



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Jamie Rogers, Board Chair

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May 25, 2017

Robert Dobruskin, AICP
New York City Department of City Planning
120 Broadway, 31st Floor
New York, New York 10271

RE: CB3 Comments on Draft Scope of Work for Two
Bridges LSRD

Dear Mr. Dobruskin,

The following details the comments of Community Board 3 (“CB3”) on the Draft Scope of Work (“Scope”) for the Draft Environmental Impact Statement (“DEIS”) that will study the environmental impacts for the proposed amendments to the Two Bridges Large-Scale Residential Development Plan (LSRD).

Project description & purpose and need of the proposed action

The proposed project will introduce building forms to this neighborhood that are new to the District and contrary to local plans. These building forms were not considered possible, considering the Large-Scale Residential Development Plan that governs the area.

The project as described will introduce new building forms, informally referred to as “super-talls,” to a district composed largely of medium density housing. While the underlying zoning allows such density, the right to build under those densities was removed with the adoption of the Large-Scale Residential Development Plan (LSRD) in 1972. The LSRD plan limited the development on the site to, generally, what can be seen there now: developments of between 3.5 and 4.9 FAR, with buildings ranging from one to 26 stories, surrounded by open space. The existing level of development is in-scale and in context with the surrounding development.

The primary governance of the use, mass and plan of this site is the LSRD, not the underlying zoning. Considering the scale of the change proposed, the determination that this action is a minor modification of the LSRD should not rest solely on the underlying zoning.

The amendment of the LSRD plan is not a minor modification. The CPC needs to better explain and justify its decision on how they reached their determination that the project is a minor modification. It should be done as quickly as possible before the Final Scope of Work or the DEIS are released.

On August 11, 2016, former Chair of the City Planning Commission Carl Weisbrod explained the CPC's decision to classify this action as a minor modification. This decision meant that the action avoided ULURP. In that letter, he agreed to perform an environmental review but he also justified the continued classification of the action as a minor modification by quoting Title 62, Section 2-06(g)(5)(ii) of the Rules of the City of New York regarding ULURP.

CB3 notes that these rules do not say that this project must be classified as a minor modification, only that it may be classified as a minor modification if the CPC so determines. One of the considerations the CPC must consider when making this determination is if the amendment, "increases the height, bulk, envelope or floor area . . . or alters conditions or major elements of the site plan." It is of great concern that the CPC saw the proposed changes to the site plan, read the Rules of the City of New York, and still found that these changes to the LSRD constituted a minor modification. CB3 has concerns about whether the CPC fully considered all conditions that the Rules of the City of New York instruct the CPC to follow when making this decision. For example, will the Lead Agency provide evidence that that it reviewed, "earlier hearings at the community board or Commission,"¹ as required by the Rules of the City of New York, by releasing transcripts and/or other materials that documented those earlier CPC and Community Board hearings?

The purpose and need for the proposed action needs to better justify the scale of the change.

CB3 recognizes the value of the proposed 694 units of affordable housing. The project description needs to provide more detail regarding these units.

- Will they be permanently affordable?
- Will they all be on-site or may some be placed off-site?
- What AMIs will they serve? If this has not yet been determined, what are the possible AMIs that will be served and when will the decision be made regarding AMI levels?
- Will the affordable housing target a single AMI range or will there be several tiers of AMIs?
- How well do the targeted AMIs match with the community's current AMIs? Or in other words, will the affordable housing provided in the buildings match the community AMIs?
- Will the applicant get public subsidies for the provision of such affordable housing? Or in other words, will public subsidy support affordable housing in this building that could be used elsewhere in the community?
- Will the mix of unit sizes (and thereby average household size) reflect the community's unit size/household size distribution?

Other than the development of new and affordable housing, provide additional explanation for the project need and justifications for the action.

¹ Title 62, Section 2-06(g)(5)(ii)(D)

Please better explain how the proposed development is consistent with the development goals of Two Bridges LSRD.

