



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

59 East 4th Street - New York, NY 10003

Phone (212) 533-5300

www.cb3manhattan.org – info@cb3manhattan.org

Alysha Lewis-Coleman, Board Chair

Susan Stetzer, District Manager

September 28, 2018

Robert Dobruskin, AICP
Director, Environmental Assessment and Review Division
New York City Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

Director Dobruskin,

At its September 2018 monthly meeting, Community Board 3 passed the following resolution:

TITLE: CB 3 Response to the Two Bridges LSRD Draft Environmental Impact Statement

WHEREAS, the proposed actions considered in the Draft Environmental Impact Statement (DEIS) include modifications to the existing Two Bridges Large Scale Residential Development (LSRD) to facilitate the development of three new mixed-use buildings within the Two Bridges LSRD; and

WHEREAS, the proposed actions have separate developers, approvals, and financing, but are being considered together for the purposes of environmental review since all three project sites are located within the Two Bridges LSRD and would be developed during the same construction period, and thus are considered to have cumulative environmental impacts; and

WHEREAS, under the terms of the now-expired Two Bridges Urban Renewal Plan (TBURP) and the active Two Bridges LSRD, the area has been, since 1961, governed by regulations requiring the provision of low- and middle-income housing and site planning to facilitate the best possible housing environment, and requiring the distribution of bulk and open space to create a better design for the lots and surrounding neighborhood than would otherwise be possible; and

WHEREAS, the proposed actions would facilitate the construction of four towers across three separate buildings with heights of 1,008 feet (80-stories), 798 feet (69-stories), 748 feet (62-stories), and 730 feet (62-stories); and

WHEREAS, the proposed projects would contain 2,527,727 gross square feet (gsf) of residential space spread across 2,775 new residential dwelling units (DUs), 10,858 gsf of retail space, 17,028 gsf of community facility space, and would introduce, conservatively, more than 5,800 new residents to the project area; and

WHEREAS, the Two Bridges LSRD Draft Environmental Impact Statement (DEIS) was issued on June 22, 2018 and includes analysis, findings, and proposed mitigations that Community Board 3 considers inadequate;

THEREFORE, BE IT RESOLVED that Community Board 3 requests that the Lead Agency respond to, study further, and clarify the following:

WHEREAS, the identified purpose and need of the proposed actions hinges upon the advancement, through the creation of 694 affordable residential units, of a City-wide initiative to build and preserve 200,000 affordable residential units;

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 does not find that the proposal for a mere 25 percent affordable units sufficiently advances this stated goal and purpose, and further finds that the introduction of an additional 2,081 market rate units and the substantial environmental impacts associated with these proposed actions place such a burden on the study area and Community District as to render the purpose null and in fact produce more severe and acute district needs; and

WHEREAS, the DEIS “Project Description” is insufficient in providing details of the specific minor modifications to the Two Bridges LSRD sites (Site 4A/4B, Site 5 and Site 6A) that constitute the proposed actions and exactly how they would enable the proposed developments to occur; and

WHEREAS, the DEIS only states that the minor modifications to the LSRD would “modify the approved site plans to enable the proposed developments to be constructed utilizing unused existing floor area,” and it remains unclear what the unused existing floor area is and how it is being calculated;

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 requests the Lead Agency expand the description of the specific minor modifications being proposed and sufficiently detail the proposed modifications to the underlying Two Bridges LSRD site plan and zoning controls when describing the proposed actions; and

WHEREAS, the proposed actions to facilitate the developments are a deviation from previously approved Two Bridges LSRD plans and modifications, yet are being considered as minor modifications to the underlying LSRD controls pursuant to a determination by then City Planning Commission (CPC) Chair Carl Weisbrod, in a letter dated August 11, 2016, stating that the proposed modifications would not require new waivers and would not increase the extent of previously granted waivers due to compliance with governing criteria codified in Section 2-(6)(g)(5)(ii) of the Rule of the City of New York (RCNY); and

WHEREAS, despite this determination, in the same letter, CPC states in writing that “the development contemplated here is significant”; and

WHEREAS, Community Board 3 previously and explicitly requested that the CPC better explain and justify its decision on how the minor modification determination was made, both in a letter to the Department of City Planning (DCP) dated May 25, 2017 and at the public scoping meeting for the Two Bridges LSRD Environmental Impact Statement (EIS), held on May 25, 2017; and

WHEREAS, it remains unclear to Community Board 3 why guidelines in the RCNY for City Council Modifications would govern LSRD site planning and modifications proposed by private applicants; and

WHEREAS, there is nothing explicit in the RCNY, New York City Charter or the New York City Zoning Resolution (ZR) that requires the CPC to find that these proposed changes are minor modifications; and

WHEREAS, a number of prior Two Bridges LSRD site plan alterations made in years past, which constituted smaller changes, were not found to be minor modifications and instead required the granting of special permits and authorizations; and

WHEREAS, in the absence of further explanation, these findings appear to be arbitrary and capricious as well as precedent setting for City policy regarding special large scale development zoning provisions;

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 again requests that the City clarify and explain in detail the aforementioned determination that the proposed actions constitute minor modifications to the Two Bridges LSRD; and

WHEREAS, it is unclear how the proposed actions, even if understood to be minor modifications, would comply with the ZR, particularly ZR § 78-313, outlining requirements for the authorization of minor modifications and requiring a number of prerequisite conditions for modification approval, including:

- 1) § 78-313 (a), which states that modifications should aid in achieving the general purposes and intent of the LSRD, including the facilitation of better site planning and the enabling of open space to be arranged to best serve active and passive recreation needs;
- 2) § 78-313 (b), which states that the distribution of floor area and dwelling units facilitated by a modification must not unduly increase the bulk of buildings, density of population, or intensity of use to the detriment of residents;
- 3) § 78-313 (d), which states that modifications to the distribution and location of floor area must not adversely affect access to light and air outside the LSRD or create traffic congestion; and
- 4) § 78-313 (g), which states that modifications of height and setback must not impair the essential character of the surrounding area and must not have adverse effects upon access to light, air and privacy of adjacent properties;

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 requests that the City clarify and expressly define how the proposed actions comply with these prerequisite conditions; and

WHEREAS, a number of Community Board 3 requests during the Two Bridges LSRD EIS Public Scoping period were left wholly unaddressed or insufficiently resolved upon issuance of the DEIS, including:

- 1) The request for an irregular study area shape for all analyses that extends further inland than a quarter-mile radius around the project sites, extending to Grand Street and following Bowery to Oliver Street and the East River shoreline;
- 2) The request for detailed explanation of the purpose and need of the proposed actions to justify the unprecedented scale of change being proposed in this specific area;
- 3) The request to disclose relocation plans for senior residents of the ten units at 80 Rutgers Slip, including how relocation costs will be addressed for those residents, the duration of time they will be relocated, where they will be housed and under what conditions, and what costs will be incurred and by whom. The Two Bridges LSRD Final Scope of Work for Preparation of a Draft Environmental Impact Statement

stated that the EIS would include a description of relocation plans for residents of 80 Rutgers Slip, yet the DEIS only indicates the applicant's intentions and does not disclose the details of the applicant's regulatory agreement with the U.S. Department of Housing and Urban Development (HUD), the details of which are necessary to understand the senior relocation plans;

- 4) The request to evaluate student generation for community facilities impacts more accurately, without lumping the entire borough of Manhattan together, and to instead be broken down by Community District or other sub-borough level of analysis to better reflect real-life conditions;
- 5) The request to study not only the size of businesses, but the populations that they serve and the choices those populations have if these businesses were to be displaced when analyzing indirect business displacement. As this analysis focuses on businesses that are "essential to the local economy," it must consider services for the linguistically isolated populations in this area;
- 6) The request to consider the unique impact of ride-hailing operations such as Uber when considering traffic impacts and determining the mode split for new residents, as they will likely not follow typical Manhattan patterns due to the proposed projects' distance from the subway and the projected median income of new residents;
- 7) The request to examine the adverse impacts that gentrification driven over-policing would have on existing low-income communities of color, particularly youth in the study area;

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 reiterates these concerns and, again, requests they be addressed; and

