Empire Millwork Corporation Building would be the same as those disclosed in the FGEIS; potential mitigation measures have been disclosed. However, demolition of the building would occur in Phase 2 of the project, approximately 11 years later than previously assumed in the FGEIS. The DSEIS considered the potential retention of this structure, as part of the No Unmitigated Significant Impacts Alternative. As discussed in Chapter 22, “Alternatives,” although demolition of the building could be avoided through adaptive reuse, exterior elements would still need to be upgraded to comply with building codes and noise attenuation requirements, and flood protection measures such as gates or pumps would be required to comply with flood insurance requirements. Furthermore, this alternative would reduce the footprint of any new development, which would result in greater density in the remainder of the District, fewer housing units, less open space, or some combination of these possibilities.

HAZARDOUS MATERIALS

Comment 28: I have hired a chemist to test my property. I don’t believe that the toxicity is what they say. I will try to hand in written supporting submission by close of comment period. (Presti)

Response: No such documentation was submitted by the commenter within the comment period, and it is unclear where the commenter’s property is located. Nonetheless, hazardous materials testing pursuant to a City- and State-approved testing protocol will be conducted throughout the area of the proposed project prior to remediation.

Comment 29: A major rationale for the City’s insistence that the entire project be done at once, without phases, was that soil contamination all needed to be remediated at once. The City has now decided to adopt a phased approach. The FSEIS should explain this change in position, and how it envisions that contamination will be addressed on a phased basis. (WPU-Gerrard)

Response: The hazardous materials analysis of the DSEIS considers the proposed development of the District in phases. As discussed in Chapter 10, “Hazardous Materials” of the DSEIS, Phase 1A of the proposed project would incorporate a comprehensive investigation of the entire District with associated remedial actions that would remove areas of significant contamination and prepare the District for subsequent development.

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While some subsurface contamination would likely remain after completion of each element/phase of development (e.g., historical fill materials underlying developed sites and contamination in nearby areas that would not be cleaned up until later), each new development would include appropriate engineering controls (e.g., capping to prevent exposure to underlying soils, groundwater monitoring and controls at development site boundaries, and vapor barriers with active or passive sub-slab depressurization systems beneath occupied buildings). Following development, measures including the mandatory implementation of appropriate health and safety procedures and additional institutional controls (beyond those requiring investigation and cleanup during construction) would be undertaken at developed sites to prevent exposure during future intrusive work (e.g., subsurface utility repairs).

The initial institutional controls would require the project sponsor (and any future owners/developers), prior to seeking or obtaining DOB permits associated with development, to conduct Phase I and Phase II ESAs (to the extent they have not already been conducted), and complete necessary remediation (with appropriate construction-related HASPs) either prior to or as a part of site development, to the satisfaction of the New York City Office of Environmental Remediation (OER).

When development takes place adjacent to or near already developed sites, OER would ensure that appropriate measures would be undertaken to prevent human exposure. These will include measures for dust control, procedures for dewatering, proper management of excavated material and prevention of stormwater pollution from runoff.

Comment 30: At a Community Board 7 meeting, Sterling/Related and the city were challenged to produce scientific reports proving the existence of alleged hazardous contamination at Willets Point. Given that the city claims to own over 90 percent of the Phase 1 properties, the city is certainly able to conduct tests on that land. Not only did they not produce any such report but for several years, the city has rented Phase 1 properties to scores of tenant businesses, which the city could not do if the area was actually hazardous to anyone. Significantly, Dr. James Cervino, a geochemist who is affiliated with the Woods Hole Oceanographic Institution and is also Chair of the CB7 environmental committee, voted to deny this application. If there really was an urgent need to remediate any hazardous contamination at Willets Point, a scientist such as Dr. Cervino would be expected to have approved this application. (WPU-Antonacci)

The City administration spent upwards of \$200 million of taxpayer funds to acquire the Willets Point Phase 1 property, but intends to gift that Phase 1 property to Sterling/Related for the price of \$1. As we understand it, the new rationale for the steeply discounted \$1 price is that the property has “negative

value,” because it is allegedly contaminated. But with no scientific tests performed, how can the taxpayers be certain that a discount of \$200+ million is actually warranted? The City and Sterling/Related are deliberately delaying any scientific testing of Willets Point Phase 1 property until after Sterling/Related have closed the property transaction and taken possession of the property. (WPU-Antonacci)

Response: Business terms are beyond the scope of this project’s EIS. Invasive testing of soil conditions cannot occur while existing leaseholders of the property remain on the site. Results of testing would not be definitive as long as active industrial uses remain. As described in Chapter 10, “Hazardous Materials,” the City has been able to draw certain conclusions based on historical data, and sample testing completed in the roadbeds and on one City-owned property, where access was available.

TRANSPORTATION

Comment 31: The analyses don’t consider impacts, including the impacts of traffic, in Community Boards 3 and 4. (CB3)

The Queens Center Mall as well as the Mall at 63rd Drive and Queens Boulevard, and the Target Mall (also on Queens Boulevard) provide an abundance of retail shopping opportunities for Queens residents in the communities surrounding Flushing Meadows Corona Park. Moreover, all of these shopping areas are easily accessible by public transportation. Any proposed shopping mall in Willets Point West would not be so easily accessible by public transportation, thus resulting in increased traffic congestion in the area. (Russell-Loux)

What is the impact on traffic and quality of life in the surrounding community if the mall is built? (Auburndale)

Response: The comment is incorrect. The DSEIS analysis does include critical intersections located in Community Boards 3 and 4, including Astoria Boulevard at 108th Street, Northern Boulevard at 108th Street and 114th Street, 34th Avenue at 114th Street, and Roosevelt Avenue at 108th Street, 111th Street, and 114th Street. These study locations were vetted by NYCDOT and they are identical to the 2008 FGEIS. The analyses also identified potential impacts, for which feasible mitigation measures have been recommended and approved. These measures were found to be effective in mitigating many of the identified traffic impacts. However, some could potentially remain unmitigated. Of the seven study locations in Community Boards 3 and 4, a maximum of one intersection would be unmitigated in any peak hour in Phases 1A and 1B and a maximum of two intersections would be unmitigated in any peak hour in Phase 2, due largely to the more robust mitigation measures set forth in the DSEIS,

whereas three of the seven intersections were unmitigated in the approved 2008 FGEIS.