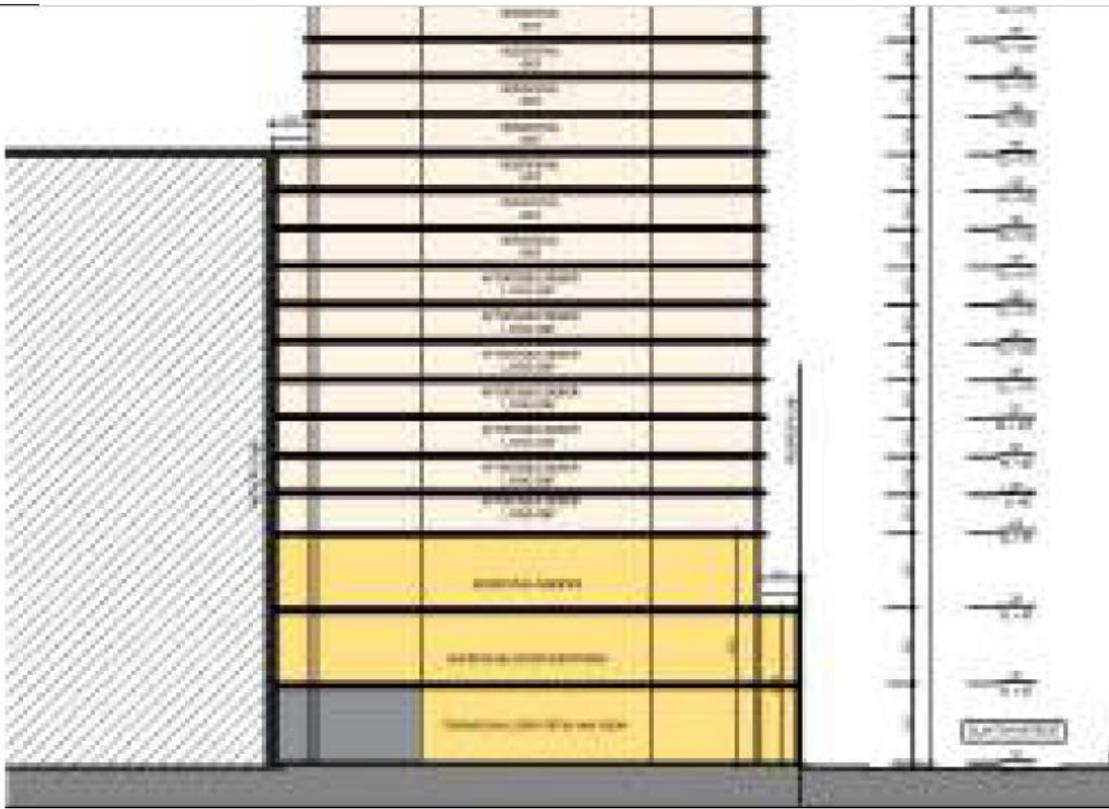
The drawings describing the buildings allowed by the proposed action are not detailed enough, have errors, and need improvements and additions so that the scope of the regulatory action is clear.

Cherry Street is a wide street, but it is alternately described as a wide and narrow street depending on the drawing. Clinton Street is described as an “80 foot narrow street,” which is not possible since according to the Zoning Resolution all streets 75 feet and wider are wide streets. South Street is described as a 70 foot narrow street, but it unclear if this is the size of the mapped street or just the street excluding the bike lane. South Street is also unusual as it is partially under the FDR, which results in two overlapping mapped streets. Do two overlapping mapped streets that, together, are more than 75 feet constitute a wide street for the purposes of zoning?

This matters because the required setback of the towers varies according to the width of the street on which they front. The street widths need to be accurately described on the drawings. Further, in part because of the errors in the street widths, and in part because there is missing data in the description of the proposed action, it is unclear if the developments are completely as-of-right under C6-4 zoning or if they too will require modifications under the LSRD to allow them to comply. **Table A of Appendix A** appears to be an attempt to show zoning compliance, but it fails by leaving out critical elements of zoning compliance (e.g. tower coverage), and answers are not consistent from site to site. This table should read: regulated element (e.g. yards, tower coverage, FAR, etc.), what is allowed in the district, what is proposed, and then if the project complies. This table appears to have been cobbled together from the different developers, each of which are using different standards, with no attempt to make it consistent or meaningful.