WHEREAS, regarding public policy, there has been limited explanation as to how the CPC determined that the proposed actions constitute a minor modification to the existing LSRD, and without disclosure of when and how this policy was promulgated, it is assumed that the proposed actions themselves represent a significant material change to existing regulations and policy governing any and all future modifications to LSRDs, indicating that all future modifications will be considered to be "minor" if they do not need additional waivers; and

WHEREAS, if it is now in fact the CPC's position that all modifications to Large Scale special permits (including Large Scale Residential Developments, Large Scale General Developments, and Large Scale Community Facility Developments) in New York City may now be considered as "minor," without requiring Uniform Land Use Review Procedure (ULURP) if changes to the plan do not require further waivers, than that constitutes a significant change to the City's land use policy that needs to be evaluated; and

WHEREAS, the DEIS includes a questionable determination that the proposed actions are consistent with the overall development objectives of the Two Bridges LSRD; and

WHEREAS, the DEIS does not detail how long the regulatory agreements for the existing affordable units in the Two Bridges LSRD are for, nor does it disclose the terms of affordability, unit-type mix, and a definitive total number of new affordable units that would result from the proposed actions in the analysis of impacts on *Housing New York: A Five-Borough, Ten-Year Plan*, despite determining that the proposed actions would affirmatively advance this plan; and

WHEREAS, the DEIS does not consider impacts on the *NextGeneration NYCHA* plan, which includes development proposals for New York City Housing Authority (NYCHA) complexes within the ½-mile radius study area, including

La Guardia Houses, where infill is being proposed, and Smith Houses, where development has previously been considered;

WHEREAS, the DEIS does not consider impacts on and compliance with the Lower Manhattan Coastal Resiliency Project (LMCR) as prioritized in *One New York: The Plan for a Strong and Just City* despite the proposed projects proximity to the East River waterfront and location within the LMCR resiliency projects and waterfront improvement areas;

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 finds the analysis of applicable public policies insufficient and requests an expanded analysis that includes consideration of policy governing land use actions in LSRDs, more detailed consideration of consistency with *Housing New York: A Five-Borough, Ten-Year Plan*, and the addition of analysis of *NextGeneration NYCHA* and the LMCR Project; and

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 requests a commitment to regular coordinating meetings with all appropriate agencies and stakeholders as an additional and necessary mitigation if non-compliance and adverse impacts related to the LMCR Project are identified; and

WHEREAS, regarding public policy, the DEIS does not sufficiently address the proposed actions consistency with a number of policies outlined in the City's *Waterfront Revitalization Program*, including:

- 1) Policy 1.2, requiring use and design features that enliven the waterfront and attract the public, as the DEIS identifies a number of private (not public) open spaces as examples of actions that will attract the public, as well as walkway improvements connecting to the waterfront adjacent to Site 5 without identifying if they will be publically accessible;
- 2) Policy 1.3, requiring adequate public facilities and infrastructure in coastal redevelopment, as the DEIS identifies that the proposed actions will produce unmitigated significant adverse impacts on community facilities, transportation and open space, resulting in inadequate public facilities and infrastructure, yet determines with little support that "With appropriate mitigation measures in place, it is assumed that public facilities and infrastructure would be adequate in the future With Action condition";
- 3) Policy 1.5, requiring the integration of climate change and sea level rise considerations into the planning of the proposed actions, as the DEIS identifies only protections against future flooding on the project sites, but does not disclose the proposed resiliency measures potential effects on the surrounding area, nor does the narrative even address climate change or sea level rise explicitly. In addition, such measures are not necessarily consistent with Policy 6, which requires that projects "minimize loss of life, structures, infrastructure, and natural resources caused by flooding." Policy 6 refers to not only the proposed project, but also the neighboring area. The DEIS discloses that the proposal includes, "structural considerations for stand-alone flood barriers or façades designed to be structurally resistant to flooding." These measures may protect this project, but could move flood waters from this area to other areas that are both less protected and which have structures that are less resilient than those proposed;
- 4) Policy 3.2, requiring the support and encouragement of recreational education and commercial boating, as the DEIS determines that the proposed actions are consistent with this policy only because they do not interfere with these potential activities, without identifying a proactive measure that encourages and supports such activities. This narrative is self-serving and technically incorrect, as the project is not consistent with this policy—it is simply not applicable;

- 5) Policy 4.8, requiring the maintenance and protection of living aquatic resources, as the DEIS does not consider the impacts on the fish and benthic community in the waters that will be shaded by the proposed developments;
- 6) Policy 6.1, requiring development to minimize losses from flood and erosion, as the DEIS does not explain how the proposed actions will address and minimize the potential for losses from flooding and coastal hazards in the surrounding area;
- 7) Policy 6.2 (d), requiring the identification of adaptive strategies to minimize losses from flood and erosion and requiring a description of how the project would affect the flood protection of adjacent sites, the DEIS does not at all explain how the proposed actions will address losses from flooding and coastal hazards in the surrounding area nor does it include any analysis in this determination, and simply states that “the proposed projects would not affect the flood protection of adjacent sites and would not conflict with other resilience projects currently under consideration in the area”;
- 8) Policy 8.2, which requires the proactive incorporation of public access into new public and private development, as the DEIS does not identify how the proposed actions incorporate public access to the waterfront, only that they do not hinder it; and
- 9) Policy 9, requiring the protection of scenic resources that contribute to the visual quality of the New York City coastal area, as the DEIS determines that “the proposed projects would not obstruct views to the waterfront and the East River,” yet does not include sufficient explanation, nor renderings and 3D drawings from areas upland of the development sites, from existing buildings in the LSRD, or from Brooklyn which clearly identify that the proposed actions would not obstruct views to prominent features such as the Manhattan Bridge and other bridges, the East River, and the Brooklyn waterfront;

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 finds the analysis of consistency with the *Waterfront Revitalization Program* in the DEIS to be insufficient and inaccurate, and requests detailed clarification of the aforementioned concerns; and

WHEREAS, regarding public policy, the DEIS does not consider a number of recent public policy initiatives, including but not limited to relevant policy on:

1) Fair Housing

On March 9th 2018, New York City Housing Preservation and Development (HPD) announced *Where We Live NYC*, a comprehensive fair housing planning process to study, understand, and address patterns of residential segregation. The DEIS does not include a discussion of fair housing in general nor how the proposed actions are consistent with the policy objectives of *Where We Live NYC*, or how any inconsistencies would be mitigated;

2) Interbuilding Voids and Zoning

In January 2018, Mayor de Blasio announced at a Town Hall on the Upper East Side that the City is developing policies that will address what are now known as “interbuilding voids.” This was reiterated by the Mayor at a June 2018 Town Hall on the Upper West Side. An interbuilding void is a space in a building that may be nominally used for mechanicals or egress but which is largely empty space, devoid of residential, commercial or community facility floor area. One of the developments the proposed actions would facilitate (Site 4) has a large interbuilding void at the base that allows the building to rise

over an existing neighboring building. The DEIS does not discuss how this building will be consistent with DCP's changing policy on interbuilding voids or identify modifications or mitigations to ensure consistency with this policy. DCP's Manhattan Office has formed a working group that is developing policies that will prevent this building technique, and while these policies are not yet finalized, considering that DCP is the Lead Agency, the EIS should acknowledge the policy and how this building will be consistent with DCP's policy efforts; and

3) **Interbuilding Voids and Fire Safety and Operations**

On May 3, 2018, the Fire Department of the City of New York's (FDNY) Bureau of Operations cited both general and specific operational and safety concerns regarding a building planned with a 150-foot interbuilding void. One of the developments the proposed actions would facilitate has an interbuilding void that is larger than the one that caused the FDNY to express concern. It is therefore likely that they would have the same concerns with this proposed interbuilding void.¹ The DEIS does not analyze how this building will address the concerns the FDNY outlined as policy, despite §28-103.8 of the Building Code that allows the Commissioner of Buildings to deny a building permit based on such safety concerns;

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 finds the DEIS to be insufficient as the time between the close of the public scoping period and the issuance of the DEIS was excessive, lasting more than 12 months, and effectively limited the opportunity to incorporate any new policies promulgated in that period into the analysis scope; and

