



THE CITY OF NEW YORK
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October 17, 2018

Manhattan Community Board 3 Comments for the City Planning Commission on the *Two Bridges LSRD* DEIS

Community Board 3 (CB 3) believes the Two Bridges Large Scale Residential Development (LSRD) proposal of more than 2,000 market rate units and only 694 units with any affordability requirements does not contribute enough to the projects' stated purpose of advancing the Housing New York plan. It also comes at the cost of displacing low-income tenants, affordable retail businesses and essential non-profit services. We have unfortunately seen this too often in our gentrifying community—it is the reason City Council has had to pass additional tenant harassment laws.

CB 3 held a public hearing on August 14, 2018. More than 100 residents attended but the single supportive speaker came from one union who has been promised jobs. Additionally, CB 3 is supporting land use actions for this area that are incompatible with this proposal.

Our community district (CD 3) has the second highest income inequality gap of all 59 districts, and this proposal will increase that gap. Our community is in need of many more deeply affordable housing units. Growing residential displacement and the continued loss of essential social services are of premier importance in the district. Although the number of low income families in the district has not decreased, we have already seen changing demographics result in the loss of important programming and services for children and families in the district over the past year.

This proposal provides for the owners to receive full Property Tax exemptions, but the rents for regulated units would still be too high for the majority of current residents to afford. Nearly 30 percent of residents here live below the poverty line and the median income for a family of three is just over \$30,000.

We believe these projects would have a disproportionate impact on minority groups living in the area, as:

- 82 percent of residents are people of color;
- 18 percent are living with a disability; and
- 22 percent are 65 and older—and half of those seniors are also living with disabilities.

This is also an important immigrant community that would disproportionately suffer negative impacts, as:

- Nearly half the residents are Chinese and nearly one quarter are Hispanic/Latino;
- 46 percent are foreign born; and
- 41 percent have limited English proficiency.

CB 3 believes the proposed actions are illegitimate and would represent changes to the LSRD site plan and have impacts that are inconsistent with the LSRD objectives— which include the promotion of better site planning that does not alter open space access, adversely affect access to light and air, or create traffic congestion to the detriment of residents of the surrounding areas.

Because of this, CB 3 believes the proposed actions should not constitute minor modifications and should require a Special Permit, providing the public with additional opportunities to weigh in and allowing local elected officials to represent their constituents in the land use review process.

We believe that the findings issued in the DEIS were insufficient and filled with errors, and should not have been accepted as complete by the lead agency. Questions asked during the scoping period were left unanswered, and due to *CEQR* guidelines that don't reflect the reality of the New York City we currently live in, a number of serious impacts are under-measured. Many impacts from this proposal are just left unmitigated. Mitigations that *are* identified are plainly inadequate, or worse, are having details withheld until the completion of the FEIS, completely barring them from public review.

The Project Description in the DEIS does not clearly identify or provide sufficient details of the specific modifications to the Two Bridges LSRD and does not explain exactly how these modifications would enable the proposed developments to occur.

It is also not clear how the proposed actions comply with the criteria for modifications to an LSRD in the Zoning Resolution, which state 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
- Must *not* adversely affect access to light and air outside the LSRD or create traffic congestion;
- 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.

The purpose and need of the proposed actions is based upon the advancement of the Housing New York plan. CB 3 does not find that a proposal for a mere 25 percent affordable units sufficiently advances this goal, as it is tied to 2,081 market rate units and additional environmental impacts that would produce more severe and acute housing needs in the area.

The public policy analysis is also flawed as it does not evaluate consistency with *NextGeneration NYCHA* policy and proposals at the adjacent La Guardia Houses, which are targeted for infill development and have had a publically issued RFP.

The DEIS also does not consider compliance with the Lower Manhattan Coastal Resiliency Project, despite the proximity to the East River waterfront and the resiliency project area, and it does not sufficiently address the proposed actions' consistency with a number of policies outlined in the City's *Waterfront Revitalization Program*.

The DEIS does not consider a number of recent new policy initiatives, including the *Where We Live* fair housing initiative, and new policy that DCP has been developing on zoning and fire safety for projects with inter-building voids, which one of these proposed projects would have. The excessive time between the end of the public scoping period and the issuance of the DEIS, lasting more than 12 months, prevented any new policies promulgated in that period from being included in the analysis scope, and therefore it cannot be considered accurate.

