Final Scope of Work for a
Generic Environmental Impact Statement for the
Seward Park Mixed-Use Development Project

A. INTRODUCTION

The Office of the Deputy Mayor for Economic Development, in coordination with the New York City Economic Development Corporation (NYCEDC) and the City of New York Department of Housing Preservation ~~and~~ & Development (HPD) is sponsoring an initiative to allow for the implementation of an approximately ~~1.5~~ 1.7 million-~~gross-~~square-foot[1] mixed-use development on 10 City-owned sites. These 10 sites are located in Manhattan Community District 3 generally along Delancey and Essex Streets on the Lower East Side (see **Figure 1**). Five of the sites (Sites 2, 3, 4, 5, and 6) are located within the former Seward Park Extension Urban Renewal Area (SPEURA), which was established in 1965 and expired in 2005. Four sites (Sites 7, 8, 9, and 10) are located within the 2008 East Village/Lower East Side Rezoning area. The tenth site (Site 1) is in neither. ~~The project site also includes demapped sections of Broome and Suffolk Streets that would be mapped as City streets and sections of Clinton and Delancey Streets that would be demapped~~ The 10 City-owned sites and demapped sections of Broome and Suffolk Streets that would be mapped as City streets and sections of Clinton and Delancey Streets that would be demapped encompass the project site ("project site") (see **Figure 2**[2]). ~~These 10 City-owned sites and the streets to be demapped and mapped encompass the project site.~~

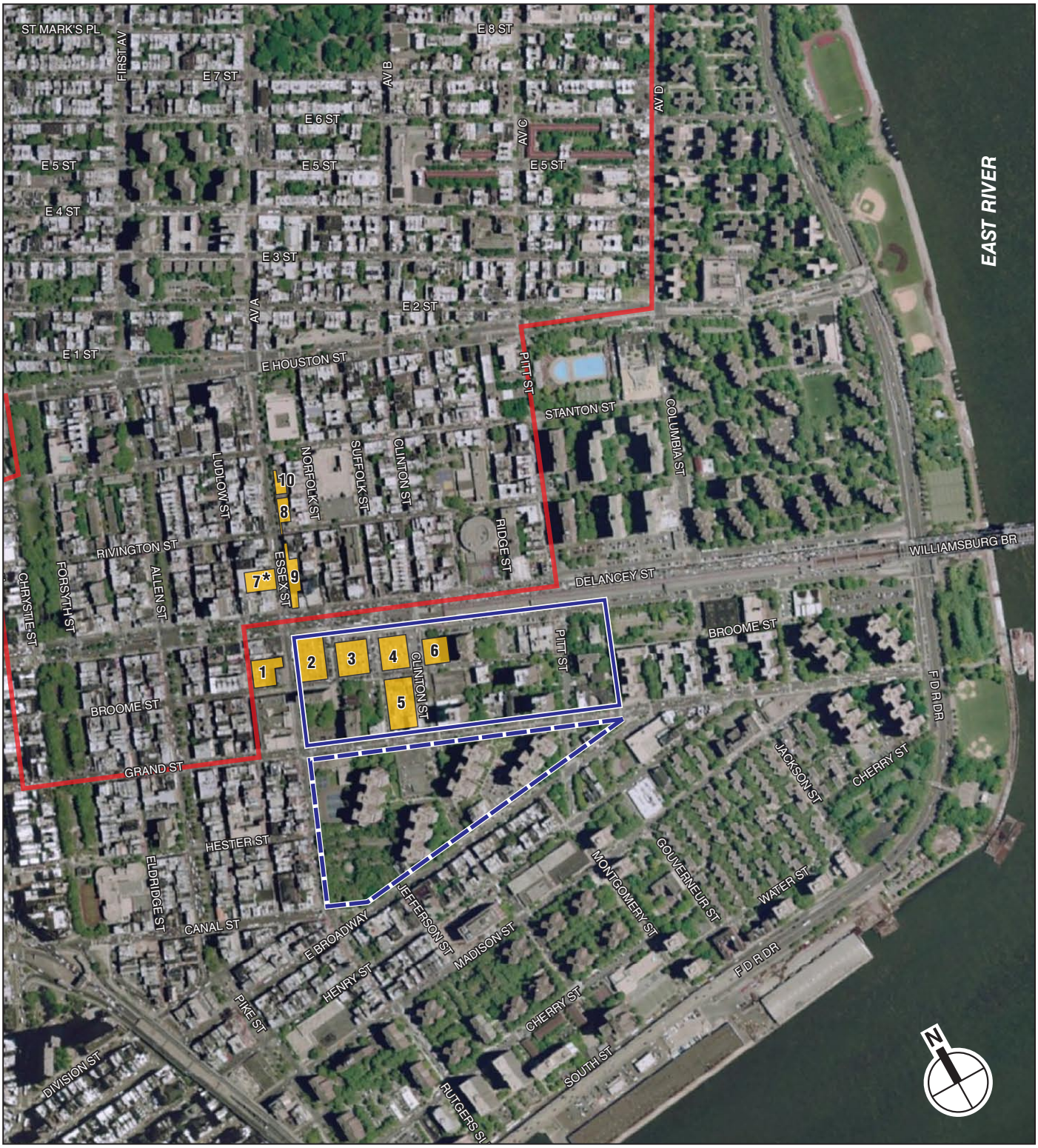
The program for the proposed development on Sites 1–6 and 8–10 is expected to include a variety of mixed-income residential, ~~and commercial uses, such as mixed-income residential, retail, other~~ commercial, ~~uses~~ such as retail and office space, and community or cultural uses. The project would also include provisions for parking and open space. Site 7 has been considered part of the project site since the community planning process commenced in 2008 and all City-owned properties in the area were identified. However, in the proposed development project, Site 7 would retain its current function as a municipal parking garage, which would continue to support the existing neighborhood uses, as well as the potential new development on the development sites ~~that supports the new development across all project sites~~.

The project site is the largest underdeveloped City-owned site south of 96th Street, and the purpose of adopting the proposed land use actions is to allow for the implementation of a mixed-use development on the project site, which has the following goals: (1) transform several underutilized City-owned properties into a thriving, financially viable, mixed-use development; (2) provide affordable and market-rate housing units, commercial and retail uses, community

[1] This number does not include below-grade parking space or space in the existing parking garage on Site 7.

[2] Figure 2 has been updated to show a portion of Clinton Street that will be demapped adjacent to Site 6.

1.19.12



Former Seward Park Urban Renewal Area (URA)

Former Seward Park Extension URA

1 *Proposed Development Sites*

* *Site 7 Would not be Redeveloped Under the Proposed Actions*

2008 East Village/Lower East Side Rezoning Boundary

0 500 FEET

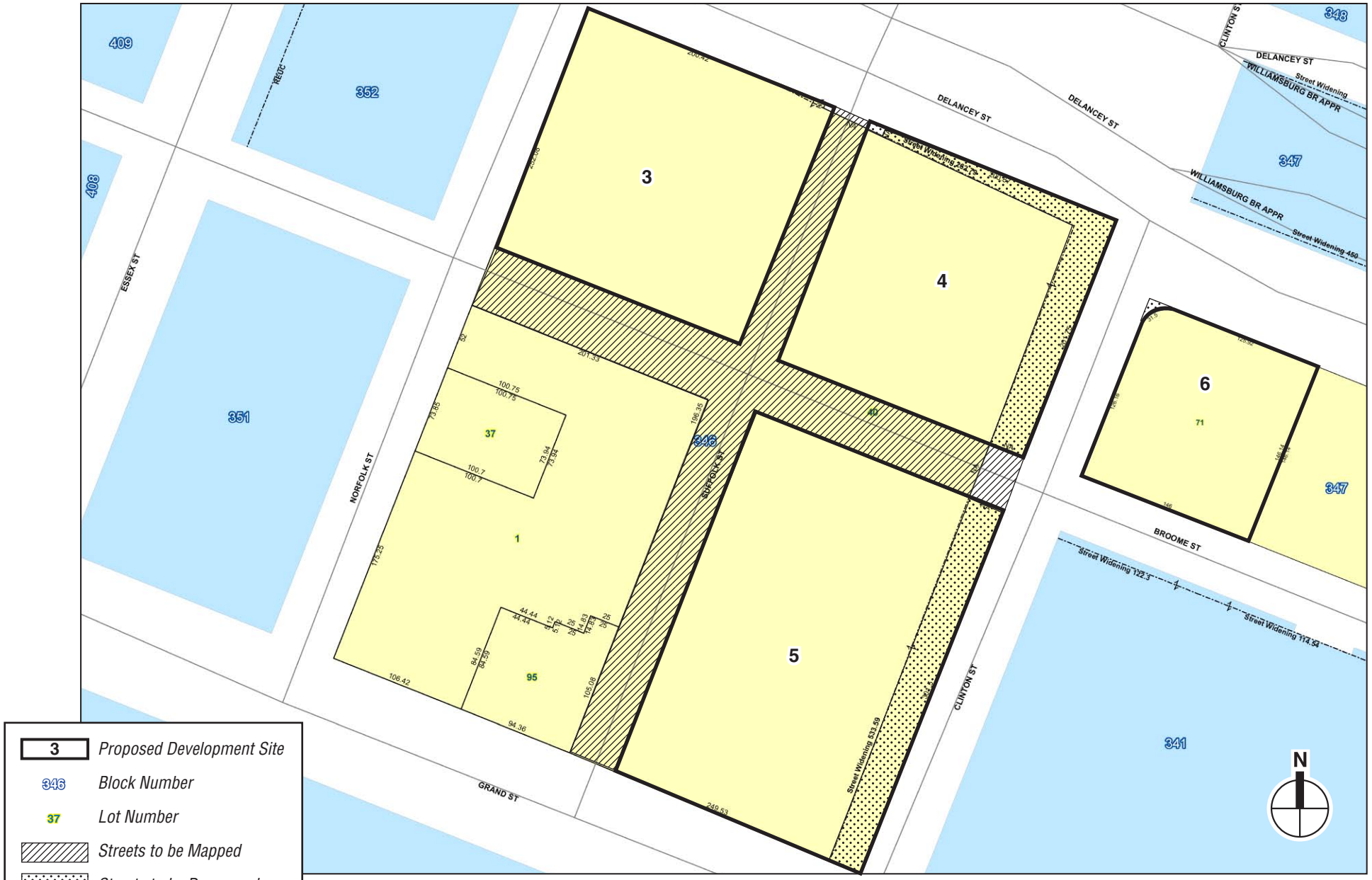
SCALE

SEWARD PARK MIXED-USE DEVELOPMENT PROJECT

Proposed Development Sites

Figure 1

12.12.11



SEWARD PARK MIXED-USE DEVELOPMENT PROJECT

Street Mapping and Demapping Actions
Figure 2

facilities and other neighborhood amenities (e.g., parking, a new and expanded facility for the public Essex Street Market, and open space); and (3) knit these sites back into the larger, vibrant Lower East Side neighborhood.

To facilitate the redevelopment project, a number of discretionary actions would be required. Adoption of proposed Uniform Land Use Review Procedure (ULURP) actions would involve public review by a number of entities, which include, depending on the action, Manhattan Community Board 3, the Manhattan Borough President, the New York City Planning Commission (CPC), and the New York City Council. These actions include zoning map changes and zoning text amendments, zoning special permits, authorization, City map amendment, the disposition of City-owned property, and approval of an one or more Urban Development Action Area Project(s) (UDAAP), and acquisition. Mayoral and Borough Board approval of the business terms with the developer or developers to be selected pursuant to Requests for Proposals (RFPs) would also be required, as applicable. Further details regarding the discretionary approvals for the proposed actions project are provided below.

Should the discretionary actions subject to ULURP be approved, an RFP(s) soliciting proposals for development under the approvals would be issued. In order to address the potential range of responses to the RFP(s), the environmental review analyzes a Reasonable Worst-Case Development Scenario reasonable worst-case development scenario (RWCDS) that conservatively considers for each impact category the reasonable worst-case potential for environmental effects. While the proposed discretionary actions have been defined, the development program and some design specifics under those actions would be dependent on the RFP response(s). Thus, pursuant to City Environmental Quality Review (CEQR), a Generic Environmental Impact Statement (GEIS) will be prepared that will consider the environmental impacts based on the RWCDS.

A GEIS is a more general EIS that analyzes the impacts of a concept or overall plan rather than those of a specific project plan. The GEIS is useful when the details of a specific impact cannot be accurately identified, as no site-specific project has been proposed, but when a broad set of further projects that fit within the RWCDS is likely to result from the agency's action. It should be noted that the program analyzed in the RWCDS is being used for illustrative and analysis purposes only; a site-specific breakdown is required for the environmental review. This is not meant to indicate an actual development program.

In accordance with CEQR, the Office of the Deputy Mayor for Economic Development has prepared this draft scope of work Final Scope of Work for what the GEIS will analyze and made it available to agencies and the public for review and comment. The purpose of theis scoping process iwas to receive input on the proposed analysis to be conducted in a GEIS to ensure that all appropriate areas are included and that the review is comprehensive. A This Final Scope of Work was will be prepared after consideration of relevant public comments.

The Draft Scope of Work was issued on September 8, 2011, and a public meeting was held on has been scheduled for October 11, 2011 to provide a forum for public comments on this the Draft Scope of Work. The public meeting will be held at the University Settlement House in 184 Eldridge Street, 2nd floor, at the corner of Rivington Street, New York, NY. The public scoping meeting will included both daytime and evening sessions. A daytime session will be held from 3:00 to 5:30 PM, and an evening session will begin at 6:30 PM. Written comments on the Draft Scope of Work will be were accepted until 5:00 PM on Friday, October 21, 2011.

The preparation of this ~~Draft~~ Final Scope of Work ensures that the potential environmental impacts of the proposed actions ~~project~~ and required discretionary actions are fully identified and studied consistent with environmental law and regulations. Under those laws, public review of the proposed actions will not begin until the Office of the Deputy Mayor for Economic Development, which is the lead agency, has determined that the environmental issues have been adequately studied in the form of a Draft GEIS (DGEIS) in order to permit meaningful review by the public and the City ~~decision-makers~~.

B. PROJECT BACKGROUND

HISTORY

The Seward Park Mixed-Use Development Project ~~Extension Urban Renewal Area~~ is located in the historically economically and ethnically diverse Lower East Side (see **Figure 1**). By the turn of the 20th century, the Lower East Side was an immigrant neighborhood known for its bustling street-level commercial activity and its overcrowded tenement buildings. In the mid-1950s through the 1970s, ~~large tracts of~~ portions of land on the Lower East Side, including the former Seward Park Extension Urban Renewal Area (SPEURA), were deemed appropriate for urban renewal under the City's Urban Renewal Law. Development in these urban renewal areas had typically taken the form of multi-tower residential buildings on large superblocks along the East River from East 14th Street to as far south as the Manhattan Bridge.

SEWARD PARK EXTENSION URBAN RENEWAL AREA

Established in 1965, the SPEURA is bordered by Essex Street, Grand Street, Bialystoker Place, and Delancey Street (see **Figure 1**). It was ~~is~~ located directly north of the original Seward Park Urban Renewal Area (SPURA) that was designated in 1955. In 1967, demolition began ~~14 blocks of tenements~~ in the SPEURA to clear ~~were demolished and the~~ land ~~was cleared~~ for new housing and commercial buildings. In addition, Broome Street between Norfolk and Clinton Streets and Suffolk Street between Grand and Delancey Streets were demapped (see **Figure 2**) although they continue to function as streets. The first new buildings in the SPEURA were completed in 1972. These buildings, Seward Park Extension East and West, included 360 units built by the New York City Housing Authority. An additional 600 units were built in the SPEURA by St. Mary's Roman Catholic Church. In the 1980s, the Chinatown Planning Council built 156 units and the United Jewish Council built 124 senior units. In total, since the establishment of SPEURA in 1965, 1,240 units of housing have been built in portions of the SPEURA; however, the sites now designated as Sites 2 through 6 for the proposed actions were never developed. The SPEURA plan, as amended in 1980, proposed largely commercial development on these remaining~~, currently vacant~~ sites.

There were several attempts in the 1980s and 1990s to redevelop the remaining five SPEURA sites: a proposal in 1988 by the LeFrak Organization, a 1993 proposal by Kraus Enterprises, and a 2001 proposal by a joint partnership of the LeFrak Organization and Edward J. Minskoff Equities. The 1988 LeFrak proposal included a mix of affordable and market-rate housing units. Kraus Enterprises' proposal in 1993 included residential units, park space, retail, and a movie theater. The LeFrak/Minskoff proposal in 2001 also included a mix of affordable and market-rate housing units. In 2003, HPD and NYCEDC, for discussion purposes, proposed a program of affordable and market-rate residential units and commercial uses for the remaining SPEURA

sites. These plans and the proposal for discussion did not move forward because of a lack of community consensus.

The urban renewal area designation for the SPEURA expired in 2005. Today, the former SPEURA comprises a mix of affordable housing, institutional, community, and cultural uses, and the five remaining underdeveloped sites. These five sites (Sites 2–6) remain underutilized and together with the other City-owned sites in the project area ~~currently~~ comprise the largest, underdeveloped City-owned sites in Manhattan south of 96th Street; they include parking lots, a partially vacant former market building, a residential building with seven occupied units, a former fire station with a commercial tenant, and a building that is vacant except for a ground-floor retail tenant.

2011 COMMUNITY BOARD 3 PLANNING GUIDELINES

With the goal of gaining broad community consensus on a development program for the project site, Manhattan Community Board 3 (CB3) embarked on a planning process for these ~~Sites~~ sites starting in 2008, and invited the City to be part of the discussions. NYCEDC, HPD, and the New York City Department of City Planning (DCP) participated in the process, providing technical support and resources to facilitate the community's discussion and analysis. Over the course of more than two years, CB3 worked to develop a set of project guidelines that CB3 unanimously adopted in January 2011. CB3 subsequently worked with the City to understand the urban design opportunities of the project and passed a set of urban design guidelines in June 2011. Together, these program guidelines and design principles express ~~articulate~~ the community's desired mixed-use, mixed-income characteristics of the program for the project site and urban design preferences with respect ~~considerations related~~ to the site's layout, height, and density.

The community guidelines and urban design recommendations adopted by CB3 serve as a broad framework for defining key ~~essential~~ elements of the current project proposal. The guidelines call for a mixed-use and mixed-income development that is reflective of, and compatible with, adjacent communities. CB3 recommends that the design of the proposed development conform to the principles of contextual design, such that building orientation and access should support and enhance the existing pedestrian realm and integrate with the existing neighborhood.

C. PROJECT DESCRIPTION

SITE DESCRIPTION

As shown on **Table 1**, the project site contains a mix of parking, vacant, and partially vacant commercial uses, and a residential building with 7 occupied units. Within the project area, Suffolk Street is demapped between Grand and Delancey Streets and Broome Street is demapped between Norfolk and Clinton Streets. Sites 1, 3, 4, and 6 are each entirely occupied by surface parking. Sites 1, 3, and 6 contain a total of ~~285~~ 283 public parking spaces and Site 4 contains ~~125~~ 124 commercial parking spaces for neighborhood businesses. Sites 2 and 5 also contain surface parking; Site 2 has 90 spaces for City vehicles and Site 5 has ~~90~~ 100 public parking spaces. The remainder of Site 2 is occupied by one of the four former Essex Street Market buildings; the former market section of the building at 78-92 Essex Street is vacant, while the storefronts on Delancey Street contain a diner and a liquor store. In addition to surface parking, Site 5 contains three buildings: a walk-up residential building at 400 Grand Street that is under the jurisdiction of HPD and also contains a ground-floor visitor center for the Lower East Side Jewish Conservancy; a three-story building that is mostly vacant except for a ground-

floor shoe repair store at 402 Grand Street; and a former fire station at 185 Broome Street that formerly housed~~s~~ a film prop company and is currently used for storage. Site 7 is a ~~365~~ 362-space municipal public parking garage and would retain its current function as a municipal parking garage. Sites 8, 9, and 10 contain the other three Essex Street Market buildings, only one of which now operates as a public retail market. The building at 130-144 Essex Street (on Site 8) is vacant and used for the storage of refuse generated by the market in the building on Site 9. The Essex Street Market building on Site 9 (96-124 Essex Street) is approximately 20,000 square feet, of which approximately 15,000 square feet are the public market. The market currently has ~~21~~ 23 vendors. The building, constructed in 1939–1940 to provide an indoor retail market space for pushcart vendors, also contains retail and restaurant space on the Delancey and Rivington Street frontages. The building at 150-156 Essex Street (on Site 10) contains a health clinic run by the Community Healthcare Network.

