
CHAPTER 29: RESPONSE TO COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

A. INTRODUCTION

Pursuant to City Environmental Quality Review (CEQR) and the State Environmental Quality Review Act (SEQRA), this document provides a summary, sources, and the lead agency's responses to all substantive comments on the Draft Environmental Impact Statement ("DEIS") for the Broadway Triangle proposal. Comments were received during the public hearing held by the New York City Department of Housing Preservation and Development, the lead agency, in conjunction with the City of New York City Planning Commission Uniform Land Use Review Procedure (ULURP) public hearing on September 9, 2009 at the Department of City Planning, Spector Hall (22 Reade Street, Manhattan). Written comments were accepted from issuance of the DEIS through the public comment period which ended on September 21, 2009. Copies of the written comments submitted to the lead agency during the comment period are included in Appendix H.

Section B lists the elected officials, organizations, and individuals that provided substantive comments on the DEIS. Section C contains a summary of these comments and a response to each. These summaries convey the substance of the comments made, but do not necessarily quote the comments verbatim. Comments are organized by subject matter and parallel the chapter structure of the DEIS. Where more than one individual expressed similar views, those comments have been grouped and addressed together, or previous responses are referenced. Following each comment is an assigned number which corresponds to the numbered list of individuals who provided comments. Responses are presented directly below each comment.

B. LIST OF ORGANIZATIONS AND INDIVIDUALS WHO COMMENTED ON THE DEIS

This section lists the elected officials, community board and organization members, and individuals who commented on the DEIS. The comments include those made during the DEIS public hearing, as well as written comments received through the close of the comment period as noted above.

ELECTED OFFICIALS

1. New York City Council Member Diana Reyna, oral comments, written comments
2. William Harris representing New York State Assemblyman Vito Lopez, oral comments, written comments
3. Tim Roberts representing New York City Council Member David Yassky, oral comments, written comments
4. New York City Council Member David Yassky (representing himself), written comments
5. Eric Radezky representing New York State Assemblyman Joseph **Lentol**, written comments
6. Marty Markowitz, Brooklyn Borough President, written ULURP recommendations

COMMUNITY BOARD

7. Community Board #1 Chair Christopher Olechowski, written ULURP recommendations
8. Simon Weiser, Community Board #1, oral comments

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9. Esteban Duran, Community Board #1, oral comments, written comments
10. Lincoln Restler, Community Board #2, oral comments

ORGANIZATIONS

11. Charles Brass, NYS Association for Affordable Housing (NYSFAFH), oral comments, written comments
12. Annette Roque, Executive Director- La Nueva Esperanza, oral comments
13. Cumanda Angustia, United Revival Menonite Church, oral comments
14. Maggie Grady, Ridgewood Bushwick Senior Citizens Council (RWBSCC), oral comments
15. Regina Biyong, RWBSCC, oral comments
16. Deneise Jennings-Houston, Broadway Triangle Community Coalition (BTCC), oral comments
17. Leonides Reyes, BTCC, United Neighbors Organization (UNO), oral comments, written comments
18. Ronald Shiffman, BTCC, Pratt Institute, oral comments, written comments
19. David Dubosz, BTCC, St. Johns Lutheran Church, oral comments
20. Rosa Espinal, Transfiguration Roman Catholic Church, oral comments
21. Graham Smokoski, United Jewish Organizations (UJO) of Williamsburg, oral comments
22. Rabbi David Niederman, UJO of Williamsburg, oral comments
23. Emily Kurtz, RWBSCC, oral comments
24. Juan Ramos, Chair – BTCC, oral comments
25. Anita Dunbar, BTCC oral comments
26. Benjamin Robles, BTCC, UNO, oral comments
27. Martin Needelman, Counsel to BTCC, oral comments
28. Ernie Wong, Shanghai Stainless Product & Design, Co. oral comments, written comments
29. Sara Gelb, Excellent Bus Service, oral comments
30. Jerilyn Perine, Citizens Housing and Planning Council (CHPC), written comments

INTERESTED PUBLIC

31. Maria Viera, Broadway Triangle Task Force, oral comments, written comments
32. Yvette Perez, oral comments
33. Mei Hoang, oral comments
34. Rocio Mendoza, oral comments
35. Avrom Weiss, oral comments
36. Mirtha Duran, oral comments
37. Sean Silverman, oral comments
38. Abraham Retek, oral comments
39. Anusha Venkataramen, oral comments

C. DEIS COMMENTS AND RESPONSES

PLANNING PROCESS AND PUBLIC PARTICIPATION

Comment 1: Several comments were received in support of the planning process and goals of the Proposed Action to provide much needed affordable housing for the area, citing the process as inclusionary, and the proposal in context with the density and scale of the surrounding neighborhood. (2,3,4,5,8,11,12,113,14,15,20,21,22,23,30,31,32,33,34,35,36)

Response 1: Comments noted.