As described in the DSEIS, traffic congestion in the study area would be present even without the proposed project, as the expected magnitude of background development in the No Action condition would generate substantial traffic volumes in the study area mostly along the primary streets in the study area network (including Northern Boulevard, Roosevelt Avenue, Astoria Boulevard, and College Point Boulevard). While the study area will be heavily trafficked, and the proposed project would generate traffic resulting in significant adverse traffic impacts, traffic conditions are but one of several factors affecting the character of the neighborhood and residents' quality of life. Moreover, significant adverse traffic impacts could be fully or partially mitigated at most of the impacted locations with signal timing adjustments and other measures, as described in Chapter 21, "Mitigation," and are not expected to contribute to a potential significant adverse impact on neighborhood character. Furthermore, the proposed project would transform the area surrounding CitiField into a thriving new neighborhood and regional destination. The commercial components of the proposed project would complement the adjacent sports venue and strengthen economic activity in the neighborhood. The new structures and open spaces are intended to create an active streetscape enhancing the pedestrian experience. The proposed entertainment and retail destination of Willets West would complement the anticipated development within the District, and both would connect Flushing to the east with Corona to the west through the creation of an unbroken series of uses along Roosevelt Avenue stretching from east of the Flushing River to west of the Grand Central Parkway.

Comment 32: The traffic increase will be beyond the capacities of both highways and side streets. (JHBG)

The only vehicular arteries that can service the area are the Grand Central Parkway, Van Wyck Expressway, Northern Boulevard, and Roosevelt Avenue, arteries that are choked to capacity and cannot in any way be enlarged to handle the huge increase in traffic. (Haber)

We've seen on the studies that there are intersections where you have to wait 15 minutes before you can get through the light. Traffic is going to be backed up for miles and miles and miles. In our opinion, the remaining unmitigated impacts are collectively so severe as to make this proposed development inappropriate and unworthy of approval. (WPU-Antonacci)

Response: As described in Chapter 21, "Mitigation," the DSEIS identifies which highway ramps and mainline segments, and which local street intersections, have sufficient capacity or can be improved via standard traffic capacity improvements or more cost-intensive mitigation measures so that they will

operate acceptably or the magnitude of projected impacts can be minimized. Many roadways and intersections will continue to operate acceptably while others will remain significantly impacted.

Comment 33: Even with the hypothetical mitigation measures in place, there will be very severe traffic impacts, including gridlock conditions at local intersections. From the developer's own mitigation report (Chapter 21 of the DSEIS): delays of 821 seconds, 273 seconds, and 226 seconds—even with the most optimistic mitigation measures in place. Meanwhile, the DSEIS does not even guarantee the feasibility or effectiveness of the recommended mitigation measures but proceeds to rely on them. Back in 2008, the City Planning Commission's report noted that the City would monitor traffic impacts of this development. But when people are experiencing these lengths of delays, what difference would it make to monitor those delays? (WPU-Antonacci)

Response: Several locations, such as 126th Street at 34th Avenue and 126th Street at Roosevelt Avenue, would experience the magnitude of delays noted by the commenter. However, these locations remained unmitigated in the approved 2008 FGEIS, whereas they have been partially mitigated in this DSEIS. In addition, many of the reported significant impacts throughout the study area could be mitigated by the proposed measures. It should also be noted that the number of unmitigated impacts is lower in the DSEIS than the number of unmitigated impacts reported in the 2008 FGEIS due to the recommendation of additional standard and cost intensive measures. The maximum number of unmitigated intersections during any peak hour in the approved 2008 FGEIS was 14 intersections, whereas the maximum number of unmitigated intersections during any peak hour for this Final SEIS would be seven in Phase 1A, four in Phase 1B, and eight in Phase 2. All proposed mitigation measures have been reviewed and approved by NYCDOT. The DSEIS also commits the developer to conducting a comprehensive traffic monitoring plan at each phase that is aimed at potentially identifying additional mitigation measures where possible and where warranted. Furthermore, the developer has committed to establish a \$1.9 million Traffic Mitigation Fund for the cost of studies and improvements which address infrastructure or traffic issues relating to the project.

Comment 34: The traffic studies that were conducted didn't include mitigation for 114th Street, Astoria Boulevard, 34th Avenue, Roosevelt Avenue, and Northern Boulevard, just to name a few. It did not consider the impact of public transportation, solely our No. 7 train, which is already overtaxed. (CB3)

Response: Key intersections along the above referenced corridors were analyzed as part of the DSEIS, including Astoria Boulevard at 108th Street, Northern Boulevard at 108th and 114th Streets, 34th Avenue at 114th Street, and Roosevelt Avenue at

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108th, 111th, and 114th Streets. The DSEIS identifies mitigation measures at these locations during any peak hour in which the intersections are significantly impacted and, where feasible and practical mitigation for impacts is not available, the DSEIS discloses those locations as being unmitigated. The DSEIS also analyzes the area's subway and bus services. Similar to traffic, where significant impacts are identified, mitigation measures were recommended and, where no feasible mitigation measures can be identified, the corresponding impacts are disclosed as unmitigated.

Comment 35: EDC claims that by adding the Willets “West” Mall they will actually reduce traffic congestion—this is a preposterous claim; the Willets “West” Mall will make traffic congestion far more severe than what was reported in the WP FGEIS. (WPU-Ketcham)

Response: The analyses in the DSEIS show that the number of fully mitigated impacts for full buildout of the proposed project would be higher than the number of fully mitigated impacts reported in the prior 2008 FGEIS, which did not contain the Willets West development. In addition, the number of unmitigated impacts is lower in the DSEIS than the number reported in the 2008 FGEIS. Even though Willets West is expected to increase the volume of traffic generated under full buildout conditions, a series of cost-intensive mitigation measures have been identified within the DSEIS, which were not identified in the 2008 FGEIS, and the developer has committed to funding those measures. It is these measures, which go above and beyond those proposed in 2008, that have resulted in a reduction in unmitigated impacts of the proposed project.

Comment 36: The plan is too big for the area; Willets Point is surrounded by what are already the nation's most congested expressways; the Willets “West” Mall/Willets Point Project will only make conditions worse. Project impacts reported in the DSEIS are extremely severe and it is unlikely many can be mitigated. (WPU-Ketcham)

Response: As described in Chapter 21, “Mitigation,” the DSEIS clearly identifies projected significant traffic impacts on both the highway network and local street intersections. Some, but not all, of these roadway network locations are congested today, some would be significantly impacted, while others would be mitigated using a combination of standard traffic capacity improvements and new, cost-intensive measures that were identified during the course of completing the DSEIS. All proposed mitigation measures within its jurisdiction have been reviewed and approved by NYCDOT.

