

# Pfizer Sites Rezoning

## **DRAFT FINAL SCOPE OF WORK FOR AN ENVIRONMENTAL IMPACT STATEMENT**

**CEQR NO.: 15DCP117K**

**ULURP NO.: N150277ZRK & 1502787ZMK**

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**May 19, 2017~~August 19, 2016~~**

This document is the Final Scope of Work (FSOW) for the Pfizer Sites Rezoning Draft Environmental Impact Statement (DEIS). This FSOW has been prepared to describe the proposed action, present the proposed framework for the EIS analysis, and discuss the procedures to be followed in the preparation of the DEIS. This FSOW incorporates changes in response to project updates that were made subsequent to publication of the Draft Scope of Work (DSOW). The substantive changes to the proposed action since the DSOW was issued, are as follows:

\* The Applicant filed a revised application on May 16, 2017 to reflect adjusted zoning district boundaries on Block 2249 (the “Northern Block”). The Department of City Planning determined that these adjustments were necessary in order to permit the proposed location of the 26,000-square-foot (sf) publicly-accessible open space that would be created as part of the proposed development. These changes includes an adjustment to the location of the boundary that would separate proposed R7D and R8A zoning districts that would be mapped on the project area and also the elimination of a small portion of the proposed C2-4 commercial overlay district that also would be established under this application. Without these changes to the application, development of the project area would require a streetwall and building area along Walton Street in the area designated for the 65-foot wide open space. As such, this modification is intended to facilitate the site plan identified in the DSOW. This change would have a negligible effect on the development program and building envelope identified in the DSOW, as the amount of permitted residential floor area allowed in the project area would increase by 160 sf, from 1,095,435 sf to 1,095,595 sf, a 0.01 percent increase in permitted density.

There are no changes to the zoning text amendment application that would designate all of the project area as a Mandatory Inclusionary Housing Area (MIHA).

Revisions of the DSOW have been incorporated into this FSOW, including those related to the revised application, and are indicated by double-underlining new text and striking deleted text.

### **A. INTRODUCTION**

This scope of work outlines the technical areas to be analyzed in the preparation of an Environmental Impact Statement (EIS) for the Pfizer Sites rezoning. The New York City Department of City Planning (DCP),

acting on behalf of the New York City Planning Commission (CPC), as lead agency for the New York City Environmental Quality Review (CEQR), has determined that the project will require the preparation of an Environmental Impact Statement.

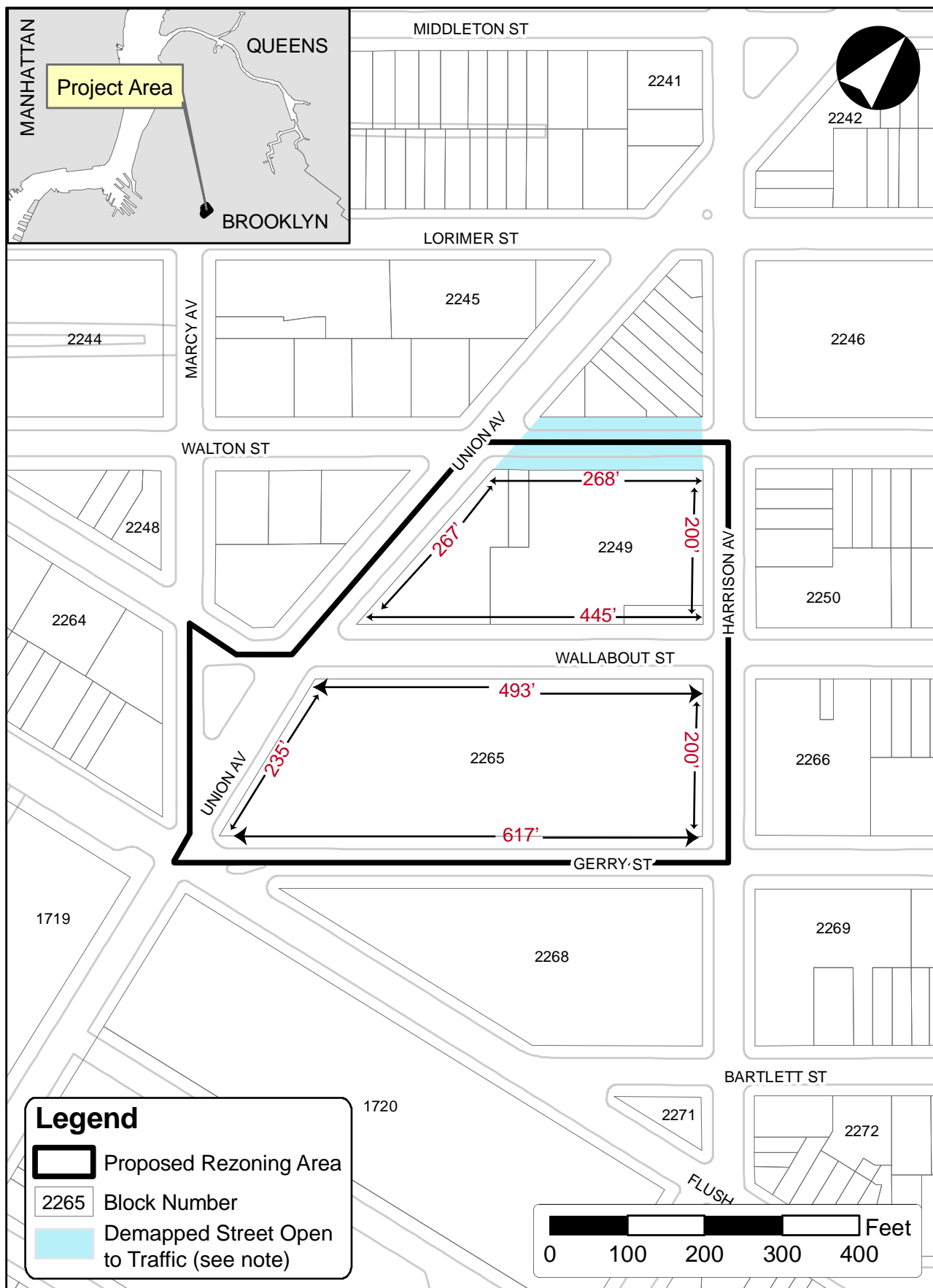
The Applicant, Harrison Realty LLC, is requesting zoning map and zoning text amendments (collectively the “proposed action”) to facilitate a new predominantly residential mixed-use development on two blocks in the South Williamsburg section of Brooklyn Community District 1. The area directly affected by the proposed action comprises approximately 191,217 square feet (sf) (“rezoning area”), and is generally bounded by the demapped segment of Walton Street on the north<sup>1</sup>, Harrison Avenue to the east, Gerry Street to the south, and Union and Marcy Avenues to the west, and is currently zoned M3-1, which allows low-performance manufacturing uses (see Figure 1). The proposed rezoning area consists of two blocks owned by the Applicant and the southern portion of the adjoining City-owned, one block long, formerly mapped street segment of Walton Street between Harrison and Union Avenues, which continues to function as a street open to vehicular and pedestrian traffic. The “project area” only consists of the Northern and Southern Blocks, which would be affected by the application; the project area excludes the City-owned portion of demapped Walton Street located within the rezoning area, as the proposed action would not result in any development on that area.

The two blocks owned by the Applicant consist of a 71,322 sf “Northern Block” (Block 2249, Lots 23, 37, 41, and 122), bounded by the demapped segment of Walton Street, Harrison ~~Street~~ Avenue, Wallabout Street, and Union Avenue, and the 111,044-sf “Southern Block” (Block 2265, Lot 14) bounded by Wallabout Street, Harrison ~~Street~~ Avenue, Gerry Street, and Union Avenue (combined comprised the “project area”).

The proposed action would rezone the current M3-1 zoning district to R7A, R7D, and R8A, and would have a C2-4 commercial overlay on the entire Northern and Southern Blocks except for a 65-foot-wide portion located 140 feet north of the north street line of Wallabout Street and 200 feet west of the west street line of Harrison Avenue and with its northern boundary coincident with the center line of the former Walton Street (65 feet by 60 feet of this area would be within the project area). As a result, ~~both blocks~~ the Southern Block would be split into R7A/C2-4, R7D/C2-4, and R8A/C2-4 districts and the Northern Block would be split into R7A/C2-4, R7D/C2-4, R7D, and R8A/C2-4 districts. An R7A district would be mapped for the portion within 100 feet of Harrison Avenue. An R7D district would be mapped for the portion more than 100 feet from Harrison Avenue and including the areas extending up to 335 feet from Harrison Avenue on the Southern Block and up to ~~220~~ 200 feet from Harrison Avenue within 140 feet of Wallabout Street and up to 265 feet from Harrison Avenue beyond 140 feet from Wallabout Street on the Northern Block. An R8A district would be mapped for the portion more than 335 feet from Harrison Avenue on the Southern Block and more than ~~220~~ 200 feet from Harrison Avenue within 140 feet of Wallabout Street and more than 265 feet from Harrison Avenue beyond 140 feet on the Northern Block. ~~In addition, a C2-4 commercial overlay would be mapped over the underlying districts, covering the entirety of the Northern and Southern Blocks.~~

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<sup>1</sup> The demapping of a one block segment of Walton Street, from Harrison Avenue to Union Avenue, in accordance with Maps Nos. N-2405 and N-2406, signed by the Brooklyn Borough President on November 29, 1988, was approved by the CPC (ULURP No. 880488 MMK) on May 15, 1989 (Cal. No. 2) and by the Board of Estimate on June 29, 1989 (Cal No. 16). The maps were filed on August 25, 1999 and the map change became effective the following day. The application underwent environmental review as part of the Final Environmental Impact Statement (FEIS) for the Broadway Triangle Redevelopment Area, May 1989 (CEQR No. 86-304K).