If the project is shown to require relief from some element of compliance with underlying C6-4 zoning under the amended LSRD, then there needs to be drawings demonstrating what element of the project will need relief under the LSRD. This will disclose to the Lead Agency and the public the magnitude of the change this LSRD requires from the existing underlying zoning.

Further, because information about the project comes from different developers, they all follow different standards in their drawings, produced at different resolutions, which makes them difficult to compare. For example, the following is a detail of the Site 6 Illustrative Section (Figure 12), which shows that the text on the drawing cannot be read, as reproduced below:



Drawings that include numbers and text that cannot be read need to be corrected. All drawings need to be legible and should follow the same standards so they can be more easily compared. For example, site six seems to have a much more reasonable use of mechanical space when compared with site 4A/B. However, it is difficult to say with certainty because the drawing is not legible and the drawings use different standards. The Lead Agency should select a standard and then instruct the individual developers to submit drawings that follow that single standard so that the scope of the project is clearly disclosed to the public.

Alternatives to the project as proposed

In addition to the No-Action alternative, the DEIS should study the following alternatives:

- An alternative that examines the project that accounts for all currently approved amendments to the LSRD Plan that have not yet been built.
- A lesser density / lower-scale alternative that adds additional housing and affordable housing above the no action alternative, but which is more in scale with the surrounding neighborhood. This alternative may be modeled after the plan for the area produced by the Chinatown Working Group (CWG) within Sub-District D.
- An alternative design that does not add unnecessary and unwarranted height. For example, the building proposed on site 4A/B is proposed for 1,008 feet to the top of the mechanicals. This height includes 15 floors of mechanical spaces and voids that add 324 feet to the building height and which, presumably, do not count against zoning floor area.

While ample mechanical spaces make for good buildings, devoting nearly 1/3 of the building's height to mechanical spaces is extraordinary and introduces bulk to the neighborhood which provides only impacts and no benefits. The Lead Agency should instruct the applicant to study an alternative that minimizes the use of mechanical spaces to introduce unwarranted height.

- Finally, the DEIS should study a No Unmitigated Impact alternative. This may result in an alternative that is more like the CWG alternative, but its purpose would be to demonstrate the changes that would have to be taken to eliminate all of the project's unmitigated impacts. While this alternative may not be feasible in relation to the project objectives, it will serve as a tool that demonstrates the magnitude of change to the project that would be necessary to eliminate impacts.

Land Use, Zoning, and Public Policy

Considering the size of the project, a quarter-mile study area is likely too small to capture all the indirect impacts, especially to the north and west. Because of project's location along the water, a uniform study area is not warranted, but should extend further inland than the ¼ mile proposed. As instructed in the CEQR Technical Manual, "the study area does not have to be regular in shape" and in this case shouldn't be: the study area should extend at least to Grand Street and then follow Bowery Street to Oliver Street to the shoreline. The size of such a study area will be similar to the ¼ mile radius proposed, but will cover neighborhoods likely to feel indirect impacts.

The list of projects expected to be built in the study area (No Action projects) should be cross-referenced with the soft-sites collected in the CWG plan to ensure that none are missed.

CB3 is aware of discussions between and among NYCHA and New York City about facilitating infill on public housing estates. The area around the development site has several potential NYCHA infill sites. Earlier this month NYCHA announced a plan for infill development at LaGuardia houses with 50% market rate and 50% affordable housing. If the proposed action changes the AMI mix of the neighborhood (see Neighborhood Character), might the proposed action change NYCHA infill policy? For instance, there is currently, just this one infill site proposed, but if AMIs in the area change, will NYCHA's infill policy regarding the number of development sites also change? Or will NYCHA's policy regarding the income mix of proposed units change? If the action is developed as planned, will NYCHA policy regarding infill building height/scale change because such large buildings are being introduced into the context? The Lead Agency should determine how NYCHA makes their infill policy decisions, and if they make any infill policy decisions considering neighborhood AMI or neighborhood built context, the impact of changing AMIs and built context should be projected onto NYCHA infill policy, and any new NYCHA sites that might be indirectly developed because of the action should be disclosed.