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 finds the analysis of applicable public policies insufficient and requests an expanded analysis that includes consideration of City policy that was promulgated in the period between the public scoping comment period and the issuance of the DEIS; and

WHEREAS, regarding the analysis of socioeconomic conditions that looks at indirect business displacement, the DEIS concludes that the project would not result in significant indirect business displacement, yet it is reasonable that changing demographics in the study area could have a significant impact on local retail as new residents in the 2,081 private market DUs will have significantly higher incomes than current residents in the study area; and

WHEREAS, the DEIS identifies that in the past many predominantly Chinese businesses were in operation in the area (**Table 3-15**), with 20 out of 25 sites analyzed previously being the location of a predominately Chinese business, and with major turnover having occurred at eight sites, and medium turnover having occurred at six sites, the former and current retail in the area may uniquely serve a particular linguistically isolated population, and these retail businesses are particularly vulnerable to displacement despite the determination of no impact;

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 finds the analysis of indirect business displacement and the determination of no significant adverse impacts to be insufficient and inaccurate and

¹ The concerns the FDNY express are as follows:

- "Access for FDNY to blind elevator shafts... will there be access doors from the fire stairs.
- Ability of FDNY personnel and occupants to cross over from one egress stair to another within the shaft in the event that one of the stairs becomes untenable.
- Will the void space be protected by a sprinkler as a "concealed space."
- Will there be provisions for smoke control/smoke exhaust within the void space.
- Void space that contain mechanical equipment... how would FDNY access those areas for operations."

requests revised analysis, as well as the identification of adequate and detailed mitigation strategies if further significant adverse impacts are identified; and

WHEREAS, regarding the DEIS analysis of socioeconomic conditions that looks at indirect residential displacement, the definition of “vulnerable population” outlined in the *City Environmental Quality Review (CEQR) Technical Manual* limits the analysis to “privately held units unprotected by rent control, rent stabilization, or other government regulations restricting rent,” while excluding analysis of the market pressures on rent regulated units; and

WHEREAS, 88% of rental units in the study area are located in buildings that have received some form of government subsidy or have at least one unit protected by rent control, rent stabilization, or other government regulations; and

WHEREAS, this by no means indicates that 88% of all rental units in the study are protected—merely that they are located in a building where at least one unit is rent protected, yet the DEIS proceeds with this faulty assumption and excludes all residents of these buildings from consideration as a vulnerable population; and

WHEREAS, many actual rent regulated households in the study area have already experienced indirect displacement pressures and there has been a loss of 950 rent regulated units between 2007 and 2016 in the study area²; and

WHEREAS, recent research has documented a direct correlation between heightened housing market pressures and the loss of rent regulated units³, and the Legal Aid Society’s recent lawsuits against the City regarding the Bedford Union Armory and the East Harlem Neighborhood Rezoning have further documented this correlation; and

WHEREAS, despite the presence of rent regulated units, there were over 300 eviction cases filed in the study between January 2013 and June 2015, including 135 at 82 Rutgers Slip alone⁴; and

WHEREAS, the City has in fact acknowledged the reality that residents of rent regulated buildings can constitute a vulnerable population by launching the pilot program *Partners in Preservation*, with \$500,000 in funding, to specifically protect rent-stabilized tenants from pressures generated by changes in market conditions; and

WHEREAS, without an analysis that includes an expanded vulnerable population which includes rent regulated tenants, as well as an accounting of government-subsidized buildings that are nearing the end of their regulated term agreements, and a consideration of the effect of proposed federal budget cuts on this regulated housing stock, then the City is continuing a trend of inadequate analysis and planning that undercounts the socioeconomic impacts of the proposed actions and all future actions; and

WHEREAS, the DEIS determines that the study area has already experienced a readily observable trend toward increasing house prices and changing characteristics of new residential development, and states that the proposed actions would not alter this trend, yet is not compelled by *CEQR Technical Manual* guidelines to conduct further analysis or identify mitigations;

² As documented by data provided here: taxbills.nyc

³ As documented by the data provided here: <http://blog.johnkrauss.com/where-is-decontrol/>

⁴ As documented by data provided here: <https://projects.propublica.org/evictions/#15.99/40.7121/-73.9909>

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 finds the analysis of socioeconomic impacts and the determination of no significant adverse impacts, as informed by *CEQR Technical Manual* guidelines, to be insufficient and inaccurate; and

THEREFORE, BE IT FURTHER RESOLVED that the Lead Agency and the City has a responsibility to the public to use the best reasonable methods for analyzing and mitigating impacts and disclosing those impacts and mitigation measures in an EIS; and

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 requests an expanded, detailed analysis of indirect residential displacement that considers market pressures on regulated units in the study area, including disclosure and analysis of eviction rates in the study area; disclosure and analysis of the amount of government-subsidized DUs in the area, including identification of those that are nearing the end of their regulatory agreements; and, if the revised data continues to show impacts, identify appropriate, adequate, and detailed mitigation measures; and

WHEREAS, regarding community facilities and services, a number of publicly-known projects are anticipated to be completed prior to and just after the proposed actions anticipated build year of 2021, including One Manhattan Square, which will add 1,020 new residential DUs to the study area; *NextGeneration NYCHA* residential infill at the La Guardia Houses campus, potentially including as many as 300 new residential units; Essex Crossing, which is will add 1,000 new DUs, 750 of which will be completed by 2021; and the proposed Grand Street Guild development which will add 400 new DUs at 151 Broome Street; and

WHEREAS, these developments are included in the analysis of public libraries but not in all analysis frameworks or proposed future scenarios considering impacts on community facilities and services;

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 finds that without the inclusion of these publicly-known developments, the analysis framework for community facilities and services is insufficient and needs to be revised; and

WHEREAS, the DEIS examines the enrollment, capacity, available seats and utilization rates of public schools in both Community School District 1 (CSD1) and Sub-District 1 of CSD1, it is still uncertain the impact that the aforementioned additional DUs from other publically-known developments will have on public schools in the neighborhood; and

WHEREAS, the multipliers for student generation used to analyze impacts on public schools, as defined in the *CEQR Technical Manual*, are out-of-date and incorrect, drawing from the 2000 Census Public Use Microdata Sample (PUMS) file, data that is 18 years old; and

WHEREAS, this method is shockingly coarse, lumping together both neighborhoods within boroughs and unit types—suggesting for example, that a market-rate project with 300 studio apartments in Midtown would generate the exact same number of school children as a 100% affordable project with 300 3-bedroom units on Avenue D; and

WHEREAS, the conservative analysis scenario which does not include projected housing exclusively for use by seniors does represent the limitations of the proposed project accurately, as none of this senior housing is at this time guaranteed, and therefore does not reflect the full extent of child care and student impacts as the proposed actions are currently defined, and even with senior units excluded, the increase in utilization rises by more than 20% and the Sub-district would be at over 100% overutilization; and

WHEREAS, despite the inaccuracy of the analysis framework and student projection methodology, the DEIS still finds that the proposed actions would result in a significant adverse impact on public schools and publically funded child care facilities, for which no mitigations have yet been identified;

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 requests an assessment of community facilities impacts using the most current and accurate data available, including multipliers generated from the most current American Community Survey data; the most recent school enrollment data (e.g. 2016-2017 data should be replaced with 2017-2018 data for the sub-borough area); assess overutilization within the Sub-District rather than on a District-wide level; eliminate the conservative analysis scenario which excludes housing exclusively for use by seniors, as it does not accurately describe the proposed projects' current unit mix; and, if the revised analysis continues to show impacts, provide appropriate, adequate, and detailed mitigation measures for overutilization in the Sub-District; and

WHEREAS, regarding shadows, the DEIS finds that out of 34 resources that will be affected by shadows, two—Cherry Clinton Playground and Lillian D. Walk Playground—would experience significant adverse shadow impacts; and