Comment 2: The planning process lacked a transparent and open dialogue with all community residents and neighboring community boards, and the process was exclusionary in that only two groups were allowed to participate. (1,9,10,16,17,18,19,24,25,26,27,28,29,38)

Response 2: HPD and the Department of City Planning (DCP) have been working with the Broadway Triangle Task force on developing the zoning framework for the Project Area since 2005. The Proposed Action was formulated following an in-depth review of the surrounding area and several inclusionary public events since that time. These events were designed to ensure that residents' points of view and recommendations were taken into account regarding the rezoning of the Project Area from a manufacturing district to residential districts that promote the development of affordable housing, commercial, and community facility uses at a density and scale consistent with the surrounding neighborhood.

In addition, sufficient opportunity was provided for public comment on the Draft Scope of Work and DEIS in accordance with SEQRA. The Draft Scope of Work was issued on October 15, 2008 and comments were accepted at the scoping meeting and through the end of November. The DEIS was issued on May 13, 2009 and comments were accepted at the DEIS public hearing on September 9, 2009. The public comment period was held open through September 21, 2009.

Comment 3: HPD never responded to the 3,000+ letters submitted during the public scoping comment period. (1,9,17)

Response 3: Each of the approximately 3,000 letters sent to HPD during the public scoping comment period were identical letters dated November 26, 2008 (some in English, some in Spanish) signed by different members of the Broadway Triangle Community Coalition. Each itemized comment within this letter was responded to in the Response to Comments on the Draft Scope of Work document issued May 6, 2009 (as part of the Final Scope of Work).

Comment 4: Community Board 1 reiterates its position that property currently owned by Pfizer should be devoted 100% to community use, either as affordable housing or as not-for-profit industrial space. The City shall commit to include Community Board 1 in a meaningful process to develop plans for the reuse of property owned by Pfizer within our Board boundaries, including any large-scale development or rezoning (more than one city block or more than 300 units of housing). (7)

Response 4: Should a development plan be proposed by Pfizer in the future, the City is committed to working with Community Board 1 during the planning process for redevelopment of the Pfizer properties.

PROJECT DESCRIPTION

Comment 5: The Proposed Action's use of the Inclusionary Housing program is not mandatory and would not guarantee the construction of the affordable units. (1,9,18,39)

Response 5: The Inclusionary Housing Program has been carefully calibrated to provide an incentive that maximizes the provision of permanently-affordable housing. Both the base and bonus FAR must produce viable development scenarios so as not to unduly restrict the

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redevelopment of properties. To date the IHP has been shown to work throughout New York City and thousands of affordable units have been constructed in other neighborhoods, including Community District 1 in Brooklyn.

Comment 6: The affordable housing numbers cited in the EIS are purely speculative and overly optimistic. (18)

Response 6: As discussed in Chapter 1 “Project Description,” to determine the Reasonable Worst-Case Development Scenario (RWCDS) for the Proposed Action, standard methodologies have been used following *CEQR Technical Manual* guidelines and employing reasonable, worst-case assumptions which have been utilized in rezoning proposals in Brooklyn and throughout New York City.

In addition, the densities and FARs established in the IHP have been designed to create a powerful incentive for the provision of affordable housing. The existing base and bonus FARs included under the IHP have been shown to work throughout New York City, and thousands of affordable units have been constructed in other neighborhoods including Community District 1 in Brooklyn. The IHP has been carefully calibrated to provide an incentive that maximizes the provision of permanently-affordable housing. The assumptions used in the RWCDS have been utilized in other City proposals.

Comment 7: The Proposed Action would not maximize affordable housing with the FAR proposed, citing taller NYCHA and Mitchell Lama developments in the surrounding area as the context the Proposed Action should be based upon. (9,16,17,19,24,25,27,30)

Response 7: As described in the DEIS, one of the goals of the Proposed Action is to encourage residential development throughout the Project Area at a density and scale consistent with the surrounding neighborhood. Under the Proposed Action, the blocks proposed to be rezoned to R7A comprise the most underdeveloped and vacant land in the Project Area, and approximately 87% of the projected number of dwelling units will be located on these blocks. In addition, utilization of the IHP throughout the proposed R6A and R7A districts would address the need for affordable housing by providing incentives to developers to provide affordable units.