In addition to completing the Waterfront Revitalization Program (WRP) Consistency Assessment Form, the DEIS should include analysis of how the combined developments will adhere to the 44 policies (relevant to these developments) of the NYS Coastal Management Program, if the development shall receive any funding or financing from the State of NY as required by the NYS Coastal Management Program.

Socioeconomic conditions

Direct Residential Displacement

Disclose specific relocation plans for the residents of the ten units at 80 Rutgers Slip, including how relocation costs will be addressed for those residents, the duration of time they will be relocated, where they will be housed and under what conditions, and what costs will be incurred and by whom.

Indirect Residential Displacement

The method described in the CEQR Technical Manual for assessing indirect residential displacement is wholly inadequate for this area, as it assumes that all older larger buildings have tenants that are rent protected and insulated from increases in rent due to changes in market-rate rent. With the erosions of rent stabilized units in recent years, this assumption is clearly not true. To properly do this analysis, it will be critical to determine the number of units that are market-rate rentals, which will require collecting data on rent stabilized units by building. These data are available from the New York State Department of Homes and Community Renewal, HPD, and/or NYC Dept. of Finance. The DEIS should use these sources (not the Census Bureau) to obtain data. Simply, any method of indirect displacement that does not attempt to get a real count and understanding of market conditions in mixed market/stabilized buildings will likely understate the impact because the base data are wrong.

Further, it is no longer safe to assume that just because a unit is regulated that the residents are immune from indirect displacement. The DEIS should examine the potential of the action to accelerate the trend of changing socioeconomic conditions that will potentially displace vulnerable populations regardless of the regulated status of their unit. In addition to data from the Census and RPAD, and current real estate market data, this analysis should include data that correlate with actual displacement. These sources should include eviction and foreclosure data for the past five years, building and alteration permits, demolition permits, complaints of landlord harassment, an inventory of currently regulated building stock that will soon expire, all subsidized, rent regulated and or stabilized apartments, an inventory of local requests for Right to Counsel, and interviews with local housing groups that counsel tenants who have been subject to harassment, discrimination, and displacement.

Because of the size of this project and the number of market rate units, the study area should at least match the study area described in the Land Use, Zoning, and Public Policy section.

Indirect displacement should also attempt to identify the people who are most at risk: especially those who do not speak English as a first language, so a mitigation program can be developed that is able to reach those most in need.

The Lead Agency should consider anti-harassment measures to help protect those in rent stabilized units and if significant impacts are shown, direct HPD to help mitigate those impacts by developing a Housing Plan, like those written for East New York and East Harlem, that targets buildings and tenants in the area for increased availability of funding for both new and existing regulated buildings in the area.

Indirect Business Displacement

For Indirect Business Displacement, the Scope of Work focuses on businesses that are, “essential to the local economy.” Residents of this area are often linguistically isolated and there are many local businesses that specifically service the needs of these linguistically isolated populations. Displacement of businesses that provide goods and services to non-English language speakers is the displacement of businesses that are, “essential to the local economy” since if these establishments are displaced, residents will lose essential services. Consequently, when determining which businesses are “essential to the local economy,” the DEIS should study not only the size of the business, but the populations that they serve and the choices those populations have if these businesses were to be displaced.

In addition to public data sets, the economic development section of the CWG Plan, as well as the Asian American Legal Defense and Education Fund study both contain essential information on this topic, which should be used by the Lead Agency when evaluating indirect business displacement. Further, data from indirect residential displacement should be used to determine how shifts in shopping patterns due to neighborhood income change would impact local businesses. Or in other words, if there is significant indirect displacement, some local businesses will be losing their customers. The people who replace those who are displaced may have different shopping patterns, which may result in indirect business displacement, even if rental rates do not change.