CB 3 also takes issue with the *CEQR* Technical Manual guidelines that informed the DEIS, which are so flawed that to evaluate impacts and propose specific mitigations based on these findings is not only inadequate, but irresponsible. *CEQR* guidelines have a strong bias against any finding of significant impact, regularly producing

analysis across numerous study areas that does not begin to capture the actual impact on the environment as required under State law.

The guidelines for measuring indirect residential displacement—a major concern for our residents—are particularly flawed. In this area, it does not consider the 88% of units in buildings that have at least one unit protected by rent regulation, and these tenants are not studied as a vulnerable population, despite a recent history of evictions and deregulation in the area, and therefore no significant impacts were found.

Yet it is clear that in reality, the proposed actions represent a type of large-scale, majority market rate waterfront development that has resulted in widespread residential and commercial displacement in other neighborhoods such as Greenpoint and Williamsburg.

Many rent regulated households in the project area have already experienced displacement impacts. There has been a loss of at least 950 regulated units in the area over the past decade¹; and there were over 300 eviction cases filed since 2013, including 135 at 82 Rutgers Slip alone.²

With more than 2,000 units of market rate housing and only 25 percent regulated apartments, with rents higher than area residents can afford, the rent regulated housing in these proposals would not begin to appropriately address the displacement threat we would see unless there are substantial changes.

To mitigate these impacts, at least 50 percent of residential square footage must be made permanently affordable at levels below 80 percent AMI, with 20 percent of units set aside for residents earning between 30 to 50 percent of AMI and 20 percent set aside for residents earning less than 30 percent AMI. Further, the Two Bridges LSRD, at minimum, should be added to the “Certificate of No Harassment” pilot program, and ideally all of CD 3 would be added to protect at-risk residents across the district.

Any relocation and renovation plans for senior housing in 80 Rutgers Slip must be fully detailed and disclosed. The Final Scope of Work stated that the DEIS would include relocation plans for residents of 80 Rutgers Slip, yet it only indicates the applicant’s *intention* to relocate, and does not include details of the regulatory agreement with HUD or details of the relocation plan. There has been no consultation on this issue with the Community Board or local elected officials on this issue.

When analyzing utilization rates at public schools in Community School District 1, the DEIS does not include population increases from publically known projects at One Manhattan Square, NYCHA infill at La Guardia Houses, Essex Crossing, or the Grand Street Guild. The multipliers for student generation are inaccurate, drawing from data that is 18 years old. This methodology lumps together different neighborhoods and different unit types, and excludes housing projected for senior use. But none of this senior housing is guaranteed at this time, therefore the analysis does not reflect the full extent of potential child care and student impacts that could occur here.

There are also significant omissions of many sunlight sensitive resources in the shadow analysis in the DEIS. There must be an expanded and accurate shadow analysis that includes all publically accessible open spaces, NYCHA open spaces, and private open space that would be impacted by new shadows. These are functionally accessible open spaces that are actually used by area residents even if they are not all formally public.

CB 3 believes that funding for “enhanced maintenance” is not enough to mitigate the irreversible loss of sunlight for vegetation and playground users in the area. While these projects would include some open space improvements, they do not add any new open spaces in the area and actually decrease the overall open space per resident while casting shadows over much of what is currently available.

¹ As documented by data provided here: [taxbills.nyc](https://taxbills.nyc.gov/)

² As documented by data provided here: <https://projects.propublica.org/evictions/#15.99/40.7121/-73.9909>

The DEIS does not properly analyze impacts on drainage systems during heavy rain and flooding events. The project sites are naturally vulnerable to many types of flooding, and during a storm event the drainage areas may need to manage a combination of tidal flooding, extreme rainfall, sewage, and storm surge, resulting in a heightened flood risk. The proposed projects are all within the FEMA floodplain, and despite some proposed resiliency elements, little analysis has been done to evaluate the potentially disastrous impacts these measures could have on the surrounding area in a flood scenario.

The DEIS also underestimates vehicle trip generation and traffic impacts, and does not disclose in any meaningful detail the methodology for analyzing the effects of the growing ride-hailing industry or the impacts of online-based vendor deliveries to the area, both of which are likely to increase as demographics change to include higher income residents.

The DEIS finds that bringing more than 5,800 new residents to this area, with a single subway line and station, would *not* significantly impact bus line-haul or subway line service. It does not consider repairs to the Rutgers Tube slated for 2022 which are expected to limit F-line service just after the projects' anticipated build year. CB 3 believes this analysis does not reflect the reality of transit impacts in this neighborhood.