The existing Mitchell Lama and NYCHA developments in the surrounding neighborhood, including the Lindsay Park, Sumner, Tompkins Bushwick, and Marcy Houses are all currently zoned R6. These developments currently occupy “super blocks” ranging from 12 to 25 acres in size. There are currently no residential zoning districts higher than R6 within the ½ mile land use study area analyzed in the DEIS. The R7A district proposed for a portion of the Project Area, if adopted, would be the highest residential zoning district in the immediate neighborhood. Based on available data from the Department of City Planning, Lindsay Park has the highest built FAR of any of these five developments, at approximately 3.64 FAR. Under the Proposed Action, the portion of the Project Area to be zoned R7A would allow residential and community facility uses up to 4.0 FAR, which is higher than what is currently built for any of the aforementioned Mitchell Lama and NYCHA developments.

Comment 8: The Proposed Action should have included the large Pfizer properties south of Flushing Avenue and the blocks between Throop Avenue and Broadway as part of the Project Area boundary, and that the Pfizer plant has the capacity to be the locus of an economic renaissance in the area, in that small businesses could potentially be relocated to the plant

building. Including the Pfizer sites in the rezoning would have been an ideal mechanism to spur economic growth in the neighborhood. (18,24,29,30,39)

Response 8: The City developed the boundary for the Project Area through an extensive review of the area's current land use, which examined the potential for future development. HPD initially studied a much broader area than the Project Area boundary but eventually chose to rezone only these blocks because the area of the Broadway Triangle between Throop Avenue and Broadway is already zoned residential (R6) and is either newly built or is built to more than 50% of the current and proposed FAR.

HPD chose not to include the larger Pfizer sites because Pfizer to date has not developed specific redevelopment plans for these properties. HPD feels it would be premature to include this large assemblage in the current rezoning. Rezoning the larger Pfizer sites without first obtaining commitments from Pfizer regarding its redevelopment intentions would result in potential opportunities for substantial affordable housing and other neighborhood assets being lost. HPD is prepared to engage Pfizer and community-based representatives in a dialogue about future development of those sites.

The boundary of the Project Area was developed after consideration of all of these issues. The planning study was done in a comprehensive manner which included public participation. The proposed rezoning area was chosen to maximize the amount of housing produced in the area, thus selecting the blocks which were zoned for industrial/manufacturing uses with considerable underutilized and vacant land.

Comment 9: Any disposition of City-owned property within Community District #1 shall be carried out pursuant to a transparent, competitive RFP process and not through sole-source disposition. In the event that the City or HPD as its agent should feel that it is necessary to dispose of a particular parcel through sole-source disposition, or provide any letters of support for a project which would result in a sole-source disposition should the proposed development be funded, the City shall consult with the Community Board allowing for a minimum of 60 days for review prior to the City taking any action regarding the subject parcel. (7)

Response 9: Comment noted. On any future site authorization requests to HPD, the sponsoring organization will be asked to present their proposal to the Community Board.

Comment 10: There are two large sites owned by Pfizer in the rezoning area – one on Gerry Street (Projected Development Site #21) and one along Harrison Avenue (Projected Development Site #9). At a modest \$120 per development square foot, the City is giving Pfizer a value of \$29.3 million for buildings which can only be manufacturing right now. This value is increased without any public return for the community. (1,16,25)

Response 10: The aforementioned properties, which are directly adjacent to City-owned sites, include a vacant manufacturing building, formerly occupied by the business Arlington Press, located on Block 2269 Lot 1, and a parking lot located on Block 2266 Lot 46. Modifying the Project Area boundary to exclude these properties from the rezoning area would be inconsistent with City policy to promote cohesive area-wide rezonings and would impede development of affordable housing on these blocks.

Comment 11: The rezoning action allows for the construction of housing but ignores the desperate need for new open space, classrooms, libraries, and other community facilities and amenities that are fundamental to the creation of viable and sustainable communities. (18,39)

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Response 11: The primary objective of the Proposed Action is to develop affordable housing consistent with the density and scale of surrounding residential development. HPD is charged with the task of developing and preserving affordable housing throughout New York City. The DEIS acknowledges that the Proposed Action would exacerbate the current shortage of open space in the surrounding neighborhoods and HPD has proposed partial mitigation to address the impact. In order to mitigate the significant adverse impact, HPD has proposed additional open space to address the shortfall, as discussed in Chapter 24 “Mitigation.”