Note: Walton Street from Union Avenue to Harrison Avenue demapped per Alteration Map No. N-2405 filed August 25, 1999. All dimensions rounded to the nearest whole foot.

The proposed zoning text amendment to Appendix F of the Zoning Resolution would designate the rezoning area as a Mandatory Inclusionary Housing Area (MIHA), which would require a share of residential floor area be provided as affordable housing pursuant to the MIH program. Pursuant to the proposed zoning and MIH designation, the Applicant intends to develop housing and local retail and a 26,000-sf privately-owned, publicly-accessible open space on these blocks. The open space would be provided pursuant to a legal instrument such as a Restrictive Declaration (RD) recorded against the property.

As identified in the Land Use Review application, pursuant to the proposed action, the Applicant proposes to develop the project area with a development program consisting of 1,146 DUs, of which at least 287 DUs, occupying 25 percent of the floor area excluding non-residential ground floor space, would be inclusionary housing affordable units, and 64,807 gsf of local retail space. The development would be required to provide ~~405~~ 404 accessory parking spaces. The Applicant's development would also include 26,000 sf of publicly-accessible open space, provided in midblock corridors on each block measuring 65 feet wide by 200 feet long and aligned on a north-south axis parallel to and 200 feet west of Harrison Avenue. The Applicant's development would consist of eight buildings featuring streetwalls and setbacks, reaching a maximum height of 140 feet (14 stories). As discussed below, reasonable worst-case development scenario (RWCDs) With-Actions conditions would be nearly identical to the Applicant's proposed development, with only two relatively minor differences: (1) residential program; and 2) building heights. The Applicant's development would have 1,146 DUs, instead of 1,147 DUs, the share of affordable housing would be 25 percent instead of 30 percent, and as a result of those changes, the required accessory parking for the Applicant's development would be ~~405~~ 404 spaces instead of 427. The Applicant's development program would have a maximum building height of 140 feet, as compared to 145 feet for the RWCDs. This is due to the RWCDs providing qualifying ground floor uses that allow maximum building heights to be 5 feet taller than otherwise permitted (the Applicant's development would not meet the qualifying ground floor criteria). The retail and publicly-accessible open space programs in the Applicant's development would be the same under the RWCDs.

The EIS will consider the reasonable worst-case development scenario (RWCDs) for the proposed action; as noted above there are minor differences between the Applicant's proposed development and the RWCDs. The environmental review will consider that the Applicant would develop up to approximately 1,147 dwelling units (DUs), of which approximately 803 DUs would be market rate units and 343 DUs (occupying 30 percent of the total floor area, exclusive of ground floor non-residential floor area per Zoning Resolution (ZR) Section 23-952) would be affordable housing units, with approximately 64,807 gsf of local retail space and 427 accessory self-park parking spaces on two blocks. As a condition for allowing a change in use for the project area, the development would include 26,000 sf (0.60 acres) of dedicated publicly-accessible open space, in a 65-foot wide, midblock linear corridor with 13,000 sf on each block. The RWCDs With-Action would consist of eight buildings featuring streetwalls and setbacks, reaching a maximum height of 145 feet (14 stories).

This document provides a description of and the need and purpose for the proposed action, the resulting projected development and includes task categories for all technical areas to be analyzed in the EIS.

## **B. REQUIRED PUBLIC APPROVALS AND REVIEW PROCEDURES**

The Applicant is seeking two City Planning Commission (CPC) actions, a zoning map amendment and a zoning text amendment, which collectively define the "proposed action".

- (1) Zoning map amendment, pursuant to ZR 71-10, to
  - Replace an existing M3-1 low-performance manufacturing zoning district with R7A, R7D and R8A contextual residential zoning districts for an approximately 191,217 sf area; and
  - Map new C2-4 commercial overlays on the entire rezoning area, except for a 65-foot-wide portion located 140 feet north of the north street line of Wallabout Street and 200 feet west of the west street line of Harrison Avenue and with its northern boundary coincident with the center line of the former Walton Street (65 feet by 60 feet of this area would be within the project area).
- (2) Zoning text amendment, pursuant to ZR 23-933, to amend Appendix F of the Zoning Resolution (ZR) to apply the Mandatory Inclusionary Housing program to the proposed rezoning area in Brooklyn Community District 1, Map 4.

Both of these are discretionary actions; the zoning map amendment is subject to the Uniform Land Use Review Procedure (ULURP) and the zoning text amendment is subject to public review with requirements similar to ULURP. These actions are subject to environmental review under the State Environmental Quality Review Act ("SEQRA") and the City Environmental Quality Review ("CEQR").

### **City Environmental Quality Review (CEQR) and Scoping**

The proposed action requires environmental review pursuant to CEQR procedures. An Environmental Assessment Statement (EAS) was completed on August 19, 2016. The New York City Department of City Planning (NYCDPC), acting as lead agency on behalf of the City Planning Commission (CPC), determined that the proposed action may potentially result in significant adverse environmental impacts, thus requiring that an EIS be prepared.

The CEQR scoping process is intended to focus the EIS on those issues that are most pertinent to the proposed action. The process also allows other agencies and the public a voice in framing the scope of the EIS. This scoping document sets forth the analyses and methodologies which will be utilized to prepare the EIS. During the period for scoping, those interested in reviewing the Draft Scope may do so and give their comments to the lead agency. Therefore, in accordance with City and State environmental review regulations, the Draft Scope of Work to prepare the EIS was issued on August 19, 2016. The public, interested agencies, Brooklyn Community Board 1, and elected officials ~~are~~ were invited to comment on the Draft Scope, either in writing or orally, at a public scoping session ~~to be held on Wednesday, November 9, 2016 September 21, 2016 at 6:00 PM 10:00 AM at Intermediate School 318, 101 Walton Street, Brooklyn, NY 11206 Spector Hall, 22 Reade Street, Manhattan, New York, NY, 10007.~~ Comments received during the public scoping session, and written comments received up to 10 days after the session (until 5:00 P.M. on ~~Wednesday, October 5, 2016 Monday November 21, 2016~~), ~~will be~~ were considered and incorporated as appropriate into ~~a the~~ the final scope of work along with any other necessary changes to the scope of work for the EIS. The lead agency ~~will oversee~~ oversaw preparation of ~~a the~~ the Final Scope of Work, ~~which will revise the extent or methodologies of the studies, as appropriate, in response to comments made during scoping. Appendix A includes responses to comments made on the DSOW. The written comments received are included in Appendix B.~~ The draft EIS (DEIS) will be prepared in accordance with the Final Scope of Work for an EIS.

Once the lead agency is satisfied that the DEIS is complete, the document will be made available for public review and comment. It is anticipated that the DEIS will accompany the land use application for the zoning map and text amendments. Publication of the DEIS and issuance of the Notice of Completion signal the start of the public review period. During this time the public may review and comment on the DEIS, either in writing and/or at a public hearing that is convened for the purpose of receiving such comments. A public hearing will be held on the DEIS to afford all interested parties the opportunity to submit oral and written comments. The record will remain open for 10 days after the public hearing until Wednesday, October 5, 2016, to allow additional written comments on the DEIS. At the close of the public review period, a Final EIS (FEIS) will be prepared that will incorporate all substantive comments made on the DEIS, along with any revisions to the technical analysis necessary to respond to those comments. The FEIS will then be used by the decision makers to evaluate project impacts and proposed mitigation measures before deciding whether to approve, modify or disapprove the requested discretionary actions.