While an ADA-accessible East Broadway station is a welcome improvement, it is not enough to offset the impacts that more than 5,800 new residents would have on subway line service, station access, pedestrian circulation, automobile traffic, and bus line service.

CB 3 considers both the finding of significant impacts and mitigations identified in the DEIS to be insufficient. In many cases, impacts were either undercounted altogether, or when there were impacts found, in several cases no mitigations at all were identified at this time.

Mitigations for acknowledged impacts on public schools and publically funded child care facilities have not been identified in the DEIS. The currently proposed square footage for community facilities outlined in the project description would not be enough to accommodate the necessary seats to offset public school or child care facility impacts and no off-site locations have yet been identified.

Mitigations for open space impacts, including the conversion of private open space to public open space at Rutgers Slip, are lacking in details and would still result in a net loss of open space for the area. The proposals only include open space improvements, and do not add any new open spaces to the area to offset impacts.

We believe lot coverage should be limited to 40 percent of any lot where new development is taking place and should facilitate new, publically accessible open space that allows through access to the waterfront from upland blocks. In addition, height limits of 350 feet could also limit some of the shadow impacts while remaining consistent with the site planning and urban design goals of the LSRD, while also providing enough residential development capacity given the FAR on the zoning lots to still meet deep affordable housing goals that advance the Housing New York plan and are consistent with the needs of area residents.

We consider the funding for maintenance and the renovation of existing open spaces and playgrounds to be an insufficient mitigation for the overall loss of open space and the impact of shadows on vegetation and playground use. There has been no disclosure of how the specific playgrounds in the DEIS have been selected for mitigation. "Dedicated funding for enhanced maintenance" must be explicitly defined, including details of the amount of funding and length of time the dedicated funding will be provided for. Furthermore, CB 3 requests a detailed explanation of how temporary funding can be used to functionally mitigate the impact of irreversible and permanent shadows on our parks, playgrounds, streets, and residential buildings.

Analysis and mitigations for water, sewage, and resiliency in the DEIS are woefully lacking. The DEIS indicates that storm water Best Management Practices would be required, yet does not identify any concrete mitigation measures for the doubling of volume to the combined sewer system in heavy rainfall scenarios and does not detail what these best management practices would be. At minimum, all new open spaces in the area must require permeable surfaces and actively contribute to overall area coastal resiliency, as well as be consistent with all Lower Manhattan Coastal Resiliency Project plans, and these plans must be accurately disclosed prior to any approvals.

In the DEIS, 15 intersections are identified as having potential for significant adverse impacts and a number of these have no proposed mitigation measures. All identified traffic impacts in the area must be fully mitigated, and we must have the detailed disclosure of any proposed signal timing changes and lane restriping plans, with analysis and approvals from the DOT.

The only mitigations proposed for transit impacts in the DEIS are for subway station accessibility and pedestrian circulation. The engineering studies for the elevator installation at the East Broadway station have been performed, yet the details of these feasibility studies have not been disclosed and the potential for these impacts to go unmitigated remains. Any conceptual engineering and feasibility studies for mitigation measures must be shared publically.

The DEIS also does not provide clear details about the mitigation measures that would be employed during the construction period. There must be specifics about all construction mitigations with detailed explanations of how they will be implemented, and there must be a commitment to regular coordinating meetings with all appropriate agencies and area stakeholders as an additional and necessary mitigation.

CB 3 requests further explanation of the justification, decision-making, public outreach, and agency consultations that went into the selection of all proposed mitigations. There must be project timelines and cost-estimates for all mitigations with significant capital projects and changes to neighborhood infrastructure so their feasibility and impacts on the neighborhood can be understood.

Finally, CB 3 believes that any proposal to define mitigations during the period between today's hearing and the completion of the FEIS to be insufficient, as it denies the Community Board and the public a formal and guaranteed opportunity to fully review, vet, and comment on significant and necessary proposals prior to a CPC vote on the project applications. CB 3 strongly believes that all significant adverse impacts must have feasible mitigations disclosed in the DEIS and that these projects should not move forward if any significant impacts and burdens on the community remain.

Because of these issues, CB 3 believes the EIS is not accurately disclosing potential impacts and the land use actions cannot be evaluated properly or be considered appropriate for approval. After reviewing the land use applications, the DEIS, and hearing extensive feedback from community partners and many members of the public, Community Board 3 strongly and emphatically recommends to disapprove the proposed modifications.

Sincerely,

A handwritten signature in cursive script that reads "Alysha Lewis-Coleman".

Alysha Lewis-Coleman, Chair
Community Board 3