WHEREAS, the DEIS finds that the Cherry Clinton Playground will incur incremental shadows for more than two hours every day and for more than three hours in the summer months, and the health of the trees and playground property would be significantly affected by the shadows; Lillian D. Wald Playground will incur incremental shadow in the mid-afternoon for roughly two hours; Little Flower Playground will incur approximately five hours of incremental shadow; and Coleman Playground will incur more than two hours of incremental shadows in the morning in the summer months and nearly an hour in the spring and fall; and

WHEREAS, despite these significant adverse shadow impacts on crucial open space resources, the DEIS states only that mitigation measures for shadow impacts are being explored by the applicants and will be refined prior to the issuance of the FEIS; and

WHEREAS, the only mitigation measure identified thus far includes dedicated funding for enhanced maintenance at two playground sites;

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 requests that “dedicated funding for enhanced maintenance” be explicitly defined, including a detailed explanation of the amount of funding and length of time the dedicated funding will be provided, the regulatory agreement or restrictive declaration these funds will be secured through, and an explanation of how said funds will be used to mitigate the impact of irreversible shadow generation—including how “enhanced maintenance” will mitigate the irreversible loss of sunlight for vegetation, including cherry trees, and playground users; and

WHEREAS, the Greenstreet analysis is deficient in that it identifies “shade-tolerant and hardy plantings” without identifying what those plantings are;

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 requests an inventory and identification of specific species, including a discussion and analysis of how much sunlight they need compared to how much sunlight they will receive under the proposed With Action conditions, with an evaluation of impacts based on this accurate and detailed inventory, as well as the identification of adequate and detailed mitigation strategies if further significant adverse impacts are then found; and

WHEREAS, there are significant omissions of many “sunlight sensitive resources” in the analysis. The following (**Figure 1**) is a reproduction of the map of the Tier 1 and 2 Assessment. The legend shows that the green areas are “Publicly Accessible Open Space” (as identified in DEIS Figure 6.1)



Figure 1 - Reproduction of DEIS Figure 6.1

In fact, when the areas shown in green are compared with New York City’s Geographic Information System (GIS), they align perfectly with the layer labeled “Parks.” Unfortunately, this layer does not contain all “publicly accessible open spaces” that will be impacted by the project. This layer omits many non-park publicly accessible open spaces, all of which are sunlight sensitive resources according to the definition in the *CEQR Technical Manual*; and

WHEREAS, the Two Bridges area was remade during urban renewal and not only contains many New York City parks, but also many additional publicly accessible open spaces that have the potential to be adversely impacted by shadows; and

WHEREAS, the following image (**Figure 2**) shows the magnitude of this difference by showing all the publicly accessible open space identified in New York City GIS’s Open Space layer, on top of the DEIS’s Tier 1 and 2 Assessment map. The areas identified by the GIS as non-park open space are shown in dark green below:



Figure 2 - Reproduction of DEIS Figure 6.1 altered to show NYC identified publicly accessible open spaces in dark green

The elements in dark green that are not studied in the DEIS include ballfields, school yards and school playgrounds, including PS 2 Yard/Playground, Murry Bertraum Softball Field, Shuang Wen School Yard with Playground, Orchard Collegiate School Yard, a ball court at NYCHA La Guardia Houses, and tennis courts adjacent to the Cherry Clinton Playground; and

WHEREAS, this may not be all of the shadow sensitive resources as defined by the CEQR *Technical Manual*, as seen in the following (**Figure 3**), which reproduces altered DEIS Figure 6.1 and adds Community Gardens. The Community Garden data set is coarser, as it includes portions of lots that are not shadow sensitive, but this provides more evidence that even more receptors identified by the CEQR *Technical Manual* have been omitted from the analysis:

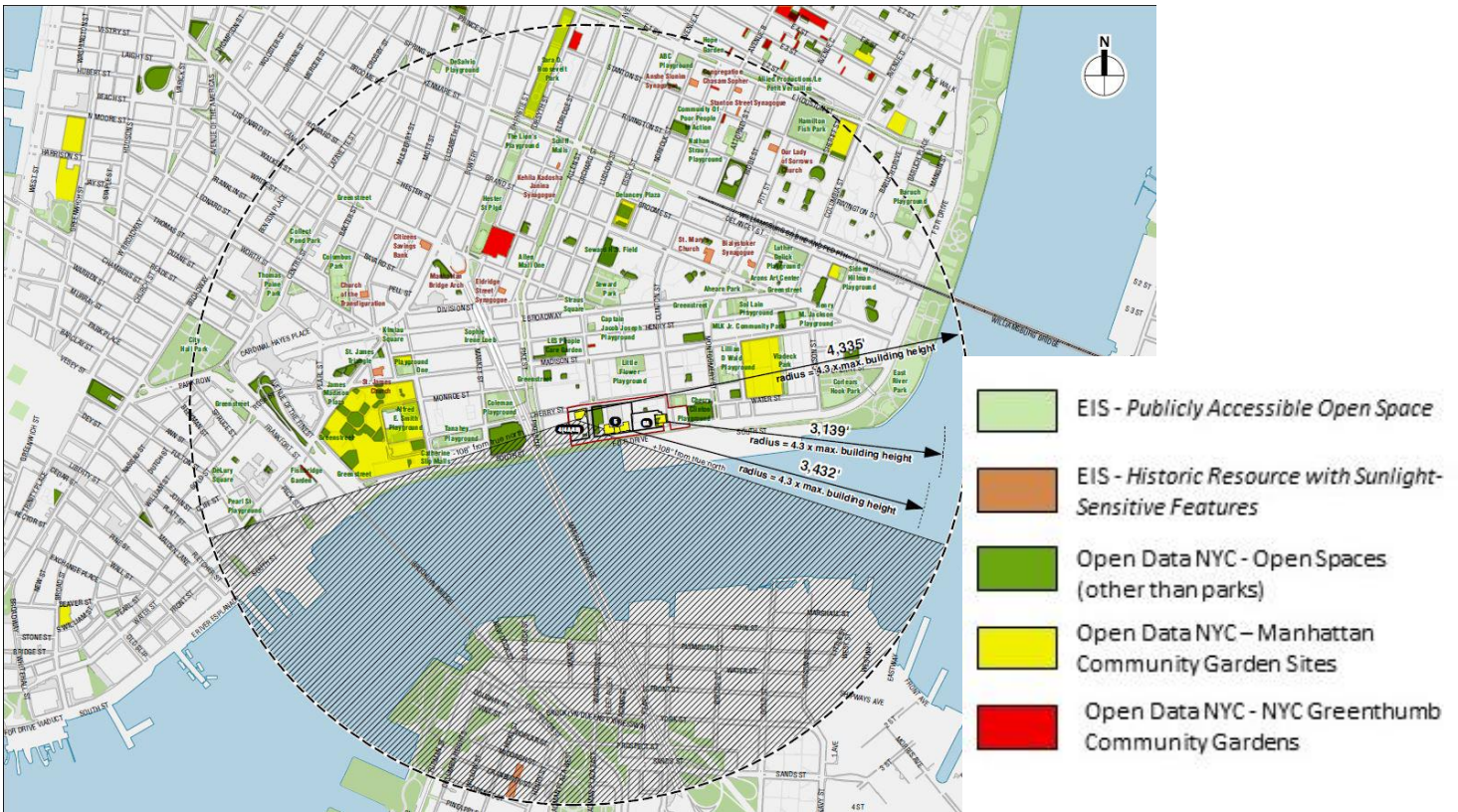


Figure 3 - Reproduction of DEIS Figure 6.1 altered to show publicly accessible open spaces and community gardens not studied in the DEIS

WHEREAS, taken together this data suggests that the DEIS could be missing as many as 41 sunlight sensitive resources in the study area: eight community gardens, and 33 publicly accessible open spaces. It is likely that not all of these sites are sunlight sensitive, but a quick review suggests that most of them are, and should have been included in the analysis; and

WHEREAS, it is likely that the above *still* underestimates the amount of publicly accessible open space that will have shadow impacts, as for example, most of the qualifying residential open space at the NYCHA La Guardia Houses *functions* as publicly accessible open space and has been functioning as publicly accessible open space for decades; and