Mitigations should include both tax incentives for property owners who rent to local businesses as well as limitation on certain uses – including limitations on size.

Community Facilities and Services

FIRE AND POLICE:

For Fire and Police protection, the Scope of Work states, “the proposed actions are not expected to trigger detailed analyses of police and fire protection serving the project area” and they will not be studied in the DEIS. This is contrary to the instruction in the CEQR Technical Manual considering the scale of the project proposed.

The DEIS should examine the adverse impact that gentrification-driven over policing will have on existing low income and communities of color, in particular on our youth.

The CEQR Technical Manual states that there is no threshold when evaluating the potential of significant impacts, but they should be studied when, there is the introduction of a “sizeable new neighborhood (e.g. Hunters’ Point South.)” The proposed size of the development at 2,775 units,² while smaller than Hunters’ Point South, is not so much smaller as to warrant dismissing any impacts on police and fire protection in the area. Further, the building forms being introduced are new to the area. Do the engine and ladder companies that serve this area have the capacity and equipment necessary to provide services to a 1,000 foot building? Do the local police precincts that serve this area have the capacity to add the officers necessary to provide services to the greatly increased area? Are there other infrastructure or organizational issues that must be considered when staffing up the Police and Fire services necessary to serve what amounts to a new neighborhood?

² This is also over the minimum of for Type 1 action under §617.4(5)(v).

These are questions that the DEIS must answer. The existing capacity of both Police and Fire must be examined, and the impact of the project on these essential community services must be disclosed. If the proposed project discloses an impact that requires new equipment, facilities or other infrastructure, a mitigation plan must be proposed.

SCHOOLS:

The data from the CEQR technical manual for student generation is both out-of-date and imprecise. It is based upon queries of the 2000 Census PUMS file and is for all of Manhattan, rather than localized areas. The student generation tables need to be updated. Simply, the New York City of 2000 does not exist anymore. The analysis should be done using generation tables developed from the most current American Community Survey PUMS file, and the query should be more geographically targeted to CD3, rather than just assuming all of Manhattan functions the same when it comes to child generation. If these changes are not made, the DEIS will likely understate the impact on local schools, especially elementary schools.

The project is at the edge of School District 1, which is an un-zoned district. When evaluating capacity for elementary schools, the analysis should look only at elementary schools that are close to the proposed project and not all schools in the district. The analysis of capacity should examine the two closest elementary schools (PS 134 and 110).

PUBLICLY FUNDED CHILD CARE

The CEQR Technical Manual has not been updated since Universal Pre-K has been instituted in New York City, and the DEIS needs to evaluate the care and education needs of children in Pre-K at public schools and in community based organization, and in publicly funding child care (ACS, Head-Start). Capacity analysis of child care funded by ACS and Head-Start should also consider waiting lists for these facilities. If capacity for publicly funded child care is too low for the needs of the new project, a new on-site facility may be required to mitigate the impact.

LIBRARIES:

Library utilization is much less about items circulating, and much more about services that are obtained by residents in the branches. When examining the capacity of the local libraries in the catchment area, the DEIS should examine how many people local branch libraries can hold, and how many people are actually there during the most popular hours and compare this number to the number of people in the catchment area to determine a capacity and utilization rate for the library services. Using these rates, the capacity and utilization of each branch library can be calculated and the impact of the project on the capacity can be estimated.

HEALTH CARE FACILITIES:

As recommended by the CEQR Technical Manual, the Draft Scope of Work includes no analysis of health care facilities. Due to the critical lack of health care facilities in lower Manhattan, however, which has been exacerbated by the diminution of service at local facilities, there is already a critical need for additional capacity in health care facilities in the area, which will only be exacerbated with the addition of a large number of new residents. The Community District 3 Needs Assessment states: "CD3 is a federally designated health professional shortage area in the fields of primary care, dental care, and mental health," yet there is no actionable plan to improve

access to these services. The DEIS should study the capacity of the health care system and project how much further these new residents will increase that utilization rate. The DEIS should propose methods whereby the City and the applicants will mitigate the impacts of the lack of service in this area.