## C. DESCRIPTION OF PROPOSED ACTION

### Existing Conditions

#### *Rezoning Area*

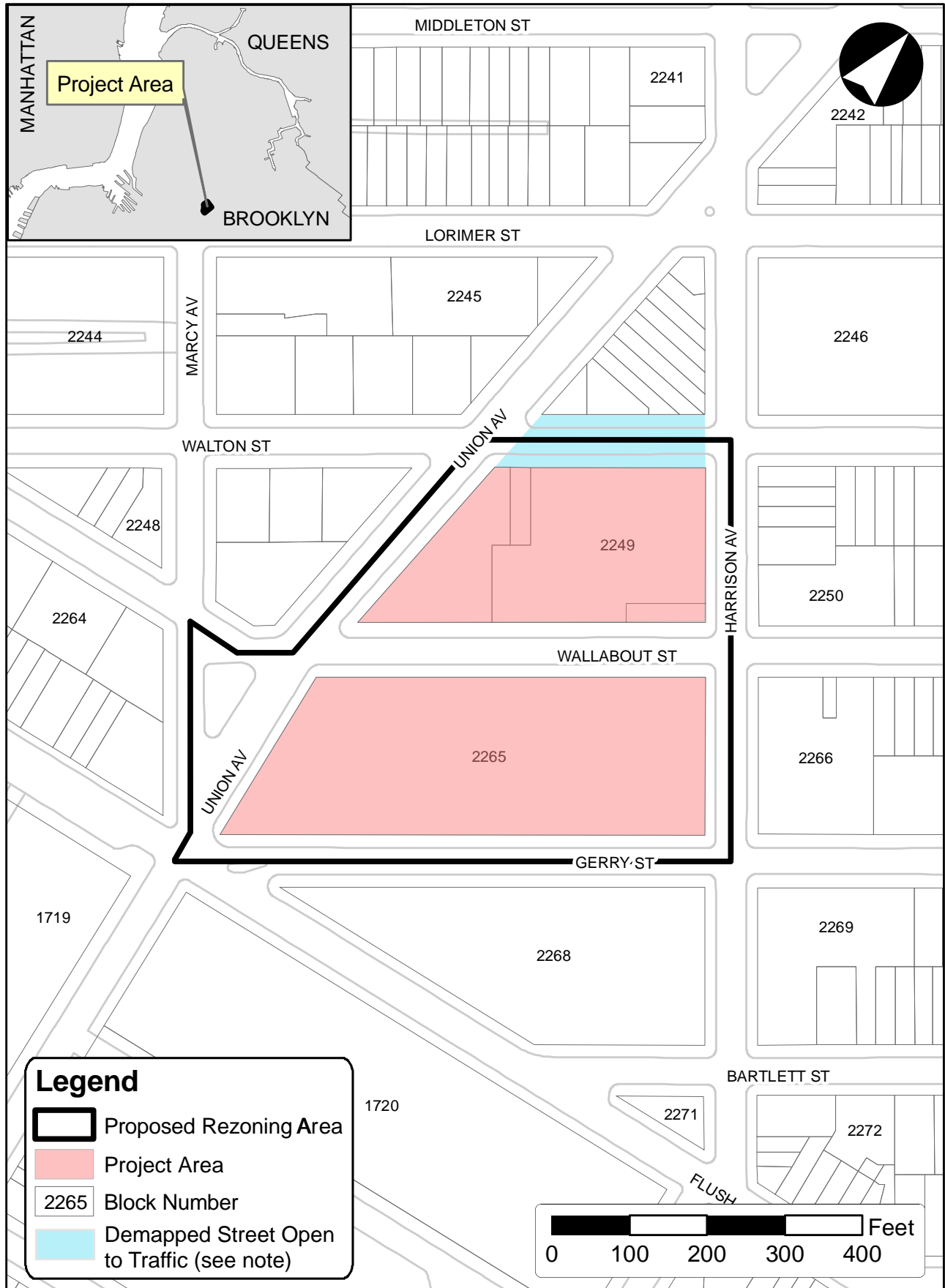
As described previously, the 191,217 sf rezoning area includes two blocks owned by the Applicant (project area) and the southern portion of an adjoining City-owned one block long formerly mapped street segment in the southeastern portion of Brooklyn Community District 1. Table 1 summarizes existing conditions in the proposed rezoning area.

The 71,322-sf Northern Block has approximately 200 feet of frontage along Harrison Avenue, approximately 445 feet of frontage along Wallabout Street, approximately 267 feet of frontage along Union Avenue, and approximately 268 feet of frontage along the City-owned demapped Walton Street (see Figure 2). The 111,044-sf Southern Block also has approximately 200 feet of frontage along Harrison Avenue, approximately 617 feet of frontage along Gerry Street, approximately 235 feet of frontage along Union Avenue, and approximately 493 feet of frontage along Wallabout Street (see Figure 2). The 8,851-sf southern half of demapped Walton Street area is 35 feet wide. This City-owned property's northern boundary is approximately 238 feet long and its southern boundary is approximately 268 feet long. Although no longer formally a mapped street it continues to operate as the southern half of a 70-foot wide, one-way eastbound right-of-way open to vehicles and pedestrians with posted City parking regulations. Figure 3 provides photos of the project area and Figure 4 provides a photo key.

Both of the blocks of the project area are zoned M3-1 and contain no existing buildings. Each block is enclosed by chain-link fencing. The Northern Block includes remnants of a former subway entrance within the property line near the intersection of Union Avenue and Walton Street. The Northern Block is covered by grass and vegetation and the Southern Block is entirely paved. The Northern Block is vacant with no active use, although it is currently being used for temporary equipment/vehicle storage. The Southern Block is striped with parking spaces and it is currently being used for temporary parking/vehicle storage construction equipment and supplies.<sup>2</sup> On the Northern Block there is a curb cut on Wallabout Street and

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<sup>2</sup> Given the transient nature of these activities, this description represents a "snapshot in time" and these conditions may change to other temporary activities or the blocks may be unoccupied as the proposed action proceeds through the public review process.



Note: Walton Street from Union Avenue to Harrison Avenue demapped per Alteration Map No. N-2405 filed August 25, 1999



1. Harrison Avenue & Walton Street Intersection Looking South



2. Harrison Avenue & Gerry Street Intersection Looking West



3. Union Avenue & Gerry Street Intersection Looking North



4. Union Avenue & Walton Street Intersection Looking Southeast

**Pfizer Sites Rezoning**

**Figure 3a**

**Project Area Existing Conditions**





5. Harrison Avenue & Wallabout Street Intersection Looking West



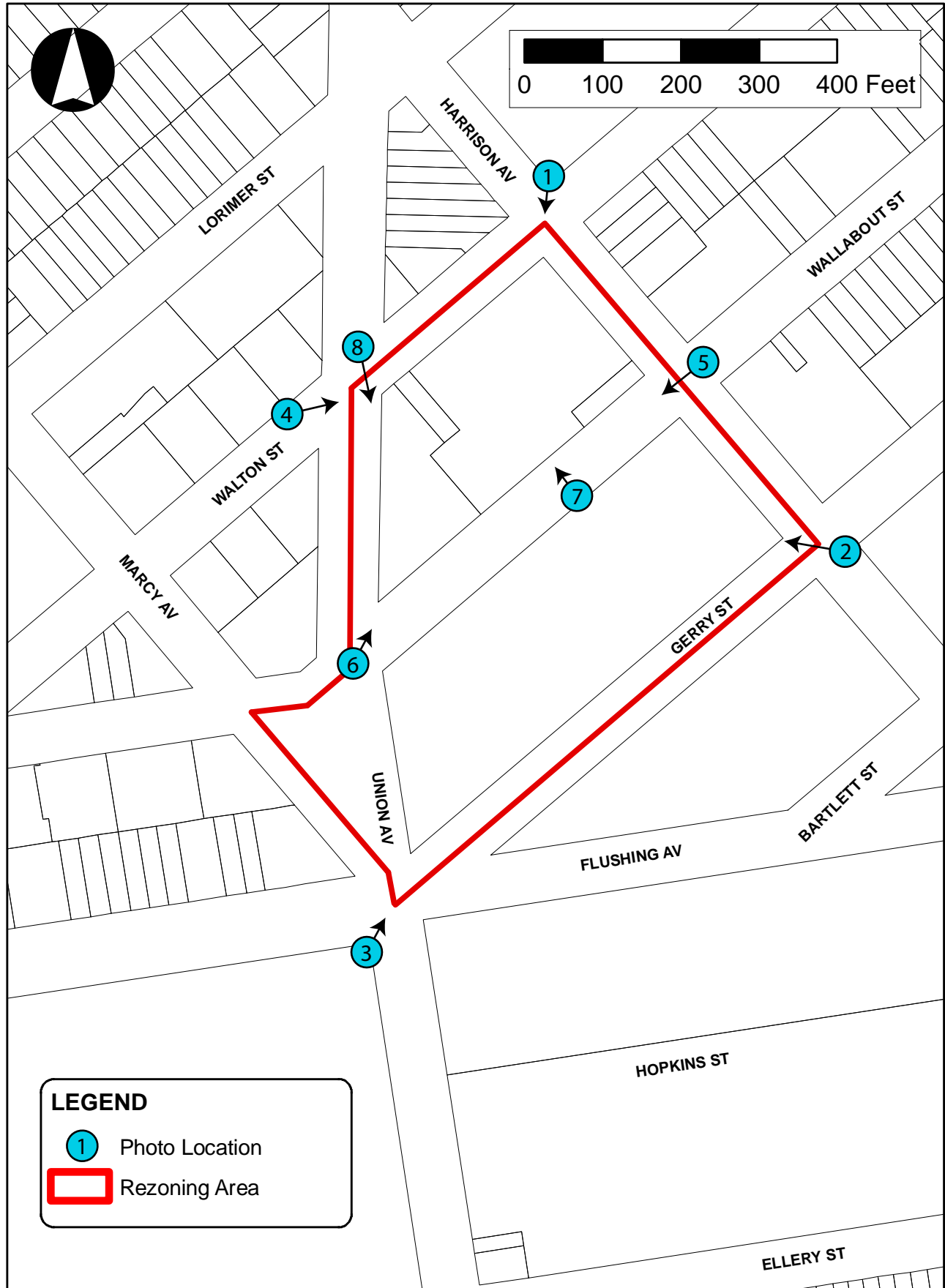
6. Union Avenue & Wallabout Street Intersection Looking East



7. Wallabout Street Midblock Looking North



8. Union Avenue & Walton Street Intersection Looking South



in addition in many locations along the block the curb is in deteriorated condition. On the Southern Block there are curb cuts for driveways with gates on Wallabout Street and Gerry Street.