As discussed in Chapter 5 “Community Facilities and Services,” the Proposed Action would not result in significant adverse impacts to existing public schools, publicly funded day care centers, libraries, health care facilities, police services, or fire protection. In addition, the Proposed Action would result in a net increase in community facility space of approximately 35,456 square feet. This space would be provided on the lower floors of residential buildings constructed in the future throughout the Project Area, pursuant to the R6A and R7A zoning regulations.

Comment 12: Increase affordable housing by changing the base and bonus FAR requirements for Inclusionary Housing Program. (6)

Response 12: The Inclusionary Housing Program has been developed as a mechanism to foster the development of affordable housing by providing private market developers with a floor area incentive that maximizes the provision of permanently-affordable housing. Both the base and bonus FAR must produce viable development scenarios so as not to unduly restrict the redevelopment of properties. Furthermore, the program is a citywide program with a consistent set of established rules for efficient administration by HPD. To date the IHP has been shown to work throughout New York City and thousands of affordable units have been constructed in other neighborhoods, including Community District 1 in Brooklyn.

Comment 13: Rezone a portion of the Project Area to an R7D district from the currently proposed R7A district. (6)

Response 13: The intent of the proposed rezoning was not only to maximize affordable housing on city owned sites but also to facilitate development that is consistent in scale and density with the immediate context. The surrounding area is predominantly zoned at R6 which allows 2.2 FAR and a maximum building height of 55 to 70 feet. An increase in density from R6 to R7A is proposed for the southern portion of the rezoning area to allow for more density on city sites and thereby provide more affordable units. R7A allows for 4.60 FAR with IHP and a maximum building height of 80 feet as opposed to 5.6 FAR with IHP and 100 feet building height in an R7D district. The building density and bulk of the R7D district exceeds the existing built context.

Comment 14: The City should provide resources to neighborhood-based affordable housing advocacy organizations towards encouraging owners of existing residential buildings to have the building registered to become part of the City’s Inclusionary Housing Plan as a means to permanently preserve existing housing as “affordable forever.” Resources should also be provided to these organizations towards assisting area residents improve eligibility to comply with standards for affordable housing lotteries. (6)

Response 14: HPD has funded several non-profit housing advocacy groups in Brooklyn Community District No. 1 in order for them to provide services to local residents. Included in the services provided by these organizations is assistance to residents in the affordable housing application process. The preservation option is an important tool for the creation of permanently-affordable housing in communities throughout New York City. Through a combination of State and Federal funding sources, HPD provides financing for the rehabilitation of residential buildings. The primary condition of the financing is that a certain percentage of units become income-restricted in accordance with applicable income bands. Housing advocacy organizations could work with property owners to create a database of potential preservation sites in the community.

Comment 15: HPD should expand local preference to the 11206 zip code within Community Districts 3 and 4. (6)

Response 15: HPD's policy for local preference is based on the boundary of the local community board. The remaining 50% of available affordable units are open to the entire City and would allow residents of CB 3 and 4 to participate in the lottery. HPD is reviewing the request to extend the 50% CB preference for affordable housing lotteries to adjacent CBs as well as residents of CB 1. Any housing preferences must comply with the parameters of federal and local fair housing legislation.

Comment 16: Subsequent disposition of city-owned property by the HPD should be subject to ULURP, (with exception to sole-source dispositions). (6)

Response 16: HPD is currently seeking approval of the disposition of urban renewal property to facilitate the construction of affordable housing in the Broadway Triangle. With disposition approval, HPD can immediately start working with sponsors to bring much needed affordable housing to the area.

Comment 17: Land disposition agreements for Block 2245, Lot 149 and Block 2266 Lots 18, 20 and 36, shall not permit these units to count towards meeting the Inclusionary Housing Program floor area bonus if these lots are combined with private properties. (6)

Response 17: In order to leverage the maximum amount of affordable housing development on City-owned sites the City needs to maintain flexibility of the program. It should be noted that the properties referenced above are not within urban renewal sites. Therefore, future disposition authorizations will be needed at such time development assemblages are proposed in conjunction with adjacent private property. As each of these properties is isolated and small in size, development on their own is not feasible.

Comment 18: HPD shall guarantee 100% affordable units and that such units remain permanently affordable. (6)

Response 18: The City is committed to providing 100% affordable units on City-owned property. HPD is currently reviewing its programs regarding the option of creating permanently affordable housing and no decision has been reached at this time.