Comment 37: Mitigation for expressways is not described in the DSEIS; major changes to expressways take years and require their own individual engineering and environmental assessments delaying project implementation. Much of the mitigation proposed in the DSEIS requires the preparation of a site-specific EA

along with traffic analysis and engineering drawings all subject to NYSDOT and FHWA approval. Each action requires new counts specific to each location. The DSEIS warns of this problem on page 21-29: mitigation “ ... measures that may call for detailed review by both NYCDOT and NYSDOT ... if these mitigation measures are modified or rejected by the review agencies, significant adverse impacts identified above would be unmitigated.” What guarantees can the developer provide that the Willets Point project will not experience the same delays and what impact would that have on project completion schedules? And, who is going to pay for mitigation? Including intersection expansion plus modifications to expressways and ramps (plus \$70 million for just the Van Wyck ramps) we are looking at hundreds of millions of dollars in reconstruction. (WPU-Ketcham)

Response: Mitigation measures that would improve conditions on the expressway segments analyzed in the DSEIS have been identified in the DSEIS, and the effects of those mitigation measures on ramp and mainline conditions have been fully documented. They do include physical widenings at the ramp’s at-grade connection to the local streets, signalization of ramp intersections with local streets, and the reconfiguration of the ramp intersections to promote smoother and more efficient flow both at the intersection and upstream on the roadway approaches to those intersections. The developer has committed to funding the implementation of the traffic mitigation measures outlined in the DSEIS. Furthermore, the City sought and received approval for the Van Wyck Expressway ramps and has continually expressed its commitment to fund and construct them.

Comment 38: Proposed mitigation still leaves intersections and expressways gridlocked; this is especially true for Astoria Blvd., Northern Blvd. and Roosevelt Avenue. (WPU-Ketcham)

Response: Several locations along these corridors and expressways would be significantly impacted, as is documented in Chapter 21, “Mitigation,” of the DSEIS. However, the combination of standard mitigation measures and cost-intensive mitigation measures have been identified which would partially or fully mitigate many of the impacts that were disclosed, both on the local roadway network and the surrounding expressways. The maximum number of unmitigated intersections during any peak hour in the approved 2008 FGEIS was 14 intersections, whereas the maximum number of unmitigated intersections during any peak hour for this FSEIS would be seven in Phase 1A, four in Phase 1B, and eight in Phase 2. In addition, the proposed mitigation measures would improve conditions along segments of roadway and at intersections that are currently congested.

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Comment 39: It appears that the DSEIS uses trip generation factors that are considerably lower than real world experience with comparable uses would show are appropriate. (WPU-Gerrard)

The DSEIS low balls the number of trips this project will generate; a great deal more traffic will in fact be produced than reported further gridlocking the area. (WPU-Ketcham)

Response: The trip generation factors used in the DSEIS are largely based on those used in the 2008 FGEIS, which have been used on numerous New York City development projects and approved by NYCDOT as fully appropriate for New York City conditions. Where appropriate, these factors were updated in compliance with the 2012 *CEQR Technical Manual*, and any updates were reviewed and approved by NYCDOT. They do not underestimate potential trip-making associated with the three phases of the proposed project.

Comment 40: For example, the DSEIS reports that less than 60 percent of shoppers will use autos to access the site; today 85 percent of Queens's shopping trips are by auto; 95 percent of shoppers to large malls arrive by auto; for destination retail the DSEIS under reports auto trips by 50 percent. The developer assumes that 59 percent of shopping trips will be made by auto with the rest by walking or transit. This number appears incredibly low when compared to other isolated shopping malls like Gateway Plaza in Brooklyn or Palisades Mall in West Nyack, both of which exceed 95 percent of shoppers arriving by auto; and both of which provide double the parking per 1,000 sf of retail space. The developer must provide its source justifying this 59 percent assumption. The effects of using reported auto use for isolated destination malls compared to 59 percent are striking. (WPU-Ketcham)

Response: As stated above in the previous response, all trip generation assumptions used in the DSEIS were fully vetted and approved by NYCDOT. With regard to the proportion of trips traveling to and from the destination retail by auto, the mode share used in the FGEIS was actually conservative toward auto use. As summarized in Tables 14-29 and 14-30 of the DSEIS, the destination retail modal split profile is based on what was used in the 2008 FGEIS. In that document, it was explained that this trip-making profile was developed for the Gateway Center at Bronx Terminal Market in the Bronx, which was determined (with NYCDOT concurrence) to be the appropriate model to follow for Willets Point. Both sites have comparable subway access and nearby residential uses, and are adjacent to baseball stadiums.

Contrary to the commenter's assertion, the planned destination retail uses in Willets West and the Special Willets Point District would not be "isolated destination malls." The Willets Point development would be a high-density development located near existing high-density residential areas. Moreover, the District is accessible by a nearby Long Island Rail Road (LIRR) station and the

Mets-Willets Point subway station, as well as by local bus routes which, as stated in the DSEIS, are expected to improve over time. Gateway Center in the East New York section of Brooklyn, on the other hand, is not located near any subway or commuter rail lines. The commenter also cited the Palisades Mall in West Nyack for comparison. Palisades Mall is situated at a location where there is no rail service and very limited bus service, with sparse adjacency to low density residential and other uses. Therefore, neither Gateway Center in East New York nor Palisades Mall in West Nyack can be considered a more comparable model than Gateway Center at Bronx Terminal Market for the future Willets Point destination retail uses.

Comment 41: Destination retail would be responsible for more than half of total trips reported for this project; there is no justification for nearly 2 million square feet of new destination retail in the Willets Point area. (WPU-Ketcham)

Response: The amount of destination retail space contemplated under the DSEIS is greater than what was studied and approved in the 2008 FGEIS and subsequent Technical Memoranda. However, with approximately one million square feet of destination retail now allocated to Willets West, the current plan calls for less destination retail within the Special Willets Point District, which allows for more local-oriented retail uses within the District. Tables 14-53 and 14-54 in the DSEIS summarize the projected person and vehicle trip generation estimates for various components of the proposed project during seven analysis peak hours. The percent of projected destination retail trip generation as of the total peak hour trip generation was estimated to range from 22.8 to 46.1 percent for person trips and from 29.5 to 55.6 percent for vehicle trips. Hence, only some of the analysis peak hours would incur vehicle trip-making that comprises marginally greater than 50 percent from the destination retail use. With regard to justification for the amount of destination retail, the socioeconomic conditions analysis in the DSEIS assesses the existing and projected capture rates for retail spending in the primary trade area and concludes that there is sufficient demand for the destination retail uses contemplated in the proposed project.

Comment 42: The project proposes relatively little parking for the size of the project; proposed parking cannot accommodate parking demand; spillover traffic will intensify gridlock conditions. The developer appears to justify providing little parking on the basis of extremely optimistic trip generation rates and the heavy use of public transit that really does not exist. Experience elsewhere at large malls suggests not only that they attract many more auto trips per 1,000 square feet of retail space, but they typically provide double the number of parking spaces per 1,000 square feet of retail space than is being provided at either the Willets “West” Mall or for the destination retail proposed for Phase 2 of the project. (WPU-Ketcham)

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Response: As detailed above in response to Comment 39, the DSEIS's trip generation estimates are based on data and assumptions that are more appropriate than those suggested by the commenter and that have been fully vetted and approved by NYCDOT. These trip generation estimates were used as inputs to the projection of parking needs, as summarized in Tables 14-60 to 14-62 of the DSEIS for the 2032 Phase 2 full build-out. Notwithstanding the commenter's assertion that "experience elsewhere at large malls" would typically provide more parking per 1,000 square feet of retail space than what is planned for this project, the DSEIS's parking analysis concluded that the amount of parking planned for uses in Willets West and the Willets Point District would adequately accommodate the projected parking demand.