**Table 1. Summary of Proposed Rezoning Area Existing Conditions**

<b>Addresses</b>	Northern Block: 164-174 Harrison Ave.; 30-44 Union Ave.; 233-247 Wallabout St.; 60 Walton St. Southern Block: 1-57 Gerry St.; 176-190 Harrison Ave.; 2-28 Union Ave.; 322-356 Wallabout St.
<b>Block and Lots</b>	Northern Block: Block 2249, Lots 23, 37, 41, 122 Southern Block: Block 2265, Lot 14
<b>Lot Area</b>	Northern Block: 71,322 sf (1.64 acres) Southern Block: 111,044 sf (2.55 acres) Total Project Area: 182,366 sf (4.19 acres) Southern Portion of Demapped Walton Street Area: 8,851 sf (0.20 acres) Total Rezoning Area: 191,217 (4.39 acres)
<b>Zoning</b>	M3-1
<b>Uses</b>	Northern Block: Vacant (temporarily equipment/vehicle storage) Southern Block: Vacant (temporarily construction vehicle/equipment storage) Demapped Walton Street Area: Functions as part of a street open to traffic
<b>Ownership</b>	Northern & Southern Blocks: An affiliate of the Applicant Demapped Walton Street Area: City of New York
<b>Public Transit Access</b>	Subway: Flushing Ave. Station (G) adjacent to project area; Lorimer St. Station (J, M) approximately 0.2-mile walk from project area Bus: B46 (Broadway); B48 (Lorimer St.); B57 (Flushing Ave.)

The streets bounding the project area include Harrison Avenue on the east and Gerry Street on the south, which are both 70 feet wide (mapped width) and operate with two-way traffic, and Union Avenue on the west, which is 80 feet wide and also operates with two-way traffic. Wallabout Street, which separates the Northern and Southern Blocks, is 70 feet wide and operates with two-way traffic although Wallabout Street east of Harrison Avenue operates one-way westbound and Wallabout Street west of Marcy Avenue operates one-way eastbound. The public sidewalks adjoining the project area are approximately 15 to 20 feet wide.<sup>3</sup>

The topography of the project area is generally flat. The site is located in the coastal zone boundary and is partly within a designated “shaded X” zone on the Federal Emergency Management Agency (FEMA) 2013 Preliminary Flood Insurance Rate Map (FIRM), indicating an area of moderate to low-risk flood hazard with an annual probability of flooding of 0.2 percent to 1 percent, usually defined as the area between the limits of the 100-year and 500-year floods. The portion of the site outside the shaded X zone is located above the 500-year floodplain and considered an area of minimum flood hazard.

The rezoning area blocks were previously owned by Pfizer which housed its main plant at 630 Flushing Avenue (Block 1720, Lot 1), two blocks to the south. Pfizer operated pharmaceutical production facilities and related operations on several sites in the area beginning with its founding at a building at the corner of Harrison Avenue and Bartlett Street in 1849. Pfizer ceased its manufacturing operations at the main building in 2008. In the 1950s Pfizer began using portions of the Northern Block, which had been previously occupied by a mix of residential, commercial, industrial, and institutional buildings, for parking and warehousing activities. The Northern Block has been a vacant lot since the early 1990s. The Southern

<sup>3</sup> “Public sidewalk” here refers to the portion of the mapped street between the curb and the property line. Along most of the Northern Block, the public sidewalk includes a ribbon sidewalk (paved concrete) flanked by unpaved planting strips along the curb and property line.

Block was partly occupied by Pfizer operations by the late nineteenth century and by the mid-twentieth century the entire block was used by Pfizer. Uses of the site by Pfizer over the years included laboratories and manufacturing facilities. Operations on the block ended in 1989 and the buildings on the site were demolished by the mid-1990s.

### ***Surrounding Area and Context***

The project area is located near the southeastern edge of Williamsburg, an area historically dominated by Pfizer and other industrial uses but in recent years has experience a substantial amount of residential redevelopment as traditional industrial uses have declined. Nearby neighborhoods include the northern part of Bedford-Stuyvesant, which has a concentration of large-scale public housing developments, and the western part of Bushwick, an area that historically has had a mix residential, commercial, and industrial uses that has also been experiencing a trend of residential redevelopment of former industrial properties.

### **Purpose and Need for Proposed Action**

The area surrounding the project area has experienced a significant trend of residential, mixed-use, and neighborhood-oriented institutional development in recent years, including both market-rate and affordable housing residential developments, some with ground floor retail or community facility uses. As this area of Williamsburg and nearby areas of Bedford-Stuyvesant and Bushwick have transformed, traditional industrial uses have declined substantially, as evidenced by their lack of active use of the project area blocks for more than 20 years.

The Applicant believes that the proposed action would improve the condition of the project area and surrounding neighborhood by redeveloping large vacant properties with new mixed-use buildings that would complement existing uses in the area. Overall, the Applicant believes that the proposed action would be consistent with and would advance the ongoing land use trends and address demand for housing and retail space in this area of the City.

Under existing zoning regulations, uses permitted as-of-right in the project area include Use Groups 6-14, and 16-18, which include heavy manufacturing and industrial uses up to 2.0 FAR and certain commercial uses. With the proposed zoning map amendment, residential (Use Groups 1 and 2) and community facility uses (Use Groups 3 and 4), which are prohibited by the existing zoning, would be permitted. In addition, local retail uses (Use Groups 5-9 and 14), would be permitted on the ground floor within the commercial overlay areas. This would allow for local retail and service uses that can be used by residents located in the project area and others present in the surrounding area, thereby reinforcing the pedestrian-oriented character of this redeveloping neighborhood.

The proposed zoning map amendment from M3-1 to R7A, R7D, and R8A with C2-4 commercial overlays covering most of the project area, together with the proposed zoning text amendment designating the project area a MIHA, would facilitate the residential, commercial, and open space development in the Applicant's proposal.

## The Proposed Action

The proposed action includes a zoning map amendment and a zoning text amendment for an approximately 191,217 sf area in the South Williamsburg section of Brooklyn Community District 1. As shown in Figures ~~3~~ 1 and 2, the rezoning area is generally bounded by the formerly demapped segment of Walton Street to the north, Harrison Avenue to the east, Gerry Street to the south, and Union and Marcy Avenues to the west.

### **Proposed Zoning Map Amendment**

The proposed zoning map amendment would change the underlying zoning of the rezoning area from an M3-1 low-performance manufacturing district to an R7A, R7D, and R8A districts with a C2-4 commercial overlay covering most of the rezoning area (refer to the boundary description above in the “Introduction” section). With the proposed zoning map amendment, residential (Use Groups 1 and 2) and community facility uses (Use Groups 3 and 4), which are prohibited by the existing zoning, would be permitted. In addition, local retail uses (Use Groups 5-9 and 14), would be permitted by the commercial overlay on the ground and second floors of buildings, consistent provide they are not on the same floor as or above dwelling units.

The proposed zoning map amendment would be extended to the centerline of adjoining streets, including the demapped 70-foot wide Walton Street. As such, an approximately 8,851-sf trapezoidal area, in the bed of the former mapped street also would be rezoned as a result of the proposed action.