Electrical Grid: (Con Edison)

Impact of new development on the current transformer and electrical grid system. Requires a study on future impact.

Open Space

According to the CEQR Technical Manual, Open Space may be either publicly accessible, or private, but that only publicly accessible space is used in the quantitative analysis while private open space is a qualitative measure.

Because of several “tower-in-the-park” buildings, the immediate surrounding area has ample private open spaces, with the proposed development adding more to that number. Consequently, the Open Space analysis should focus solely on publicly accessible open spaces. Private open spaces are not a mitigating factor that addresses the lack of public open spaces in this community. While these private spaces are often used informally by the public because of the lack of public open spaces, continued access is not assured even from day-to-day.

If the proposed project demonstrates impacts on public open spaces, the Lead Agency should consider making all or some of the private open space proposed in the projects open and accessible to the public. These spaces should also be subject to minimum standards for amenities offered, much as is done with plazas and other privately owned, publicly accessible open spaces.

Shadows

The water should be classified as a shadow sensitive resource and impacts on the submerged aquatic vegetation and the benthic community should be assessed.

As noted above, because of the lack of public open space in the community, open spaces in large housing projects are often informally used by the public even though they are privately owned. Open spaces that are frequently used by the public should be classified as shadow sensitive resources regardless of their ownership, and the impacts on these spaces should be assessed and, if necessary, mitigated.

Historic and Cultural Resources

The study area for historic and cultural resources needs to be larger considering the size of the proposed buildings. An historic resource that experiences a shadow impact is close enough to be in the study area for Historic and Cultural Resources.

Urban Design and Visual Resources

The urban design of Cherry Street, Clinton Street and the blocks surrounding the proposed LSRD is a mix of 20 - 30 story public housing projects while much of the area west of Madison Street is 5 - 6 story tenement buildings, many of which have ground floor retail. The proposed developments will tower over the existing urban fabric. The DEIS should examine how the new

buildings impact the design framework of the area, whether the buildings maintain a solid street wall, create a sense of place, and promote increased pedestrian use of public space. It should assess whether the new uses constructively engage the existing uses, and disclose where view corridors to the water will be obstructed, and where new buildings may obstruct local landmarks that assist residents and visitors in finding their way around. It should assess whether the new buildings promote and enhance streets and public spaces that are well connected, and should be built with sustainable and maintainable materials and color patterns that complement the surrounding buildings. The DEIS should also examine whether the design uses a lighting scheme or locally designed public art and street furniture that add a strong element of the area's historic urban character. It should also examine whether the LSRD provides good signage to aid in orienting residents and visitors.

Transportation

Because the area is inconvenient to the larger subway network, there is great concern in the community over the project's impact on surface transportation. Care should be taken when determining the mode split for new residents as they will likely not follow typical Manhattan patterns due to the project's distance from the subway. Mode split may be more like waterfront developments in Brooklyn and Queens than elsewhere in Manhattan.

That said, in addition to the East Broadway station on the F, the Grand Street Station on the B and D line will likely get additional usage from the development, as it is the closet stop to get riders to Downtown Brooklyn. Yet no trips are assigned to the Grand Street station. Because of the relative lack of subways in the area, residents of the new development may be willing to travel further than the typical Manhattan resident for the subway. A line-haul analysis should be conducted of the B and D subway lines as well.

The condition of the East Broadway station is terrible. Any capacity analysis of this station's stairways and platforms should take into account the current lack of maintenance. Mitigation of the impact to the East Broadway station should include elevators and electrical escalators on each side of the platform.

There also needs to be a capacity analysis of the bus routes serving the area. The addition of such a large number of residents in an area without good subway access, and no additional on-site parking, suggests that buses will get a larger than typical proportion of the mode split. If significant impacts are shown, the Lead Agency should work the MTA/NYCT to mitigate the impact by increasing service along the lines that are projected to be impacted.