Table 1
Proposed Development Sites – Existing Conditions

Site No.	Block	Lot(s)	Address	Lot Area (sf)	Building Area (sf)	Residential Area (sf)	Commercial and Community Facility Area	No. Stories	Zoning
1	409	56	236 Broome Street	21,996 ~~21,784~~	—	—	65 public parking spaces	—	C6-1
2	352	1, 28	80 Essex Street, 85 Norfolk Street	43,140 ~~43,206~~	17,995	—	15,265 sf vacant; 1,300-sf diner; 1,430-sf liquor store; 90 City parking spaces	1	C6-1
3	346	40	135 Delancey Street	40,776 ~~40,100~~	—	—	170 public parking spaces	—	R8
4	346	40	155 Delancey Street	40,627 ~~34,400~~	—	—	~~125~~ 124 commercial parking spaces	—	R8
5	346	40	400 Grand Street	60,712 ~~51,256~~	3 buildings: 8,400; 12,500; 5,700	12,050 ~~12,500~~ (7 ~~tenants~~ households)	9,450 sf vacant; 4,200-sf ~~movie prop co.~~ storage space; 450-sf non-profit cultural org.; 450-sf shoe repair; ~~90~~ 100 public parking spaces	2, 5, 3	R8
6	347	71	178 Broome Street	21,344 ~~21,132~~	—	—	~~50~~ 48 public parking spaces	—	R8
8	354	1	140 Essex Street	11,210 ~~11,163~~	11,210 ~~11,163~~	—	11,210 vacant	1	C4-4A
9	353	44	116 Delancey Street	20,817 ~~20,365~~	20,750	—	15,000-sf market, 5,750 sf retail and restaurant	2	C4-4A, C6-2A
10	354	12	~~121 Stanton Street~~ 150 Essex Street	6,840 ~~6,812~~	6,840 ~~6,812~~	—	6,840 ~~6,812~~ sf health clinic	1	C4-4A
Total				**267,392**[1] **~~250,218~~**	**83,395** **~~83,320~~**	**12,050** **~~12,500~~**	**35,420 ~~35,392~~ sf; 35,925 ~~35,878~~ sf vacant; ~~375~~ 383 public parking spaces; ~~215~~ 214 other parking spaces**		
7[2]	410	38	112 Ludlow Street	22,402	132,750	—	~~356~~ 362 public parking spaces (garage)	5	C4-4

Notes:
1. ~~All numbers above are best estimates; square footages to be confirmed by survey.~~ This total does not include the demapped sections of Suffolk and Broome Streets that would be mapped and that total approximately 45,786 ~~22,400~~ square feet. It also does not include the mapped sections of Clinton and Delancey Streets that would be demapped and that total approximately 17,580 ~~12,900~~ square feet.
2. Site 7—a public parking garage—would not be redeveloped under the proposed actions, but is included for informational purposes.

Sources: NYCEDC; HPD ; http://gis.nyc.gov/doitt/nycitymap/;http://gis.nyc.gov/dof/dtm/index.jsf; http://a810-bisweb.nyc.gov/bisweb/bispi00.jsp

DISCRETIONARY ACTIONS SUBJECT TO CEQR AND SEQRA

The proposed mixed-use development would require multiple City approvals. Some of these are discretionary actions requiring review under the CEQR process. The Office of the Deputy Mayor for Economic Development (ODMED) will be the lead agency for CEQR. The potential discretionary actions that would be required for the proposed development ~~project~~ include:

- **Disposition:** Disposition of Sites 1 through 6 and 8 through 10 by the City of New York for the purpose of subsequent development;
- **Urban Development Action Area Project Designation (UDAAP):** Designation of Sites 1 through 6 and 8 through 10 as an Urban Development Action Area Project;
- ~~Disposition of a project site or sites as Urban Development Action Areas and approval of the proposed project(s) as UDAAP(s);~~
- **Acquisition:** Acquisition of a portion of Site 2 for the sole purpose of the relocated Essex Street Market;
- **Zoning Map Change:** Zoning map amendment for a C2-5 commercial overlay on Sites 3, 4, 5, and 6;
- **Special Permit:** Special permit from the CPC pursuant to Section 74-743 of the Zoning Resolution (ZR) of the City of New York for a~~n~~ Large Scale General Development (LSGD), applicable to Sites 1-6 to allow the following in order to achieve a superior site plan:
  - Redistribution of floor area, lot coverage, and dwelling units between zoning lots and across zoning district boundaries;
  - Waiver of height and setback regulations;
  - Waiver of rear yard regulations, rear yard equivalent regulations, and rear yard setback regulations;
  - Waiver of minimum base height;
  - Waiver of minimum distance between legally required windows and any wall in an inner court;
  - Waiver of outer court regulations; and
  - Waiver of planting requirements.
- ~~Special permit from CPC pursuant to Section 74-743 for bulk modifications within a LSGD;~~
- **Special Permit:** Special permit from the CPC pursuant to ZR Section 74-744 for an LSGD, applicable to Sites 1-6, to allow the following:
  - Waiver of regulations regarding the location of residential uses relative to non-residential use;
  - Waiver of regulations regarding the location of commercial uses; and
  - Permit Use Group 10, 11A, and certain 12A uses in C2 districts.
- ~~Special permit from CPC pursuant to Section 74-745 for location of accessory parking spaces and loading berths within a LSGD;~~
- **Special Permits:** Four special permits from the CPC pursuant to ZR Sections 13-562 and 74-52 to allow for the development of up to four public parking garages on Sites 2 through 5;
- **Authorization:** Authorization to ZR section 74-744(c)(2) to modify signage regulations to permit C6-1 signage regulations along certain streets;

- **Zoning Text Amendment:** Zoning text amendment to ZR Sections 74-743 and 74-744 to:
  - Eliminate the planting strip requirement in the proposed sidewalk widenings;
  - Allow commercial FAR to be shifted from the C6 district to the C2 district;
  - Allow Use Group 10, 11A, and certain 12A uses in the C2 zoning district; and
  - Allow the modification of certain signage regulations.
- **Street Mapping:** Mapping of the demapped section of Suffolk Street between Grand and Delancey Streets and the demapped section of Broome Street between Norfolk and Clinton Streets as new streets through the project site (see **Figure 2**); and
- **Street Mapping:** Demapping of sections of Delancey Street between Norfolk and Clinton Streets and of Clinton Street between Delancey and Grand Streets that were previously mapped to widen Delancey and Clinton Streets, thereby aligning the mapped streets with the existing built street condition ~~widths consistent within the project site~~ (see **Figure 2**).
- ~~Zoning text amendment to modify commercial uses for the C2-5 zoning within the boundaries of this LSGD;~~
- ~~Special permits from CPC pursuant to ZR Sections 13-562 and 74-52 for public parking facilities; and~~
- ~~Mayoral and Borough Board approval of the business terms with the developer or developers to be selected pursuant to a Request for Proposals, pursuant to New York Charter Section 384(b)(4).~~

Mayoral and Borough Board approval of the business terms with the developer or developers to be selected pursuant to an RFP would also be required, as applicable, pursuant to New York City Charter Section 384(b)(4). In addition, NYCEDC and HPD will coordinate with the Metropolitan Transportation Authority/New York City Transit (NYCT) regarding subway easement areas. Construction financing for the residential buildings may come from a variety of private and public (local, state, and federal) sources~~)~~, including, but not limited to funding from HPD, the New York City Housing Development Corporation, and the United States Department of Housing and Urban Development. In addition, potential construction funding may be provided by New York State Homes & Community Renewal (HCR) and the New York State Housing Finance Agency (HFA).

SITE PLAN, URBAN DESIGN, AND SUSTAINABILITY CONSIDERATIONS

As currently contemplated, the program for the proposed actions ~~project~~ would include up to approximately ~~1.5~~ 1.7 million gsf (1.648 million zoning square feet) ~~square feet~~ of mixed-use development, with a 60 percent to 40 percent ratio of residential to ~~and~~ commercial floor area, in addition to ~~development~~ community facility use. ~~with approximately 60 percent of the floor area allocated to residential use and approximately 40 percent allocated to non-residential use (i.e., retail, other commercial, and community facility). The proposed development would also allow for approximately 350 parking spaces.~~ This gross square foot number is larger than what was presented in the Draft Scope of Work, accounting for surveyed lot areas and requests by the community to accommodate more community facility space.

The proposed development includes relocating the existing Essex Street Market to a new, larger facility. The new public market would be ~~approximately 25,200 square feet~~ over 29,000 gsf and would accommodate 35 to 65 vendors (depending on the size of each stall). The larger space

would create entrepreneurship opportunities for new vendors and would allow for a variety of vendor price points. The new, modern market building would address many of the physical limitations of the existing facility, as it would be energy efficient, be fully compliant with the Americans with Disabilities Act, and have improved storage capabilities, garbage handling, and climate control, as well as expand common gathering areas for public seating and market events. In addition, the new facility would be expected to have an improved internal layout and better connections with the street. The City would give existing vendors at the time of the move the first opportunity to relocate their business to the new market facility, when the new facility ~~(currently identified as being located~~ on Site 2~~)~~ is complete and ready for occupancy.

The urban design for the proposed development builds on the framework laid out in the CB3 urban design principles ~~guidelines~~. The ~~preliminary~~ concept for the massing incorporates elements from the building forms of the surrounding neighborhood, which ~~that~~ vary from low-rise walk-ups to large towers-in-the-park. The project would ~~will~~ incorporate a connected street grid, and ~~all~~ new buildings would ~~will~~ have retail and residential entrances on multiple sides to create ground-floor activity and provide necessary access. The buildings ~~will~~ would incorporate streetwall design characteristics that are intended to ~~urban streetwalls to~~ activate the pedestrian realm and setback towers permitting access to light and air. ~~The ground-level frontages will consist of retail uses, and~~ The development project ~~will~~ would maximize street-level uses that support pedestrian activity throughout the development. A public open space of approximately 10,000 square feet with a mix of active and/or passive recreation uses would be incorporated into the development as well. The proposed development would include up to 500 parking spaces on up to four sites (Sites 2–5).

~~The preliminary massing of the buildings contemplates~~ To allow for comprehensive planning for the project site and to allow flexibility in design and massing, including the ability to distribute floor area across lots and modify bulk distribution, height, and placement of buildings, the project seeks approval of LSGD special permits that would apply to Sites 1 through 6. The LSGD would establish a maximum building envelope for each site, which is the three-dimensional space on the zoning lot within which a structure can be built, as permitted by applicable height, setback, and yard controls. Each of the zoning envelopes on Sites 1 through 6 would be larger in terms of height, massing, tower locations, and floor area than what could ultimately be built on each development site to allow for flexibility of design. Buildings on Sites 1 through 6 would be massed with multiple setbacks, and the envelopes would establish base heights of between 60 and 85 feet (6–8 stories), with varying heights above. The upper portions of all buildings ~~will~~ would be set back at least 10 feet from Delancey, Essex, and Grand Streets, and ~~15~~ 10 feet from ~~any~~ side streets. The ~~preliminary massing~~ maximum building envelopes ~~includes~~ would allow for potential towers on Sites 2 and 4 of up to 285 feet and 260 feet to the roof parapets, respectively (approximately 24 stories each) ~~24 stories~~, and building heights of up to ~~14 stories~~ 160 feet to the roof parapets (approximately 14 stories) on Sites 1, 3, 5, and 6.[1] Sites 8, 9, and 10 would be consistent with massing requirements and maximum heights allowable under existing zoning.

The proposed land uses and massing plans are ~~intended to be illustrative of a possible configuration of the proposed uses and the possible interactions among those proposed uses across the project site, based on a~~ consistent with the set of urban design principles in the

[1] Building heights to the tops of the mechanical bulkheads would be as follows: 190 feet on Sites 1, 3, 5, and 6; 315 feet on Site 2; and 290 feet on Site 4.

proposed actions and were formulated for the purpose of conducting an environmental review based on a RWCDS. These plans are intended to be illustrative of a possible configuration of the proposed uses and the possible interactions among those proposed uses across the project site. The eventual built configuration of uses ~~will~~ would be subject to change based on the results of the environmental review, the results of the developer(s)'~~s~~ response(s) to the RFP(s), market conditions, ~~factors~~ and further discussion with ~~input from~~ local stakeholders, among other factors ~~things~~.

The City is currently in the process of considering how sustainability measures might be implemented as part of the project. Through a RFP process, the City would look favorably upon proposals that enhance the energy efficiency of buildings, use fewer raw materials, make the best of natural light where appropriate, improve indoor air quality, and decrease the total impact on the natural and human environment. These designs could include features aimed at reducing energy consumption such as energy-efficient building envelopes, high-efficiency HVAC systems, incinerators and generators, and window glazing to optimize daylighting and solar heat gain and reduce heat loss. Housing developments on all sites are expected to be certified under the Enterprise Green Communities Program. If a housing development can not be certified under the Enterprise Green Communities Program, because American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standard 90.1-2007 does not apply to its construction methodology, the development would be designed and constructed to reduce construction and demolition waste and to incorporate sustainable design features that reduce energy consumption and greenhouse gas emissions in an amount equivalent to that which would be necessary to achieve certification under the Enterprise Green Communities Program. For housing developments on sites that are not under HPD jurisdiction and can not comply with the Enterprise Green Communities Program, because ASHRAE Standard 90.1-2007 does not apply to their construction methodology, consultation with the Mayor's Office of Environmental Coordination would be required to ensure that sustainability measures equivalent to that which would be necessary to achieve certification under the Enterprise Green Communities Program are implemented.

D. FRAMEWORK FOR ENVIRONMENTAL REVIEW

The proposed actions would change the regulatory controls governing land use and development on the project site~~s~~ and would allow the project site~~s~~ to be developed ~~over the long term~~. The GEIS will analyze the proposed actions' potential to generate significant adverse environmental impacts as the redevelopment takes place. The GEIS will consider alternatives that would reduce or eliminate impacts identified in the technical analyses and propose mitigation for such impacts, to the extent practicable. The proposed actions would permit a range of development options; from among these, the GEIS will examine the anticipated "reasonable worst-case development scenario." The approach to the analysis framework is further discussed below.

REASONABLE WORST-CASE DEVELOPMENT SCENARIO

The proposed actions would change the development potential of the project site, which would allow for a range of new uses and developments. While the actual development will depend on developer proposals and future market conditions, the City has developed a maximum development envelope, or RWCDS. The RWCDS was developed by ~~taking~~ establishing the maximum buildable floor area allowed under zoning (approximately 1.648 million square feet ~~1,500,000 square feet~~), and assigning an approximately 60 percent ~~of the floor area ratio (FAR)~~

~~for the residential program and approximately~~ to 40 percent ratio of residential floor area to commercial floor area, in addition to community facilities use. ~~of the FAR for the commercial program. The number of residential dwelling units was determined using a standard assumption of 1,000 square feet per unit.~~ To the extent that actual development proposals exceed the analysis envelope of the RWCDS, they would be subject to additional environmental review as appropriate. This RWCDS will be used as a framework to assess potential impacts.

SITE PROGRAM

Under a reasonable worst-case development scenario, it is assumed that the proposed actions would result in approximately ~~900,000~~ 951,000 gsf ~~square feet~~ of residential development (comprising ~~approximately~~ 900 dwelling units, in accordance with the UDAAP application, of which ~~up to~~ half would be affordable units); up to approximately ~~600,000~~ 632,300 gsf ~~square feet~~ of commercial space; approximately 114,000 gsf of ~~which some could be~~ community facility or cultural uses; ~~approximately 350~~ up to 500 parking spaces; and an approximately 10,000-square-foot public open space on Site 5. The commercial space would include up to approximately 469,350 gsf ~~195,000 square feet~~ of retail (including a grocery store), ~~an approximately 25,200-square-foot~~ over 29,000 square feet of public market space, an approximately 97,500 ~~105,000~~-square-foot hotel, and approximately 36,300 gsf ~~274,800 square feet~~ of non-specific commercial uses. See **Table 2** and **Figure 1**. Note that the site-specific program shown in Table 2 is illustrative only and for analysis purposes only; and this is not meant to indicate an actual development program. ~~Some of the 274,800 square feet currently allocated toward non-specific commercial uses could become community facility uses.~~ Pursuant to the proposed actions ~~project~~, the existing Essex Street Market, which is located on Site 9, would be relocated to a new, expanded public market facility.

As described above, a preliminary massing scenario for the proposed development has been defined, and it considers higher density along Delancey and Essex Streets with lesser density and lower heights on sites fronting other smaller streets. In addition, some variations to that massing scenario are being explored. Therefore, the GEIS technical impact analysis areas, where appropriate, will consider the potential impacts from floor area transfers and variations in the arrangement of bulk across the project site.

It is assumed that the proposed actions would be approved by 2012. Based on a feasible development timeline, design and construction ~~would~~ are assumed to be undertaken in a continuous manner and ~~is assumed~~ to span 10 years with a full build-out expected to be by 2022. In the Future without the Proposed Actions, it is expected that existing uses on the projected development sites would remain. In addition, the future without the proposed actions would account for other development projects that are planned to be in place by 2022 absent the proposed actions.

Table 2
Reasonable Worst-Case Development Scenario (RWCDS) for the Proposed Development Sites

					Existing/No Action							With Action					Increment				
Site No.[1]	Block	Lot(s)	Address	Lot Area (sf)	Building Area (sf)	Res. Area (sf)	Commercial ~~and Community Facility~~ Area	Comm. Facility Area	Parking	No. Stories	Zoning	Res. Area	Commercial ~~and Community Facility~~ Area	Comm. Facility Area	Open Space	Parking	Res. Area	Commercial ~~and Community Facility~~ Area	Comm. Facility Area	Open Space	Parking
1	409	56	236 Broome Street	21,996 ~~21,784~~	0	0	0	0	65 public parking spaces	0	C6-1	74,951 ~~75,000~~	Retail: 60,731 ~~55,800~~	5,000	0		74,951 ~~75,000~~	60,731 ~~55,800~~	5,000	0	
2	352	1, 28	80 Essex Street, 85 Norfolk Street	43,140 ~~43,206~~	17,995	0	15,265 sf vacant; 1,300-sf diner; 1,430-sf liquor store	0	90 City parking spaces	1	C6-1	0	330,200 sf, including: Retail: 167,294 Hotel: 97,450 Other Comm : 36,304; Public Market: 29,152 ~~259,400 sf, including: Retail (107,550 sf), Public Market (25,200 sf), Office (26,700 sf), and Hotel (100,000 sf)~~	25,000	0		0	312,205 ~~241,405~~	25,000	0	
3	346	40	135 Delancey Street	40,776 ~~40,100~~	0	0	0	0	170 public parking spaces	0	R8	168,239 ~~170,300~~	Retail: 71,019 ~~96,750~~	15,000	0		168,239 ~~170,300~~	71,019 ~~96,750~~	15,000	0	
4	346	40	155 Delancey Street	40,627 ~~34,400~~	0	0	0	0	~~125~~ 124 commercial parking spaces	0	R8	256,663 ~~229,550~~	Retail: 69,688 ~~96,050~~	20,000	0		256,663 ~~229,550~~	69,688 ~~96,050~~	20,000	0	
5	346	40	400 Grand Street	60,712 ~~51,256~~	3 buildings: 8,400; 12,500; 5,700	12,050 ~~12,500~~ (7 households ~~tenants~~)	9,450 sf vacant; 4,200-sf storage ~~movie prop co.; 450-sf non-profit cultural org.~~ 450-sf shoe repair	450-sf non-profit cultural org.	~~90~~ 100 public parking spaces	2, 5, 3	R8	229,603 ~~224,250~~	Retail: 47,855 ~~38,100~~	34,000	10,000		217,553 ~~211,750~~	33,755 ~~23,550~~	33,550	10,000	
6	347	71	178 Broome Street	21,344 ~~21,132~~	0	0	0	0	~~50~~ 48 public parking spaces	0	R8	88,101 ~~73,600~~	Retail: 18,925 ~~19,900~~	15,000	0		88,101 ~~73,600~~	18,925 ~~19,900~~	15,000	0	
8	354	1	140 Essex Street	11,210 ~~11,163~~	11,210 ~~11,163~~	0	11,210 ~~11,163~~ sf vacant	0	0	1	C4-4A	37,862 ~~35,900~~	Retail: 8,790 ~~8,800~~	0	0		37,862 ~~35,900~~	-2,420 ~~-2,363~~	0	0	
9	353	44	116 Delancey Street	20,817 ~~20,365~~	20,750	0	15,000-sf market, 5,750 sf retail and restaurant	0	0	2	C4-4A, C6-2A	75,361 ~~70,300~~	Retail: 18,807 ~~18,900~~	0	0		75,361 ~~70,300~~	-1,943 ~~-1,850~~	0	0	
10	354	12	150 Essex Street ~~121 Stanton Street~~	6,840 ~~6,812~~	6,840 ~~6,812~~	0	0 ~~6,812 sf health clinic~~	6,840-sf health clinic	0	1	C4-4A	20,402 ~~21,100~~	Retail: 6,240 ~~6,300~~	0	0		20,402 ~~21,100~~	6,240 ~~-512~~	- 6,840	0	
Total				**267,392[2] ~~250,218~~**	**83,395 ~~83,320~~**	**12,050 ~~12,500~~**	**28,130 ~~35,392~~ sf; 35,925 ~~35,878~~ sf vacant**	**7,290**	**~~375~~ 383 public parking spaces; ~~215~~ 214 other parking spaces**			**951,182 ~~900,000~~**	**632,255 ~~600,000~~**	**114,000**	**10,000**	**Up to 500 ~~Approx. 350~~ parking spaces[4]**	**939,132 ~~887,500~~**	**568,200 ~~528,730~~**	**106,710**	**10,000**	**Up to 117 ~~Approx. 25~~ public parking spaces; ~~-215~~ ~~-214~~ other parking spaces**

Table 2 (cont'd)
Reasonable Worst-Case Development Scenario (RWCDS) for the Proposed Development Sites

					Existing/No Action							With Action					Increment				
Site No.[1]	Block	Lot(s)	Address	Lot Area (sf)	Building Area (sf)	Res. Area (sf)	Commercial ~~and Community Facility~~ Area	Comm. Facility Area	Parking	No. Stories	Zoning	Res. Area	Commercial ~~and Community Facility~~ Area	Comm. Facility Area	Open Space	Parking	Res. Area	Commercial ~~and Community Facility~~ Area	Comm. Facility Area	Open Space	Parking
7 [3]	410	38	112 Ludlow Street	22,402	132,750	0	0 ~~356 public parking spaces (garage)~~	0	362 public parking spaces (garage)	5	C4-4	0	0	0	0	362 public parking spaces	0	0	0	0	0

Notes:
Table is for illustrative purposes only; it does not represent an actual development program.
1. See Figure 1 for location of each site.
2. This total does not include the demapped sections of Suffolk and Broome Streets that would be mapped and that total approximately 45,786 ~~22,400~~ square feet. It also does not include the mapped sections of Clinton and Delancey Streets that would be demapped and that total approximately 17,580 ~~11,037~~ square feet. With those streets, the total directly affected area under the proposed actions is approximately 330,758 ~~283,655~~ square feet.
3. Site 7—a public parking garage—would not be redeveloped under the proposed actions, but is included for informational purposes.
4. The proposed actions include the provision for up to 500 parking spaces in 314,502 gsf of below-grade space.
Sources: EDC; http://gis.nyc.gov/doitt/nycitymap/;http://gis.nyc.gov/dof/dtm/index.jsf; http://a810-bisweb.nyc.gov/bisweb/bispi00.jsp

E. SCOPE OF WORK

The GEIS for the Seward Park Mixed-Use Development Project will be prepared pursuant to CEQR and the 2012 edition of the *CEQR Technical Manual*, which was released in January 2012. Based on City and State rules, the *CEQR Technical Manual* provides guidance for the assessment of an action's potential environmental effects and the criteria for determining impact significance. The environmental review provides a means for ~~decision-makers~~ the City and other government agencies to systematically consider environmental effects along with other aspects of project planning and design, to evaluate reasonable alternatives, and to identify, and mitigate where practicable, any significant adverse environmental impacts. As a disclosure document, the Draft GEIS will also afford other stakeholders and the community the opportunity to meaningfully comment on the potential for significant adverse impacts. The Office of the Deputy Mayor for Economic Development will act as the lead agency for CEQR review.