WHEREAS, the *CEQR Technical Manual* instructs that sunlight sensitive resources include, “[a]ll public open space as identified in *Chapter 7, ‘Open Space,’*” and *Chapter 7* instructs that ‘Open Space’ includes: “housing complex grounds, if publicly accessible;” and

WHEREAS, the grounds at La Guardia Houses are open from the sidewalk and freedom of movement between the neighborhood and the open space is not impeded, and they are owned by a public authority, the areas used for recreation and green spaces should have been identified as a sunlight sensitive resource, as they are very large and are located directly to the north of the proposed project, thus experiencing some of the largest shadow impacts; and

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

WHEREAS, a demonstration of the magnitude of this omission prepared by George M. Janes and Associates is included as *Appendix A* to this document; and

WHEREAS, MAS has further identified that the proposed actions would generate shadow impacts on open spaces at:

- 1) The Rutgers Houses for approximately three hours daily during the May 6 and September 21 evaluation periods; and
- 2) The La Guardia Houses for approximately 7 hours daily during the May 6 and September 21 evaluation periods; and

WHEREAS, privately owned open spaces are exempt from shadow impact analysis under CEQR guidelines, yet the proposed actions inclusion of private open space to mitigate adverse impacts suggests that an evaluation of the shadow impacts on Rutgers Park would be appropriate, as again according to MAS analysis, it would also be impacted by shadows generated by the proposed actions for a significant portion of the day during both the May 6 and September 21 evaluation periods;

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 requests expanded and corrected shadow analysis that includes all publically accessible open spaces, NYCHA open spaces, and private open spaces impacted in the study area, and the identification of adequate and detailed mitigation strategies if further significant adverse impacts are then found; and

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 requests that mitigation measures be identified for all impacted sites; and

WHEREAS, regarding urban design and visual resources, the overall analysis framework for urban design is insufficient and requires a more robust level of analysis; and

WHEREAS, a number of view corridors and visual resources will be irreparably changed under the proposed With Action conditions, yet the DEIS does not identify changes to these resources that would trigger a determination of significant adverse impact; and

WHEREAS, a number of the With Action/No Action visual comparisons are not presented from the same vantage point and do not present buildings with enough contrast to disclose actual impacts, including DEIS images 50a and 50b, images 51a and 51b, 53a and 53b, and 56a and 56b; and

WHEREAS, a number of comparative photosimulations between existing conditions and proposed conditions show a different aspect ratio, shading, and colors of building and sky; and

WHEREAS, the proposed conditions will not change the color of the sky, remove shadows from the street, or lighten the color of the facades of existing buildings, making these images misleading and contrary to best practices in the production of photosimulations for environmental review; and

WHEREAS, conclusions in the urban design and visual resources analysis minimize visual impacts and justify determinations based primarily on comparisons and consistency with a single building, One Manhattan Square, without comprehensively assessing the totality of cumulative impacts the proposed actions will have on the study areas; and

WHEREAS, the DEIS claims that the project will “not eliminate any significant publicly accessible view corridors or completely block public views to any visual resources,”

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 requests revised With Action/No Action visual comparisons that accurately presents visualizations from the same perspective; and

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 requests a revised analysis with a threshold for findings of significance that uses *impairment* of the quality of a viewpoint, rather than the *complete blockage* threshold to identify significant adverse impacts on visual resources; and requests the identification of adequate and detailed mitigation strategies if further significant adverse impacts are then found; and

WHEREAS, the DEIS makes assertions about wind conditions without presenting any data to support those assertions, stating that a study was performed that found the conditions the proposed projects would create would be “similar to those at comparable locations in the City,”

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 requests full disclosure of this study, including the identification of comparable locations in the City, the safety of wind conditions for pedestrians, the comfort of wind conditions for pedestrians, and if significant adverse impacts are found, the identification of adequate mitigation measures, including the potential placement and number of marcescent trees that would be needed, and how effective such mitigation measures would be; and

WHEREAS, regarding natural resources, the DEIS describes how nighttime migratory bird collisions are more likely to occur on buildings above 656 feet; and

WHEREAS, despite the fact that the proposed developments are between 730 feet and 1,008 feet tall, and despite the fact that the DEIS clearly identifies that the buildings would intersect the strata of airspace in which migrating birds most commonly fly—increasing the risk of bird collision—the DEIS ultimately downplays the impacts of the proposed development on bird collisions; and

WHEREAS, the DEIS describes methods (patterned or fritted glass) by which the proposed developments could reduce bird collisions which are being considered by the applicants, it does not indicate that any of these methods will be implemented;

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 requests full disclosure of the design features being considered as well as their intended impacts and confirmation of the applicants’ commitment to implementation; and

WHEREAS, regarding water and sewer infrastructure, the DEIS concludes there will not be an impact on either the City’s water supply or sewage treatment systems, yet the DEIS does identify impacts on the drainage system during heavy rain events; and

WHEREAS, the DEIS identifies that the volume of sanitary sewage sent to combined sewer systems will more than double in the With Action scenario, with up to an additional 588,000 gallons flowing into the combined

sewer system in the heaviest rainfall scenarios, and indicates that storm water Best Management Practices (BMPs) would be required as part of the New York City Department of Environmental Protection (DEP) site connection approval process, the DEIS does not identify any concrete mitigation measures; and

WHEREAS, the project sites are within a combined sewer drainage area, where regulators permit up to a certain amount of “allowable flow” that the system can handle to go to large interceptor sewers that direct the combined wastewater to a wastewater treatment plant, and where, to avoid overloading a Waste Water Treatment Plant (WWTP) when the system contains more than the allowable flow, coastal outfalls can discharge the excess amount into local waterways rather than directing them to the WWTP; and

WHEREAS, given the realities of climate change and the estimation by DEP that New York City could potentially experience as much as 3.0 inches/hour of rainfall by 2065, and the fact that DEP already identified the spillage of more than 18 million gallons of raw sewage across 26 CSO events in 2016 at the outfall serving the combined sewer system in question; and

WHEREAS, during a high tide or storm surge event, river water can quickly enter the wrong end of an outfall with great force and fill nearby sewers to capacity, causing flooding that is difficult to mitigate and which could render the local drainage system useless, potentially causing the precipitation and sanitary sewage in the local drainage system to backup and surcharge into streets and properties; and

WHEREAS, the project sites and the local combined sewage drainage area are naturally vulnerable to many types of flooding as they are low lying and next to the coast, and during a storm event the drainage areas low lying points may need to simultaneously manage the compounded impacts of tidal flooding, extreme rainfall, sanitary sewage generation, and storm surge, resulting in a heightened and disastrous flood risk; and

WHEREAS, the proposed actions would result in total on-site sewage generation of 820,429 gallons per day (gpd), 3.30 times the volume of current sanitary sewage generation, resulting in that much less space for the local drainage area to simultaneously manage storm water during flash or tidal flooding, or a coastal storm event;

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 requests that to most clearly show the impacts of the anticipated increase in sanitary sewage on the local combined sewer drainage area, the principal conclusions in this analysis should include and represent these incremental increases as percentage values to illustrate the relative change in volume as measured in **Table 11-5**; and

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 requests the analysis of scenarios that would be considered flash flooding or greater by the National Weather Service (NWS) (identified as rainfall of at least *1.0 to 1.5 in over 1 hour*) in order to accurately assess and disclose the capacity of drainage systems during heavy rain and coastal flooding events which the area is naturally predisposed to; and

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 requests further revised analysis of infrastructural capacity and the identification of adequate and detailed mitigation strategies if further significant adverse impacts are identified; and

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 requests identification and disclosure of the BMPs that would be included in the proposed actions; and

WHEREAS, regarding transportation, 15 intersections are identified in the DEIS as having potential for significant adverse impacts under the proposed actions and a number of these have no proposed mitigation measures, including the intersections of South Street and Montgomery Street, and Chatham Square and Worth Street/Oliver Street; and

WHEREAS, the signal timing changes and lane restriping that is being proposed to mitigate impacts at the remaining 13 intersections are subject to New York City Department of Transportation (DOT) approval and the potential for unmitigated traffic impacts at these locations remains;

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 requests full mitigation of all identified traffic impacts, as well as disclosure of proposed signal timing changes and lane restriping plans with approval from DOT; and