Comment 43: The project relies on substantial public transit service; there is no way the MTA can meet proposed transit demand; the No. 7 line will be gridlocked if this project is built; commuters will face huge delays. (WPU-Ketcham)

The No. 7 train will need to be a double decker to handle demand. (JHBG)

The DSEIS says that in 2032 with the project built, on the Manhattan-bound express No. 7 train, the volume/capacity ratio would be 1.20, and the available capacity would be -3,673 (minus 3,673). In other words, the subway would be able to carry 3,673 fewer people per hour than want to take it, even with the subways running at the maximum capacity that the signal system will allow (Table 14-143, p. 14-190). In order to alleviate some of the subway crowding, the DSEIS suggests providing more LIRR service there (p. 14-156). Again, there is no discussion of whether this is feasible, what it would entail, or how much it would cost, and there is no commitment to do it. (WPU-Gerrard)

Response: The DSEIS's transit analysis acknowledged that the Manhattan-bound No. 7 express subway line is currently (2012) operating at over its guideline capacity during the AM peak hour and is projected to continue operating over capacity in the future with or without the proposed project even with the scheduled addition of one subway train during this peak hour. However, it should be noted that the capacity used for assessing subway service is its guideline capacity. For the Division A subway cars that operate on the No. 7 line, the guideline capacity is 110 passengers per subway car (including about 40 seated and 70 standing). During peak hours, it is not uncommon for subway cars to carry passenger loads above this guideline capacity. In fact, the physical capacity of Division A subway cars is between 160 and 170 passengers, or approximately 50 percent higher than its guideline capacity. Therefore, contrary to the commenter's assertion, having a volume/capacity ratio of 1.20 does not mean that the subway line would be unable to carry people who want to take it. It indicates that the crowding level of the line would increase to above guideline capacity during this peak hour.

The City has consulted with the Metropolitan Transportation Authority (MTA) on expanding regular LIRR service along its Port Washington Branch to the existing Willets Point LIRR station when the actual demand shows that such service improvement is warranted. The Port Washington Branch currently runs regular service between Port Washington and Penn Station. Currently, it serves the Willets Point LIRR station only during Mets game days, the US Open, and other special events. Since both the station and the line already exist, there would be little or no capital costs associated with implementing regular service at the Willets Point LIRR station. The additional operating costs incurred should also be marginal and recovered through the additional fare collection from future new riders. As part of MTA's regular operational assessments, the agency would review future demand and effects on scheduling due to the inclusion of a potential additional scheduled stop at the Willets Point LIRR station.

Comment 44: The addition of 61 million miles of vehicular travel produces considerable externality costs, not just traffic accidents costs but the health costs of added air pollution, traffic noise, water pollution and so forth. These costs are not trivial: for full Willets Point build out including the Willets "West" Mall these costs total \$120 million every year—costs that are far greater than any benefits provided to NYC by the Willets Point project. (WPU-Ketcham)

Response: The commenter does not provide any estimated benefits that the proposed project would provide New York City but claims that it would be far less than his projection of the project's externality costs, which were developed based on traffic estimates independently by the commenter without review by NYCDOT. The project will result in the environmental remediation of 62 acres of contaminated land, and Phases 1A and 1B, alone, will result in \$3 billion of private investment in Queens, the development of nearly 900 units of affordable housing, and the creation of an estimated 12,000 construction jobs and 7,000 permanent jobs. As described in Chapter 17, "Noise," noise associated with traffic generated by the proposed project and its associated parking facilities would not be expected to result in any significant increases in noise levels, including at World's Fair Marina Park, which was predicted to experience a significant adverse noise impact in the 2008 FGEIS. To meet the CEQR interior noise level requirements, the DSEIS prescribes between 31 and 43 dBA of building attenuation for the proposed project buildings, which is similar to the amount of building attenuation specified in the 2008 FGEIS. Similar to what was predicted in the 2008 FGEIS, noise levels in the newly created open spaces would be greater than the 55 dBA $L_{10(1)}$ criteria set forth in the *CEQR Technical Manual*, but would be comparable to other parks around New York City and would not constitute a significant adverse impact. As described in Chapter 15, "Air Quality," the proposed project would not result in any violations of National Ambient Air Quality Standards or exceedances of the *de minimis* criteria set forth in the *CEQR Technical Manual*. Furthermore, there would be

no potential for significant adverse air quality impacts from the proposed project's heating and hot water systems (considering buildings proposed for construction in all phases), provided that certain restrictions on the fuel type, placement of heating and hot water system stacks, and use of low-nitrogen oxide (low-NO_x) burners are imposed. As described in Chapter 19, "Neighborhood Character," the proposed project would result in an improvement in neighborhood character, as it would remediate the area and would represent a significant investment to improve the project area's infrastructure.

Comment 45: Assuming the assumptions reported in the DSEIS are correct (and we do not believe they are) total project build out will generate 194 million added vehicle miles of travel. The effects of Willets Point on traffic accidents have been ignored. The FGEIS for the Willets Point Development Plan reports that the project will add 80,000 car and truck trips a day, 365 days a year, generating 116 million additional miles of travel annually. Based on NYSDOT traffic accident rates for NYC the WP project will thereby increase auto and truck accidents by 944 a year including 2 dead and 316 injured. Including the cost of property damage the cost to motorists and society total \$41 million in 2017. Adding another 28,000 car and truck trips a day or 61 million miles of travel each year for the Willets "West" Mall will increase this number to 1,578 crashes annually with 3 dead and 528 injured and approximately 2,500 more cars and trucks damaged. The total cost of the combined effect of Willets "West" Mall and the Willets Point Development Plan in 2032 would be \$124 million annually. Externality costs for total build out including accident costs (\$40 million each year in increased health care and property damage) in 2032 would total \$382 million annually. (WPU-Ketcham)

Response: The FGEIS did not report a daily trip-making of 80,000 car and truck trips. Both this and the 28,000-trip figures, as well as the annual vehicle-mile and accident projections, were estimated by the commenter.

There are many factors that contribute to accidents, not solely traffic levels, including signage, roadway geometry, sight lines, intersection control, pavement conditions, crosswalk markings, curbside usage, and driver/pedestrian behavior. The traffic safety assessment in the DSEIS was prepared in accordance with *CEQR Technical Manual* guidelines. This assessment, which was vetted and approved by NYCDOT, examined the causes of high accident locations in the study area and provided recommendations on how safety improvements can be made in the vicinity of the District.