The first step in preparing the GEIS document is the public scoping process. "Scoping," or creating the scope of work, is the process of focusing the environmental impact analysis on the key issues that are to be studied in the GEIS. The proposed scope of work for each technical area to be analyzed in the Seward Park Mixed-Use Development Project GEIS follows. Analyses will be conducted for one build year, 2022, by which time the full build-out associated with the proposed actions is expected to be complete.

TASK 1: PROJECT DESCRIPTION

The first chapter of the GEIS introduces the reader to the project and sets the context in which to assess impacts. The chapter contains a project identification (brief description and location of the project); the background and/or history of the project; a statement of the public purpose and need for the project; key planning considerations that have shaped the current proposal; a detailed description of the project; and discussion of the approvals required, procedures to be followed, and the role of the GEIS in the process. This chapter is the key to understanding the project and its impact, and gives the public and decision-makers a base from which to evaluate the actions ~~project~~ against both ~~Build~~ With Action and No Action ~~No Build~~ options.

The project description will present the planning background and rationale for the proposed rezoning actions and how they will facilitate the project. In addition, the project description will summarize the ~~reasonable worst-case development scenario~~ RWCDS for analysis in the GEIS and present its rationale.

The section on approval procedures will explain the set of proposed discretionary actions to be taken, as well as the ULURP process that involves review by Manhattan Community Board 3, the Manhattan Borough President's office, the City Planning Commission, and the New York City Council. The role of the GEIS as a full-disclosure document to aid in decision-making will be identified and its relationship to ULURP and the public hearings described.

TASK 2: LAND USE, ZONING, AND PUBLIC POLICY

The proposed actions would directly affect the land use on nine of the 10 parcels comprising the project site. Site 7 would remain as a municipal parking garage. The land use, zoning, and public policy analysis will assess the potential impacts of the expected changes in land uses resulting from the proposed actions. The study area encompasses the region within roughly a ¼- mile radius of the project site boundaries, a distance that, based on *CEQR Technical Manual* (January

2012 Edition) guidelines, defines the area in which the proposed actions could reasonably be expected to create potential direct and indirect impacts (See **Figure 3**).

The land use assessment will include a description of existing conditions and evaluations of the future with and without the proposed actions in 2022. Subtasks for the land use, zoning, and public policy analysis include:

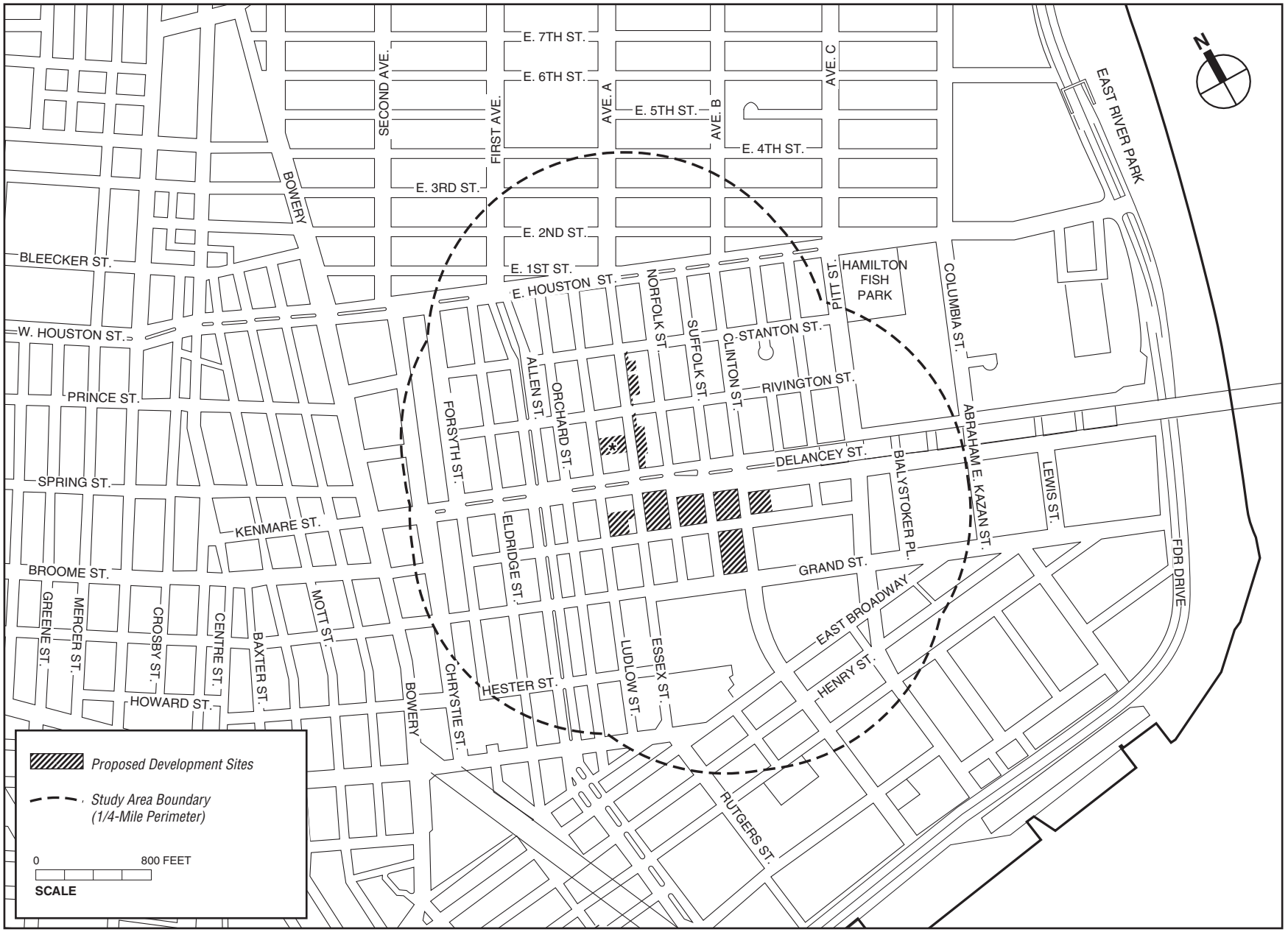
- Provide a detailed description of land use at the project site and throughout the project area. This task will be closely coordinated with Task 3, "Socioeconomic Conditions," which will provide an analysis of the project's effect on businesses and employment on the project site. Recent development and land use trends in the project site will be noted.
- Based on field surveys, identify, describe, and graphically portray predominant land use patterns for the balance of the ¼-mile land use study area. Based on discussions with DCP and other public or private agencies and local real estate brokers, describe recent land use trends in the study area and identify major factors influencing land use trends. Describe and map existing zoning and recent zoning actions in the study area.
- Prepare a list of future development projects in the study area that would be expected to influence future land use trends. Also, identify pending zoning actions or other public policy actions that could affect land use patterns and trends in the study area. Based on these changes, assess future conditions in land use and zoning with and without the project.
- Assess the potential land use changes in the rezoning area based on the RWCDS ~~reasonable worst-case development scenario~~.
- Assess impacts of the development on land use and land use trends, public policy, and zoning, resulting from the rezoning. Project impacts related to issues of compatibility with surrounding land use, the consistency with zoning and other public policy, and the effect of the project on ongoing development trends and conditions in the area will be discussed.

The project site is not located within the New York City Coastal Zone and thus would not affect or be affected by the City's Waterfront Revitalization Program and Policies. Therefore, the preparation of a Consistency Assessment Form will not be required.

TASK 3: SOCIOECONOMIC CONDITIONS

Socioeconomic impacts can occur when a proposed project directly or indirectly changes economic activities in an area. The purpose of the socioeconomic assessment is to disclose changes that would be created by a proposed action and identify whether they rise to a significant level. The socioeconomic chapter will examine the effects of the proposed actions on socioeconomic conditions on the project site and in the surrounding neighborhood.

The analysis will follow the guidelines of the *CEQR Technical Manual* (January 2012 Edition) in assessing the proposed ~~project~~ actions' effects on socioeconomic conditions. The analysis will present sufficient information regarding the effects of the project to make a preliminary assessment either to rule out the possibility of significant impacts or to determine that more detailed analysis is required to make a determination as to impacts. According to the *CEQR Technical Manual*, the five principal issues of concern with respect to socioeconomic conditions are whether a proposed project would result in significant impacts due to: (1) direct residential displacement; (2) direct business and institutional displacement; (3) indirect residential displacement; (4) indirect business and institutional displacement; and (5) adverse effects on a specific industry.



***** *NOTE: This Site (#7) Would not be Redeveloped Under the Proposed Actions*

Land Use Study Area
Figure 3

Additionally, the project could introduce a substantial amount of neighborhood retail, possibly leading to another area of concern: (6) indirect business displacement due to retail market saturation. Regarding this concern, the ~~2010~~ *CEQR Technical Manual* (January 2012 Edition) states that projects resulting in less than 200,000 square feet of local-serving or regional-serving retail on a single development site or less than 200,000 square feet of regional-serving retail on multiple sites located across a project area would not typically result in socioeconomic impacts. Since the proposed ~~project~~ actions may introduce ~~local and~~ regional-serving retail in excess of this 200,000-square-foot threshold, a preliminary assessment of indirect business displacement due to retail market saturation will be undertaken.

Detailed analyses will be conducted for those areas in which the preliminary assessment cannot definitively rule out the potential for significant adverse impacts. The detailed assessments will be framed in the context of existing conditions and evaluations of the future with the proposed actions and the future without the proposed actions in 2022.

TASK 4: COMMUNITY FACILITIES AND SERVICES

The demand for community facilities and services is directly related to the type and size of the new population generated by development resulting from the proposed actions. New workers tend to create limited demands for community facilities and services, while new residents create more substantial and permanent demands. The proposed actions would not result in direct displacement of public schools, libraries, child care centers, or police or fire facilities, and analysis of direct effects on these facilities is not warranted. However, the proposed actions would directly displace a ~~public~~ health care facility so an analysis of the proposed actions' direct effects on health care facilities will be provided. The proposed actions would not have the potential to result in any significant adverse impacts due to indirect effects to public high schools, public libraries, police and fire services, or health care facilities, and no further analysis of indirect effects is warranted.

This chapter of the GEIS will evaluate the effects on community services due to the proposed actions, including indirect effects on public elementary and intermediate schools and publicly funded day care facilities, and direct effects on public health care facilities. The community facilities and services assessment will include a description of existing conditions, and evaluations of future conditions in 2022 with and without the proposed actions. New workers tend to create limited demands for community facilities and services, while new residents create more substantial and permanent demands. Tasks will include:

- Identify public schools serving the project area. Assess conditions in terms of enrollment and utilization during the current school year, noting any specific problems with school capacity. Identify conditions that will exist in the future without the project, taking into consideration projected increases in future enrollment and plans to increase school capacity either through administrative actions on the part of the Department of Education or as a result of the construction of new school space. Assess the impacts by estimating the number of new students generated as a result of the project and planned projects in the area, relative to available capacity that may exist in the future without the project.
- Identify existing publicly funded group child care and Head Start facilities within approximately 1.5 miles of the project site and describe each facility in terms of its location, number of slots (capacity), and existing enrollment. Estimate potential additional demand for publicly funded child care facilities in the study area in the future without the project. Assess

the potential effects of the additional eligible children resulting from the project by comparing conditions without and with the project.

- Identify the health care facility that would be displaced by the project, including its location and~~,~~ type of services.~~, size, and hours of operation~~. ~~Describe the population and/or area served by the facility and its capacity and approximate utilization.~~ Determine the extent to which service may be disrupted or precluded, and whether the elimination or disruption of service would place additional demand on other nearby facilities. If necessary, examine the potential for indirect effects on nearby facilities due to the initial direct effect. This analysis would be coordinated with the agency overseeing the affected facility, as appropriate.

TASK 5: OPEN SPACE AND RECREATIONAL FACILITIES

The proposed actions involve the potential construction of approximately 1.7 million square feet of new mixed-use development and will exceed CEQR thresholds for a detailed open space analysis. In addition, the creation of a new publicly accessible open space within the project site is part of the RWCDS to be analyzed. Therefore, a detailed analysis of open space will be conducted. This analysis will determine whether the project will affect the quantitative and qualitative measures of open space adequacy within the ¼- and ½-mile study areas recommended for commercial and residential projects in the *CEQR Technical Manual* (January 2012 Edition). Subtasks include:

- Establish the study area boundaries, specifically: a study area of ½-mile around the project site for the residential population, and a study area of ¼-mile around the project site for the worker population. All Census block groups with at least 50 percent of their area falling within these study areas will be included in the open space study areas.
- Inventory existing passive open space and recreational facilities within two study areas: ¼-mile radius from the project site and ½-mile radius from the project site. Both areas are adjusted for census tract boundaries. Describe the condition and use of existing facilities based on the inventory.
- Prepare a demographic analysis of the commercial open space study area worker and residential population, and residential population in the residential open space study area including information available from the 2010 Census.
- In conformance with *CEQR Technical Manual* (January 2012 Edition) methodologies, assess the adequacy of existing publicly-accessible open space facilities. Based on the inventory of facilities and worker population, calculate the open space ratio and compare to City guidelines to assess adequacy.
- Assess expected changes in future levels of open space supply and demand in the Build Year, 2022. Develop open space ratios for future conditions and compared with existing ratios to determine changes in future levels of adequacy.
- Based on the population and open space resources added by the project, assess its effects on open space supply and demand. Assess project impacts based on a comparison of open space ratios with the project and open space ratios in the future without the project.
- If the results of the impact analyses identify a potential for a significant impact, discuss potential mitigation measures.

TASK 6: SHADOWS

The *CEQR Technical Manual* (January 2012 Edition) requires a shadow analysis for proposed projects that have the potential for new shadows long enough to reach an existing publicly-accessible open space, important natural feature, or historic resource with sun-sensitive features. Based on the height and bulk of the development envelope as described in the RWCDS, the proposed actions could result in new buildings that would be greater than 50 feet in height. Therefore, a screening-level analysis will be performed to identify the project's potential to have shadow impacts on light-sensitive resources, including public open space as well as historic resources with light-sensitive features. If project-generated shadows would reach any existing open spaces, natural features, or historic resources with sun-sensitive features, a full shadows analysis would be performed for those resources. The analyses performed for this task would follow the methodology recommended in the *CEQR Technical Manual* (January 2012 Edition), and focus on the relation between the proposed ~~project's~~ development's incremental shadow and any sun-sensitive landscape elements or activities.

TASK 7: HISTORIC AND CULTURAL RESOURCES

This section of the GEIS will assess the potential of the proposed actions to affect any historic and cultural resources in and around the project site, either directly through construction activities or indirectly by altering the context in which the resources are located. The *CEQR Technical Manual* (January 2012 Edition) identifies historic resources as districts, buildings, structures, sites, and objects of historical, aesthetic, cultural, and archaeological importance. Historic resources include designated New York City Landmarks (NYCLs) and Historic Districts; properties calendared for consideration as NYCLs by the New York City Landmarks Preservation Commission (LPC) or determined eligible for NYCL designation (NYCL-eligible); properties listed on the State and National Register of Historic Places (S/NR) or formally determined eligible for S/NR listing (S/NR-eligible), or properties contained within a S/NR listed or eligible district; properties recommended by the New York State Board for listing on the S/NR; National Historic Landmarks (NHLs); and potential historic resources (i.e., properties not identified by one of the programs listed above, but that appear to meet their eligibility requirements).

All four buildings of the Essex Street Market, which are located on Sites 2, 8, 9, and 10, have been determined eligible for S/NR listing. Sites 1 and 7 are located within the boundaries of the S/NR-listed Lower East Side Historic District. Consultation with LPC and the New York State Office of Parks, Recreation and Historic Preservation (OPRHP), as directed by the lead agency, will be undertaken as part of the historic and cultural resources task.

In an Environmental Review Letter dated August 16, 2011, LPC determined that there appears to be the potential for recovering remains from 19th-century occupation on Block 346, Lot 40 (Sites 3, 4, and 5), Block 347, Lot 71 (Site 6), and Block 352, Lot 28 (part of Site 2). Accordingly, LPC recommended that an archaeological documentary study be performed for those locations to clarify those initial findings and provide the threshold for the next level of review, if necessary.

The following tasks will be undertaken:

- Prepare an archaeological documentary study for Block 346, Lot 40 (Sites 3, 4, and 5), Block 347, Lot 71 (Site 6), and Block 352, Lot 28 (part of Site 2). If the documentary study determines that any of the lots have the potential to contain significant archaeological

resources that may be impacted by future development, and LPC concurs, then subsequent archaeology will be completed as outlined in the *CEQR Technical Manual* (January 2012 Edition). The archaeological documentary study will be summarized in the DGEIS, which will assess the potential for archaeological impacts for the future without and the future with the proposed actions.

- Within a 400-foot study area, map and briefly describe known historic resources. Longer contextual views available beyond the 400-foot area will also be considered as appropriate.
- Conduct a field survey of the study area to identify any potential historic resources that could be affected by the proposed actions. Map and briefly describe any potential historic resources.
- Qualitatively discuss any impacts on historic resources that are expected in the future without the proposed actions as a result of other expected development projects.
- Describe the proposed actions ~~project~~ and the potential impacts ~~it~~ they would have on historic resources, including visual and contextual impacts and impacts relating to significant new shadows on sunlight-sensitive resources.
- If applicable, develop measures to avoid, minimize, or mitigate any adverse impacts on historic and cultural resources in consultation with LPC and OPRHP, as appropriate.

TASK 8: URBAN DESIGN/VISUAL RESOURCES

This section of the GEIS will assess changes in urban design patterns and visual resources of the study area as a result of the proposed actions. Subtasks within this section are as follows:

- Prepare a concise narrative of the project site and a surrounding 400-foot study area~~, as well as~~, and consider potential longer view corridors beyond the 400-foot study area, as appropriate. The narrative will address the components of urban design as defined in the ~~2010~~ *CEQR Technical Manual* (January 2012 Edition): streets, buildings, visual resources, open space, natural resources, and wind~~, and sunlight~~. The narrative will be supported with the following items from the detailed analysis checklist in Section 330 of Chapter 10 in the *CEQR Technical Manual* (January 2012 Edition): photographs; birdseye views; area maps including those showing existing view corridors and access to visual resources; and information on building massing, floor area, lot and tower coverage, building heights, open area, building setbacks, and average floor plate sizes, etc.
- Based on planned and proposed development projects and using the information gathered above for existing conditions, assess whether and how urban design conditions are expected to change in the future without the project. This will include other planned projects in the area.
- Present program information for the proposed development ~~project~~, including site plans, zoning calculations, floor area calculations, lot and tower coverage, building heights and setbacks, and street wall heights, as such information is developed and becomes available. Program information may also include, as appropriate, sketches or renderings of the future with the project condition for existing views, elevations along street fronts, detailed landscape plans, and sections through street and other pedestrian areas, and proposed program and use distribution.
- Assess how the proposed ~~project~~ actions would affect urban design relative to the future without the project condition, describing the project in terms of how it would affect the area's defining elements of urban design, and determine the significance of those changes.

TASK 9: HAZARDOUS MATERIALS

This chapter will summarize updated results of the project site's Phase I Environmental Site Assessment, any Phase II report, if available, and any other relevant studies.

Based on the findings of the Phase I Environmental Site Assessment, a protocol or protocols for a program of subsurface testing (soil and groundwater) in the areas to be disturbed by the project would be prepared by the developer(s) to be selected pursuant to the RFP and submitted for review and approval by the New York City Department of Environmental Protection (DEP) prior to start of any work. The findings of this testing program or programs would be used to determine the scope of any Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP) that would be implemented during construction of the development sites. The RAP(s) would include measures to both remediate any conditions identified by the subsurface testing and to properly address any unexpectedly encountered hazardous materials. The CHASP(s) would include necessary measures to protect construction workers and the community including, for example, procedures for dust control and management of surplus excavated soil. A mechanism to ensure that further investigative and/or remedial activities, as well as health and safety measures, prior to and/or during construction will be required under the City's contract of sale with the private entity or entities selected to develop the project site.