WHEREAS, the DEIS estimates that only 1,069 vehicle trips to and from the area will be generated as a result of development despite the anticipated addition of over 2,000 market-rate residential DUs; and

WHEREAS, the DEIS does not disclose any substantial explanation of the methodology for calculating the impacts of the growing ride-hailing industry or the impacts of online-based vendor deliveries to the area, both of which may have an elevated impact in the study area under the proposed With Action conditions due to the higher anticipated income of new residents; and

WHEREAS, for travel demand assumptions, data was drawn from the Seward Park Mixed Use Development Project, which included a unique housing model with 50% of DUs set-aside as permanently affordable; and

WHEREAS, the study area has fewer mass transit options than are available in the Seward Park Mixed Use Development Project area; and

WHEREAS, due to these differences, assumptions from the Seward Park Mixed Use Development Project should not be applied to the proposed actions, as it can safely be assumed that higher income residents will have higher rates of car ownership and limited access to public transit will generate more automobile trips;

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 requests a revised estimation of vehicle trips generated with these potentially elevated impacts and ride-hailing impacts included; and

WHEREAS, the DEIS finds that the addition of more than 5,800 new residents to the area, with limited subway access, would not generate incremental bus trips at a level requiring detailed bus line-haul analysis and determines that the proposed actions would not significantly impact bus line-haul;

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 requests that a detailed bus line-haul analysis be conducted to address the unique conditions in the study area, including limited access to subway lines, that would differ from the standard Travel Demand Assumptions outlined in the *CEQR Technical Manual* regarding modal splits; and

WHEREAS, the DEIS finds that the addition of more than 5,800 new residents to the area as a result of the proposed actions would not significantly impact subway line service; and

WHEREAS, the DEIS analysis assigned only 5% of trips to the B-line and D-line Grand Street subway station and 95% of trips to the F-line East Broadway subway station, with limited explanation of the methodological decision; and

WHEREAS, anticipated MTA New York City Transit repairs to the Rutgers Tube slated for 2022 are expected to limit F-line service at the East Broadway subway station just after the proposed actions projected build year; and

WHEREAS, the only significant adverse impacts identified are for the F-line East Broadway subway station S1 stairway during weekday AM and PM peak hours, and the P3 stairway for the weekday AM peak hour, and therefore the only mitigations proposed are station accessibility and circulation-based; and

WHEREAS, the conceptual engineering studies for these mitigations have at this time been performed and are described as feasible in the DEIS, yet the details of these studies have not been disclosed and the potential for these adverse impacts to be unmitigated remains;

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 requests that subway line haul methodology and trip generation methodology be refined to more accurately reflect use patterns the proposed actions will influence, as well as reflect publically-known service interruptions that are expected to impact transit in the study area; and

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 requests any conceptual engineering and feasibility studies for mitigation measures be disclosed; and

WHEREAS, the following intersections were highlighted in the DEIS as having been the site of ten or more injuries during the study period between November 1, 2013 and October 31, 2016, including:

- Allen Street and Canal Street - 16
- Allen Street and Delancey Street - 37
- Allen Street and Division Street - 10 (1 fatality)
- The Bowery and Canal Street/Manhattan Bridge - 81
- Chatham Square/Park Row and Worth Street/Mott Street - 10
- Pike Street and East Broadway - 13
- Pike Street and Madison Street - 12
- Rutgers Slip and South Street - 11 (1 fatality); and

WHEREAS, the DEIS indicates that none of these intersections were found to have design deficiencies, yet a number of the intersections, such as Chatham Square/Park Row and Worth Street/Mott Street are very difficult to navigate and involve several turning movements and pedestrian crossings, which belies the relatively low number of accidents (10); and

WHEREAS, the DEIS determined that traffic impacts at Chatham Square/Park Row and Worth Street/Mott Street, as well as at the intersection of South Street and Montgomery Street, could not be mitigated;

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 requests further study of these intersections and requests a proposal for redesign as a necessary mitigation of the anticipated adverse impact; and

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

WHEREAS, the study area in fact lacks a significant magnitude of alternative modes of transportation as exemplified by the transit analysis trip generation methodology that identifies 95 percent of residents in the study area are likely to use a single subway station and line, the F-line at the East Broadway subway station;

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 requests further study of these parking shortfalls and a reconsideration of the mitigation standards typically applied to Manhattan actions due to the unique circumstances of limited public transit access in the study area; and

WHEREAS, regarding the analysis of neighborhood character, half the study area is in the East River, which does not make a reasonable study area for neighborhood character; and

WHEREAS, the analysis of neighborhood character is self-serving and could be much more easily argued from the opposite position, as the reduction in open space ratio, the major increase to private open space usage, shadows, visual resources, land use/zoning policy, and changes in the socioeconomic conditions the proposed actions would facilitate, would create significant changes in neighborhood character; and

WHEREAS, the DEIS states that “the proposed actions would not result in significant adverse impacts associated with neighborhood character,” the proposed actions will certainly *change* neighborhood character;

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 requests full disclosure of changes in neighborhood character, and a detailed and specific explanation of how these changes in neighborhood character do not constitute significant adverse impacts; and

WHEREAS, regarding construction impacts, a large number of significant adverse construction-period traffic impacts, parking shortfalls during peak construction, and construction-period noise impacts will remain unmitigated; and

WHEREAS, study area residents have already endured unmitigated construction impacts during the construction period of the adjacent One Manhattan Square project; and

WHEREAS, the DEIS does not provide sufficient details about the mitigation measures to be employed during the projects’ stated 30- to 36-month construction period;

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 requests a full disclosure of all mitigation plans and a detailed explanation of:

- 1) The process by which communication with the community would occur, including procedure for delivering construction updates and disclosure of dedicated hotline information;
- 2) Maintenance and Protection of Traffic (MPT) plans for temporary sidewalks, street closures, etc. during the entire construction period;
- 3) Pest management strategies that would be employed at the project sites during the construction period;

- 4) Emissions reduction strategies and best practices that would be employed during the construction period;
- 5) Specific noise control measures being proposed; and

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 requests a commitment to regular coordinating meetings with all appropriate agencies and stakeholders as an additional and necessary mitigation; and

WHEREAS, during the construction period, 10 DUs in 80 Rutgers Slip would be removed and replaced in the new Site 4 (4A/4B) building, and an additional nine DUs in 80 Rutgers Slip would be renovated, resulting in the relocation of approximately 19 senior residents of 80 Rutgers Slip during the construction period; and

WHEREAS, approval for this relocation plan must be granted by HUD, and has thus far not included any consultation with the Community Board or local elected officials, nor has the regulatory agreement or relocation plan been disclosed in the DEIS;

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 requests full disclosure of any regulatory agreements and relocation plans for the approximately 19 senior residents at 80 Rutgers Slip; and

WHEREAS, the only alternatives to the proposed actions that are considered in the DEIS are the required No Action Alternative and a No Unmitigated Significant Adverse Impacts Alternative; and

WHEREAS, a Lesser Density Alternative was considered but ultimately excluded, citing that the reduction in density would significantly reduce the amount of permanently affordable housing delivered by the proposed actions and thus compromise the project description and objectives; and

WHEREAS, despite these findings, the total number of affordable units is not inherently contingent on project density or mitigation of environmental impacts;

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 requests a full consideration of at minimum, a Lesser Density Alternative, as well as any other reasonable alternatives that could reduce adverse environmental impacts; and

WHEREAS, the *CEQR Technical Manual*, and specifically the guidelines for the analysis of indirect residential displacement, are so insufficient and flawed that to evaluate and propose specific mitigations based on these findings would be inadequate and represent a dangerous level of irresponsible planning; and

WHEREAS, despite the flawed analysis of indirect residential displacement impacts, it is clear that in reality the proposed actions represent a type of large-scale, majority market rate waterfront development that has been documented to result in widespread residential and commercial displacement in other neighborhoods such as Greenpoint-Williamsburg; and

WHEREAS, the proposed actions introduction of a limited amount of regulated units at rental levels that far exceed real affordability for the majority of area residents, and over 2,000 market rate units will likely generate similar widespread indirect residential displacement in the absence of substantial changes to the proposed actions or comprehensive mitigations; and