Comment 19: Consider retaining the existing M zoning district for Service Smoked Fish operation to continue to remain or include the site for acquisition. (6)

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- Response 19:** HPD’s proposed rezoning would allow Service Smoked Fish to continue its operation as a legal, non-conforming use. Block 2250 and the immediate vicinity, including the adjacent block on Throop Avenue, are characterized by a mix of residential and manufacturing uses. The proposed zoning changes are consistent with development in the area, which has allowed for residential development via BSA variances. Retaining the existing M1 zoning on a few lots would be inconsistent with the goals and objectives of the Proposed Action.
- Comment 20:** In order to retain affordable housing in the rezoning area to help local families stay local, the City should consider amending the Inclusionary Housing Program to limit or (preferably) eliminate the offsite affordable housing option within the Broadway Triangle. (7)
- Response 20:** The Inclusionary Housing Program (IHP) is a City-wide program that allows developers to obtain a density bonus to help fund the affordable housing component of a development. The program has been carefully calibrated to provide an incentive that maximizes the provision of permanently-affordable housing. The program is designed to maximize the ability and potential for the provision of affordable housing to low- and moderate-income residents through new construction on-site, off-site, and preservation of existing low income units as permanently affordable. Maintaining multiple options is critical for maximizing participation of private developers.
- Comment 21:** The midblocks occupied by small businesses appear to be suited to mixed use development that would permit these small businesses to continue to co-exist with residences. It is disappointing that the rezoning does not provide for a Special Mixed Use District (i.e., MX) designation so as to allow businesses to continue operation. (30)
- Response 21:** The current M1-2 zoning allows for the operation of businesses on midblock locations. The proposed zoning permits commercial and retail businesses to operate on the avenues where the commercial overlays are mapped. It should be noted that the proposed rezoning permits businesses outside the urban renewal area to continue their operation as a legal, non-conforming use. Special Mixed Use Districts have been mapped in larger areas where there is a mix of manufacturing uses and potential for future housing sites. A small MX district was not considered appropriate for this portion of the Project Area.
- Comment 22:** There is no need for the retail space. There is empty retail on Harrison between Bartlett and Flushing and additional empty retail space on Broadway. There are industrial type jobs that are employing people and this plan is going to get rid of them on a gamble that someday this retail space will be filled with decent jobs. (37)
- Response 22:** As discussed in Chapter 3 “Socioeconomic Conditions”, the Proposed Action would increase business opportunities and jobs related to residential uses as new housing is developed in the Project Area. The proposed commercial overlays were chosen to encourage neighborhood retail that would be supported by the introduction of new residential units in the Project Area. Commercial development under the proposed C2-4 overlay along the Avenues would be restricted to one floor, and many permitted uses are regulated to less than 10,000 square feet.

The largest employer in the Project Area, Shanghai Stainless Steel, would be afforded relocation assistance by the City. Several of the other large employers would be allowed

to continue their operations under the Proposed Action because the business owner also owns the property.

In addition, as described in the “Purpose and Need” section of the DEIS, the general goal of the Proposed Action is to encourage housing production, including affordable housing and mixed-use development in an area well-served by mass transit, while permitting local commercial and community facility uses to support the growing residential community.

Comment 23: The Proposed Action will worsen environmental quality for residents, new and existing. (39)

Response 23: As stated in the DEIS, the Proposed Action would result in significant adverse impacts related to socioeconomic conditions (indirect residential displacement); open space; shadows; historic resources (construction-related impacts); traffic and parking; and transit (local bus service). Measures that would fully or partially mitigate impacts for socioeconomic conditions (indirect residential displacement); open space; traffic; and transit (local bus service) are identified in the FEIS. The open space, shadows, and historic resources (construction-related) impacts would be unmitigated. The FEIS has been prepared in conformance with all applicable laws and regulations.

LAND USE, ZONING AND PUBLIC POLICY

Comment 24: The Proposed Action violates the principals set out by the Mayor in PlaNYC 2030. (18)

Response 24: As discussed in Chapter 2 “Land Use, Zoning, and Public Policy,” the Proposed Action would be consistent with and further the goals of current public policy initiatives and plans, including PlaNYC 2030. The specific initiatives of PlaNYC 2030 identified in the DEIS as consistent with the goals and objectives of the Proposed Action include pursuing transit-oriented development, using upcoming rezonings to direct growth towards areas with strong transit access, developing underused areas to knit neighborhoods together, developing new financing strategies to reach new income brackets, expanding inclusionary zoning, and encouraging homeownership by emphasizing affordable apartments over single-family homes.