The CEQR methodology for traffic safety assessment leads practitioners toward prevention rather than attempting to predict what may occur in the future. It stipulates a low threshold (5 bicycle or pedestrian related accidents per year) for identifying high accident locations regardless of how much traffic traverses those locations. For the high accident locations, the analysis in the DSEIS

evaluated accident trends, identified safety improvement measures, and addressed the effects the proposed project could have on the safety of these locations. This approach is consistent with the City's continuing effort to improve traffic and pedestrian safety across the five boroughs.

Comment 46: The developer reports that he will add an additional 1.4 million square feet of shopping mall/entertainment facilities to the already oversized Willets Point development. According to the FGEIS, the 11 million square feet Willets Point project will add 80,000 car and truck trips to the project area with significant impacts at 78 percent of all intersections analyzed and adding Willets West Mall will increase project traffic by about 25 percent and further impact nearby intersections, expressways and expressway entry/exit ramps. Level of Service (LOS) F is reported at many mitigated intersections—for full intersections (many that cannot be mitigated at all) and/or at many intersections they claim to mitigate that retains one or more intersection approaches that remain at LOS F or worse. (WPU-Ketcham)

Response: The 1.4 million square feet of entertainment and retail facilities that the commenter alludes to as in addition to the Willets Point development project is not accurate. First, Willets West is anticipated to contain only one million leasable square feet of entertainment and retail space (400,000 square feet would be non-leaseable common area and back-of-house space). Second, in the 2008 FGEIS, the proposed project included 1.7 million square feet of retail space in the Special Willets Point District whereas in the DSEIS the District is projected to include only 1.25 million square feet of retail space (450,000 sf less than noted by the commenter) by the end of Phase 2 in addition to the one million square feet of leasable entertainment/retail space in Willets West, which would result in a net increase in retail-type development of 550,000 leasable square feet, not 1.4 million square feet.

Regarding the comment that the 2008 FGEIS would add 80,000 car and truck trips to the area, it should be pointed out that this is the commenter's estimate and not a number contained in the FGEIS. Assuming that the commenter has developed it as an estimate of daily trips, it must be pointed out that traffic analysis methodologies all utilize peak hour trips, not daily trips, to evaluate the capacity of the roadway network to accommodate future traffic as per the *CEQR Technical Manual*. Although the addition of West Willets would add traffic to the roadway network, additional cost-intensive mitigation measures have been identified beyond the measures identified in the FGEIS that would allow for increased mitigatability of projected traffic impacts. The number of partially or fully mitigated locations is higher than the number reported in the FGEIS. The DSEIS does identify locations that would continue to operate at LOS F as part of its full disclosure of projected future conditions; this is not unusual for many locations within New York City. The DSEIS commits the developer to a comprehensive traffic monitoring plan that will evaluate future conditions and

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potentially be able to identify additional measures to help mitigate adverse conditions further.

Comment 47: The DSEIS reports operating conditions at approximately 30 key intersections affected by the Willets Point project. While relatively few intersections are examined in the DSEIS, project impacts are clear: adding 8,000 to 10,000 hourly car and truck trips to peak travel hours will impose severe restrictions on travel. This can be seen by examining Table 14-59 which shows project impacts for virtually every intersection examined in the DSEIS. (WPU-Ketcham)

Response: The DSEIS analyzes the same approximately 30 key intersections as those analyzed in the 2008 FGEIS and the number and location of these analysis locations was vetted by NYCDOT as part of the scoping process for the DSEIS. During the time between certification of the DSEIS and FSEIS, two additional intersections along 126th Street and one additional intersection along Northern Boulevard adjacent to the District were included in the analyses for this SEIS. Table 14-59 identifies the number of intersections that would be significantly impacted under With Action conditions without proposed mitigation measures implemented. However, a majority of those impacted intersections can be either fully or partially mitigated, as discussed in Chapter 21, "Mitigation."

Comment 48: A review of all results for peak hours with available mitigation shows that during evening peak hours, access roads to Willets Point (Northern Boulevard, Roosevelt Avenue, Astoria Boulevard) will be gridlocked. With all the mitigation the developer proposed he leaves critical intersections with overall average vehicle delays of 100 to 200 seconds and these conditions do not get better on Saturday. While Table 22 shows some locations along these access roads can be fully or partially mitigated, the community is still faced with gridlock traffic conditions with cars facing two or three signal cycles to move through an intersection. For 126th Street at Roosevelt Avenue and 34th Avenue, we find a number of intersection approach movements at LOS F, with delays of between 100 to more than 800 seconds. Project traffic creating huge delays will create a huge impediment to the operation of Willets Point and will be of even greater consequence on a Mets game day. (WPU-Ketcham)

Response: As the commenter noted, several locations along access roads to Willets Point would experience congestion and cars would face more than one cycle at several locations. However, it should also be noted that the number of unmitigated impacts is lower in the DSEIS than the number of unmitigated impacts reported in the 2008 FGEIS due to the additional standard and cost intensive measures that have been proposed. Traffic conditions were analyzed for Mets game days and mitigation measures were proposed for those conditions as well. In addition, New York City Police Department (NYPD) would continue to operate several intersections surrounding Citi Field that they operate in existing conditions

during game times. The DSEIS also commits the developer to conducting a comprehensive traffic monitoring plan at each phase that is aimed at potentially identifying additional mitigation measures where possible and where warranted.

Comment 49: The complexity of Roosevelt Avenue at 126th Street—a main entry point into the Willets Point project—is not discussed in any detail. How do the columns supporting the overhead No. 7 transit line impede the efficient movement of traffic or reduce sight distance and thus after safety. The City Planning Commission needs intersection and expressway drawings to make this review more effective. (WPU-Ketcham)

Response: The existing analyses and calibration of the model were based upon the prevailing roadway conditions. These take into consideration all the limitations, such as limited cone of vision, narrow lane widths, etc. The future build analyses reflect the same limitations as under existing conditions. Schematics that show the proposed mitigation measures have been reviewed and approved by NYCDOT.

Comment 50: Due to breakdown conditions in all directions, the project will create huge traffic delays along access roads spilling back onto the surrounding expressway system. In addition, the project will have a huge negative effect on the community, imposing greater traffic delays, more traffic injuries and deaths, and other costly externalities to the million motorists that pass by Willets Point each day on nearby expressways and arterials. (WPU-Ketcham)

Response: The DSEIS acknowledges that several key access roads would be impacted under With Action conditions, as determined both by intersection level of service analyses and by a roadway network corridor simulation, or CORSIM, analysis that depicts conditions on highway mainline segments and on highway ramps at their intersections with local intersections. However, standard mitigation measures and more cost-intensive mitigation measures have been identified and would mitigate most significant impacts either partially or entirely. See response to Comment 44 above with regard to externalities.