WHEREAS, the provision of a limited number of rent regulated apartments at rental levels that far exceed real affordability for the majority of area residents does not in itself begin to appropriately mitigate this anticipated indirect residential displacement;

THEREFORE, BE IT RESOLVED that Community Board 3 requests a meaningful and accurate analysis of indirect residential displacement and the full and appropriate mitigation of all accurately identified impacts; and

WHEREAS, in addition, the proposed actions would likely result in significant adverse impacts to publically funded child care facilities, open space, shadows, traffic, transit, pedestrians, and noise during the construction period; and

WHEREAS, a number of these impacts, including shadows at Cherry Clinton Playground and Lillian D. Wald Playground; traffic impacts at the intersection of South Street and Montgomery Street and the intersection of Chatham Square and Worth Street/Oliver Street; and construction-period noise, would go unmitigated; and

WHEREAS, a number of mitigations are either wholly unidentified or lacking in substantive detail, and are anticipated to be defined between the current time and the completion of the FEIS, including mitigation measures for significant adverse impacts on public elementary school utilization rates and publicly funded child care facilities;

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 requests that all significant adverse impacts be fully mitigated and that no impacts be left unmitigated in the FEIS; and

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 finds the proposal to define mitigations during the period between the issuance of the DEIS and the completion of the FEIS to be insufficient, as it denies the Community Board and the public an opportunity to fully review, vet, and comment on significant and necessary mitigation proposals prior to the CPC vote on the project applications; and

WHEREAS, the currently proposed square footage for community facilities outlined in the DEIS project description would not be adequate to accommodate the necessary mitigations for public school or child care facility impacts and no off-site locations have yet been identified; and

WHEREAS, the DEIS states that Restrictive Declarations for the proposed projects will be adopted requiring consultation with the New York City Administration for Children's Services (ACS) to mitigate publically funded child care facilities impacts, but no such Restrictive Declaration has been disclosed;

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 requests the identification of sites for the proposed public school and child care facility mitigations prior to the issuance of the FEIS; and

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 requests the disclosure of written commitments and/or Restrictive Declarations for any mitigations of publically funded child care facilities; and

WHEREAS, a number of identified mitigations are expected to be further refined between the current time and the completion of the FEIS, including proposals for the dedication of publically accessible open space at Rutgers Slip, and the renovation of existing open spaces at Coleman Playground, Captain Jacob Joseph Playground, and Little Flower Playground; funding enhanced maintenance at Cherry Clinton Playground and Lillian D. Wald Playground; signal timing changes and lane restriping at 13 intersections; the installation of a new subway

entrance, platform widening, and the installation of ADA-compliant elevators at the F-line East Broadway subway station; and timing changes and crosswalk widening at several intersections;

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 finds the proposal for refinement of any identified mitigations during the period between the issuance of the DEIS and the completion of the FEIS to be insufficient, as it denies the Community Board and the public an opportunity to fully review, vet, and comment on significant and necessary mitigation proposals prior to the CPC vote on the project applications; and

WHEREAS, in each case where mitigations were identified, they may include significant public actions and costs, and are contingent on consultations with a number of City agencies as well as the findings of conceptual engineering and feasibility studies that have either not yet been conducted or are not included in the DEIS, and therefore there is a real potential for no mitigation of any identified adverse impacts; and

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 requests the disclosure of written commitments and/or Restrictive Declarations for any major capital improvements to transportation infrastructure that are being proposed as mitigations; and

WHEREAS, the ratio of open space acres per 1,000 residents in the already underserved study area would decrease from 0.897 under the No Action condition to 0.831 under the With Action condition; and

WHEREAS, the proposed mitigations for the loss of open space include the dedication of publically accessible but private open space at Rutgers Slip; the renovation of existing open spaces at Coleman Playground, Captain Jacob Joseph Playground, and Little Flower Playground; and funding enhanced maintenance at Cherry Clinton Playground and Lillian D. Wald Playground; and

WHEREAS, the proposed public space at Rutgers Slip is actually private space which serves as the entrance way to the residential building at 82 Rutgers Slip and the residents have expressed serious safety concerns with converting this into a public plaza;; and

WHEREAS, funding for existing open space renovations is not a sufficient mitigation for the loss of open space or the impact of shadows on vegetation and playground use; and

WHEREAS, despite the significant shadow impacts on crucial open space resources, the DEIS states only that mitigation measures for shadow impacts are being explored by the applicants and will be refined prior to the issuance of the FEIS; and

WHEREAS, there has been no disclosure of how these specific playgrounds have been selected for mitigation;

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 requests assurances that proposed open space mitigations would be completed, including written commitments and/or Restrictive Declarations for any major capital improvements; and

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 requests further explanation of the justification, decision-making, public outreach, and agency consultations that went into the selection of proposed open space and shadow mitigation locations; and

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 requests full disclosure of the details, including amount and length of commitment, for the funding of enhanced maintenance that is proposed as a shadow impact mitigation; and

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 requests further explanation of the rationale behind enhanced funding being able to functionally mitigate the permanent imposition of shadows on vegetation and playground use; and

WHEREAS, there is no timetable or cost estimate provided for the F-line East Broadway subway station mitigation proposals, nor is there any evaluation of the impacts on subway line-service, traffic, and pedestrian circulation during the construction period; and

WHEREAS, there is no timetable or cost estimate for proposed parks renovations, nor disclosure of proposed temporary park closures and the temporary impact on open space ratio during that would occur during any renovation construction period;

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 requests further analysis of the construction impacts that an East Broadway subway station renovation would have on subway-line service, traffic, and pedestrian circulation during the construction period; and

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 requests the disclosure of project timelines and cost-estimates for all proposed mitigations identified in the DEIS and FEIS; and

WHEREAS, regarding growth-inducing aspects of the proposed actions, the DEIS finds that the proposed projects are not expected to induce any significant additional growth beyond that identified the project description and analyzed throughout the EIS; and

WHEREAS, the proposed actions are anticipated to introduce more than 5,800 new residents and 2,081 market-rate DUs to the primarily low- and middle-income, and predominantly rent-regulated Two Bridges LSRD; and

WHEREAS, development in general, and the introduction of unregulated DUs, has never previously occurred on this scale in the Two Bridges LSRD; and

WHEREAS, a number of soft-sites would remain in the Two Bridges LSRD after the completion of the proposed actions, including significant unused floor area ratio (FAR) at Site 6B and Site 7, including parking lots and open spaces, as well as in the immediate adjacent area, including the Con Edison site at 220 South Street and open spaces on NYCHA properties at the La Guardia Houses, Rutgers Houses, and Smith Houses;

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 questions the determination that the proposed projects are not expected to induce any additional growth and requests further and refined analysis of the growth-inducing aspects of the proposed actions;

WHEREAS, regarding irreversible and irretrievable commitments of resources, the DEIS does not evaluate and disclose the irreversible and irretrievable loss of visual resources from the proposed action sites as well as visual resources from upland and from Brooklyn; and

WHEREAS, the DEIS identifies additional resiliency measures the proposed actions would contribute to the area, it does not consider the irreversible and irretrievable loss of permeable surfaces, as well as the loss of trees and other vegetation from shadow impacts, that can function to absorb rain and flood waters;

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 requests further detailed analysis and disclosure of these additional irreversible and irretrievable commitments of resources; and

WHEREAS, overall, the DEIS displayed a lack of responsiveness to Community Board 3's comments on the Draft Scope of Work; and

WHEREAS, given the potential change in CPC policy regarding the approval process for modifications to Large Scale special permits that the proposed actions represents, in which ULURP is not triggered as long as proposals do not require further waivers; and

WHEREAS, recommendations by community boards for Large Scale developments and special permits granted by the CPC and City Council during ULURP are typically made with the understanding that even though a project may receive zoning waivers, other "trade-offs" can make those waivers more acceptable, which is fundamental to the land use decision-making process in New York City, especially at the community board level; and

WHEREAS, the CPC's determination that the proposed significant development should be classified as a minor modification to the Two Bridges LSRD plan, suggests that applicants can always come back after special permits and waivers have been granted and build out projects with no community board review, as long as no additional waivers are sought; and