In addition, the new contextual zoning would require the planting of street trees throughout the Project Area, which is also consistent with the PlaNYC 2030 initiative of planting street trees within underutilized street and sidewalk space. Furthermore, PlaNYC includes initiatives to address brownfields and air quality throughout the City. The proposed zoning map amendment will include the mapping of (E) designations on the zoning map, which would require remediation of contaminated sites and cleaner burning HVAC fuels for most of the new development which would result from the Proposed Action.

SOCIOECONOMIC CONDITIONS

Comment 25: There is a serious residential displacement issue in the Williamsburg neighborhood and the Proposed Action will not provide enough affordable housing to alleviate this problem. (1,10,16,24)

Response 25: As discussed in DEIS Chapter 3 “Socioeconomic Conditions,” the Proposed Action would not result in significant adverse impacts related to direct residential displacement.

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However, the DEIS does disclose potential impacts related to indirect residential displacement and partial mitigation to lessen this impact is discussed in Chapter 24 “Mitigation.”

Comment 26: The Proposed Action will displace vital businesses from the Project Area due to City acquisition that will result in a loss of jobs, and that no plan has been presented that deals with relocating such businesses to preserve jobs. (6,9,16,18,25,26,28,29,38,39)

Response 26: The Proposed Action would displace businesses that are valuable to the City. However, under CEQR, the displacement is not considered a significant adverse impact, as discussed in Chapter 3 “Socioeconomic Conditions.” In the event that federal funding from the US Department of Housing and Urban Development is used for the redevelopment of such sites, the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the applicable implementing regulations set forth in Title 49, Part 24 of the Code of Federal Regulations (collectively, the “Uniform Act”) would apply. If direct displacement occurs due to the purchase of such properties by the city or through eminent domain, the City Relocation Rule would take effect. The city rule, like the federal Uniform Relocation Act, was written to compensate residential and commercial tenants who are forced to relocate because of governmental acquisition of real property for a public purpose. The City Relocation Rule, 28 RCNY §18-04 governs "relocation practices and benefit payments for those eligible site occupants who are displaced from public improvements and quasi-public sites or from urban renewal sites which are not federally assisted.”

HPD is committed to working with area businesses subject to acquisition and is currently working with the New York City Economic Development Corporation (EDC) and the New York City Department of Small Business Services (SBS), to facilitate future relocation for these businesses. HPD will continue working with EDC and SBS to identify sites based on the businesses’ needs.

Up until relocation, the businesses will continue to operate on site. Relocation planning occurs after an appraisal is completed by HPD and the property is acquired by the City. The appraisal and acquisition cannot be completed until after the ULURP process is complete. Therefore, the relocation logistics can only take place after the ULURP is complete. HPD has reached out to area business and will work closely with the property owners until the completion of the relocation process and will coordinate with other agencies such as EDC and SBS.

Comment 27: There are over 4,100 mobile food carts in the City. Not only does Shanghai Stainless Steel fabricate these carts, but we service them as well. A majority of mobile food cart vendors located in Manhattan come into Brooklyn and Queens to locate their carts at night at a commissary. Shanghai Stainless Steel is at a key location just off the Williamsburg Bridge where these vendors can stop by and get any service they need done. If we were to move any further, they would be less likely to come to us for service. (28)

Response 27: Shanghai Stainless Steel is a valuable contributor to the overall economy of New York City, however as discussed in Chapter 3, “Socioeconomic Conditions,” its displacement would not result in significant adverse impacts associated with a specific industry. Shanghai Stainless Steel is not the only food cart manufacturer and servicing firm in the metropolitan area. Furthermore, while the Broadway Triangle area may provide a

convenient location for the business to operate, the Project Area is not unique in this regard. There are several industrial areas within comparable travel distance of the Manhattan markets served by the food vendor industry where such a business could be well-positioned to serve the industry. These include City-designated Industrial Business Zones (IBZs), such as North Brooklyn, Greenpoint-Williamsburg, Brooklyn Navy Yard, Maspeth, and Long Island City IBZs, and Industrial Ombudsman Areas. In addition, as discussed in the FEIS, the business is located on a site where direct displacement would occur as a result of City acquisition of the property. As such, the City of New York is required to provide business relocation assistance in accordance with local, state and federal regulations. In addition to fair market cost of the property, the City would provide relocation assistance for moving and related expenses.

Comment 28: The city should commit sufficient money and resources to relocate existing businesses within the Broadway Triangle.

- Funding shall be provided for both property owners and renters operating in use Groups 17 and 18 within the rezoning area.
- Funding should separate from and incremental to any relocation funds requested under Urban Renewal plan.
- In order to allow the greatest continuity of operation by local businesses, the City should commit to relocate businesses within 1 mile of their existing establishment. (7)

Response 28: HPD will provide relocation benefits to businesses operating on properties that are subject to acquisition through the urban renewal plan in compliance with federal, state and city laws. Both property owner and tenants are eligible for relocation benefits. Note that both tenants and owners on property subject to acquisition who choose to relocate before the City vests title are not eligible to receive relocation benefits.