The hazardous materials assessment will be conducted according to the following tasks:

- The land use history of the project site will be described based on an examination of historic maps, atlases, and other historical records.
- The New York State Department of Environmental Conservation and New York City's Fire and Building Department records will be examined for records of underground storage tanks.
- Records of other areas of environmental concern—including hazardous waste disposal sites, hazardous waste generators or treatment facilities, and hazardous substance releases—will be obtained through a computer database for all locations within a ½ mile of the site.
- Available information on subsurface conditions (geology and hydrogeology), including any borings performed on or near the site, will be obtained and reviewed.
- All available prior reports of soil or groundwater testing on or adjacent to the property will be reviewed.
- The project site and the surrounding study area will be inspected for any evidence of contamination, including the presence of drums or tanks, stained soils, stressed vegetation, and illegally dumped or stored material.
- The potential for contamination of soil and groundwater in the rezoning area, and the need for any site testing, will be assessed based on land use history, examination of tank records, and current site conditions.
- The results of the assessment will be summarized for inclusion in the GEIS.
- ~~If there is the potential for significant adverse impacts under the proposed project~~ actions~~, the need to perform soil and/or groundwater sampling, and remediation, as necessary, will be described in the GEIS.~~
- Remedial measures for sites under HPD jurisdiction will be ~~required~~ enforced through a Land Disposition Agreement (LDA) or other legally binding loan documents.

TASK 10: WATER AND SEWER INFRASTRUCTURE

The *CEQR Technical Manual* (January 2012 Edition) outlines thresholds for analysis of a project's water demand and its generation of wastewater and stormwater. A preliminary water supply and projected water demand analysis is warranted if a project would result in an exceptionally large demand for water (greater than one million gallons), or would be located in an area that experiences low water pressure (e.g., Rockaway Peninsula or Coney Island). A preliminary wastewater and stormwater infrastructure analysis is warranted if a proposed project exceeds the thresholds outlined in Section 220, "Wastewater and Stormwater Conveyance and Treatment." These thresholds include location of the proposed ~~project~~ development, cumulative rezonings and/or development in the project area, proposed increase in density, and proposed increase in impervious surfaces.

A water supply and demand analysis would not be warranted for the proposed ~~project~~ actions, because the estimated water demand under the actions ~~project~~ would be ~~386,328 gallons per day,~~ below the *CEQR Technical Manual* (January 2012 Edition) threshold of one million gallons per day. Additionally, the proposed ~~project~~ development would not be located in an area that experiences low water pressure.

A preliminary wastewater and stormwater infrastructure analysis, however, would be warranted because the proposed development would exceed the *CEQR Technical Manual* (January 2012 Edition) threshold of 250,000 square feet of commercial development, public facility and institution and/or community facility space in Manhattan. This preliminary analysis would include, among other elements, the following: description of the existing wastewater and stormwater conveyance systems and the affected wastewater treatment plant (WWTP) in the study area; determination of the existing sanitary flows, Future No Action sanitary flows, and With-Action sanitary flows; consideration and analysis of incremental flows from the project on the capacity of the affected WWTP; description of existing surface types, Future No Action surface types and With-Action surface types; determination of the volume ~~and peak discharge rates~~ of stormwater expected from the site under existing, Future No Action and With Action conditions; and completion of the DEP flow calculations matrix. Based on the results of the preliminary analysis, a detailed assessment may be warranted and/or mitigation may be required if significant impacts are identified. A description and assessment of potential mitigation strategies would be included in this section of the GEIS.

TASK 11: SOLID WASTE AND SANITATION SERVICES

According to the ~~2010~~ *CEQR Technical Manual* (January 2012 Edition), actions involving construction of housing or other development generally do not require evaluation for solid waste impacts unless they are unusually large. Based on Citywide solid waste generation rates identified in Table 14-1 of the *CEQR Technical Manual* (January 2012 Edition), the proposed development would generate ~~slightly~~ more than 50 tons per week of solid waste. Therefore, the GEIS will include an analysis of potential effects on solid waste and sanitation services. In addition, the GEIS will include a discussion on the proposed ~~project's~~ development's waste management features such as any plans for the set out of refuse and recyclables for collection.

TASK 12: ENERGY

According to the ~~2010~~ *CEQR Technical Manual* (January 2012 Edition), because all new structures that require heating and cooling are subject to the New York State Energy Conservation Code, which reflects State and City energy policies to conserve energy, actions

resulting in new construction would not create adverse energy impacts, and as such would not require a detailed energy assessment. The GEIS will include a qualitative assessment of the project's energy needs, as appropriate. Please also see Task 15, "Greenhouse Gas Emissions."

TASK 13: TRANSPORTATION

The primary objective of transportation (traffic, transit and pedestrian) analyses is to assess whether a project is expected to have significant impacts on the street network, parking, transit and pedestrian facilities, and to provide appropriate mitigation measures to address such impacts. Traffic and transportation studies will be a critical part of the GEIS, and the analysis will be conducted in close consultation with NYCDOT. As per the criteria established in the ~~2010~~ *CEQR Technical Manual* (January 2012 Edition), the GEIS transportation studies will include the following tasks:

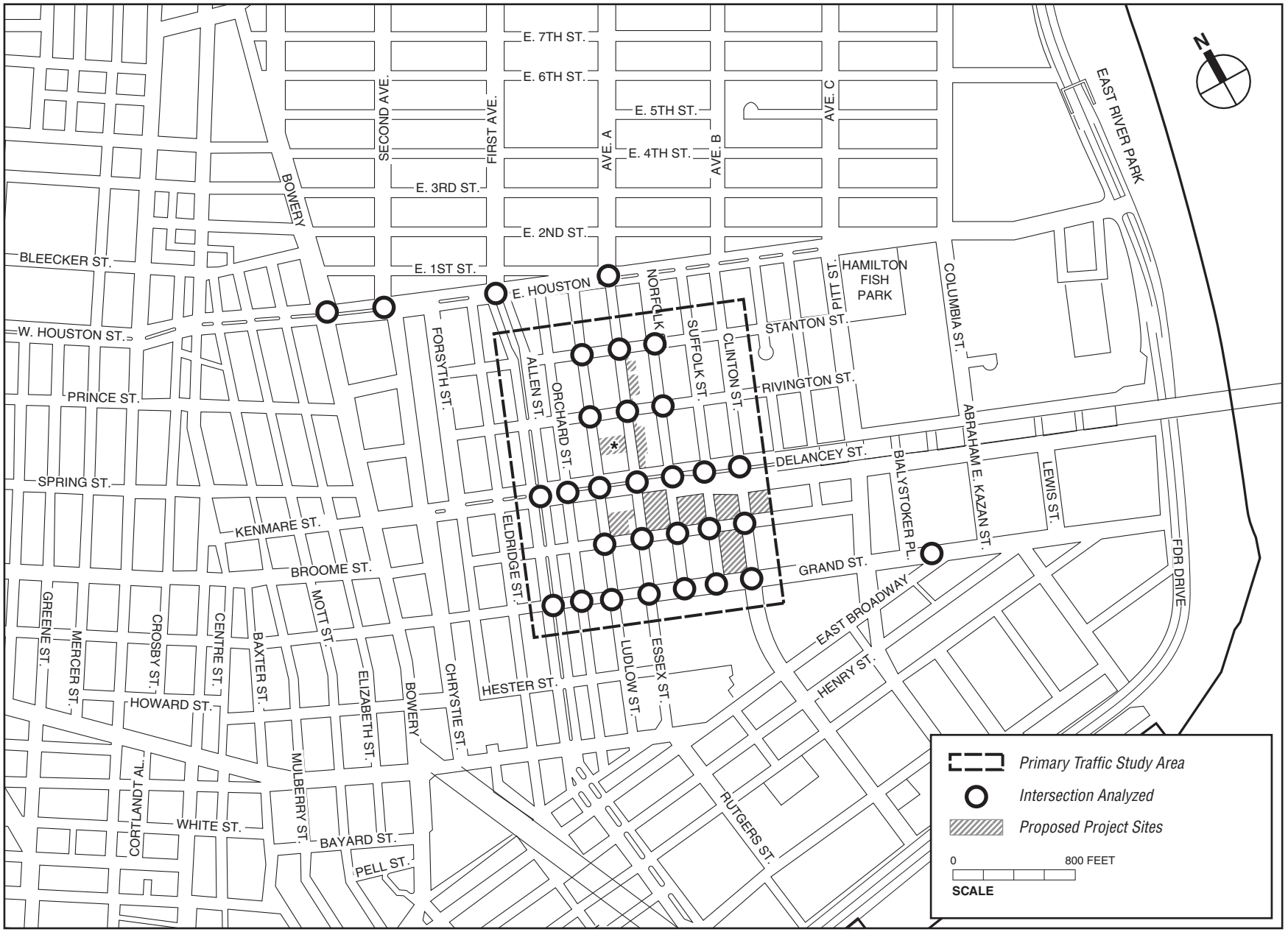
TRAVEL DEMAND AND SCREENING ASSESSMENTS

- Level 1 and Level 2 screenings will be prepared based on methodologies described in the ~~2010~~ *CEQR Technical Manual* (January 2012 Edition). Travel demand estimates for the proposed ~~project~~ development will be prepared based on trip generation, modal split, vehicle occupancy assumptions, etc. from the *CEQR Technical Manual*, previously completed EISs and EASs, and other relevant standard industry-accepted sources.
- Prepare vehicle trip assignments for the proposed ~~project~~ development. This will involve identifying appropriate intersections to be analyzed for potential traffic impacts, allocation of transit trips to identify the subway station elements/bus routes to be analyzed, and assignment of pedestrian trips by mode, use, and location, taking into consideration routings to and from transit and parking facilities.
- Prepare a Travel Demand Factors (TDF) Memorandum summarizing the travel demand factors, trip generation results and trip assignments. Submit the TDF Memorandum to NYCDOT for review and approval. The information contained in the TDF Memorandum will be used as the basis for establishing various transportation analyses parameters including the selection of analysis locations in the traffic, transit and pedestrian study areas and the volume of trips expected to be generated by the proposed ~~project~~ development.

TRAFFIC, TRANSIT AND PEDESTRIAN STUDY AREAS

- Define a traffic study area consisting of intersections to be analyzed within the proposed action area (i.e., the primary traffic study area) and along major routes leading to and from the area, i.e., the secondary traffic study area (see **Figure 4**[1] for the traffic study area and the 30 intersections proposed for detailed analysis). Based on the review of TDF Memorandum by NYCDOT, additional analysis locations may be required in the study area.
- Select subway station elements and bus routes for transit analyses. The subway analysis will focus on the BMT Delancey-Essex Street station, and the bus analysis will evaluate MTA bus service within both the primary and potential secondary study areas.

[1] Figure 4 has been updated to include two additional intersections: the intersection of Houston Street and Second Avenue/Chrystie Street and the intersection of Orchard Street and Grand Street.



***** *NOTE: This Site (#7) Would not be Redeveloped Under the Proposed Actions*

Traffic Study Area
Figure 4

- Define a pedestrian study area consisting of critical crosswalk, sidewalk and corner elements to be analyzed in the vicinity of the project site. Based on the review of TDF Memorandum by NYCDOT, additional pedestrian elements may be required for analysis in the study area.

DATA COLLECTION AND REDUCTION

- Conduct traffic data collection and reduction. The traffic count program will include current manual intersection turning movement counts at the study area intersections. Vehicle classification counts, automatic traffic recorder (ATR) counts, and an inventory of existing roadway geometry and traffic control will be performed. Travel time and delay runs will be conducted along key routes in conjunction with the traffic volume counts to support air quality mobile source analyses. Official traffic signal timing and phasing will be obtained from NYCDOT for incorporation into the capacity and level of service analyses.
- Conduct transit-related pedestrian counts at critical elements of the subway stations and bus routes. Obtain peak bus load data from NYCT for bus transit analysis.
- Conduct pedestrian counts at critical crosswalk, sidewalk and corner elements along key routes in conjunction with the traffic volume counts to establish the baseline for pedestrian analysis.
- Inventory physical data at each of the analysis intersections needed for traffic and pedestrian analyses, including street widths, number of traffic lanes and lane widths, pavement markings, turn prohibitions, typical parking regulations, signal phasing and timing data, location of street furniture and sidewalk/crosswalk widths.

CAPACITY ANALYSES

- Determine existing traffic and pedestrian operating characteristics at each analysis location including capacities, volume-to-capacity (v/c) ratios, average delays, and levels of service (LOS) using the 2000 Highway Capacity Manual procedures. Allowances for any on-going construction or temporary road/sidewalk closures will be made. Existing capacities and LOS along or through critical elements of the subway stations will be determined in accordance with the ~~2010~~ *CEQR Technical Manual* (January 2012 Edition) and/or NYCT design criteria.
- ~~Based on available sources, U.S. Census data, and standard references, estimate the travel demand characteristics of the existing uses on the project site. This will include daily and hourly person trips, and a modal distribution to estimate trips by auto, taxi, and other modes (refer to discussion of transit and pedestrians for more discussion of other modes).~~
- Compute future No Action traffic, transit and pedestrian volumes (year 2022) based on the *CEQR Technical Manual* (January 2012 Edition) recommended background growth (0.25 percent per year for the first five years and half of that for subsequent years) plus trips expected to be generated by major developments proposed elsewhere in or just outside the traffic study area. Intersection volume-to-capacity (v/c) ratios, delays, and LOS will also be determined. Consult with NYCDOT to determine whether any changes in traffic plans are envisioned by the project's planned Build year.
- Using the same transportation planning assumptions as for No Action conditions, estimate the travel demand characteristics of the proposed ~~project~~ development (the net change in uses).

- Determine the volume of vehicle, transit and pedestrian trips expected to be generated by the proposed ~~project~~ development and assign those trips in each analysis period to the approach and departure routes likely to be used. Prepare traffic and pedestrian volume networks for the future condition under the proposed ~~project~~ actions for each analysis period.
- Determine the resulting v/c ratios, delays, and LOS for the future with the proposed ~~project~~ actions (year 2022) and identify any significant traffic, transit and pedestrian impacts based on the ~~guidelines of 2010~~ *CEQR Technical Manual* (January 2012 Edition) guidelines.
- If significant impacts are identified, develop and evaluate proposed mitigation measures, as necessary.

VEHICLE/PEDESTRIAN SAFETY ASSESSMENT

- Assess vehicle/pedestrian safety conditions. Obtain the most recent three year accident data from the New York State Department of Transportation (NYSDOT) for the intersections in the vicinity of the project site. Summarize the accident data and determine if any of the intersections are classified as a high-accident location based on the ~~2010~~ CEQR criteria. If high accident locations are identified, ~~recommend~~ discuss mitigation/improvement measures to alleviate the safety impacts.
- Determine whether the proposed ~~project~~ actions ~~has~~ have the potential to adversely affect vehicular, bicycle, or pedestrian safety at the analysis locations. If such locations are identified, mitigation or improvement measures will be identified in coordination with NYCDOT and NYCT.

PARKING

- Conduct parking inventories in accordance with the ~~2010~~ *CEQR Technical Manual* (January 2012 Edition) criteria to determine parking supply. On-street and off-street parking inventories will be performed within a ¼-mile radius of the project site. This will include: obtaining on-street parking regulations; locating and mapping existing off-street parking lots and garages; and determining occupancies and capacities for both on-street and off-street parking on a typical weekday and Saturday or Sunday (whichever is selected as the weekend analysis day).
- Assess the location and concentration of any proposed parking facility and its utilization rates. Future ~~No-Build~~ No Action parking supply and demand estimates will be based on background growth rates and any changes due to nearby development-related projects.
- Estimate future ~~Build~~ With Action parking demand based on modal split and vehicle occupancy data. Impact assessment will focus on adequacy of parking, location of access/egress points, means of controlling/directing traffic to appropriate parking locations, and interface operations between parking driveways and the surrounding street system.

TASK 14: AIR QUALITY

The air quality studies for the proposed actions ~~project~~ will include both mobile and stationary source analyses. The mobile source air quality impact analysis will address ~~two distinct issues:~~ the effect of traffic-generated emissions ~~will have~~ on pollutant levels (i.e., carbon monoxide and particulate matter concentrations) at locations within the ~~adjacent~~ study area~~; and~~

~~• The project's consistency with the applicable State Implementation Plan for the area.~~

Using computerized dispersion modeling techniques, the effects of project-generated traffic on CO and PM (PM_{10} and $PM_{2.5}$) levels at critical intersection locations will be determined. In addition, the impact of the proposed parking facilities on air quality will be analyzed, and the results from that analysis will be combined with the intersection analyses, where applicable.

The stationary source air quality impact analysis will determine the effects of emissions from any proposed heating~~, ventilating,~~ and hot water ~~air conditioning (HVAC)~~ systems on pollutant levels ~~(i.e., sulfur dioxide, particulate and/or nitrogen dioxide concentrations)~~.

The GEIS studies will include the following subtasks:

Mobile Source Analyses

- Gather existing air quality data. Collect and summarize existing ambient air quality data for the study area. Specifically, ambient air quality monitoring data published by the New York State Department of Environmental Conservation (NYSDEC) will be compiled for the analysis of existing and future conditions.
- Determine receptor locations for the microscale analysis. Select critical intersection locations ~~in the study area, and outside the study area~~, based on data obtained from the ~~proposed project's~~ actions' traffic analysis for the proposed actions. At each intersection, multiple receptor sites will be analyzed in accordance with *CEQR Technical Manual* guidelines.
- Select dispersion model. At each of the receptor sites, identify the appropriate dispersion model to be used in the microscale analyses. It is anticipated that the CAL3QHC screening dispersion model will be used for the CO microscale analysis. The refined CAL3QHCR intersection model will be used to predict the maximum change in $PM_{2.5}$ concentrations.
- Select emission calculation methodology and "worst-case" meteorological conditions. Vehicular cruise and idle emissions for the dispersion modeling will be computed using EPA's MOBILE6.2 model, or the latest approved emission model. Conservative meteorological conditions to be assumed in the CAL3QHC dispersion modeling are a 1 meter per second wind speed, Class D stability and a ~~0.70~~ 0.79 persistence factor. In addition, the *CEQR Technical Manual* (January 2012 Edition) recommended winter temperature of 50 degrees Fahrenheit for the Borough of Manhattan will be used as input to the model. For the CALQHCR analysis, five years of meteorological data from LaGuardia Airport and concurrent upper air data from Brookhaven, NY, will be used for the simulation program.
- At each mobile source microscale receptor site, calculate maximum 1- and 8-hour CO concentrations for existing conditions, the future conditions without the proposed actions ~~project~~ and the future conditions with the proposed actions ~~project~~. 24-Hour and annual average $PM_{2.5}$ concentrations will be determined for the future conditions without the proposed actions ~~project~~ and the future conditions with the proposed actions ~~project~~. Concentrations will be determined for up to three peak periods. No field monitoring will be included as part of these analyses.
- Assess the potential CO impacts associated with proposed parking facilities. Information on the conceptual design of the parking facilities will be employed to determine potential off-site impacts from emissions. Cumulative impacts from on-street sources and emissions from the proposed parking facilities will be calculated, where appropriate.
- Compare existing and future levels with standards. Future pollutant levels with and without the proposed actions ~~project~~ will be compared with the CO and PM_{10} National Ambient Air

Quality Standards (NAAQS), the City's CO *de minimis* criteria and $PM_{2.5}$ interim guidance criteria to determine the impacts of the proposed actions ~~project~~.

- ~~Evaluate potential impacts of 1-hour NO_2 concentrations from mobile sources based on applicable CEQR guidance and/or consultation with DEP. If the number of project-generated trips exceeds screening threshold(s), perform a microscale analysis at affected receptor locations following available guidance.~~
- Determine the consistency of the proposed actions ~~project~~ with the strategies contained in the State Implementation Plan ~~SIP~~ for the area. At any receptor sites where violations of standards occur, analyses would be performed to determine what mitigation measures would be required to attain standards.
- Mitigation. Examine mitigation measures, as necessary.

Stationary Source Analysis

- Perform a stationary source analysis using the AERMOD model to determine the potential impacts from the proposed actions ~~project~~. For this analysis, five recent years of meteorological data from LaGuardia Airport and concurrent upper air data will be utilized for the simulation program. Cumulative concentrations ~~of nitrogen dioxide, sulfur dioxide, and particulate matter~~ will be determined at off-site receptor sites, as well on project receptors. Predicted values will be compared with national ~~and State~~ ambient air quality standards and other relevant standards~~, and the City's interim guidance criteria for $PM_{2.5}$~~. In the event that violations of standards are predicted, examine design measures to reduce pollutant levels to within standards.

TASK 15: GREENHOUSE GAS EMISSIONS

Because the proposed development ~~project~~ exceeds the ~~City's~~ threshold of 350,000 square feet of development, a greenhouse gas (GHG) emissions consistency assessment is appropriate. GHG emissions generated by the proposed development ~~project~~ will be quantified and an assessment of consistency with the City's established GHG reduction goal will be prepared. Emissions will be estimated for the analysis years and reported as carbon dioxide equivalent (CO_2e) metric tons per year. GHG emissions other than carbon dioxide (CO_2) will be included if they would account for a substantial portion of overall emissions, adjusted to account for the global warming potential (GWP). Construction-related emission throughout the duration of construction will be quantified if the ~~extent and duration of~~ construction-related emissions ~~or the expected use of materials is found~~ are expected to be ~~potentially~~ a significant part of total project emissions. Relevant measures to reduce energy consumption and GHG emissions will be discussed, and will be included in the emissions estimates to the extent practicable.

The GHG analysis will consist of the following subtasks:

EMISSIONS ESTIMATES

Direct Operations Emissions—Emissions from on-site boilers used for heat and hot water and on-site electricity generation, if any, would be quantified. Emissions would be based on available project specific information on the expected energy and fuel use or the carbon intensity factors specified in the *CEQR Technical Manual* (January 2012 Edition).