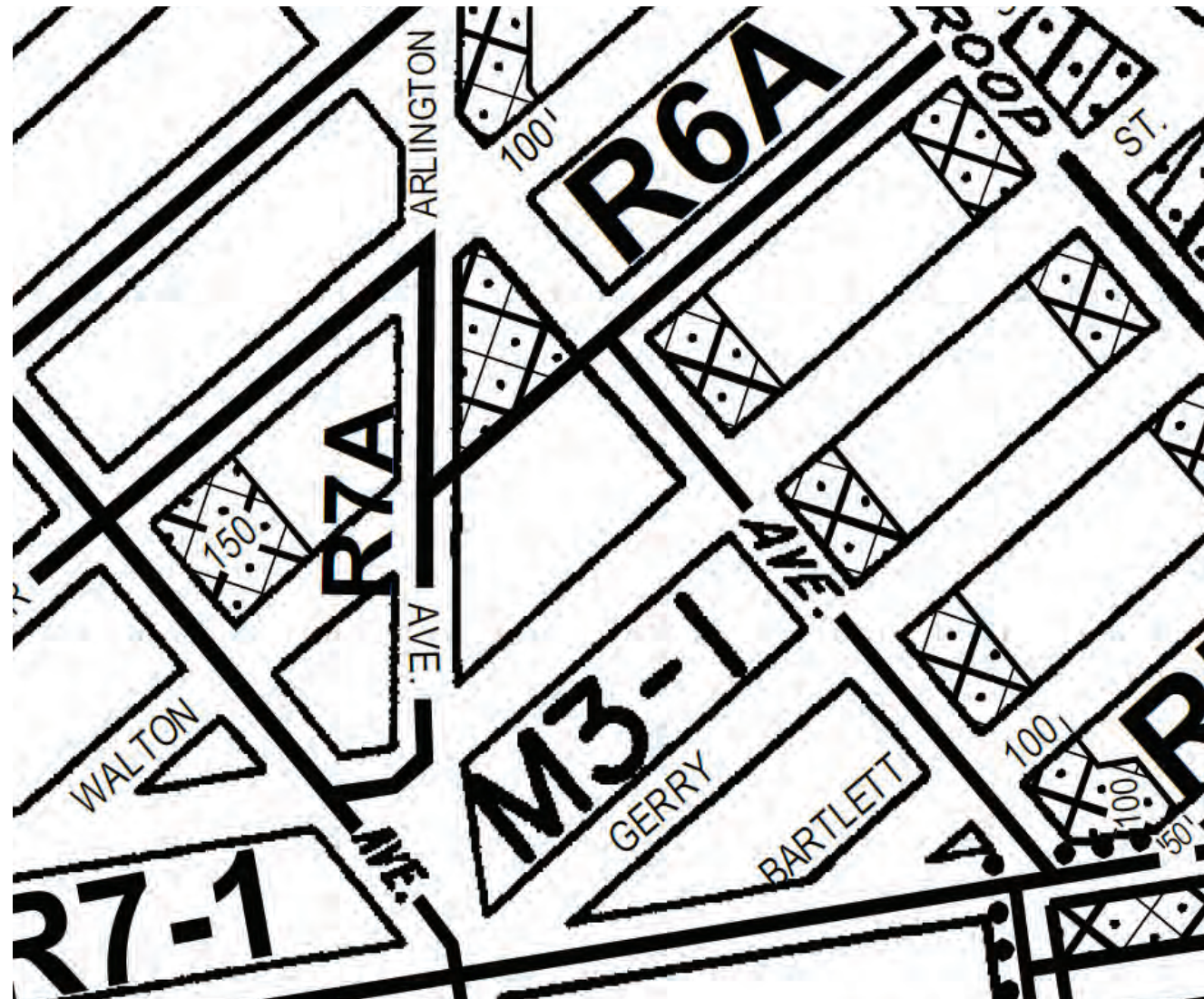
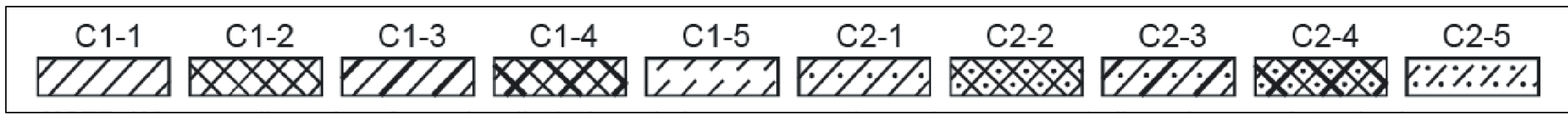
In addition, with the new zoning district boundary extending through the centerline of streets bounding the project area blocks and following existing zoning boundaries, a raised triangle in the public right-of-way formed by the intersection of Union and Marcy avenues, and Wallabout Street would be located within the rezoning area. However, as this area is within the City-owned mapped street it is not subject to zoning, i.e., does not generate floor area, and it would not be directly affected by the proposed action

Figure ~~53~~ shows the proposed zoning map amendment. As a result of the proposed zoning map amendment, approximately 40,000 sf (22 percent) of the project area would be rezoned R7A/C2-4, approximately ~~71,000~~ 67,000 sf (~~37~~ 39 percent) of the project area would be rezoned R7D/C2-4, approximately 3,900 sf (2 percent) of the project would be rezoned R7D, and approximately ~~70,900~~ 71,366 sf (39 percent) of the project area would be rezoned R8A/C2-4.

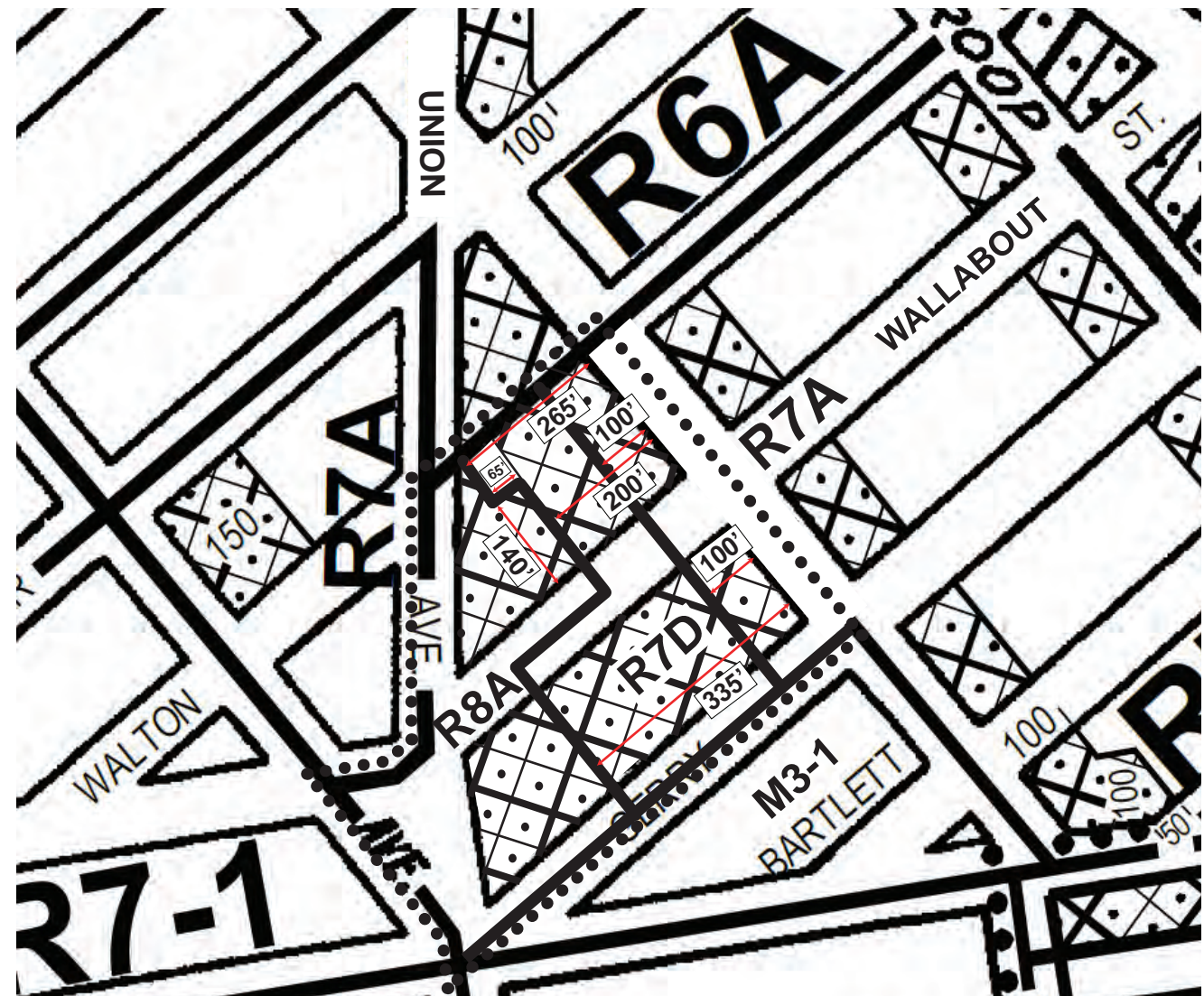
R7A, R7D, and R8A are contextual residence zoning districts that allow for new medium-density residential development and community facilities. The description of these districts provided herein is based on the regulations applicable to MIHAs, as it anticipated that the proposed zoning map amendment and the proposed zoning text amendment designating the project area a MIHA would be adopted in tandem.