HPD is committed to working with the businesses subject to property acquisition on urban renewal property to find suitable new commercial space. HPD is currently working with EDC to ensure that the affected businesses (owning or renting) have access to services available to minimize disruption to their operation.

Businesses currently in operation on property outside the urban renewal area may choose to continue their current operation after approval of the rezoning as a legal, non-conforming use. HPD is aware of the concerns raised and are working with SBS in exploring options to provide assistance to the businesses not directly displaced by the proposed rezoning but choosing to relocate.

Comment 29: City shall commit sufficient funds comparable to that committed by City for businesses in Willets Point to relocate existing businesses. (6)

Response 29: HPD is prepared to provide monetary assistance to the affected businesses located on property subject to acquisition by the City. HPD will allocate funding through its capital budget to facilitate the proposed acquisition and relocation in accordance with applicable Federal, State and City law and City regulations.

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Comment 30: The City should commit to funding non-profits towards their acquisition of additional property to be developed as a relocation resource. (6)

Response 30: The City has programs to assist businesses with relocation needs. HPD is currently working with SBS and EDC to facilitate the future relocation of businesses subject to acquisition of urban renewal property.

Comment 31: HPD should explore the feasibility of relocation to the Pfizer industrial building. (6)

Response 31: The Pfizer industrial building is privately-owned property. Relocating businesses to the Pfizer building is not feasible. HPD is currently working with SBS and EDC to identify sites based on the businesses' needs.

Comment 32: We are concerned about the future of the small businesses located on property that is designated for city acquisition. Such small businesses are the lifeblood of this city. We are troubled by government actions that unnecessarily jeopardize their economic well-being, even to achieve the laudable goal of encouraging affordable housing development. We urge HPD and the Economic Development Corporation (EDC) to ensure a successful relocation for the small businesses affected by condemnation. EDC should strive for a streamlined relocation that places the affected businesses at a location as close as possible to their original home. (30)

Response 32: HPD is committed to working with the businesses subject to property acquisition on urban renewal property to find suitable new commercial space. HPD is currently working with EDC to ensure that the affected businesses (owning or renting) have access to services available to minimize disruption to their operation.

HPD will provide monetary assistance to businesses operating on properties that are subject to acquisition through the urban renewal plan in compliance with Federal, State and City laws and City regulations. Both property owners and tenants are eligible for relocation benefits. Note that both tenants and owners on property subject to acquisition who choose to relocate before the City vests title are not eligible to receive monetary assistance with regard to relocation.

OPEN SPACE

Comment 33: The Proposed Action fails to remedy negative impacts on parks. (26)

Response 33: The DEIS acknowledges the shortfall of existing open space in the study area under existing conditions and recognizes that the shortage would worsen with HPD's proposal for the Project Area in the future. Therefore the FEIS proposes the creation of new open space to partially mitigate the significant adverse impact, as discussed in Chapter 24 "Mitigation."

Comment 34: Provide more open space by converting designated housing sites to parkland and commit funds to develop identified sites and other vacant land (including Pfizer sites) to increase the amount of open space. The city should commit sufficient money and resources to increase the amount of open space within the Broadway triangle and to increase the current ratio of open space within 0.5-mile radius of the rezoning area. (6,7)

Response 34: HPD is charged with preserving and developing affordable housing throughout New York City. HPD has limited ownership in the Broadway Triangle and continues to move forward with development plans that will bring affordable housing options to New York City residents. The DEIS acknowledges the shortfall of existing open space in the study area under existing conditions and recognizes that the shortage would worsen with HPD’s proposal for the Project Area in the future. Therefore the FEIS proposes the creation of new open space to partially mitigate the significant adverse impact, as discussed in Chapter 24 “Mitigation.”