Indirect Operations Emissions—Emissions associated with purchased electricity and/or steam generated off-site and consumed on-site during the project's operation will be estimated.

Indirect Operations Mobile Source Emissions—Emissions from vehicle trips to or from the project site will be quantified using trip distances and vehicular emission factors provided in the *CEQR Technical Manual* (January 2012 Edition).

Construction Emissions—Emissions from construction engines and emissions associated with the extraction and production of construction materials will be qualitatively discussed, and quantified if deemed a significant part of total project emissions. Opportunities for reducing GHG emissions associated with construction will be considered.

ASSESSMENT OF CONSISTENCY WITH THE GHG REDUCTION GOAL

To determine the consistency with the City's overall GHG reduction goal, consistency with the ~~following~~ City's GHG reduction goal~~s~~ will be assessed as relevant to the proposed actions ~~project~~, addressing the project's carbon intensity based upon its density, fuel choices, geographic setting, avoided GHG emissions, and building energy efficiency. The considerations for assessing consistency with the City's goal~~s~~ include~~s~~ improved building energy efficiency, use of clean power, transit-oriented development and sustainable transportation, and the reduction of construction-associated emissions.

This section will outline potential measures that could reduce energy use and GHG emissions associated with the proposed development ~~project~~, and will identify the measures that would be implemented as part of the proposed actions ~~project~~, and measures still under consideration. To the extent that information is available, the potential of these measures to reduce GHG emissions will be discussed. Overall, the project design, location, and incorporated measures relevant to GHG emissions will be assessed for consistency with the City's GHG reduction goal.

TASK 16: NOISE

The noise analysis will examine impacts of ambient noise sources (e.g., the Williamsburg Bridge traffic) on the proposed residential uses and the impacts of project-generated traffic on noise-sensitive land uses nearby. This work will include noise monitoring to determine existing ambient noise levels. As described above under "Transportation," based on preliminary trip generation estimates it is not anticipated that the proposed development ~~project~~ would generate a substantial amount of new vehicle traffic. Thus it is not anticipated that project-generated traffic would be likely to result in significant noise impacts (i.e., a doubling of Noise Passenger Car Equivalents). For CEQR purposes, it is assumed that a detailed analysis of the proposed development's ~~project's~~ mechanical equipment will not be required, because any HVAC/R equipment would be designed to meet applicable regulations. Consequently, the noise analysis will examine existing noise levels in the project area and the window/wall attenuation that would be required to provide acceptable interior noise levels at project buildings. The subtasks are as follows:

- Select appropriate noise descriptors. Based upon CEQR criteria for publically accessible open spaces, the noise analysis would examine the 1-hour equivalent ($L_{eq(1)}$) and the L_{10} noise levels.
- Select receptor locations. Receptor sites analyzed will include locations where high existing ambient noise levels could adversely affect new residential and other sensitive uses associated with the project.
- Determine existing noise levels. At each of the receptor sites identified above, 20-minute measurements would be performed during typical weekday AM, midday, and PM peak periods as well as a late-night period. Hourly L_{eq}, $L_{1,}$ L_{10}, L_{50}, and L_{90} values will be

recorded. Depending on site access and security, a continuous 24-hour measurement at one site may be performed in lieu of the 20-minute measurements.

- Determine amount of building attenuation required. The level of building attenuation necessary to satisfy CEQR and United States Department of Housing and Urban Development (HUD) requirements is a function of the exterior noise levels, and will be determined. Measured values will be compared to appropriate standards and guideline levels. As necessary, general noise attenuation measures needed for project Buildings to achieve compliance with standards and guideline levels will be recommended.

TASK 17: PUBLIC HEALTH

If the project results in potential unmitigated environmental impacts with respect to hazardous materials, air quality, or noise, the GEIS will assess and determine if there would be any resulting public health impacts as defined by the ~~2010~~ *CEQR Technical Manual* (January 2012 Edition).

TASK 18: NEIGHBORHOOD CHARACTER

The character of a neighborhood is established by numerous factors, including land use patterns, the scale of its development, the design of its buildings, the presence of notable landmarks, and a variety of other physical features that include traffic and pedestrian patterns, noise, etc. Most of these elements will already be covered in other GEIS sections but salient points from those analyses will be summarized. Subtasks will include:

- Drawing on other EIS sections, describe the predominant factors that contribute to defining the character of the neighborhood.
- Based on planned development projects, public policy initiatives, and planned public improvements, summarize changes that can be expected in the character of the neighborhood in the future without the project.
- The project's impacts on neighborhood character will be assessed and summarized.

TASK 19: CONSTRUCTION IMPACTS

The GEIS will provide a description of the likely construction schedule for development at the project site and an estimate of the related construction activity. A conceptual schedule for each construction task (e.g., demolition, excavation etc.), staging/logistics plans, and estimates of worker/truck trips and types of equipment to be used during each phase of the construction activities will be developed. Because the development parcels are surrounded by narrow streets and sidewalks and are situated proximate to the Williamsburg Bridge, a detailed discussion of the construction sequencing and logistics of the various sites will be necessary to provide a clear depiction of how vehicular and pedestrian traffic circulation could be affected and to determine what emission and noise protection measures can be put in place.

For the purposes of assessing potential impacts from construction activities, a construction scheme will be formulated focusing on construction stages, likely staging areas, placement of equipment, and numbers of workers and trucks. This information, along with hours of work, location and schedule of sidewalk/lane closures, and infrastructure needs, will be used to determine the appropriate level of assessment that would be required to assess the potential for construction impacts. The GEIS analysis will focus on the following technical areas:

- *Historic and Cultural Resources*. In coordination with the historic and cultural resources task, this assessment will consider any potential construction-period impacts on historic and cultural resources.
- *Transportation Systems*. This assessment will consider construction worker parking strategies, losses in lanes, sidewalks, and other transportation services during the various phases of construction, and the increase in vehicle trips from construction workers and trucks. A worst-case peak construction year will be selected for the assessment of potential transportation-related construction impacts and determination of likely required mitigation measures. For this peak construction year, a construction ~~No Build~~ No Action condition will be developed as the baseline against which potential construction impacts can be evaluated. The impact assessment will incorporate construction-generated trips and those from project components that would have been completed and operational during peak construction. Construction of the various project components would incorporate proper maintenance and protection of traffic (MPT) in conformance with NYCDOT requirements. These requirements are expected to limit roadway disruptions to curb-lane closures and maintain pedestrian flow and transit access. A detailed construction traffic analysis will be performed for ~~up to eight~~ nine study area intersections during weekday construction peak hours to address effects from construction worker vehicles and trucks to determine potential construction-related impacts. The number of intersections selected for quantitative analyses are typical for other New York City EISs ~~but will be finalized (or modified) based on Level 1 and 2 screening for construction traffic once construction details are available~~. Issues concerning construction worker parking and truck delivery staging will also be addressed. For transit and pedestrians, because trip-making of construction workers would primarily occur outside of area peak hours, a discussion of the trip projections and a qualitative assessment of potential impacts will be prepared.
- *Air Quality*. A quantitative (i.e., model predicted concentrations) air quality analysis will be conducted to determine the potential for air quality impacts due to on-site construction activities and project-generated traffic (mobile sources) on local roadways. The mobile source analysis will be performed for nearby roadway intersections using information provided in the traffic analysis. ~~If traffic volumes exceed the screening thresholds defined in the 2010 *CEQR Technical Manual*, a detailed dispersion analysis will be prepared.~~ The pollutants of concern include CO and PM. A dispersion analysis of onsite construction activities will also be performed to determine the potential for air quality impacts on sensitive offsite receptors. Air pollutant sources would include combustion exhaust associated with non-road engines (e.g., cranes, excavators) and on-road engines operating on-site, as well as on-site activities that generate fugitive dust (e.g., excavation, demolition). The pollutants of concern include CO, PM, and nitrogen dioxide (NO_2). Since ultra-low-sulfur diesel (ULSD) would be used for all diesel engines in the construction of the proposed development ~~project~~, sulfur oxides (SOx) emitted from those construction activities are expected to be low and will be negligible. ~~The ambient concentrations of each pollutant (for both mobile and on-site analyses) will be determined for peak construction periods based on an emissions profile for each phase of work.~~ Since emissions from on-road construction-related vehicles and on-site construction equipment may contribute to concentration increments concurrently, a cumulative assessment will be provided to determine the potential maximum effect of these sources combined. The potential for significant impacts will be determined by a comparison of model predicted total concentrations to the NAAQS, and by comparison of the predicted increase in concentrations to applicable CEQR

thresholds. The air quality analysis will also include a discussion of strategies to reduce project related air pollutant emissions associated with construction activities and potential mitigation measures that can be applied during the construction period.

- *Noise*. A quantified analysis will be prepared that will examine potential noise impacts due to construction-related stationary and mobile sources. Noise-sensitive receptor locations (both at-grade and elevated), including residences, schools, places of worship, open spaces, and other noise-sensitive land uses, near the project sites and created by the proposed development ~~project~~ will be selected for analysis. Existing noise levels will be determined by noise measurements performed at at-grade receptor locations, and by use of a combination of measurements and mathematical models for elevated receptor locations. One representative worst-case time period (i.e. day) in each year of construction will be selected for analysis. During each analysis time period, noise levels due to construction activities at each sensitive receptor will be predicted. Noise levels with project-related construction activities will be compared to ~~No Build~~ No Action noise levels to determine project impacts. Based on the criteria contained in the ~~2010~~ *CEQR Technical Manual* (January 2012 Edition), a change of 3~~-~~5 dBA or more for two or more consecutive years will be considered a significant noise impact. Based on the results of the construction noise analysis, if necessary, the feasibility, practicability, and effectiveness of implementing measures to mitigate significant construction noise impacts will be examined.
- *Vibration*. Construction activities have the potential to result in vibration levels that may result in structural or architectural damage, and/or annoyance or interference with vibration-sensitive activities. A construction vibration assessment will be performed. This assessment will determine critical distances at which various pieces of equipment may cause damage or annoyance to nearby buildings based on the type of equipment, the building construction, and applicable vibration level criteria. Should it be necessary for certain construction equipment to be located closer to a building than its critical distance, vibration mitigation options will be proposed. Vibration mitigation measures may include less powerful equipment, alternate equipment, alternative construction methods, a vibration monitoring program, or a combination thereof.
- *Other Technical Areas*. As appropriate, other areas of environmental assessment will be discussed for potential construction-related impacts.

TASK 20: ALTERNATIVES

The purpose of an alternatives section in a GEIS is to examine development options that would reduce or eliminate project-related impacts while substantively meeting the goals and objectives of the proposed actions. The specific alternatives to be analyzed will include a ~~No Build~~ No Action alternative, which describes the conditions that would exist if the proposed actions were not implemented and a No Unmitigated Impact alternative, which assesses a change in density or program design in order to avoid the potential for any unmitigated significant adverse impacts that may be associated with the proposed actions ~~project~~. In addition, the GEIS will also consider an alternative that considers a mixed-use program that is similar to the proposed actions ~~project~~ but retains the existing Essex Street Market in its current location on Site 9. Additional alternatives and variations of the project may be identified ~~during the scoping process or be~~ based on any significant adverse impacts identified in the GEIS. The analysis of each alternative will be qualitative, except where impacts of the project have been identified.

TASK 21: MITIGATION

Where significant project impacts have been identified in Tasks 2–19, this section will describe the measures to mitigate those impacts, develop these measures, and coordinate with the responsible City/State agency, as appropriate. Where impacts cannot be mitigated, they will be identified as unavoidable adverse impacts.

TASK 22: SUMMARY CHAPTERS

Several summary chapters will be prepared, focusing on various aspects of the GEIS, as set forth in the regulations and the *CEQR Technical Manual* (January 2012 Edition). They are as follows:

1. *Executive Summary*. Once the GEIS technical sections have been prepared, a concise executive summary will be drafted. The executive summary will utilize relevant material from the body of the GEIS to describe the proposed actions ~~project~~, ~~its~~ their environmental impacts, measures to mitigate those impacts, and alternatives to the proposed actions.
2. *Unavoidable Adverse Impacts*. Those impacts, if any, that could not be avoided and could not be practicably mitigated, will be listed in this chapter.
3. *Growth-Inducing Aspects of the Proposed Actions ~~Project~~*. This chapter will focus on whether the proposed actions ~~project~~ have~~s~~ the potential to induce new development within the surrounding area.
4. *Irreversible and Irretrievable Commitments of Resources*. This chapter focuses on those resources, such as energy and construction materials, that would be irretrievably committed if the project is built. ✷

Seward Park Mixed-Use Development Project
Responses to Comments on the Draft Scope of Work

A. INTRODUCTION

This document summarizes and responds to comments on the Draft Scope of Work ("Draft Scope") for the preparation of the Seward Park Mixed-Use Development Project Draft Generic Environmental Impact Statement (DGEIS). Oral and written comments were received during the public meeting held by the Office of the Deputy Mayor for Economic Development on October 11, 2011. Written comments were accepted from issuance of the Draft Scope on September 8, 2011 through the public comment period, which ended at 5:00 PM on Friday, October 21, 2011.

Section B lists the elected officials, organizations, and individuals who provided comments on the Draft Scope. 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 proposed DGEIS. Where more than one commentator expressed similar views, those comments have been grouped and addressed together.

It is noted that for the Draft Scope, 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 DGEIS.

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

ELECTED OFFICIALS

1. Margaret S. Chin, Council Member, 1st District, Manhattan, written comments dated October 11, 2011 and testimony delivered by Matt Viggiano at public scoping meeting (Chin)

COMMUNITY BOARD

2. Manhattan Community Board No. 3, written comments dated October 11, 2011 and testimony at public scoping meeting delivered by Dominic Pisciotta, David McWater, Linda Jones, Bob Zuckerman, and Harriet Cohen (CB3)

ORGANIZATIONS

3. Kurt Cavanaugh, Managing Director, East Village Community Coalition, written comments dated October 11, 2011 (EVCC)
4. Community Education Council, testimony at public scoping meeting by Lisa Donlan, written comments submitted by Lisa Donlan (undated), and SPURA Opinion/Editorial dated July 20, 2010 submitted October 17, 2011 (CEC)
5. Michael Lalan, National Mobilization Against SweatShops, Lower East Side Workers Center, testimony at public scoping meeting and written comments dated October 11, 2011 (NMASS)
6. Cynthia Lamb, Save the Essex Street Market.org, testimony at public scoping meeting and written comments dated October 11, 2011 (SESM)
7. Josephine Lee, Chinese Staff and Workers' Association, testimony at public scoping meeting and written comments dated October 11, 2011 (CSWA)
8. Joyce Ravitz, Chairperson of the Cooper Square Committee and a Member of the Seward Park Area Redevelopment Coalition, testimony at public scoping meeting and written comments (undated) (SPARC)
9. Fitzroy Searles, The Black Institute, testimony at public scoping meeting and written comments submitted October 11, 2011 (Black Institute)
10. Damaris Reyes, Executive Director, Good Old Lower East Side, testimony at public scoping meeting on October 11, 2011 and written comments submitted on October 21, 2011 (GOLES)
11. Victor J. Papa, President and Director, Two Bridges Neighborhood Council, written comments submitted October 21, 2011 (TBNC)
12. Brett Leitner, Founder, SHARE, testimony at public scoping meeting and written comments submitted October 21, 2011 (SHARE)
13. Michael Forrest, First Vice President, Lower East Side Business Improvement District, testimony at public scoping meeting (LESBID)
14. Andrew Coamey, Senior Vice President and Chief Financial Officer, Housing Works, Inc., testimony at public scoping meeting (HW)
15. Richard Brender, Living Wage New York City and West Side Neighborhood Alliance, testimony at public scoping meeting (LW/WSNA)
16. Troy Brown, Neighborhood Together, testimony at public scoping meeting (NT)
17. Ava Farkus, Living Wage New York City, testimony at public meeting (LW-Farkus)

INTERESTED PUBLIC

18. Alec Appelbaum, written comments dated October 11, 2011 and October 21, 2011(Appelbaum)
19. Lauren Barack, written comments dated October 21, 2011 (Barack)
20. Emily Blank, written comments dated October 13, 2011 (Blank)

21. Tina Carr, written comments dated October 13, 2011 (Carr)
22. Adrienne M. Z. Chevrestt, testimony at public scoping meeting and written comments (undated) (Chevrestt)
23. Leslie Chiorazzi, written comments dated October 21, 2011 (Chiorazzi)
24. Michael Chirigos, written comments dated October 21, 2011 (Chirigos)
25. Kerry Cooke, written comments dated October 21, 2011 (Cooke)
26. Erica J. Cullmann, written comments dated October 12, 2011 (Cullmann)
27. Morenike Dagbo, testimony at public scoping meeting (Dagbo)
28. Anita Eliot, written comments dated October 24, 2011 (Eliot)
29. Alicia and David Frank, written comments dated October 21, 2011 (Frank)
30. Lisa Goldberg, written comments dated October 21, 2011 (Goldberg)
31. Juliet Goldsand, written comments dated October 21, 2011 (Goldsand)
32. Allison Lee Gordon, written comments dated October 12, 2011 (Gordon)
33. Lisbeth Heras-Torres, written comments dated October 21, 2011 (Heras-Torres)
34. David Hoffman, written comments dated October 21, 2011 (Hoffman)
35. Jim Johnson, written comments dated October 21, 2011 (Johnson)
36. Julia Kent, written comments dated October 21, 2011 (Kent)
37. Ella Leitner, written comments dated October 21, 2011 (Leitner)
38. Hana Levy, written comments dated October 11, 2011 (Levy)
39. Jocelyn Lieu, written comments dated October 22, 2011 (Lieu)
40. Kate Nanmacher and Dean Diongson, written comments dated October 21, 2011 (Nanmacher/Diongson)
41. Auguste Olson, written comments dated October 21, 2011 (Olson)
42. Zimra Panitz, written comments dated October 12, 2011 (Panitz)
43. Judith Prigal, written comments dated October 19, 2011 (Prigal)
44. Kate DiMarco Ruck, written comments dated October 18, 2011 (Ruck)
45. Brian Runk, written comments dated October 21, 2011 (Runk)
46. Paul Shapiro and Rachel Gibbs-Shapiro, written comments dated October 13, 2011 (Shapiro/Gibbs-Shapiro)
47. Melissa Shiffman, written comments dated October 12, 2011 (Shiffman)
48. Douglas Stern, Secretary CEC1, written comments dated October 21, 2011 (Stern)
49. David Subren, testimony at public scoping meeting (Subren)
50. Ernesto Torres, oral testimony at public scoping meeting and written comments (undated) (Torres)

51. Laura Travers, testimony at public scoping meeting (Travers)
52. Sixta Vargas, testimony at public scoping meeting (Vargas)
53. Dina Weiss, written comments dated October 12, 2011 (Weiss)

C. COMMENTS AND RESPONSES

GENERAL COMMENTS

PROJECT REVIEW PROCESS AND PUBLIC PARTICIPATION

Comment 1: Other workshops were undertaken using the same methods as those used to produce the Community Board's Final Development Guidelines. Could other planning workshop results be incorporated into the Final EIS? (Chin)

Response: There will be a number of opportunities for public comment starting from the issuance of the DGEIS. During this time, the public may review and comment on the DGEIS, either in writing and/or at a public hearing(s) that is convened for the purpose of receiving such comments. All substantive comments received during the public comment period will be summarized and responded to in the Final Generic Environmental Impact Statement (FGEIS), as appropriate.

Comment 2: The guidelines that Community Board 3 passed last winter were a breakthrough. The principles set forth by CB3 acknowledged the diverse needs of the community. The process of developing SPEURA has been a community-driven process. The New York City Economic Development Corporation (NYCEDC) has been mindful of the unique history and rich tapestry on the Lower East Side's population, and it is my greatest hope that any development only builds upon these attributes. (SHARE)

Response: Comment noted.

Comment 3: The effort of NYCEDC and the New York City Department of Housing Preservation & Development (HPD) should be commended for participating in and providing a facilitator throughout the last year and a half, as well as for including many aspects of the Community Board 3 Guidelines in the Draft Scope of Work. (CB3)

Response: Comment noted.

SEWARD PARK URBAN RENEWAL AREA EXTENSION

Comment 4: The Draft Scope claims that the Urban Renewal restrictions expired in 2005. However, in interpreting the "40- year clause" of an urban renewal plan, New York courts have considered the purpose of the plan, and concluded that the

clause means that the plan expires 40 years after development, not that it expires 40 years after creation.

The lack of development on the current plots of land makes the language of the Plan relevant in this situation. Once the City utilizes the land it has set aside to improve the community, it is to act as the development's guardian for a length of time to ensure its health. Here, that guardianship has not yet been set into effect, so the City should not try to deflect its responsibilities and must modify the Draft Scope to reflect the current state of the law. (CB3, SPARC)

Response: The Seward Park Extension Urban Renewal Project First Amended Urban Renewal Plan states when the plan expires. The plan states that "[t]he land use provisions and building requirements for this Urban Renewal Plan shall remain in effect for a period of forty (40) years from the date of approval of the original Urban Renewal Plan by the Board of Estimate of the City of New York, i.e., until July 22, 2005."

GENERAL

Comment 5: On Page 4, last paragraph under 2011 Community Board 3 Planning Guidelines, "broad" should be removed from this sentence since the Guidelines were not intended to be "broad" in the sense that their core content was to be a strongly considered part of the GEIS. (CB3)

Response: The CB3 Planning Guidelines were a crucial part of the framework used to define essential elements of the current project proposal, but other considerations were also taken into account in defining elements of the proposed project.