Comment 51: A comparison of the rates used in the DSEIS with those reported in the 1991, 2001 and 2012 *CEQR Technical Manuals* shows little change in trip generation rates over this period. We know that many of the assumed trip generation rates date to the Regional Plan Association that did counts in the early 1960s in Manhattan. How can the developer justify using these antiquated rates especially outside Manhattan? The *CEQR Technical Manual* advises that if rates are over 3 years old the developer should take counts at representative locations. WPU has repeatedly requested that the developer undertake such counts. For a project of this size with the severe traffic impacts that the developer has reported in the DSEIS how can they continue to rely on ancient data? The numbers

recommended in the *Technical Manual* date from two to three decades back in time when demographics and travel behavior were very different from today. These are the same numbers used in the FGEIS and now in the DSEIS to under report traffic impacts. For example, increasing shopper trips to destination retail from 59 percent to 90 percent would increase vehicle miles of travel by 36 percent to 83 million miles of vehicular travel annually, from 61 million estimated using DSEIS assumptions. For full project build out, Phase 2, if we stick with 90 percent of shoppers accessing Willets West destination retail by auto (it is an isolated site with poor transit access), assume that for destination retail east of 126th Street 80 percent of shoppers will arrive by auto, and assume that the additional local retail proposed for Phase 2 is assumed to be destination retail, the result is an overall increase in average weekday vehicular travel to 109,386, an increase of 21,864 trips, and an increase of 25 percent. This is a conservative adjustment. We have not tinkered with other trip generation assumptions, most of which do not have supporting documentation. (WPU-Ketcham)

Response: As stated in the previous responses (to Comments 39 and 40), the trip generation factors used in the DSEIS, some of which are recently developed and others of which are based on past research, were reviewed and approved by NYCDOT in compliance with the 2012 *CEQR Technical Manual* as an accurate conservative representation of trip-making characteristics. The commenter is incorrect in citing that “the *CEQR Technical Manual* advises that if rates are over 3 years old the developer should take counts at representative locations.” Rather, it states that if “the source cited be considered “stale” by the lead agency, in consultation with NYCDOT, it is recommended that an original survey be conducted for the same land use in a comparable setting of the City.” NYCDOT thoroughly reviewed all trip generation factors and approved them for use on this project. Also, in addition to providing an incorrect modal split assumption for destination retail uses (see response to Comment 40), the comment that local retail within the Willets Point District should really be destination retail is without basis.

Comment 52: The DSEIS reports average weekday and average Saturday traffic impacts. Weekly and seasonal variations are not disclosed. The Institute of Transportation Engineers (ITE) *Trip Generation Manual* reports that traffic is 19 percent greater on Friday than weekdays and 51 percent greater on Friday than Saturdays for shopping malls. It also reports that Decembers produce 42 percent more traffic during the month than for annual averages. As a result of holiday effects, the parking supply is good for only half of demand. If these differences were accounted for, you would find true “worst-case” conditions that would be significantly worse than reported. (WPU-Ketcham)

Response: The DSEIS provides detailed analyses for seven peak periods, including three on weekend days. The purpose of an EIS is to conservatively analyze a

“reasonable” worst case condition for potential impacts. Consistent with other approved EISs for retail uses, conditions that may occur during the December shopping season or only on “Black Friday” are not subject to analysis under CEQR.

Comment 53: The DSEIS manipulates temporal assumptions to minimize peak hour parking demand. The developer’s assumption does not agree with ITE numbers for large shopping malls. The developer must provide documentation justifying the assumptions made for hourly parking arrivals and departures for the eight land use types evaluated in the DSEIS. (WPU-Ketcham)

Response: The 2012 *CEQR Technical Manual* states that “the ITE Trip Generation Report contains auto trip generation rates for a wide range of land uses, but most of these rates reflect nationwide averages based on surveys conducted in suburban settings, often with little or no available public transportation. Therefore, these rates may not be appropriate for the urban character of New York City.” As stated above in previous responses (to Comments 39 and 40), the trip generation factors used in the DSEIS were reviewed and approved by NYCDOT in compliance with the 2012 *CEQR Technical Manual*. Similarly, the parking demand projections, which are based on the peak hour trip generation estimates, were also fully vetted and approved by NYCDOT.

Comment 54: The Long Island Expressway and Grand Central Parkway (south of the Long Island Expressway) were not analyzed as part of the DSEIS and both will be heavily impacted by the expanded Willets Point project (another 28,000 daily car and truck trips from what was examined in the FGEIS). NYSDOT engineers report that the Grand Central Parkway south of the Long Island Expressway cannot take “one more new vehicle trip from the WP project” even after they spend \$1 billion realigning that expressway near the Jackie Robinson Parkway. Both should be examined in a verified EA for the Van Wyck Expressway ramps. (WPU-Ketcham)

Response: The extent of the traffic study area was determined through the scoping process that included review and approval by NYCDOT. The Grand Central Parkway and Van Wyck Expressway north of the Long Island Expressway carry more concentrated volumes of project-generated trips compared to the two segments mentioned by the commenter, since the two referenced highways are feeder roadways to the analyzed highway segments. In addition, due to implementation of the proposed cost-intensive measures at the highways’ intersections with the local network, the speeds along the analyzed highway mainlines would improve compared to the With Action conditions. It is also the same highway network approved for analysis in the 2008 FGEIS. See Response to Comment 5 regarding a verified EA for the Van Wyck Expressway ramps.

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Comment 55: Expressway data are totally missing from the DSEIS. Internal site specific traffic movements for the WP project are no longer provided as well. How can anyone evaluate the DSEIS when the traffic network has been simplified so greatly by removing critical data that was originally provided in the FGEIS? The developer must provide maps showing vehicular trip assignments by land use type for new no-build construction and for full build out trips including the local project roadway network. The developer must also provide maps showing traffic volumes along all expressways and expressway ramps on which all Willets Point vehicular trips have been assigned with and without WP Phases 1A, 1B, and 2. (WPU-Ketcham)

Response: The DSEIS documents existing and projected speeds, densities, and levels of service for all expressway segments and ramps in its traffic study area. Traffic volume maps were prepared and have been reviewed and approved by NYCDOT. These volume maps appear in Appendix C of the DSEIS. Streets within the District would be demapped and would no longer remain as public streets. Private streets would then be constructed within the District based on general design guidelines, which will ensure that the streets adequately serve circulation needs for future users. In addition, the DSEIS contains a commitment from the developers to conduct a traffic monitoring program that would ascertain actual traffic conditions and respond with appropriate mitigation, if necessary. Such a plan can also be used to monitor internal conditions once the design is finalized and the development is built and occupied. Accordingly, the DSEIS provides a detailed assessment of the key corridors and intersections leading to and from the District and bordering the District, and which are most prone to impacts requiring mitigation analysis.