In MIHAs, R7A districts allow for residential development up to 4.6 FAR and community facility uses up to 4.0 FAR. In MIHAs R7A requires a streetwall of 40 to 75 feet, a setback from the streetwall, and allows a maximum building height of 90 feet or 95 feet (with a qualifying, i.e., commercial, ground floor use), and a maximum of 9 stories.

In MIHAs, R7D districts allow for residential development up to 5.60 FAR and community facility uses up to 4.20 FAR. In MIHAs, R7D requires a streetwall of 60 to 95 feet, a setback from the streetwall, and allows

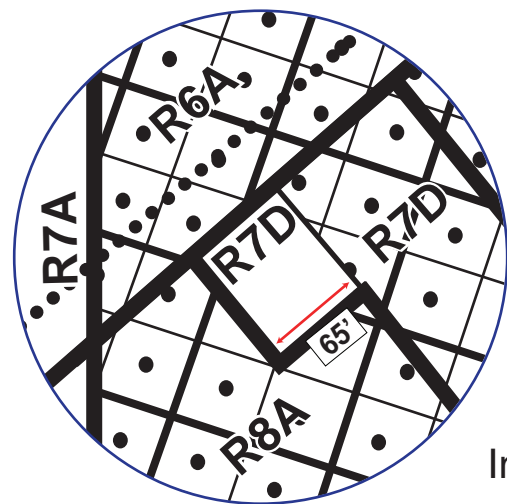


Current Zoning Map



Proposed Zoning Map - Area being rezoned is outlined with dotted lines.

- Changing a M3-1 to a R7A/C2-4
- M3-1 to a R7D/C2-4
- M3-1 to a R7D
- M3-1 to a R8A/C2-4



Inset Map

a maximum building height of 110 feet or 115 feet (with a qualifying ground floor use) and a maximum of 11 stories.

In MIHAs, R8A districts allow for residential development up to 7.20 FAR and community facility uses up to 6.50 FAR. In MIHAs, R8A requires a streetwall of 60 to 105 feet, a setback from the streetwall, and allows a maximum building height of 140 feet or 145 feet (with a qualifying ground floor use) and a maximum of 14 stories.

New residences in R7A and R7D are required to provide off-street parking spaces at a rate of 50 percent of the market rate dwelling units, with no required parking for affordable housing applicable to “transit zone” sites such as this site. New residences in R8A are required to provide one off-street parking space at a rate of 40 percent of the market rate dwelling units, with no required parking for affordable housing applicable to “transit zone” sites.

C2-4 commercial overlays allow for local retail uses and commercial development up to 2.0 FAR. In these areas, the C2-4 commercial overlays would support the development of mixed residential/commercial uses. Parking requirements in C2-4 districts vary by use, but are required at 1 parking space for every 1,000 zsf of general retail.

### ***Proposed Zoning Text Amendment***

The proposed zoning text amendment would amend Appendix F of the Zoning Resolution (ZR) to apply the Mandatory Inclusionary Housing (MIH) program to the rezoning area (see Figure 46).

Under MIH, a share of new housing is required to be permanently affordable when land use actions create significant new housing potential, either as part of a City neighborhood plan or private land use application. MIH consists of two alternatives: 1) 25 percent of residential floor area must be affordable housing units affordable to households with income at a weighted average of 60 percent of area median income (AMI), with 10 percent affordable to households within an income band of 40 percent of AMI; or 2) 30 percent of residential floor area must be affordable housing units affordable to households with income at a weighted average of 80 percent of AMI. In combination with these options, two other options may be utilized. A “Deep Affordability Option” also may be utilized providing 20 percent of residential floor area must be affordable housing units affordable to households with income at a weighted average of 40 percent of AMI. Also, a “Workforce Option” also may be utilized providing 30 percent of residential floor area must be affordable housing units affordable to households with income at a weighted average of 115 percent, with 5 percent of residential floor area must be affordable housing units affordable to households with income at an income band of 70 percent of AMI and another 5 percent of residential floor area must be affordable housing units affordable to households with income at an income band of 90 percent of AMI. Other restrictions apply to the Deep Affordability and Workforce Options. The CPC and ultimately the City Council determine requirements applicable to each MIHA.

## **D. ANALYSIS FRAMEWORK FOR ENVIRONMENTAL REVIEW**

The proposed action would change the regulatory controls governing land use and development in the rezoning area. The 2014 *CEQR Technical Manual* will serve as the general guide on the methodologies and impact criteria for evaluating the proposed action’s potential effects on the various environmental areas

Existing

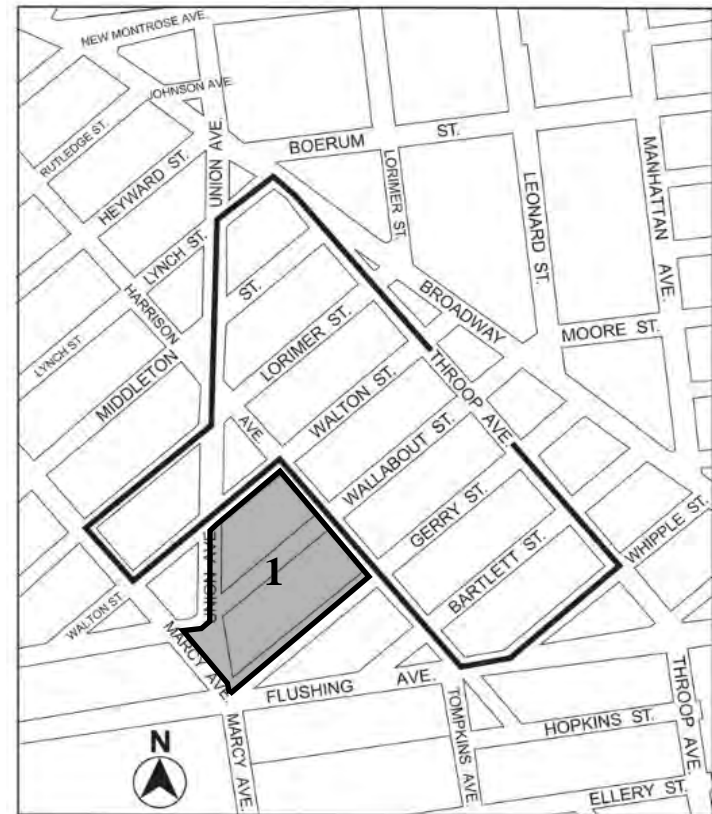
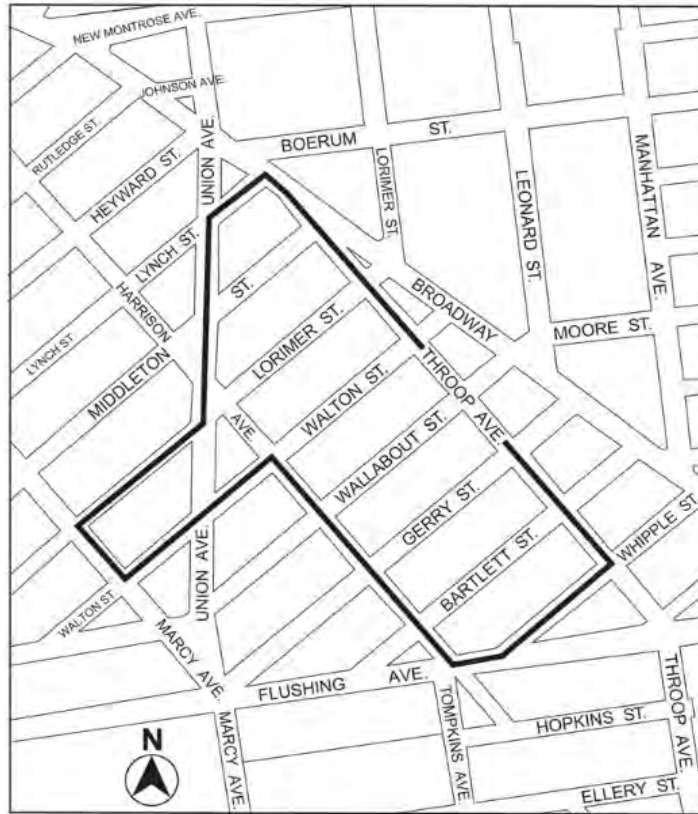
Proposed



# BROOKLYN

## Brooklyn Community District 1

\* \* \*

Map 4 - (09/12/12) [date of adoption]



-  Inclusionary Housing designated area
-  Mandatory Inclusionary Housing area see Section 23-154(d)(3)

Area 1 [date of adoption] - MIH Program Option 1

Portion of Community District 1, Brooklyn

\* \* \*



of analysis. The EIS assesses the reasonable worst-case impacts that may occur as a result of the proposed action. In disclosing impacts, the EIS considers the proposed action's potential adverse impacts on the environmental setting.