Comment 6: Having lived on the Lower East Side for many years, there is no need for any further development. It is already over saturated with high rises and people. (Levy)

Response: Comment noted.

Comment 7: The EIS and finally the ULURP should be consistent with the Guidelines we worked so hard to create. The Guidelines should be included as an Appendix to the EIS. It is important these Guidelines in entirety are officially included and acknowledged in the DGEIS. (CB3)

We are deeply concerned that the Draft EIS Scoping document has ignored the planning guidelines set by Community Board 3. (NMASS)

Response: The community guidelines document will be described in Chapter 1, "Project Description," and has served as a broad framework for defining essential elements of the proposed project that will be analyzed in the DGEIS. The full

text of the guidelines has been published on the community board website and is publicly accessible.

FORMER SITE TENANTS

Comment 8: The project's affordable housing component must include a real plan to locate and return the families displaced when their homes were taken away from them 40 years ago, and give them the right to return and have first priority for new apartments. The Draft Scope does not acknowledge the existence of former site tenants or the City's obligation to notify those displaced tenants of their right to return and to prioritize them in all future development plans. (Chin, CB3, HW, SPARC)

As the city wrote in a letter to site tenants in the late 1960s, "All present and former residential tenants of Seward Park Extension will be given first priority to return to any housing built within this urban renewal area provided they meet certain [i.e., income] qualifications" The City must honor its 1967 promise. (GOLES)

There were 608 affordable units lost to urban renewal alone on this site. In addition, affordable units were lost due to the privatization of the co-ops. The Draft Scope states that the Proposed Project would include "up to" 400 affordable units, meaning that the City still won't replace all the tenements it tore down in 1967. (Chevrestt)

The CB3 Guidelines instructed the City to write former site-tenants and their children notifying them of their right to return to new apartments on the site and updating them on the planning process. This was supposed to happen at the beginning of the EIS. No letters have been sent to any former site-tenant. (Chevrestt)

Sixta Vargas lived on the original SPEURA lot and was displaced from that site. She's hoping that the City will build appropriate housing so that she can return to the site where the government promised her housing. (Vargas)

Response: Comment noted.

Comment 9: The EIS should take into account the need for more residential units because of returning site tenants and their progeny to the newly constructed project. (Chin)

Response: Comment noted.

Comment 10: When SPEURA was razed in 1967, the city evicted 1,852 families. Insufficient replacement housing for the 1,852 displaced families left a gap of 608 units in the affordable housing stock on the site. Therefore, 70 percent of the new units

should be affordable to low-, moderate-, and middle-income families, in addition to seniors. (GOLES)

Response: Comment noted.

PROJECT DESCRIPTION/REASONABLE WORST-CASE DEVELOPMENT SCENARIO

Comment 11: On Page 6, the first sentence in the first paragraph under Site Plan, Urban Design, and Sustainability Considerations states "As currently contemplated, the program for the proposed project would include up to approximately 1.5 million square feet of mixed-use residential and commercial development…" "Approximately" should be replaced with "no less than," as specified in the CB3 Guidelines. (CB3)

Response: The DGEIS will study a reasonable worst-case development scenario with a total square footage of development. As per the *CEQR Technical Manual*, the DGEIS will not study a minimum as would be suggested by "no less than," but rather a reasonable worst case development scenario that reflects the maximum envelope for development and therefore allows a conservative analysis of potential environmental effects for each potential impact category. Subsequent to issuance of the Draft Scope, the project has been further refined to include 1.7 million[1] gross square feet of residential and commercial space. The Final Scope and DGEIS will be revised to reflect the square footage to be studied in the DGEIS.

Comment 12: On Page 7, the third sentence in the first paragraph under Reasonable Worst-Case Development Scenario states "…assigning approximately 60 percent of the floor area ratio (FAR) for the residential program…" This should be revised to say "at least 60 percent of the floor area ratio" instead of "approximately 60 percent…" (CB3)

Response: The DGEIS will study a reasonable worst-case development scenario with a total square footage of development. As per the *CEQR Technical Manual*, the DGEIS will not study a minimum as would be suggested by "no less than," but rather a reasonable worst case development scenario that reflects the maximum envelope for development and therefore allows a conservative analysis of potential environmental effects for each potential impact category.

Comment 13: On Page 8, the second to last sentence in the second paragraph under Reasonable Worst Case Development Scenario states "Some of the 274,800 square feet currently allocated toward non-specific commercial uses could become community facility uses." This should be revised to say, "non-specific

[1] This number does not include below-grade parking space or space in the existing parking garage on Site 7.

commercial uses could become community facility uses, such as a primary and/or secondary school, as described in the CB3 Guidelines." (CB3)

Response: Subsequent to the issuance of the Draft Scope, further refinements to the proposed project have been made. The proposed project currently includes 114,000 square feet of community facility uses; the proposed actions would not preclude the inclusion of school uses.

Comment 14: On Page 8, the first sentence in the second paragraph under Reasonable Worst-Case Development Scenario states "Under a reasonable worst-case development scenario, it is assumed that the proposed actions would result in approximately 900,000 square feet of residential development (comprising approximately 900 dwelling units, of which up to half would be affordable units)." This should be revised to say "up to 1,000 dwelling units, of which half would be affordable units, consisting of what is described in the CB3 Guidelines." (CB3)

Response: CB3 Guidelines called for "[a]t least 800 and preferably more than 1,000 units." Balancing the various goals of the proposed project, the RWCDS includes 900 dwelling units.

Comment 15: Has sustainability been properly incorporated and addressed by each component of the Draft Scope? What further sustainability measures can be added that further enhance the project? (Chin)

What would be the impact on the future Reasonable Worst Case Development Scenario if sustainability standards were incorporated into the Final EIS and subsequent RFPs? (Chin)

Response: As described in the Draft Scope, the City is in the process of considering how sustainability measures might be implemented as part of the project, and the DGEIS will describe any sustainable design features that are being considered for the proposed project. As described in the Draft Scope (Task 2, "Land Use, Zoning, and Public Policy"), the DGEIS will include an assessment of the proposed project's consistency with PlaNYC, the City's sustainability policy. The Greenhouse Gas Emissions analysis in the DGEIS (Task 15 in the Draft Scope) will also discuss the project's sustainability measures and measures to reduce energy and greenhouse gas emissions.

Comment 16: All new buildings should have green rooftops. This would be both for energy efficiency as well as scenic beauty. (SHARE)

Response: Comment noted.

Comment 17: There is no inclusion of senior facilities, which are part of the CB3 Guidelines. (CB3)

Response: Subsequent to the issuance of the Draft Scope, further refinements to the proposed project have been made. The proposed project currently includes 114,000 square feet of community facility uses that would not preclude the inclusion of senior facilities. The proposed project also includes a residential housing component, including an affordable housing component, which could include senior housing.

Comment 18: The project should include a pedestrian bridge over Delancey Street. (Torres, GOLES)

Response: A pedestrian bridge is not included as part of the proposed project. However, NYCDOT is currently developing a Delancey Street corridor plan to improve traffic and pedestrian safety. It is anticipated that measures implemented as part of this plan would improve pedestrian circulation and safety conditions in the project area.

Comment 19: The project should be bicycle and pedestrian-friendly. (EVCC)

Response: One of the primary goals of the proposed project is to provide a pedestrian friendly environment in and around the project sites. Such potential considerations include ground-level programming along building frontages that would maximize and support pedestrian activity, sidewalk and streetscape treatments, and other physical modifications such as sidewalk widenings and crosswalk improvements.

The proposed project would be bicycle-friendly as bicycle racks would be provided within the project sites for bicycle parking.

Comment 20: The current Seward Park is a wonderful place for children, but has few amenities for adults. The neighborhood could use a large park where adults would be more comfortable. (Prigal)

Response: As stated in the Draft Scope, the proposed project would include a publicly accessible open space of approximately 10,000 square feet.

Comment 21: Large ground and second floor non-residential space should be reserved for a public school, urgent or preventative care services, a grocery store, an affordable fitness center, and/or a movie theater and cultural or performing arts space. (TBNC)

Response: The Draft Scope presents a reasonable worst-case development scenario that will be used as a framework to assess potential environmental impacts. A reasonable worst-case development scenario is the standard approach for the analysis framework for actions when a site-specific project has not been determined. As noted in the Final Scope, it is assumed that the proposed project

would result in up to approximately 632,300 gross square feet of commercial space (including a grocery store), in addition to 114,000 square feet of community facility uses. The actual development will depend on developer proposals and future market conditions. The uses listed in the comment would not be precluded from future development as part of the proposed project.

Comment 22: I am pleased to see that the Draft Scope states that there would be greater massing on Delancey Street, especially on Sites 2 and 4. Any massing that would fall close to the street could create an unnecessary heaviness and shadowing on Grand Street. Please keep the higher massing on Site 4 as Delancey Street can sustain it more than Grand Street. (SHARE)

Response: Comment noted.

Comment 23: The Lower East Side south of Delancey is already virtually shut off from the north side by Delancey Street itself, a noisy, teeming street that is difficult to cross. The addition of a series of tall buildings would segregate the neighborhood further from its surrounding neighbors. It creates a barrier for our few struggling businesses along Grand Street and those launching along East Broadway. I am for some build-out of the SPEURA site. But I would caution severely against creating a large block of tall buildings on the Delancey Street site. (Barack)

Response: Comment noted.

Comment 24: It would be incongruous to have new construction adjacent to crumbling structures or buildings, not to mention that these structures might suppress property values in the new buildings. Structures and areas (i.e., the synagogue on Norfolk and Broome) adjacent to the new construction should be upgraded. (SHARE)

Response: The renovation of privately-owned structures outside the project site is beyond the scope of the project and of a CEQR analysis.

Comment 25: I want to see this area flourish. I want to see great park spaces, fantastic amenities, perhaps even a new school! (Hoffman)

Response: Comment noted.

Comment 26: There's an Olympic sized pool in the Hamilton Fish Park. This pool should be winterized. (Travers)

Response: Hamilton Fish Park is not located on the project site and is not part of the proposed project; therefore, it is outside the scope of the DGEIS.

School

Comment 27: On Page 6, under Site Plan, Urban Design, and Sustainability Considerations, there should be mention that the Guidelines call for a primary or intermediate school. (CB3)

Response: Comment noted. The RWCDS does not include a school. However, the DGEIS will study 114,000 square feet of community facility uses, and a school would not be precluded from development on the project site as a community facility use.

Comment 28: A middle school should be part of the SPEURA development. Our neighborhood desperately needs a middle school for District 1 and District 2 children. Tompkins Middle School is the primary choice for District 1 parents, but it is already at capacity. District 1 has fewer and more over crowded middle schools than other districts. In addition, the student enrollment in the neighborhood is on a steady incline, and there is a baby boom happening on the Lower East Side. (Gordon, Shiffman, Panitz, Weiss, Carr, Shapiro/Gibbs-Shapiro, Ruck, Chiorazzi, Chirigos, Nanmacher/Diongson, Runk, Heras-Torres, Goldsand, Goldberg, Cooke, Stern, Appelbaum, SHARE, Leitner, Lieu, Eliot, Johnson)

A new middle school should be part of the SPEURA development, perhaps on Site 6 (Delancey & Clinton) facing Clinton Street. Consider allowing any new school to meld both Districts 1 and 2 together. (Chiorazzi, Chirigos, Runk, Heras-Torres, Goldsand, Goldberg, Cooke, Stern, SHARE, Leitner, Eliot)

Space and resources in the SPEURA plans should be reserved for new elementary and middle schools to serve both Districts 1 and 2. (Cullmann, CEC, Blank, Olson)

We welcome a middle school as it would bring many incredible jobs to the neighborhood. (Frank)

Response: Although a school is not included as part of the proposed project, the proposed actions do not preclude the construction of a school on the project site. As noted in the Draft Scope, the DGEIS will analyze the impact of the proposed project on public schools compared to conditions in the future without the proposed actions, following the methodologies of the *CEQR Technical Manual*. If the analysis determines that significant adverse impacts would occur, practicable mitigation measures will be identified to avoid or minimize these impacts.

Affordable Housing

Comment 29: At least 50 percent of the housing should be set aside as permanent affordable housing. (CB3, EVCC, SPARC, NMASS, HW)

Scoping documents must explicitly state no less than 50 percent of the units be designated for affordable housing, with a goal of increasing this percentage to better represent the housing need in the community. (TBNC)

Response: The DGEIS will analyze a program with 50 percent of the residential units being affordable.

Comment 30: 100 percent of the housing on the SPEURA site should be affordable for low-, moderate-, and middle-income families. (CSWA, NMASS)

The EIS should analyze housing for low- and moderate-income families without limitations. The EIS should analyze low- and moderate-income housing for the 99 percent, and senior housing. (Chevrestt)

Response: The proposed project includes approximately 900 dwelling units. The DGEIS will analyze a program with 50 percent of residential units being affordable.

Comment 31: According to the Community Board 3 District Profile, the local AMI for a family of four in CB3 is approximately $36,000, while the average income of 95 percent of the census districts in CB3 is under $45,000. Affordable housing that is introduced by the proposed project should be determined at the community Area Median Income. (CSWA, NMASS)

According to the *2009 American Community Survey* data, the Lower East Side community's local median income was $39,082 for a family of four. Using local median incomes as identified in the *American Community Survey* data is a more relevant measure of need. (TBNC)

Response: As per the *CEQR Technical Manual*, the DGEIS does not measure the need for affordable housing. Rather, the DGEIS will describe, to the extent defined, the details of the affordable housing program that would be included in the proposed project. The DGEIS will present the most recent area median income that is used by HPD.

Comment 32: The affordable housing should be set aside for individuals at a variety of incomes (20 percent low income, 10 percent senior housing, 10 percent moderate income, and 10 percent middle income). (CB3, SPARC)

Response: The DGEIS will describe, to the extent defined, the details of the affordable housing program, and will utilize reasonable assumptions used by HPD. It is currently contemplated that the affordable housing breakdown would comprise 20 percent low-income, 10 percent moderate-income, 10 percent middle-income, and 10 percent senior housing.

Comment 33: The affordable housing should be spread out throughout the entire development. Affordable housing should not be segregated from the market rate units. (CB3, SPARC, TBNC)

Every building should be mixed-income. There should be an equitable distribution of affordable housing throughout each development. (Chin, Torres, GOLES)

The affordable housing should be developed at each phase of construction and development. (CB3, SPARC)

Response: Comment noted.

Comment 34: At least 40 percent of all non-market rate units should be two-bedrooms or larger for families. (CB3, SPARC)

Response: Comment noted.

Comment 35: Increasing the percentage of affordable housing must be attempted through innovative partnerships between the City and affordable housing developers. (Chin)

Response: Comment noted.

Comment 36: Since 2001, 11,000 units of affordable housing have been lost in Manhattan's CB3. The estimated 450 affordable housing units do not provide adequate housing to replace that which was lost, nor does it begin to meet the extreme need of affordable housing. Every effort must be made to increase the affordable unit yield across the development. (TBNC)

Response: The proposed project is balancing a number of project goals, including providing an integrated mixed-income housing program where 50 percent of the proposed dwelling units are affordable, and providing a thriving, financially viable, mixed-use development.

Comment 37: The amount of subsidized housing should be limited. (Hoffman)

Response: Comment noted.

Commercial Development

Comment 38: While the hotel has not been excluded by CB3, it is not the preferable option for commercial development. As clearly outlined in the principles for development of Seward Park, CB3 has a desire for a movie theater and a grocery store, as well as potential for office space. All of these options [as well as a school and senior housing] have not been proposed for study within the Draft EIS and

therefore fail to follow the basic guidelines set forth by CB3. These must be studied within the EIS. (CB3)

Although a hotel would provide an increase in economic activity, it would not have the same positive long term impact of a large scale office building. (LESBID)

A movie theater should be included as part of the program. Also, explore the possibility of space that can be adapted for multi-purposes for the community, such as live theater, concerts, graduations, etc. (SHARE)

Response: As noted in the Final Scope, the proposed project would include up to approximately 632,300 gross square feet of commercial space (including a grocery store), in addition to 114,000 square feet of community facility uses. For purposes of analyzing reasonable worst-case environmental impacts, the DGEIS proposes to study up to approximately 235,000 square feet of ground-floor retail, over 29,000-square feet of public market space, an approximately 97,500-square-foot hotel, and approximately 36,300 square feet of non-specific commercial uses. Analysis of these commercial uses in the DGEIS would not preclude a movie theater and office space.

Comment 39: Non-retail commercial development should offer amenities that all residents can enjoy. (Chin)

Response: Comment noted.

Comment 40: The inclusion of provisions limiting the size of retail away from "big-box" stores will be important to maintaining small, local businesses in the neighborhood. (Chin, EVCC)

Retail diversity should be maintained within the community. Retail space should be occupied by "mid-box" retail (defined as occupying between 10,000 and 30,000 square feet). With the exception of a supermarket, no single retail tenant should exceed 30,000 square feet in size. (CB3)

Commercial spaces should be for the diverse small businesses that provide the goods and services needed by our community; instead of for hotels and big box retail stores. (CSWA)

Any new retail should be in the tradition of Lower East Side's mom and pop shops. For any chains that come, ensure that they fill a necessary community need (e.g. a supermarket) and that they do not compete with local small businesses. (SHARE)

Shops should be limited to an average of 300 to 1,000 square feet, as they currently are in the neighborhood. Limiting the size of the shops would guarantee that they are affordable for small businesses and provide opportunities to entrepreneurs and mom and pop businesses. (Travers)

Mid-box development is inappropriate in scale and character; it attracts chain retail that offers low-wage work, and siphons business and dollars from the local economy. In keeping with the scale of the neighborhood, no retail commercial unit should be larger than 10,000 square feet. The GEIS should consider the positive impact of decreasing the scale of commercial development, in both overall square footage and square footage per unit. (TBNC)

Response: Comment noted. See response to Comment 42 about the inclusion of a hotel in the reasonable worst-case development scenario.

Comment 41: The program should contractually require that none of the project sites may at any time include a Walmart, and shall instead maximize small, neighborhood-serving retail space. The exclusion of a Walmart as a tenant or developer of the project-site must be a permanent deed restriction in all deeds within the project site, and contractually binding upon all developers of the project site. A special zoning district should also require that none of the project sites may at any time include a Walmart. This provision of the special zoning district must be appended to the list of Discretionary Actions Subject To CEQR and SEQR.

The EIS should study Walmart's and other similar businesses impact on local access to fresh food, and their impact on small businesses, which are often unable to compete with Walmart's volume and pricing. The EIS should also study the impact of Walmart and other similar businesses on Hunts Point, which is an essential distribution network in NYC. The EIS should study the impact of Walmart and other similar businesses on residents of the Lower East Side and New York City taxpayers. The EIS should study the impact of Walmart and similar businesses on women and people of color, focusing on the historic discrimination of these companies within these communities. (GOLES)

Response: At this time, no developer(s) and, therefore, no retail tenants have been identified. The requested studies are outside the scope of a CEQR analysis.

Comment 42: The Proposed Project should not include a hotel. (CSWA, GOLES, HW)

Response: The Draft Scope of Work presents a reasonable worst-case development scenario that will be used as a framework to assess potential impacts. A reasonable worst-case development scenario is the standard approach for the analysis framework when a site-specific project has not been proposed. As noted in the Final Scope, it is assumed that the proposed project would result in approximately 632,300 gross square feet of commercial space, which could include an approximately 97,500-square-foot hotel. A hotel use was included because hotels have unique operational characteristics in terms of traffic and pedestrian activities, as well as different peak traffic times than other commercial uses, and therefore will be studied in the DGEIS. The program

outlined in the DGEIS is illustrative and for analysis purposes only; it is not meant to indicate an actual development program.

Comment 43: A portion of the commercial square footage should be dedicated as a business incubator and affordable office space for small businesses and non-profits. (TBNC)

Spaces created for new small businesses should be offered at prices per square foot that Lower East Side residents and potential small business owners can afford. (Chin)

Commercial space should be affordable for local small businesses that provide needed goods and services to our families. Our community has spoken out against luxury hotels and big-box stores. (NMASS)

Storefront retail and commercial office space is not lacking in this neighborhood, but there is a lack of affordable commercial space. (TBNC)

Response: Comment noted.

Comment 44: Office space must remain an essential component of this project since there is presently little office space available in our neighborhood. Site 2 sits directly above the Delancey/Essex Street subway station, offering a building on this site direct access to public transit, a positive for any office building. The Lower East Side would be an attractive destination for emerging and cutting-edge firms and industries to relocate. The addition of Class A office space would allow that vision to occur. Table 2 in the Draft Scope shows that there would be 26,700 square feet of office space at Site 2. Based on an assumption of 200 square feet per employee, this would equate to approximately 130 workers. This does not further our goal of increasing daytime foot traffic in our community, which is essential for the survival of our local merchants and retailers. (LESBID)

Response: As stated in the Final Scope, the proposed project includes approximately 632,300 gross square feet of commercial space, of which approximately 36,300 square feet is non-specific commercial uses. Some portion of this commercial space could be office space. The actual amount of office space that would be developed will depend on developer proposals and future market conditions.

Jobs and Wages

Comment 45: The Project Description section should include mentions of both temporary construction and permanent jobs to be created by the new development. Specifically, under the Project Purpose and Need, the scope should discuss jobs and other economic and fiscal benefits that would result from the Proposed Project. (CB3)

An analysis of the number and types of jobs potentially created by construction and post development must be included in the EIS. (TBNC)

Response: Economic benefits are not a socioeconomic impact issue under CEQR, and therefore are not included in the EIS. However, certain analyses in the DGEIS (for example, open space and socioeconomic conditions) will include estimates of the number of permanent jobs that would be created by the proposed project.