Comment 56: Chapter 21 on mitigation provides considerable insight on project impacts and how hard it is to mitigate so large a project as Willets Point. Table 21-23 shows the significant impacts for an average weekday in Phase 2 and shows that while some improvements are made, it also shows the traffic mess that is left. The impacts are severe and the DSEIS provides little confidence that much real mitigation can be accomplished. (WPU-Ketcham)

No one is committing to the “effectiveness” and “feasibility” of the specific mitigation measures. Rather, a future, final version of the mitigation report may conclude that all or some of the recommended mitigation measures are simply not effective, or even feasible, in which case the improvements in traffic flow shown in the present mitigation report will not occur, and those impacts may instead be unmitigated. Achieving the vastly improved traffic flows described in the mitigation report requires measures that NYCDOT and NYSDOT have not yet reviewed or approved, and which they may eventually reject. How can anyone rely on a report that cannot vouch for even the “feasibility” of the alleged solutions that it presents? (WPU-Antonacci)

Response: Through a combination of standard traffic capacity improvements and more cost-intensive mitigation measures that would be funded by the developer, the number of fully mitigated impacts under Phase 2 full buildout conditions would be higher than the number of fully mitigated impacts reported in the prior 2008 FGEIS; and, the number of unmitigated impacts is lower in the DSEIS than the number reported in the 2008 FGEIS. The feasibility of the proposed mitigation measures has been reviewed by NYCDOT. The DSEIS also commits the developer to conducting a comprehensive traffic monitoring plan that is aimed at potentially identifying additional mitigation measures where possible and where warranted.

Comment 57: The DSEIS does not provide detailed descriptions of what mitigation the developer is proposing for various expressways or expressway ramps. The DSEIS has no drawings illustrating each mitigation location. Written descriptions are too brief and just not good enough for public review. (WPU-Ketcham)

Response: Mitigation measures have been identified for highway ramps and at their intersections with the local roadway network, which would also result in improved conditions on several expressway segments. The mitigation measures are described in the DSEIS in sufficient detail to convey the key elements of the proposed improvements, both in the text of Chapter 21, “Mitigation,” as well as the mitigation tables in the back of that chapter. Schematics for these proposed mitigation measures have been prepared for illustrative purposes only and have been provided to NYCDOT to assist in their review.

Comment 58: In the year 2032, under the “No Action” condition, the average speeds on the westbound Grand Central Parkway between Roosevelt Avenue and the Long Island Expressway on non-game days would be 48.1 mph during the weekday AM run, 43.0 mph during the weekday midday, and 37.7 mph during the evening rush. If the project is built, the average speeds during those same periods on non-game days would be 6.7 mph, 0.0 mph, and 0.4 mph, respectively. The FSEIS should calculate the travel time from one end of the studied segment to the other. The meaning of a 0.0 mph speed on a highway should also be explained. The FSEIS should also explain the impacts of these speeds on emergency response times and on airport access. (WPU-Gerrard)

Response: The traffic analyses that were conducted conform to *CEQR Technical Manual* guidelines, which do not call for the use of point-to-point travel time projections. The speeds during the non-game weekday AM, midday, and PM peak hours of 6.7 mph, 0.0 mph, and 0.4 mph, respectively, are representative of speeds on that segment under the 2032 With Action condition *without mitigation* measures in place. With proposed mitigation measures in place, speeds would increase significantly during the non-game weekday AM, midday,

and PM peak hours to 48.1 mph, 24.1 mph, and 36.9 mph, respectively. As discussed in Chapter 4, “Community Facilities,” the proposed project would generate additional traffic on roads throughout the area, including the possible routes used by FDNY and EMS vehicles to access the project site. Traffic at certain intersections near the project site may result in slower access for FDNY and EMS vehicles. However, FDNY and EMS vehicles, when responding to emergencies, are not bound by standard traffic controls or rules and are capable of adjusting to congestion encountered en route to their destinations and are therefore less affected than other vehicles by such congestion. FDNY vehicles are also equipped with enhanced sirens and emergency lights that assist them in safely navigating through congested areas. These vehicles would be able to access the project site as they do other areas throughout New York City, including the most congested areas of Downtown Flushing. Furthermore, EMS units are assigned a permanent cross-street location where they await a service call. If warranted by demand, the FDNY could assign an EMS unit within the District to provide services to the new population.

Comment 59: If the mitigation measures are undertaken, the DSEIS projects speeds in 2032 under the “build” condition of up to 48.8 mph during the morning rush and 48.1 mph during the evening rush, but they would still be at 6.7 mph during the midday. (DSEIS Table 21-21, p. 21-50.) (WPU-Gerrard)

Response: The commenter misinterpreted the data on page 21-50. The three columns do not represent the AM, midday, and PM peak hours, but rather represent “No Action,” “With Action,” and “With Mitigation” for the weekday AM peak hour. The 6.7 mph that the commenter refers to is the speed of the westbound Grand Central Parkway (east side) between Roosevelt Avenue and the Long Island Expressway during the non-game weekday AM peak hour. The impact at that location would be mitigated and the projected resulting speed would improve to 48.1 mph, which is very close to the speed under No Action conditions.

Comment 60: If the City approves the project, the SEQRA Findings Statement will have to explain why it is acceptable to undertake a lengthy and expensive action that will result in traffic speeds of 6.7 mph, 0.0 mph, and 0.4 mph on one of the City’s major arteries. If reliance is placed on the lane-widening and other mitigation measures, then (1) those measures should be explained in detail; (2) their collateral consequences (e.g., condemnation of real property and consequent loss of housing and jobs) should be enumerated; and (3) they should be committed to. (WPU-Gerrard)

Response: The speeds that the commenter refers to are speeds under the With Action conditions, without mitigation measures implemented (as also noted in the Response to Comment 58 above). Speeds would increase considerably after implementation of cost-intensive mitigation measures, as explained in the

Response above, some of which would reach near No Action speeds. As discussed in the Response to Comment 57, schematics for these proposed mitigation measures have been provided to and reviewed by NYCDOT. All the mitigation measures are described in detail, both in the text of Chapter 21, “Mitigation,” as well as the mitigation tables in the back of that chapter. Furthermore, the developer has committed to funding the implementation of the enumerated mitigation measures.