### **REASONABLE WORST-CASE DEVELOPMENT SCENARIO (RWCDs)**

In order to assess the possible effects of the proposed action, a reasonable worst-case development scenario (RWCDs) for the proposed rezoning area was established for both Future No-Action and Future With-Action conditions. The incremental difference between the Future No-Action and Future With-Action conditions will serve as the basis of the impact category analyses in the EIS.

To determine the With-Action and No-Action conditions, standard methodologies have been used following the *CEQR Technical Manual* guidelines employing reasonable assumptions. These methodologies have been used to identify the amount and location of future development, as discussed below.

#### ***Development Site Criteria***

In projecting the amount and location of new development, several factors have been considered in identifying likely development sites. These include known development proposals and past development trends. The first step in establishing the development scenario was to identify those sites where new development could reasonably occur. The Applicant's development proposal for the 182,368 sf project area, including both the Northern and Southern Blocks, is considered a known proposal likely to occur.

In addition to the Applicant's property, the proposed rezoning area includes an approximately 8,851-sf trapezoidal area, in the bed of the former mapped street. However, this area is owned by the City and continues to function as a street, and is not within any designated tax lots or zoning lots.

No development is expected to occur in the bed of Walton Street as a result of the proposed action as it is expected to continue to operate as a street. The City previously intended for this area to form part of an industrial development site (per the 1989 Broadway Triangle Urban Renewal Plan) and later to form part of a commercial development site (per a 2000 proposal that was not advanced). These development proposals, which would have involved the disposition of the demapped Walton Street to a previous property owner, are no longer active.

Disposition of the demapped portion of Walton Street or any development rights associated with the property cannot occur without a ULURP action for disposition of property owned by the City of New York, and possibly related actions subject to ULURP and CEQR such as designation as an Urban Development Action Area Plan (UDAAP). In any event, the Applicant has not proposed to purchase this property or execute a zoning lot development agreement or similar arrangement that would allow it to use floor area generated by the street on the adjoining Northern Block. Unlike the previous industrial and commercial development proposals which intended to use the bed of the demapped street to accommodate development requiring a "superblock" site plan, the applicant is proposing a contextual mixed residential-commercial development that can be accommodated by the 200-foot wide Northern and Southern Blocks. As such, the proposed action is not expected to generate any development using the area of demapped Walton Street or development rights generated by it and it is not considered in the RWCDs.

Therefore, the only the applicant's property, consisting of the Northern and Southern Blocks (project area), have been identified as development sites in the rezoning area.

### ***The Future without the Proposed Action (No-Action Condition)***

The future without the proposed action—also known as the “No-Action condition”—assumes that none of the public approvals being sought are approved. The existing M3-1 zoning would remain in place. In this case, absent the proposed action, it is anticipated that the project area would continue to remain vacant and would not support any active uses. Further, under the terms of the 2001 deed restriction executed for the Southern Block pursuant to the Voluntary Cleanup Program (VCP), that block may be used for industrial, commercial, and/or recreational uses without any further action or oversight by NYSDEC. While it is possible that a permitted commercial or manufacturing use could be located on these sites, for environmental review purposes it is assumed that the project area would remain vacant as there have not been substantial new commercial, industrial, or manufacturing uses in this part of Brooklyn (apart from the reuse of the former Pfizer main plant building for commercial and light manufacturing space).

For each technical analysis in the EIS, the No-Action condition will also incorporate approved or planned development projects within the appropriate study area that are likely to be completed by the 2019 Build Year.

### ***The Future with the Proposed Action (With-Action Condition)***

As noted above, there are minor differences between the Applicant's proposed development and the RWCDs for With-Action conditions. The RWCDs assumes that the project area would be developed with the project area's maximum permitted floor area of ~~1,095,435.20~~ 1,095,595.20, a built FAR of approximately 6.0, which reflects the maximum under the proposed split lot conditions. The Applicant's development program identified in the application is based on the use of 1,094,573.1 ~~1,094,526.49~~ zoning square feet (zsf), with ~~908.71~~ 1,022.1 zsf of permitted floor area not used as it based on a design, with ~~460.5~~ 529.5 zsf unused on the Northern Block and ~~448.2~~ 492.6 zsf unused on the Southern Block, i.e., areas too small to use for a dwelling unit. Overall, the RWCDs would result in one more DU than the Applicant's proposal – 1,147 DUs compared 1,146 DUs – and as a worst case the RWCDs assumes 30 percent of the units would be low-moderate income affordable housing units for households earning at or below 80 percent of AMI, instead of 25 percent as indicated in the Applicant's proposal. Due to these changes in residential program and share of affordable units, the accessory parking requirements would change commensurately. The Applicant's proposed development would provide ~~405~~ 404 accessory parking spaces but the RWCDs, would provide 427 accessory parking spaces. In addition, the Applicant's development program would have a maximum building height of 140 feet, as compared to 145 feet for the RWCDs. This is due to the RWCDs providing qualifying ground floor uses that allow maximum building heights to be 5 feet taller than otherwise permitted (the Applicant's development would not meet the qualifying ground floor criteria). The retail and publicly-accessible open space programs in the Applicant's development would be the same under the RWCDs. Figures 7, 8, 9, 5 and 10-6 provide the illustrative site plan, ground floor plan, second floor/courtyard plan, and axonometric diagram, respectively, of the Applicant's proposed development. Illustrative renderings are provided in Figure 11 and a preliminary design of the publicly-accessible open space is provided in Figure 12.

Although the area and the depth of excavation in the project area has not been determined, it is expected that the applicant would excavate all or part of the site to provide space for parking and other accessory

**BLOCK 2249**  
 TOTAL MAX ZONING FLOOR AREA: 423,278 SF  
 BLENDED FAR: 5.93

**BLOCK 2249 + 2265**  
 MAX ALLOWABLE ZONING FLOOR AREA: 1,095,595 SF  
 BLENDED FAR: 6.00

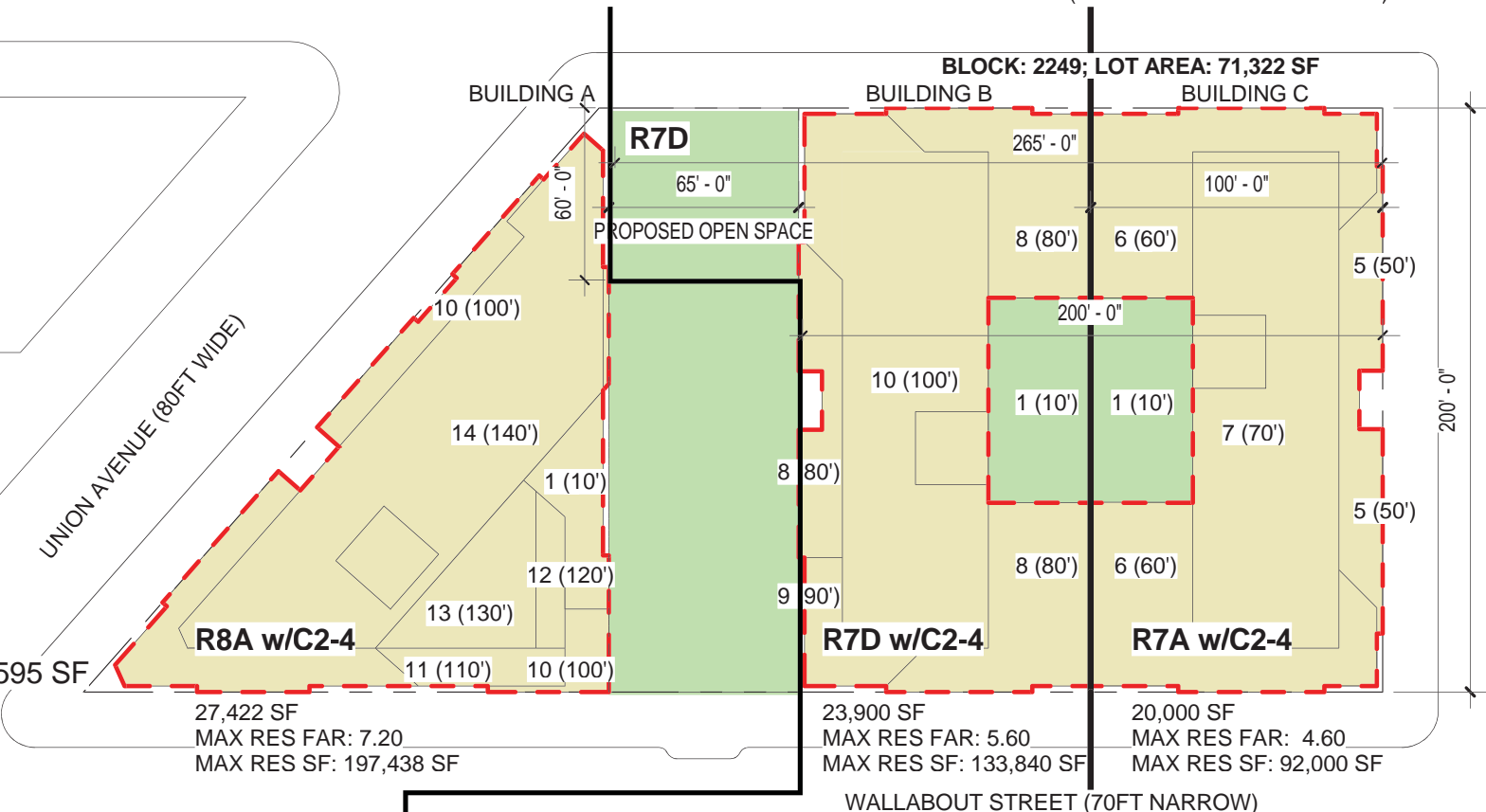
**BLOCK 2265**  
 TOTAL MAX ZONING FLOOR AREA: 672,317 SF  
 BLENDED FAR: 6.05

SUBWAY ENTRANCE

UNION AVENUE (80FT WIDE)