Comment 35: At present the rezoning plan does not require HPD to provide any additional open space, despite the fact that the Broadway Triangle area is already greatly underserved in this respect. With the potential development of approximately 1,900 units of housing, including nearly 900 units of affordable housing, we can project dramatic population growth, and the scarcity of open space will become even more pronounced. Without a commitment from HPD to increase the amount of open space this rezoning action will not be the success that it should be and that which the residents of the community need it to be. Therefore I strongly urge HPD to adopt the recommendations below:

- Create New Open Space by expanding the Bartlett Playground – Designating the city-owned property at 36 Bartlett St (URP Site 4A) as park land and acquiring and transferring to New York City Department of Parks and Recreation the 5,000 sq ft of the easternmost section of 11 Whipple Street (URP Site 4B, Block 2272, Lot 45 and 2,500 sq ft of Lot 46) will add a total of 10,000 sq ft of additional park land. While I anticipate that these actions will eliminate some units of affordable housing (fewer than 30), this is the best way to create significant amounts of new open space in the rezoning area.
- Improve Current Parks Facilities. Sternberg Park – The largest park in the immediate area, Sternberg has a recurring flooding problem in the basement of the new building that prevents it from being used as a Children's Recreation Center as intended. At Eugenio Maria De Hostos Playground, the children's spray shower, water fountain, and comfort stations no longer work. The Bartlett Playground suffers from a lack of landscaping and plantings.
- Joint Operated Properties (JOP) - By converting nearby school playgrounds to operate as parks outside of school hours, as per the administration’s PlaNYC Schoolyards to Playground program, we can add over 4.5 acres of publicly usable playground space to areas directly outside the rezoning area. Candidate schools for JOP include: PS 018, PS 368, PS 257, PS 380, PS 19, PS 250 and K071. (3,4)

Response 35: HPD has limited ownership in the Broadway Triangle and continues to move forward with development plans that will bring affordable housing options to New York City residents. The DEIS acknowledges the shortfall of existing open space in the study area under existing conditions and recognizes that the shortage would worsen with HPD’s proposal for the Project Area in the future. Therefore the FEIS proposes the creation of new open space to partially mitigate the impact, as discussed in Chapter 24 “Mitigation.” The goals and objectives of the Proposed Action are to provide the Broadway Triangle area with much needed affordable housing. An alternative which considers the expansion of Bartlett Playground and a reduction in affordable units on adjacent City-owned property has been provided in the FEIS in Chapter 25 “Alternatives.” As described in

Broadway Triangle

Chapter 25 “Alternatives”, expanding the Bartlett playground would result in a loss of approximately 45 units of affordable housing on City owned land, which would not be consistent with these goals and objectives.

AIR QUALITY

Comment 36: The proposed rezoning action is totally silent on environmental issues despite the fact that Williamsburg/Greenpoint and Bedford-Stuyvesant have some of the highest rates of respiratory illness in the City. To ignore environmental issues in any development is wrong – to avoid it in an environmentally impacted area is outrageous and potentially in violation of federal laws designed to protect against the inequitable environmental burdens borne by low-income groups, racial minorities, women, and residents of economically disadvantaged areas. (18)

Response 36: As discussed in Chapter 20 “Air Quality,” the potential for air quality impacts from development boilers, development clusters and industrial facilities within the analysis area, parking facilities, and mobile sources were evaluated in accordance with U.S. EPA procedures and the *CEQR Technical Manual*. Conservative estimates were made by adding the highest modeling results to the background levels recommended by the New York City Department of Environmental Protection (DEP), to obtain the predicted total ambient concentrations for CO, NO_x, PM, and SO₂ at analyzed receptor locations on development sites, intersections, and other areas of concern. The air quality analyses, including associated backup materials were reviewed and approved by the New York City Department of Environmental Protection. The DEIS concludes that the Proposed Action would not result in significant adverse impacts related to air quality.

Furthermore, pursuant to the National Environmental Policy Act (NEPA) and Executive Order 12898, the DEIS includes an analysis of potential environmental justice impacts of the Proposed Action. As discussed in Chapter 4 “Environmental Justice,” the Proposed Action would not result in significant adverse environmental justice impacts. Measures related to hazardous materials, air quality and noise would be incorporated into the Proposed Action to preclude adverse effects on future occupants and workers (including construction workers). These measures would be included under the proposed zoning as (E) designations for privately-owned development sites or required through provisions in the Land Disposition Agreement (LDA) between HPD and a developer (for city-owned development sites). Any significant adverse impacts related to hazardous materials, air quality, and noise on the future population of the Project Area and surrounding blocks would be precluded through the implementation of these measures.

As discussed in Chapter 4 “Environmental Justice,” in the future with the Proposed Action, approximately 13 housing units with an estimated 39 residents could be displaced. Given the relatively high concentration of low-income and minority residents in the Block Groups where projected development sites are located, it is possible that residents in these units may identify themselves as either low-income and/or minority. However, the directly displaced units would be replaced with new housing, and in the event federal funding is utilized for construction of these developments, displaced residents would be given preferential access to new units.