Comment 61: In 2032 on non-game days under No Action conditions, the number of signalized intersections with LOS F would be 1 during the weekday morning peak, 4 during the weekday midday peak, 2 during the weekday evening peak, and 3 on Saturday midday. Under With Action conditions, those numbers become 9, 12, 15, and 13. Numerous intersections cannot be mitigated at all. (WPU-Gerrard)

Response: The numbers cited by the commenter refer to the With Action conditions *without* mitigation implemented. Under the 2032 Phase 2 conditions with mitigation implemented, the number of intersections that operate at LOS F would be 2 in the non-game weekday AM peak hour, 7 in the non-game midday peak hour, 10 in the non-game PM peak hour, and 9 in the Saturday non-game midday peak hour. In addition, the number of intersections that are entirely unmitigated is lower in this DSEIS than the number of unmitigated impacts in the 2008 FGEIS.

Comment 62: My comments of September 27 on the draft scope for this DSEIS stated, “The City has a history of releasing wildly contradictory reports about the traffic impacts of this project, without ever clearly explaining the reasons for these discrepancies. The supplemental EIS should include a table comparing the assumptions, methodologies and other inputs of the traffic study used there and all the prior traffic studies for this project, so that readers can understand the differences and draw their own conclusions as to which, if any, is valid.” The DSEIS failed to include this table. The FSEIS should include it. (WPU-Gerrard)

Response: The assumptions, methodologies, and other inputs follow the latest *CEQR Technical Manual* procedures and were subject to review and approval by the lead agency and NYCDOT. Such assumptions have been identified in this DSEIS. The methodologies used in the analyses for the DSEIS are comparable to those used in the analyses for the 2008 FGEIS. However, new traffic data were collected and incorporated into the model based on prevailing existing conditions.

Comment 63: The tables in the DSEIS (though not the text, except euphemistically) reveal that conditions within the Mets-Willets Point No. 7 subway station would also become horrible; especially the stairs from the Roosevelt Avenue entrances

down to the mezzanine. Conditions in 2032 on non-game days without the project show an LOS A for these stairs (Table 14-111, p. 14-156); in 2032 with the project, the LOS is E+ for one staircase and D+ for two. (Table 14-141, p. 14-187.) The DSEIS says that wider staircases could help alleviate this condition, but that it is not clear whether this would be feasible, there is no indication of how much they would cost or who would pay for them, and they are not committed to (p. 14-189, 21-57). (WPU-Gerrard)

Response: Subsequent to the certification of the DSEIS, an engineering feasibility study and design schematics were reviewed with New York City Transit (NYCT). This review concluded that the recommended stairway widenings, as well as the installation of an Americans with Disabilities Act (ADA)-compliant elevator, would be feasible. The description of the proposed stairway widenings and feasibility determination has been updated for this FSEIS. Since the projected impacts that prompted the stairway and elevator feasibility investigation would not occur until Phase 2 of the proposed project, no funding commitments are in place at this time. The City will coordinate with NYCT and the lead agency to ensure the proper mitigation would be implemented at the appropriate time and would add language to the RFP for Phase 2 of the project, as well as to the development agreement and/or other legally binding agreements, requiring the designated developer to fund the implementation of this mitigation.

Comment 64: The developer is relying on the MTA to provide additional bus service to the Willets Point “West” location. Willets Point “West” Mall will produce about 14,000 additional bus riders on an average weekday. At 56 people per bus (capacity) that would require the addition of 250 weekday buses (most spread out from 10 AM to 8 PM). What guarantee can the developer provide that the MTA can provide this level of added bus service? At the third meeting of the Building/Zoning Committee of Queens Community Board 7 the developer mentioned that they were working with the LIRR on using that service to provide some relief for the overcrowding their project will create on the No. 7 subway line. Has the developer analyzed the potential for utilizing the LIRR? If so, what have they found? And, how realistic is using the LIRR during peak commute hours? (WPU-Ketcham)

Response: Subsequent to the certification of the DSEIS, additional discussions with MTA NYCT took place regarding the potential bus service improvements beyond increasing service frequency of existing bus routes. Results of this coordination effort, which include both the MTA Bus Company and NYCT considering near-term extension of one bus route by each agency to Willets West and the Willets Point District, both agencies finding several conceptual bus routing options, which would be coupled with the necessary layover areas and stop locations, to be generally reasonable and feasible, and both agreeing to evaluate additional bus route extensions based on actual future demand. While no definitive plans have been made at this time, the City and the applicant will continue to

collaborate with the MTA NYCT after this environmental review process to ensure that adequate bus service improvements would be implemented.

With regard to the LIRR, as stated in the response to Comment 43, the City has consulted with the MTA on extending regular LIRR service along its Port Washington Branch to the Willets Point LIRR station when the actual demand shows that such service improvement is warranted. However, no definitive commitments have been made at this time.

CONSTRUCTION

Comment 65: Is this land, where the mall is to be built, stable enough to support the structures? The area was originally wetland. (Auburndale)

Response: Prior to commencement of construction, full geotechnical studies and reports would be conducted for the Willets West land to determine appropriate construction methods and guarantee structural stability of proposed buildings. The developer has experience constructing on land with similar (if not the same) subsurface conditions at CitiField adjacent to Willets West, which was completed in 2009, and will draw upon its experience constructing CitiField in constructing the entertainment and retail facility at Willets West.

ALTERNATIVES

Comment 66: The City rejected my request to study an alternative that looks at the project without any eminent domain. This alternative should have been studied, for only that way can the reader understand whether or not this condemnation is truly necessary. The possibility of leaving untouched any properties whose owners will not sell voluntarily becomes more feasible in view of the City's new plan to use much of Willets Point as a parking lot. (WPU-Gerrard)

If phasing [of the project] is now possible, the FSEIS should consider an alternative in which certain properties (especially those being acquired from private parties) are excluded from the early phases. (WPU-Gerrard)

Response: As described in the *CEQR Technical Manual*, the purpose of the alternatives analysis is to consider a range of reasonable alternatives to the proposed project that have the potential to reduce or eliminate a proposed project's impacts, while considering the goals and objectives of the proposed actions. As noted in the DSEIS, since the 2008 approval of the Plan, the City has undertaken outreach and has been negotiating with property owners in the Willets Point District. Through negotiated acquisition, the City has acquired, or is in contract to purchase, approximately 95 percent of the land area within the proposed Phase 1A/1B footprint (Assemblage Option 2). The City would continue its outreach efforts as the development of the District moves forward. The analysis of a no-condemnation alternative would not result in meaningful differences in the

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overall environmental impacts resulting from development pursuant to the District's Urban Renewal Plan through either condemnation or negotiated acquisition. Furthermore, the potential for development of individual properties and their various development timelines present myriad challenges in the general ability to meet project goals under the comprehensive redevelopment plan, particularly as they relate to the implementation of comprehensive site remediation; need for grade transitions to the new floodplain elevations; integration of the Phase 2 parcels into the planned water, sewer, and drainage infrastructure as well as the street network.

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