Comment 46: At least fifty percent of all on-site employment, including construction jobs, should be filled by CB3 residents. (CB3, SPARC, CSWA, NMASS)

The City must include the 75 percent local hiring requirement for all jobs on the SPEURA in the EIS scoping document. (Torres)

The program must mandate that all construction jobs and businesses on site reach a goal of hiring 75 percent of their staff locally. The program mandates that all construction on the site be performed by union workers. The program further mandates local hiring and job-training for low-income and very low-income residents of the Lower East Side. In addition, the program should mandate local hiring through the Lower East Side Employment Network. The local hiring provisions must be permanent deed restrictions in all deeds within the project site, written into all commercial leases on the project site, and contractually binding upon all developers of the project site. A special zoning district should also require the local hiring provisions. These local hiring provisions should be analyzed as core elements of the program, and appended to the list of Discretionary Actions Subject to CEQR and SEQR. (GOLES)

Local hiring must be stipulated in all scoping documents, and all efforts must be made to ensure that companies follow through in hiring local workers. (TBNC)

Ensure local hiring practices at businesses on the SPEURA. (SHARE)

The EIS must study the inclusion of both living wage and local hiring requirements in binding, permanent deed restrictions for all SPEURA parcels and for all commercial leases in every new development. (Torres)

Response: The DGEIS will include estimates of the number and types of jobs generated by the proposed project. Hiring preferences or requirements are outside of the scope of CEQR.

Comment 47: Wages paid at on-site businesses should be reflective of the cost-of-living in New York City as opposed to the statewide minimum wage. (CB3, SPARC, GOLES, SHARE)

Workers at the new retail establishments should earn a good wage with benefits they can use to help their families. (Chin)

It should be ensured that owners of the retail outlets and the commercial space that will eventually occupy SPEURA pay their employees a living wage. This can make the difference between whether the lower-income residents stay on the Lower East Side or have to move out of the community. (LW/WSNA, NT)

The only way to ensure that the permanent jobs on this development at SPEURA will pay a living wage is by requiring it. (LW-Farkus)

Bringing in developments with retail shops that pay minimum wage are not going to be effective in improving the community. A critical need of the Lower East Side is to provide living wage jobs. (Dagbo)

The living wage provisions must be enforced through permanent deed restrictions in all deeds within the site, written into all commercial leases on the project site, and contractually binding upon all developers of the project site. The living wage provision should also be enforced through a special zoning district, which should be appended to the list of Discretionary Actions Subject to CEQR and SEQR. (GOLES)

Response: The provision of living-wage jobs is outside the scope of CEQR.

Essex Street Market

Comment 48: After 70 years, the Essex Street Market continues to serve the neighborhood as a public market that is stocked with food at reasonable prices. The market represents the diverse Lower East Side where multi-generational vendors are side-by-side with upstart entrepreneurs in niche markets. It has survived NYC's economic upswings and downturns and currently is a thriving destination. It meets the needs of both our community and of visitors to the Lower East Side. The Essex Street Market should be preserved in its current location. If the Essex Street Market is changed in any way (i.e., location, amenities, new construction), it will never be the same. The Essex Street Market should be preserved in its current location, and CB3's guidelines clearly state a preference for leaving the market where it is. Also, additional market space should be considered on the southeast corner of Essex and Delancey Streets (Levy, Prigal, SESM, Kent, EVCC, HW).

Response: The City is committed to maintaining a public market on the project site. As stated in the Draft Scope, the existing Essex Street Market has many physical limitations and, therefore, the DGEIS will study a relocated market to a new, larger facility that would be energy efficient, fully compliant with the Americans with Disabilities Act, and have improved storage capabilities, garbage handling, and climate control, as well as expanded common gathering areas for public seating and market events. The new facility also would be expected to have an improved internal layout and better connections with the street. The City would give vendors existing in the market at the time of the

move the first opportunity to relocate their business to the new market facility when the new facility is complete and ready for occupancy.

While the proposed project includes the relocation of the existing market, Chapter 20, "Alternatives" will consider an alternative that retains the existing Essex Street Market in its current location on Site 9.

Comment 49: An improved and strengthened Essex Street Market at the southeast corner of Delancey and Essex Streets is preferable to remaining where it is because a new location will allow for important upgrades to spaces, garbage collection, storage, and other amenities for vendors and customers (i.e., toilets, handicap access, increased variety of goods and services). (SPARC)

If the Essex Street Market is moved, the new facility should be ready before the existing facility is destroyed so there's no interruption of the business for tenants there. (Travers)

A new Essex Street Market should be constructed on Site 2 to maximize sidewalk and street space for outdoor stalls or customer seating. Also, explore the viability of keeping the current market location open as an annex that offers differentiated goods. (SHARE)

Response: As stated in the Draft Scope, the site that is currently identified for the new facility is Site 2. The existing market building would continue to operate until a new space is ready to accept vendors. As described above, the City would give vendors existing in the market at the time of the move the first opportunity to relocate their business to the new market facility when it is complete and ready for occupancy.

Additionally, the DGEIS will study an alternative that considers retaining the market on Site 9.

CHAPTER 2: LAND USE, ZONING, AND PUBLIC POLICY

Comment 50: On page 11, the third bullet point states "Prepare a list of future development projects in the study area that would be expected to influence future land use trends." How is the list of future development projects in the study area ascertained? Local media should be reviewed to obtain a complete list of near-future projects. (CB3)

Response: The list of future development projects includes developments that are under construction, planned, or proposed. Sources for this list include building applications filed with the New York City Department of Buildings, projects discussed in the local media, and future projects listed in the *East Village/Lower East Side Rezoning Final Environmental Impact Statement.* The list of future development projects will be reviewed by New York City Department of City Planning and HPD.

Comment 51: The EIS should indicate what new uses will be included in the overlay area. Will the new uses permitted in the overlay area impact the surrounding community? How so? Will those new uses be in conflict with other uses in the area? How dense will those new uses be in comparison to what is currently available in the market? (Chin)

Response: The DGEIS will provide a description of the proposed commercial overlay district, and the Land Use, Zoning, and Public Policy analysis will assess the potential environmental effects of this proposed commercial overlay, including its compatibility with adjacent uses and zoning districts.

Comment 52: The EIS should address how commercial projects, such as movie theaters, will impact a community that currently lacks those services. (Chin)

Response: Although the reasonable worst-case development scenario does not include a movie theater, it does not preclude such a use from being developed on the project site. The Land Use, Zoning, and Public Policy analysis in the DGEIS will assess the land use impacts of the proposed project.

CHAPTER 3: SOCIOECONOMIC CONDITIONS

Comment 53: The EIS should address the potential for secondary residential displacement, especially for those who are the least economically stable and the most at-risk to overcrowding and dislocation. (SPARC, TBNC, Chin)

The EIS should analyze how the development of project sites would impact the low- to moderate-income community. (Chin)

Response: The socioeconomic conditions chapter of the DGEIS will follow *CEQR Technical Manual* guidelines in assessing the potential for the proposed project to result in direct or indirect residential displacement. The indirect (or secondary) residential analyses will consider the project's potential to increase residential rents in the surrounding neighborhoods, and will estimate the populations potentially at risk of displacement.

Comment 54: This project will certainly displace residents on one of the sites. (Chin, SPARC)

Response: The proposed project would displace 7 households from Site 5. These tenants would be provided relocation assistance by HPD. HPD will assign a relocation manager to each of the households that will be displaced and provide each household with an information letter that outlines the benefits available to the household. Eligible residents will receive relocation benefits, which include advisory services, including referrals to comparable and suitable replacement homes and assistance in preparing claim forms; payment for moving expenses; and/or financial assistance to help relocatees buy or rent a replacement home. Chapter 3, "Socioeconomic Conditions," of the DGEIS will follow the *CEQR*

Technical Manual guidelines to assess whether the proposed project would result in significant adverse impacts due to direct residential displacement.

Comment 55: There will be direct business displacement because of the project. (Chin)

Response: Chapter 3, "Socioeconomic Conditions," of the DGEIS will provide information on the businesses that would be displaced as a result of the proposed project, and assess the potential for significant adverse impacts resulting from such displacement.

Comment 56: A community healthcare facility could be lost because of the mixed-use development. (Chin)

Response: Community Health Network (CHN) on Site 10 could be displaced as a result of the proposed project. CHN has a new 10-year lease with the City which commenced on January 1, 2012. This lease includes a commitment that should Site 10 be developed during that period, the City would relocate CHN to another location within the immediate area. Chapter 3, "Socioeconomic Conditions" will assess the potential for significant adverse impacts resulting from such displacement.

Comment 57: The creation of new commercial retail space in the Lower East Side could cause demand increases, and thus lead to speculation by real estate interests. The EIS should consider and study methods to retain businesses that offer affordable goods and services. One of the most important characteristics of a community is the diversity of businesses within the community. The EIS should study methods that can be employed in the new development where the celebration of diverse businesses in the Lower East Side is fostered. (Chin)

The EIS should address how the current stock of local businesses will be impacted. Will the increased stock of ground floor commercial retrial space along wide streets create negative impacts on retail rents per square foot? (Chin)

The EIS should discuss the impacts that the C2-5 commercial overlay would have on the surrounding businesses. (Chin)

Response: The DGEIS will include an assessment of direct and indirect business displacement in accordance with CEQR methodology. Also, as stated in the Draft Scope, a preliminary assessment of indirect business displacement due to retail market saturation will be conducted.

Comment 58: The EIS should discuss the impact of stores that cater to low income residents. (Chin)

Response: In accordance with *CEQR Technical Manual* methodologies, the EIS will examine the potential for the proposed project to result in direct or indirect

business displacement. While specific tenants for the proposed retail space are unknown, the analysis will consider the effects of new retail on market conditions in the area surrounding the project site.

Comment 59: The EIS should address how commercial office space will impact the area that has traditionally been oriented towards commercial retail. (Chin)

Response: The assessment of direct and indirect business displacement in Chapter 3, "Socioeconomic Conditions" will consider the potential effects of the proposed project on the composition of retail businesses. This analysis will assume that approximately 36,300 gsf of the approximately 632,300 square feet of commercial space is non-specific commercial use, which could be used for office space.

CHAPTER 4: COMMUNITY FACILITIES AND SERVICES

Comment 60: On Page 12, last sentence in the first bullet states "Assess the impacts by estimating the number of new students generated as a result of the project, relative to available capacity that may exist in the future without the project." This should be modified to "of the project and planned projects within the impact area relative to available…" (CB3)

Response: The Draft Scope is consistent with this comment. As stated in the Draft Scope, the public schools analysis will assess the impacts by estimating the number of new students generated as a result of the project, relative to available capacity that would exist in the future without the project. The future conditions without the project will account for the additional students that would be generated by other planned projects in the area. In response to this comment, the Final Scope will be revised to: "Assess the impacts by estimating the number of new students generated as a result of the project and planned projects in the area…"

Comment 61: Both the impacts and benefits of senior facilities as well as the increase in senior service needs should be studied. (CB3)

The EIS should discuss the level of service demand that would be created with the inclusion of senior housing units. (Chin)

Response: For the purposes of analysis under CEQR, community facilities include publicly-funded schools, libraries, child care centers, health care facilities, and police and fire protection services. As per CEQR guidelines, other community facilities such as senior facilities are only assessed if they would be directly displaced by a proposed project. Since the proposed project would not directly displace senior facilities, an analysis of senior facilities is not required.

Comment 62: The provision of social services has always been an important task for organizations, elected officials, and non-profits. With 50 percent or more of the units to be built [as affordable housing], what will be the new demand on the provision of social services? Housing, immigration, employment, training, and other services are stretched thin as it is. Will the new population introduced to the area put too great a strain on the organizations and services currently available? The EIS should study different ranges of new residents of very low-income, moderate-income, and middle-income demand on facilities in similar communities and assess what impact development projects of this size and density will have on those populations within and around the Seward Park Extension Urban Renewal Area. (Chin)

Response: The purpose of the "Community Facilities" chapter of the DGEIS is to consider the potential that the proposed project may result in significant adverse impacts to certain public or publicly funded facilities, including schools, hospitals, day care centers, and fire and police protection. The potential effects on the provision of social services noted above are not assessed under CEQR.

Comment 63: The EIS should discuss what services will be necessary to maintain and protect the population that would be introduced by the proposed project. The EIS should disclose the capital dollars the City will need to provide to address those new needs and create new school seats if needed. (Chin)

Response: Chapter 4, "Community Facilities and Services" of the DGEIS will follow *CEQR Technical Manual* guidelines for assessment of potential impacts on community facilities and services. If the DGEIS determines the proposed project would result in significant adverse impacts to schools, mitigation measures to address impacts will be examined. Disclosing the capital dollars the City will need to address those new needs is outside the scope of CEQR.

Comment 64: It should be recognized that the study area covers two school districts, with the majority of the new development being in District 2, but on the border with District 1. The EIS should address the impact to School Districts 1 and 2. (CB3, Chin)

Response: According to the *CEQR Technical Manual*, the primary study area for analyses of elementary and intermediate schools is the sub-district of the school district in which the project is located. The proposed project is located in three sub-districts: Sub-districts 1 and 2 of Community School District (CSD) 1, and Sub-district 1 of CSD 2. The analysis will consider the potential for impacts on each sub-district, based on the number of units that the proposed project would introduce into the sub-district.

Comment 65: Keeping in mind that there has been deficient planning for new school construction in the Department of Education's District 2 and Community

District 1, special and critical research needs to be invested that goes beyond the New York City Department of Education (DOE) or the School Construction Authority's numbers and analysis. If we do not critically analyze the need for a new primary and intermediate school now with such a large development, there is the potential for exacerbating the overcrowding in District 2 and placing District 1 in the same situation District 2 is in today. There could be changes to the boundaries of the districts, so looking alternatively at the surrounding schools' capacity less as District 1 and District 2 and more in an aggregate may be more appropriate in truly understanding the impact of the SPEURA development to the surrounding area.

Additional resources for Task 4 should come from 1) American Community Survey, 2) The Downtown Alliance, which collects data for Community Board 1, District 2, that would help provide information on poor planning and overcrowding in D2; 3) many news accounts of the poor planning of DOE in an area with booming residential construction; 4) Community Board 1's staff, which put together a Power Point to interpret and plan for school needs; and 5) The Community Education Councils for District 1 and District 2, which should be interviewed.

The schools' capacity should be measured using the following data from DOE, along with the CEQR estimate of 0.12 elementary seats per apartment:

- School enrollment history by gender for 2006-2010 to see trends;
- Table of zones where each child comes from, to see what kids are zoned elsewhere;
- Number of younger siblings in future classes. Many schools now use this data, but DOE may not; and
- Data on births in the District.

Analyze factors and trends that cause enrollment to increase or decrease:

- Request recent year data for births. For example, Community Board 1 birth yield is up 46 percent in 4 years. The yield is determined by using the equation: Total number of current children/Total number of births 5 years earlier = Birth Yield;
- Look at the number of first child births. For CB1, the percentage of first births is still very high, meaning more siblings would also cause enrollment to increase;
- New construction;
- Public vs. Private vs. Charter schools; and
- Housing vacancy rate (CB3).

Response: Estimates of the need for school seats will be conducted in accordance with *CEQR Technical Manual* guidelines, and will be based on the most recent enrollment, capacity, and utilization data provided by the DOE as well as DOE's projections for future enrollment. If the DGEIS determines that the

proposed project would result in significant adverse impacts to schools, mitigation measures to address impacts will be examined.

Comment 66: The EIS should address how the new school age children that would be introduced with the proposed project would impact local zoned schools, charter schools, and other educational institutions. (Chin)

The EIS should address if there is or will be enough school space to accommodate the number of children that will reside in the new units. (Chin)

The following should be considered in the public schools analysis: 1) families in the already overcrowded schools, such as D1 M61 (140 percent) and M64 (130 percent); 2) families of students who are on waitlists in zoned schools in Lower Manhattan, or families of students who are bussed out of the zone for school due to overcrowded classes; and 3) colleagues in CB3 and CEC 2 who are busy trying to rezone sites or looking for places to build or convert to new schools. (CEC)

Response: The public schools analysis in the DGEIS will be conducted according to CEQR methodologies, and will analyze the potential impacts on public schools operated, funded or chartered by the DOE. It will be based on the most recent enrollment, capacity, and utilization data provided by DOE as well as DOE's projections for future enrollment. Additional enrollment expected from the proposed project, as well as other background development planned within the school district, will be included to determine utilization levels in the future with and without the proposed actions. The number of public school children generated by each household will be estimated based on ratios provided by DCP.

Comment 67: The formulas to analyze public school capacity fail to adequately assess the current capacity (by assuming hugely overcrowded class sizes), and actual utilization (by failing to allow for adequate space for enrichment—art, science, dance, movement, physical education, and music—and academic support and intervention, such as school based support such as occupational therapy, physical therapy, speech, counseling, push in, pull out, and testing accommodations).

The Department of Education methodology must be supplemented by data and sources that will create an adequate picture of future enrollment based on new construction, housing vacancy rates, sibling data, birth rates and yields, school enrollment by gender, enrollment by zone of origin, public versus private versus charter enrollment trends, and data from the Downtown Alliance and the American Community Survey, and re-evaluating the predictive strength of current CEQR data.

Department of Education's official capacity and utilization figures and formulas do not adequately assess how much space is needed in our schools and how it is used to educate children of varying backgrounds and abilities. While DoE reports that our community schools are "underutilized" on average, and that District One has excess school capacity, this assessment is inaccurate. In a recent survey of principals, co-sponsored by the City Council, fifty-four percent of principals reported that enrollment at their own school was not capped at a level to prevent overcrowding. Nearly half stated that the official utilization rate reported by the DoE at their own school was inaccurate; and more than half of principals at schools rated "underutilized" claimed that their official rating was incorrect. Eighty-six percent of respondents declared that class sizes at their schools were too large to provide a quality education, and that the primary factors that prevent them from reducing class size are a lack of control over enrollment and space.

DOE's formulas do not allow for reasonable class size, or for sufficient space to be dedicated to enrichment and intervention like science, art, music, movement, dance, academic intervention, guidance, and therapy (occupational, physical and speech), access to a library, to computer technology, a gymnasium, and science labs.

DOE's School Construction Authority relies upon a number of faulty assumptions and flawed formula that have resulted in severely under-projecting enrollment trends across the City and in our community.

The inability to properly project enrollment growth and mismeasuring how much space is needed in our schools has resulted in chronic school overcrowding across the City and in our schools.

Extensive housing development on the Lower East Side and in the East Village, combined with the flawed methodology of the School Construction Authority are likely to result in continued growth of the local school-age population. Without the addition of new school buildings, we can expect the neighborhood to experience overcrowding. (CEC)

Response: Estimates of the need for school seats will be conducted in accordance with *CEQR Technical Manual* guidelines, and will be based on the most recent enrollment, capacity, and utilization data provided by the New York City Department of Education (DOE) as well as DOE's projections for future enrollment. If the DGEIS determines the proposed project would result in significant adverse impacts to public schools, mitigation measures to address impacts will be examined.

CHAPTER 6: SHADOWS

Comment 68: While the CEQR and SEQRA guidelines suggest shadow studies only if they impact light sensitive resources including open space and historic light-sensitive resources, it would also be important to study the impact on surrounding residential units to the south of the project site that for decades have enjoyed unobstructed views. What will be the impact on those individuals? (Chin)

Response: As noted in the Draft Scope, the Shadows analysis will be conducted following the guidelines of the *CEQR Technical Manual*. Sunlight-dependent features of buildings or structures that the DGEIS has identified as historic or cultural resources will be assessed for potential shadow impacts. The assessment of shadows effects on other buildings and the assessment of impacts on private views are outside the scope of CEQR.

Comment 69: What will be the impact on landscaping and other open space resources, both public and private, in the community? (Chin)

Response: The shadows analysis in the DGEIS will follow the methodology of the *CEQR Technical Manual*, which limits the assessment of shadow impacts to "sunlight-sensitive resources." Sunlight-sensitive resources are defined in the *CEQR Technical Manual* as:

- **Public open space** as defined in Chapter 7 of the *CEQR Technical Manual*, which includes planted areas within unused portions of roadbeds that are part of the Greenstreets program;
- **Architectural resources** that have been identified in the EIS as historic or cultural resources, and that have features that depend on direct sunlight for their enjoyment by the public
- **Natural resources** as defined in Chapter 11 of the *CEQR Technical Manual*.

Potential shadow impacts will be assessed for all resources of these types in the study area. The potential shadows impact on private open spaces is outside the scope of CEQR.

CHAPTER 8: URBAN DESIGN AND VISUAL RESOURCES

Comment 70: The EIS should discuss how the addition of bulk on Essex Street and Delancey Street would impact the surrounding community. (Chin)

Response: Following the guidelines of the *CEQR Technical Manual*, the urban design analysis will consider the proposed project's potential impacts on the urban design characteristics of the study area. These characteristics include: streets, buildings (including bulk, use, type, and arrangement); visual resources; open space; natural features; wind; and sunlight. Therefore, this analysis will consider

potential impacts of the proposed development's bulk on the urban design of the surrounding community.

Comment 71: Is a 400-foot study area sufficient enough to give a substantial portrait of the built character of the neighborhood? (Chin)

Response: As stated in the Draft Scope, the Urban Design chapter will provide a narrative of the project site and a surrounding 400-foot study area, and will consider potential longer view corridors to the project site from beyond the 400-foot study area as appropriate and in consultation with the lead agency.