WHEREAS, this change brings into question every Large Scale special permit issued since 1961, as participants in the ULURP process, including community boards, are not likely to have made the same decisions regarding all Large Scale special permits if they understood that they would not have an opportunity to review the plans again even when significant amendments were being made; and

WHEREAS, there is no evidence that buildings even close to the scale proposed were discussed during any hearings or deliberations made by Community Board 3 prior to making recommendation on the granting of previous special permits for Large Scale Residential Development in Two Bridges;

THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 requests that the minor modification determination be reconsidered and the proposed actions be subject to ULURP, as anything less undermines established community planning precedent and the role of community boards in the land use planning process in New York City; and

WHEREAS, the methodology guiding the DEIS analysis as outlined in the *CEQR Technical Manual* is inherently flawed and appears to have a strong bias against any finding of significant impact, regularly producing analysis across numerous study areas that is both inadequate and does not begin to capture the actual impact on the environment as required under State law; and

WHEREAS, the DEIS, as currently constituted, includes a large number of serious omissions, misrepresentations and errors, and ultimately does not fully disclose all the proposed actions' significant impacts; and

WHEREAS, given the methodological shortcomings and the large number of serious omissions, misrepresentations, and errors, the Lead Agency should not have accepted this DEIS as complete;

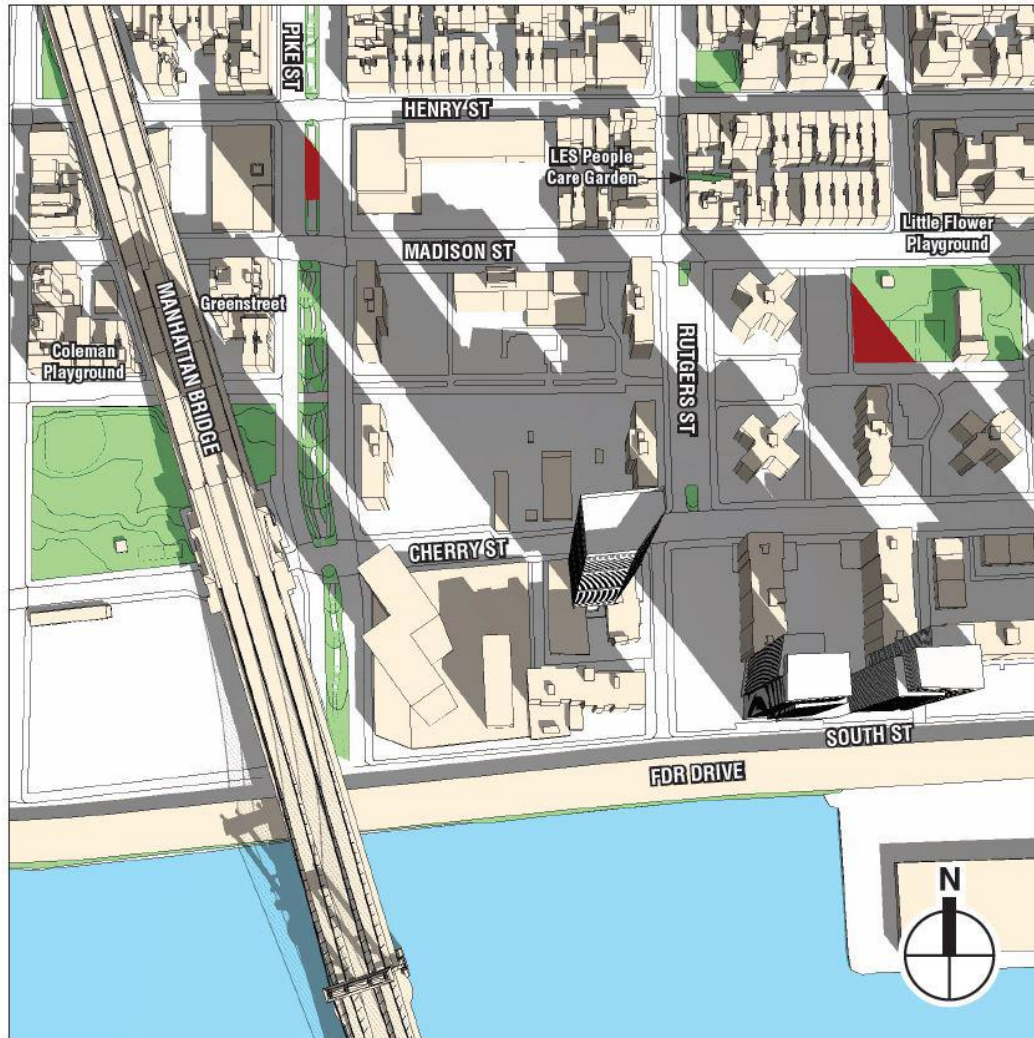
THEREFORE, BE IT FURTHER RESOLVED that Community Board 3 requests that the omissions, misrepresentations and errors outlined here be corrected in a Supplemental DEIS which includes appropriate, adequate, and detailed mitigation measures for all identified impacts; and

THEREFORE, BE IT FURTHER RESOLVED that if a Supplemental DEIS is not issued, than Community Board 3 requests that all the aforementioned requests for the correction of omissions, misrepresentations and errors be included in the FEIS.

APPENDIX A

Prepared for Manhattan Community Board 3 by George M. Janes & Associates

To demonstrate the magnitude of the omissions in the sunlight sensitive resources, we have prepared a series of images starting with the March 21, 10am shadow rendering that appears in the DEIS (**Figure 4**). The two areas marked in red are incremental shadows on shadow sensitive resources as identified in the DEIS:



10:00 AM

Figure 4 - Reproduction of March 21, 10am shadow rendering

The above omits several sunlight sensitive resources. The following is a plan for this area showing both the resources identified in the DEIS and publicly accessible open spaces added from New York City's GIS (**Figure 5**). The resources in the DEIS are in light green and the resources added are in dark green:



Figure 5 - Plan showing both identified sunlight sensitive resources (light green) and publicly accessible open spaces omitted (dark green)

To reexamine incremental shadow impact, we have taken models for the proposed building and rendered our own shadows for the day and time (**Figure 6**). There are trivial differences in the shadows that appear in the DEIS and the following renderings due to the differences in the 3D models used to render the shadows. The incremental shadow impacts identified in the DEIS are marked in red, while the incremental shadow impacts missing from the DEIS are shown in orange.



Figure 6 - March 21, 10am shadow rendering showing incremental shadow impact on parks identified in the DEIS (in red), and incremental shadow impact on publicly accessible open spaces not identified in the DEIS (in orange)

To be clear, this only marks the publicly accessible open spaces and community gardens identified in the New York City Open Space GIS layer, and does not include qualified residential open space on La Guardia Houses which is functional used as publicly accessible open space, but not identified as such. If that space is included, the incremental shadow impact is much larger (**Figure 7**).



Figure 7 - March 21, 10am shadow rendering showing incremental shadow impact on parks identified in the DEIS (in red), incremental shadow impact on publicly accessible open spaces not identified in the DEIS (in orange), and incremental shadow impact on residential open space that functions as publicly accessible open space (in yellow)

With or without the open space impacts on La Guardia Houses, the DEIS understates sunlight sensitive resources that have a potential to be impacted. The omission is so large that the entire chapter needs to be redone in a supplemental DEIS.

###

Please contact the community board office with any questions.

Sincerely,



Alysha Lewis-Coleman, Chair
Community Board 3



MyPhuong Chung, Chair
Land Use Zoning, Public & Private Housing Committee

cc: Matthew Pietrus, Department of City Planning
Bob Tuttle, Department of City Planning
Tara Duvivier, Manhattan Borough President's Office
Paul Leonard, Office of Council Member Margaret Chin
Marian Guerra, Office of Council Member Margaret Chin
Venus Galarza-Mullins, Office of New York State Senator Brian Kavanagh
Laurence Hong, Office of New York State Assembly Member Yuh-Line Niou
Ben Kleinbaum, Capalino+Company