Traffic counts and patterns in the area have seen rapid changes, especially with the advent of taxi alternatives such as Uber and ride share services. The DEIS should use no counts more than three years old. CB3 strongly urges new counts be collected for the baseline analysis. The study should include an analysis of the increased impact of Uber and Uber type services which these combined developments will attract. This analysis should also include the increased traffic to the immediate entrances and exits to the FDR Drive.

The DEIS should include an analysis of the increased bike ridership that will come to the area and how the City and developers can mitigate impacts, including potential conflicts between vehicular, bicycle, and pedestrian traffic.

The Scope states that only on-site parking will be examined. The DEIS should also perform an on-street parking analysis as detailed in the CEQR Technical Manual. This analysis should include a detailed map indicating the key parking regulations on block faces within convenient walking distance of the project site.

The Scope is silent on how parking shortfall is determined. The threshold should be clearly stated and justified. Further, any shortfall that may be met by on-site parking further than ¼ mile from the project site, should be considered when developing mitigation plans for unmet shortfall created by the project.

There needs to be consistency between the parking study area and the traffic study area. If the Grand and Clinton parking garage are in the parking survey, the surrounding intersections should be studied in the traffic analysis. We are also concerned about the assignment method being used in the technical memo included with the Scope, since it does not have vehicular trip assignments on Grand Street or on Clinton Street, north of Henry Street.

Climate Change

Proposed projects must be in line with the Mayor's current 80% GHG reduction by 2050. Details of this alignment should be included in the DEIS.

The DEIS should include an explanation and justification of the "Future Flood Level" projections used in the Flood Elevation Worksheet. Flood projections should extend throughout the expected life of the buildings (100 years), and therefore should at least be outlined up to the year 2120.

Neighborhood Character

Two Bridges' diversity and affordability give the neighborhood its character. Therefore, the project's impact on neighborhood character should focus on socio-economic diversity and impacts on people of color, immigrants, and non-English speaking populations. The study area for Neighborhood Character, since it is so directly related to the residents, should follow the same study area described in the Land Use, Zoning and Public Policy section.

To understand the project's impact on Neighborhood Character, the DEIS should include the following analysis:

The current distribution of households by AMI should be disclosed. As should the distribution for the Future No-Action alternative and the Future With-Action alternative. The No-Action household AMI distribution should be compared with that of the With-Action alternative, in order that the difference discloses how the income mix of the neighborhood is expected to change under With-Action conditions. Understanding how the action will impact the area's AMI levels is critical to understanding change in neighborhood character.

As with AMIs, Neighborhood Character should also analyze the existing mix of affordable versus market-rate housing units in the study area and how that mix will change under both the No-Action and the With-Action alternative.

Alternatives to the project as proposed

In addition to the No-Action alternative, the DEIS should study the following alternatives:

- An alternative that examines the project that accounts for all currently approved amendments to the LSRD Plan that have not yet been built.
- A lesser density / lower-scale alternative that adds additional housing and affordable housing above the No-Action alternative, but which is more in scale with the surrounding neighborhood. This alternative may be modeled after the plan for the area produced by the Chinatown Working Group (CWG) within Sub-District D.
- An alternative design that does not add unnecessary and unwarranted height. For example, the building proposed on site 4A/B is proposed for 1,008 feet to the top of the mechanicals. This height includes 15 floors of mechanical spaces and voids that add 324 feet to the building height and which, presumably, do not count against zoning floor area. While ample mechanical spaces make for good buildings, devoting nearly 1/3 of the building's height to mechanical spaces is extraordinary and introduces bulk to the neighborhood which provides only impacts and no benefits. The Lead Agency should instruct the applicant to study an alternative that minimizes the use of mechanical spaces to introduce unwarranted height.
- Finally, the DEIS should study a No Unmitigated Impact alternative. This may result in an alternative that is more like the CWG alternative, but its purpose would be to demonstrate the changes that would have to be taken to eliminate all of the project's unmitigated impacts. While this alternative may not be feasible in relation to the project objectives, it will serve as a tool that demonstrates the magnitude of change to the project that would be necessary to eliminate impacts.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Jamie Rogers', with a stylized, cursive script.

Jamie Rogers
Board Chair