Comment 72: The EIS should discuss whether the imposition of an overall design narrative for separate sites enhances or promotes the current design character of the Lower East Side. (Chin)

Response: In order to approve the special permits related to the proposed Large Scale General Development (LSGD) for Sites 1-6, the City Planning Commission must make findings related to the resulting beneficial effects on the site plan and relationship with streets, the distribution of floor area and the location of buildings, obstructions of light and air, access to mapped streets, the effects on traffic, and the provision of public facilities. The DGEIS will describe the LSGD special permits that would allow the proposed development to achieve a superior site plan and would provide flexibility in design and massing, and will consider whether the proposed project would be expected to result in any significant adverse impacts to the visual character of the project site and surrounding neighborhood.

Comment 73: Without a design program/narrative, would any future project necessarily take into account the overall character of the area? (Chin)

Response: Development of Sites 8-10 would occur in accordance with existing zoning. Sites 8-10 were included in the 2008 East Village/Lower East Side Rezoning, which sought to balance the need to preserve the area's unique neighborhood character with the need for affordable housing. Development of Sites 1-6 would be governed by the LSGD special permits described above, whose approval by CPC would be conditioned on the resulting beneficial effects of the site plan and relationship with streets, the distribution of floor area and the location of buildings, access to light and air, access to mapped streets, and the effects of traffic on the neighborhood.

Comment 74: New projects will change the character of Broome, Norfolk, Suffolk, and Clinton Streets. How will these projects change current residents' relationship with these streets? (Chin)

Response: Following the guidelines of the *CEQR Technical Manual*, the urban design analysis will consider whether and how the project may change the experience of pedestrians (including current residents) in the project area.

Comment 75: The EIS should discuss if a change to the built environment would be inviting to small businesses. (Chin)

Response: The proposed project seeks to foster a pedestrian-friendly environment that would include stores, street trees, and other sidewalk improvements. Following the guidelines of the *CEQR Technical Manual*, the urban design analysis will consider whether and how the project may change the experience of pedestrians (including small business customers and proprietors) in the project area.

Comment 76: We have a unique chance to make a Manhattan neighborhood more pedestrian friendly by building on a human scale. The 14-story buildings that are proposed would represent a step in this direction, as opposed to the tall towers which would simply add more density to an already saturated neighborhood. There are already enough tall buildings, many in the original SPURA area. (Prigal)

Response: Comment noted.

Comment 77: Light and air, which are present in the current undeveloped area, should be preserved. (Prigal)

The existing building scale in the neighborhood is erratic, due to the mixture of older structures that are 5 stories or less and the housing blocks that are as high as 21 stories. Ideally, the construction along the Grand Street frontage would be seven stories or less to maintain the "village" character of the older streets in the neighborhood. It would be unfortunate to lose too much natural light and views of sky that currently exist in the area. (Johnson)

Response: Comment noted.

Comment 78: What is important moving forward with this EIS is that we ensure a neighborhood that promotes walking and fosters connection to the rest of the Lower East Side. The importance of ground floor retail offers diversity of business, lighting, and security that promotes walking and supports a residential neighborhood. (Chin)

Response: Comment noted.

Comment 79: The EIS should discuss how to ensure that the pedestrian experience will be one where travel is safe and attractive, and where an active street life is maintained. (Chin)

Response: The urban design and visual resources analysis will identify any potential significant adverse impacts to the pedestrian experience. Pedestrian circulation and safety will be analyzed in Chapter 13, "Transportation." As described above, the project would incorporate a connected street grid that would bring people and views through the project site, and all new buildings would have retail and residential entrances on multiple sides to create ground-floor activity. In addition, the project seeks to foster a pedestrian-friendly environment that could include stores, street trees, and other sidewalk improvements.

Comment 80: Because of the scale of the project, there is an opportunity to transform Grand Street into one of the most beautiful boulevards in downtown NYC. The landscape should be integrated into the design in a meaningful way. (Johnson)

Response: The urban design analysis will describe the proposed open space and any other landscaping features, including street trees, that would be developed as part of the proposed project.

Comment 81: The program should include a pedestrian bridge over Delancey Street. This should be studied in the Urban Design/Visual Resources chapter. (GOLES)

Response: A pedestrian bridge is not part of the proposed project.

CHAPTER 10: WATER AND SEWER INFRASTRUCTURE

Comment 82: While a preliminary water supply and demand analysis may not be warranted, as stated in the Draft Scope, it is noted that a wastewater and stormwater infrastructure analysis will be needed. The EIS should discuss the systems that can be incorporated into the new developments. (Chin)

Response: The DGEIS will discuss any Best Management Practices and water-saving strategies that would be incorporated into the proposed project, as well as potential mitigation strategies for any identified significant adverse impacts.

CHAPTER 13: TRANSPORTATION

Comment 83: The project should be integrated into the existing public transportation network and not promote increased private vehicular traffic. (EVCC)

Any new development at the site will have significant impacts on transportation to and from the area. It will be necessary to understand what the impacts to this multi-modal area will be. As more New Yorkers begin to use trains, buses, and bicycles as their primary mode of transportation, understanding these impacts will become more important. (Chin)

Response: In accordance with the *CEQR Technical Manual* guidelines, the transportation analyses for the DGEIS will account for trips generated by the proposed project

by various modes of transportation—including private autos, taxis, buses, subway, walk-only, etc. The analysis will assess potential impacts on transportation conditions resulting from the project generated trips in the study area, including an assessment of capacity conditions for the traffic and public transportation (bus and subway) networks. In addition, the analysis will evaluate vehicular/pedestrian/bicycle safety conditions within the transportation network.

Comment 84: Overall, there is no inclusion of bicycles as a mode of transportation. Wherever there is a mention of a vehicle, mass transit, and pedestrian traffic, bicycles should be included in the analyses, just as is done in the last bullet of the Vehicle/Pedestrian Safety Assessment section on Page 20. Bicycle routes should be studied. Similarly, bicycle count data should be obtained from the DOT, especially with the Williamsburg Bridge feeder arteries comprising the boundaries of the development. (CB3)

The Bloomberg Administration is planning to promote bike sharing and the Williamsburg Bridge is a primary artery for cyclists commuting into Manhattan. Along with vehicle parking, there should be an analysis of current bicycle parking amenities, future projections of bike route usage in the study area, and the benefits of providing bicycle lockers/parking near the transit hubs in the study area. (CB3)

The EIS should discuss how the project will affect the growing number of cyclists that traverse the bridge and come to the area. (Chin)

Response: The transportation analyses for the DGEIS will be conducted in accordance with the *CEQR Technical Manual* guidelines which do not provide criteria for assessing bicycle operating conditions. In terms of bicycle use, based on the census data, the use of bicycle as means of transportation to-and-from work is 2 percent or less in the study area. It should be noted that the Bike Share program undertaken by NYCDOT is still evolving, and the bicycle count data from the program is not available.

The proposed project will provide racks within the project sites for bicycle parking and encourage the bicycle use by future residents and patrons of the buildings. In accordance with the *CEQR Technical Manual* guidelines, an assessment of vehicle/pedestrian-bicycle safety conditions will be performed for the DGEIS. The future projections of bike route usage in the study area, and assessing the benefits of providing bicycle lockers/parking near the transit hubs in the study area are outside the scope of the DGEIS.

Comment 85: The EIS should discuss how the increased trip generations to the area would affect vehicle travel over the Williamsburg Bridge. (Chin)

Response: As part of the traffic analysis for the DGEIS, the Delancey Street corridor and its key intersections leading to and from the Bridge will be assessed. This will

include the critical intersection of Delancey Street and Clinton Street, at the foot of the bridge, at which impacts on the Bridge's approach to the area can be evaluated.

Comment 86: Delancey Street is a very wide street and is dangerous enough as it is. Increasing the number of people crossing the street will only make it more dangerous. The EIS should discuss the improvements (including features to separate pedestrians and motor vehicles) that would be made to enhance their safety when crossing to access the site. (Chin)

The Delancey Street corridor presents several challenges, and we would encourage the traffic analysis to recognize those issues. (LESBID)

Response: The Delancey Street corridor and its traffic-related issues are a key focus of the DGEIS and the traffic analysis component of the DGEIS will be comprehensive in terms of its analyses of all travel modes and the critical intersections in the study area. All vehicular traffic, pedestrian, and bicycle issues will be addressed in accordance with *CEQR Technical Manual* guidelines. As part of this analysis, 30 locations will be analyzed in detail including seven key intersections on Delancey Street between Allen Street and Clinton Street, which will be evaluated for potential impacts on traffic levels of service, vehicular delays, and vehicle/pedestrian/bicycle safety concerns. If the detailed traffic analyses identify significant traffic impacts, traffic capacity and operations improvements will be identified and evaluated in detail. In addition, NYCDOT is currently developing a Delancey Street corridor plan to improve traffic and pedestrian safety. It is anticipated that measures implemented as part of this plan would improve pedestrian safety along the corridor.

Comment 87: The following two intersections should also be analyzed: the intersection of Orchard and Broome Streets and the intersection of Orchard and Grand Streets. (Chin)

The EIS should discuss the impact to pedestrian crossings at the Orchard Street intersections with Broome and Grand Streets. (Chin)

Response: The traffic analysis locations were determined in consultation with NYCDOT. The intersection of Orchard and Grand Street will be included for analysis in the DGEIS, and the Final Scope has been revised accordingly. The vehicular assignments indicate that the threshold of 50 vph would not be exceeded at the unsignalized intersection of Orchard Street and Broome Street, and thus will not be analyzed.

For pedestrian analyses, the intersections of Orchard Street at Broome and Grand Streets will be included in the pedestrian study area. Since the intersection of Orchard and Broome Streets is unsignalized, it will be analyzed for the sidewalk pedestrian operating conditions.

Comment 88: The EIS should discuss if the side streets would be able to handle the increased vehicle load. (Chin)

Response: The traffic analyses will evaluate the capacity and level of service at each of 30 intersections in the study area, both along the major corridors as well as along the streets. The DGEIS will identify capacity improvements, if needed, for the study area intersections including east-west and north-south roadway intersections such as those along Broome Street, Clinton Street, Suffolk Street, Norfolk Street, and Orchard Street.

Comment 89: Given the loss of parking at the project sites, the EIS should discuss how shoppers from outside of New York would be brought to the site. (Chin)

Response: The proposed development would provide approximately 350 spaces. A preliminary parking accumulation effort indicated that these spaces would be sufficient to accommodate the project demand. As described in the Draft Scope, the DGEIS transportation analysis will include a parking analysis. The DGEIS's traffic and parking analyses will discuss modal splits as well as identify the extent to which shoppers and all project-generated trips would come from the immediate and outlying areas, the specific routes traffic would use, and the potential traffic impacts along those routes.

Comment 90: The EIS should study the impact of Walmart and other similar businesses on traffic, particularly from delivery trucks. (GOLES)

Response: At this time, no retail tenants have been identified. As part of the transportation analysis for the DGEIS, travel demand estimates for the project generated person and vehicle trips will be prepared. These estimates will include the number of delivery/truck trips generated by various components of the proposed project (including retail uses) during the peak hours and their impact on the traffic operating conditions will be evaluated.

Comment 91: The program should include a pedestrian bridge over Delancey Street. Traffic impacts of a pedestrian bridge over Delancey Street should be studied in the Transportation chapter. (GOLES)

Response: As identified above, a pedestrian bridge is not part of the proposed project. However, NYCEDC and HPD are committed to working with the community and NYCDOT to explore measures to improve pedestrian circulation and safety conditions in the project area.

Comment 92: Proactively figure out alternative routes for disrupted traffic, both during and after construction. This will be imperative as several of the current streets on SPEURA are used as conduits to the Williamsburg Bridge. These decisions should minimize putting additional traffic on Grand Street, where thousands of

residents live. If it requires reconfiguring adjacent street flow or assigning full time traffic officers to help avoid gridlock, it will be a worthy investment in terms of both safety and quality of life. (SHARE)

Response: As part of the construction-related traffic analysis, the construction phases of various project components would incorporate proper maintenance and protection of traffic (MPT) in conformance with NYCDOT requirements. These requirements are expected to limit roadway disruptions to curb-lane closures and maintain traffic circulation, pedestrian flow and transit access at all times. Additionally, measures related to traffic circulation and pedestrian safety at the study area intersections affected by construction related activities (including intersections along Grand Street) will be discussed and coordinated with NYCDOT.

CHAPTER 14: AIR QUALITY

Comment 93: There are a lot of vehicles coming over the Williamsburg Bridge. Asbestos lines vehicle brakes. Is there a study that analyzes the impact regarding asbestos that would result in the air due to friction from the vehicle brakes. (Subren)

Response: The air quality studies in the DGEIS will be performed in accordance with the *CEQR Technical Manual* guidelines and will analyze both mobile and stationary source analyses. As stated in the Draft Scope, the mobile source analysis will address the effect traffic-generated emissions will have on pollutant levels (i.e., carbon monoxide concentrations) at locations within the adjacent study area, and the project's consistency with the State Implementation Plan for the area. An analysis will be performed to assess particulate matter (PM_{10} and $PM_{2.5}$ pollutants) concentrations on nearby project buildings from traffic entering and exiting the Williamsburg Bridge.

CHAPTER 16: NOISE

Comment 94: If "attenuation" does not specifically address sound canyons created by the new developments and affecting those developments or existing ones in the study area, then this type of noise mitigation needs to be analyzed. (CB3)

Response: The noise analysis in the DGEIS will include an assessment of potential noise level increases resulting from the proposed project at nearby sensitive noise receptors. This assessment will be performed according to the methodology described in the *CEQR Technical Manual*. The DGEIS will also include an assessment of the level of noise attenuation required in the proposed buildings to ensure that acceptable interior noise levels are achieved. If warranted by the results of the analysis, recommendations on measures to attain acceptable interior noise levels and to reduce noise impacts to acceptable levels will be made.

CHAPTER 18: NEIGHBORHOOD CHARACTER

Comment 95: The neighborhood's character has been defined by the close connections people had to their neighbors, to the street, and to the life of the neighborhood. The EIS should discuss how these connections will be maintained and strengthened. (Chin)

Response: As stated in the Draft Scope, one of the goals of the proposed project is to knit the sites back into the larger, vibrant Lower East Side neighborhood. The DGEIS will assess the issue of the project's connectivity with the surrounding neighborhoods.

Comment 96: The EIS should discuss how the build out of the Project Sites would impact the neighborhood character. (Chin)

Response: Chapter 18, "Neighborhood Character" will describe the neighborhood's overall character, as well as the elements that contribute to and define that character, and will assess the potential impact of the proposed project on the character of the study area.

Comment 97: The EIS should discuss whether the addition of more than two-thousand residents would erode the character of the neighborhood. (Chin)

Response: Many of the DGEIS analyses (e.g., socioeconomic conditions, community facilities, open space, and transportation) will assess project impacts related to the introduction of project-generated residents. Further, the DGEIS will assess the potential impact of the proposed project on the neighborhood character of the study area.

CHAPTER 19: CONSTRUCTION

Comment 98: The Transportation Systems assessment in the Construction chapter should also study how bicycle traffic circulation will be affected along with vehicle and pedestrian traffic. (CB3)

Response: The Construction Impacts chapter will assess the potential impacts of construction of the project based on a conceptual phasing plan. It will describe the likely temporary sidewalk and lane closures and potential diversions of traffic and pedestrian circulation. As part of the analysis, measures will be identified to off-set the disruption of these temporary closures and maintenance of access for vehicular, pedestrian, and bike traffic.

Comment 99: The number of trips generated by construction vehicles will change the vehicular level of access to the neighborhood for all non-construction vehicles. Implementing innovative construction techniques will be necessary as well as

thinking creatively on how to use the space surrounding each site. Phased construction is one way that construction impacts can be mitigated. Using an un-built site as the staging area for an adjacent project could be another way to lessen construction impacts. (Chin)

Response: Potential impacts from construction traffic, including both worker vehicles and truck trips, will be examined in the DGEIS. If necessary, measures to mitigate such impacts will be recommended. As described in the Draft Scope, the construction impacts analysis will discuss construction stages, likely staging areas, and placement of construction equipment.

Comment 100: Incentivizing the use of mass transit for construction workers (i.e., distributing unlimited ride Metro Cards) should be introduced in order to minimize the number of construction personnel vehicles coming to the area. (Chin)

Response: Comment noted.

Comment 101: Requiring that all vehicles use ultra-low sulfur diesel fuel will also be necessary to reduce air quality impacts. Full vehicle washing of construction vehicles leaving the site will be necessary to further ensure air quality is maintained. (Chin)

Response: As stated in the Draft Scope, the DGEIS will provide an analysis of the proposed project's potential for construction-period impacts due to air quality. The air quality analysis will also include a discussion of strategies to reduce project-related air pollutant emissions associated with construction activities. Where significant adverse impacts are identified, measures to reduce or eliminate impacts will be considered.

Comment 102: Noise and vibration during construction will need to be mitigated so that residents and visitors to the area are not adversely impacted. (Chin)

Response: As described in the Draft Scope, a quantified noise analysis will be prepared that will examine potential noise impacts due to construction-related stationary and mobile sources. If necessary, the feasibility, practicability, and effectiveness of implementing measures including hours of operation to mitigate significant construction noise impacts will be examined.

In addition, a construction vibration assessment will be performed to determine critical distances at which various pieces of equipment may cause damage or annoyance to nearby buildings based on the type of equipment, the building construction and applicable vibration level criteria. Should it be necessary for certain construction equipment to be located closer to a building than its critical distance, vibration mitigation options will be proposed.

Comment 103: The EIS should discuss the impact to deliveries for local businesses during and after construction. (Chin)

Response: Consistent with CEQR methodology, the DGEIS will examine the potential for the project's construction activities to significantly adversely affect existing businesses, their potential viability, and their potential effects on the character of the area. The DGEIS will describe measures to off-set construction-related disruptions, including maintenance of access for existing area businesses.

Comment 104: Make the safety and security around the construction sites priority number one. Please make certain that all safety regulations are vigilantly enforced. (SHARE)

Response: Potential impacts on pedestrian safety from the proposed project will be examined in the DGEIS. During construction, detailed maintenance and protection of traffic plans will be developed and approved by NYCDOT to ensure appropriate vehicular and pedestrian traffic circulation and safety.

Comment 105: Planners of this project should be proactive rather than reactive in doing everything possible to avoid an explosion of rats and vermin during construction. (SHARE)

Response: The DGEIS will include a description of a vermin control program during project construction.

CHAPTER 20: ALTERNATIVES

Comment 106: An alternative No Build Action is simply unacceptable for the future well-being of the area, and while it must be studied as per CEQR and SEQRA requirements, it cannot be seriously considered. The economic viability of the area will depend on the build out of these sites. (Chin)

Response: Comment noted. A No Build alternative describes a comparison of benefits as well as adverse effects of the proposed actions, which provides the City, the community, and other stakeholders with an understanding of the conditions that would exist if the proposed actions were not implemented.

Comment 107: The Essex Street Market is an important community institution that has the potential for growth and expansion. The Guidelines state a strong preference for the market remaining in its current location. However, in later extensive discussions, there also appeared to be growing support for relocation to the southeast corner of Delancey and Essex Streets. Although the Draft Scope clearly states that it will study both the impact of moving the Essex Street Market to a new location on the southeast corner of Delancey and Essex Streets and the other of leaving it as-is, the EIS should study two additional options. One alternative would be to leave the Essex Street Market at its current location,

renovating it and possibly adding one or two new commercial floors above it and then several other allowable stories for housing. A fourth scenario that should be included in the EIS would be a combination of renovating the existing market where it is and developing a new market on the southeast corner of Delancey and Essex Streets. (CB3)

An investigation into the continued success of the Essex Street Market if expanded on a new site must be analyzed with respect to the continued use of the market site. The expansion of the market in the current location, as noted by Community Board 3 Manhattan's comments, must also be studied. (Chin)

The EIS should include four possibilities for the Essex Street Market, three of which include keeping the Essex Street Market in its current, historic location. (SESM)

Response: As stated in the Final Scope, the DGEIS will consider an alternative that considers a mixed-use program that is similar to the proposed project but retains the existing Essex Street Market in its current location on Site 9. This analysis will discuss the feasibility of building above the existing market. The proposed reasonable worst-case development scenario does not preclude a market use on Site 9 in combination with the proposed relocation of the Essex Street Market to Site 2.

Comment 108: Although not specifically required, it would be important to examine alternative ratios with regard to increased residential and commercial components. For example, would the project substantially achieve the same goals if the housing side of the ratio were increased to 65 or 70 percent? Would a consequently lower commercial ratio be significant enough to reach the self-sufficiency goals that the City has set? (Chin)

Would the maximization of affordable units well above 450 units be better for the community with respect to potential impacts? (Chin)

Response: As described in the *CEQR Technical Manual*, the purpose of the alternatives analysis is to consider a range of reasonable alternatives to the 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 stated in the Draft Scope, the goals of the project include: transforming several underutilized City-owned properties into a thriving, financially viable, mixed-use development; and providing affordable and market rate housing units. The proposed project as currently contemplated represents the best configuration to achieve its goals and objectives, chief among which is the creation of a substantial amount of affordable housing.

Comment 109: Although we support studying several scenarios for the Essex Street Market, we would oppose any alternative that reduced the number of overall housing units in the Proposed Project. (SPARC)

Response: Comment noted.

Comment 110: Other financing and housing options should be considered. Would the project achieve the same goals if a land trust were put in place? Would a cooperative housing model financed by the commercial component be equally as successful? (Chin)

Response: The analysis of financing options for the proposed project is outside the scope of CEQR.

CHAPTER 21: MITIGATION

Comment 111: The first sentence under Mitigation states "Where significant project impacts have been identified in Tasks 2-18…"Should this be revised to say "Tasks 2-19"? (CB3)

Response: The Final Scope has been revised in response to this comment.

✷