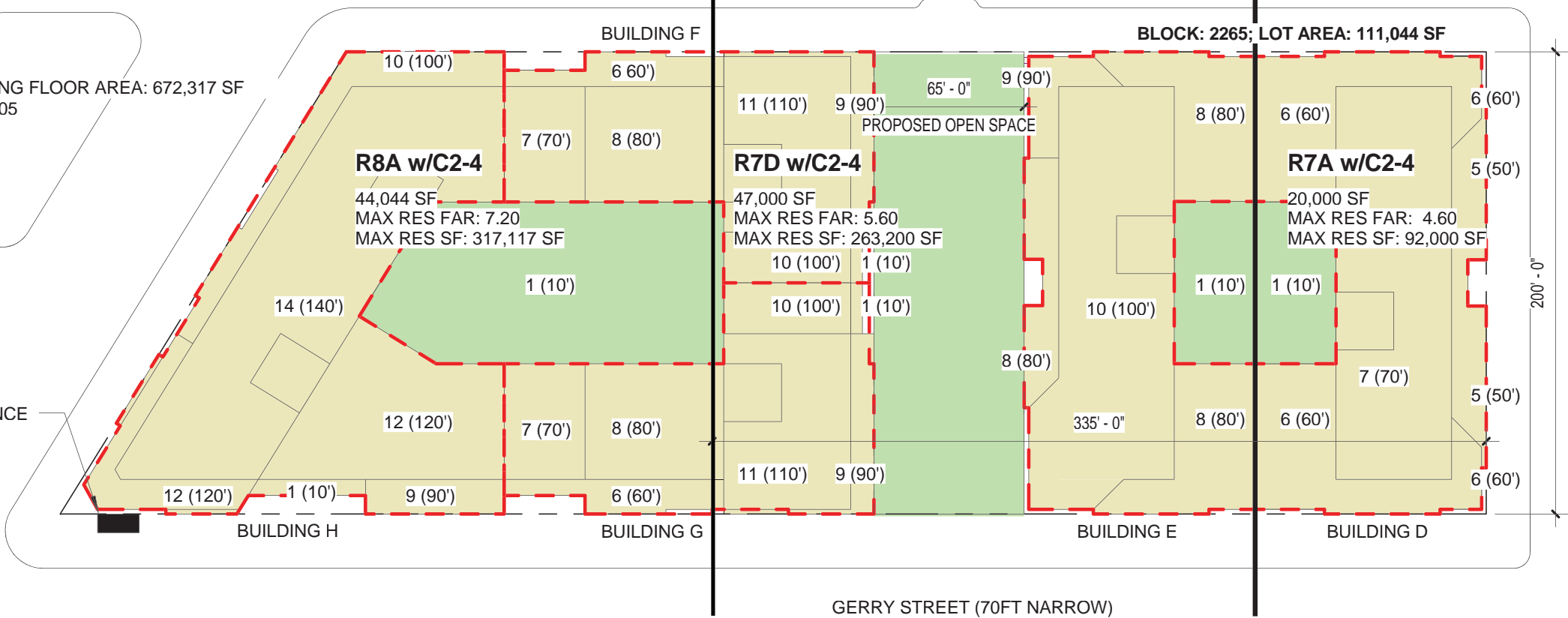
WALTON STREET (70FT NARROW - DEMAPPED)

**BLOCK: 2249; LOT AREA: 71,322 SF**



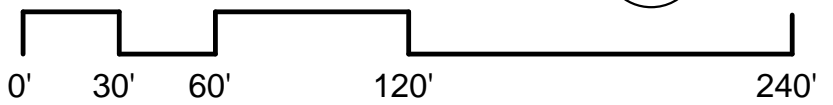
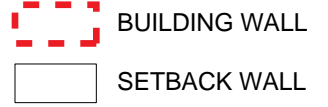
WALLABOUT STREET (70FT NARROW)

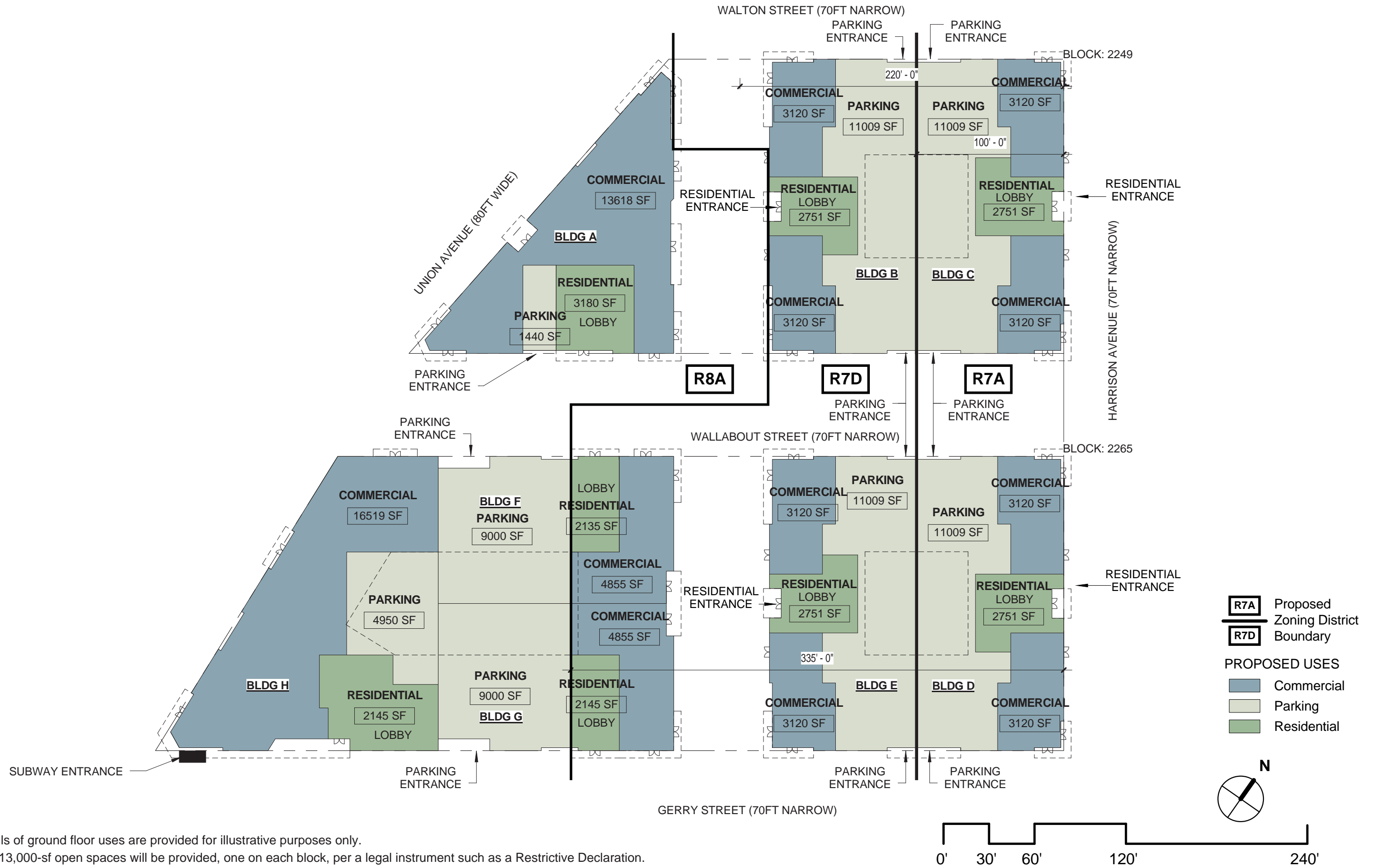
**BLOCK: 2265; LOT AREA: 111,044 SF**



GERRY STREET (70FT NARROW)

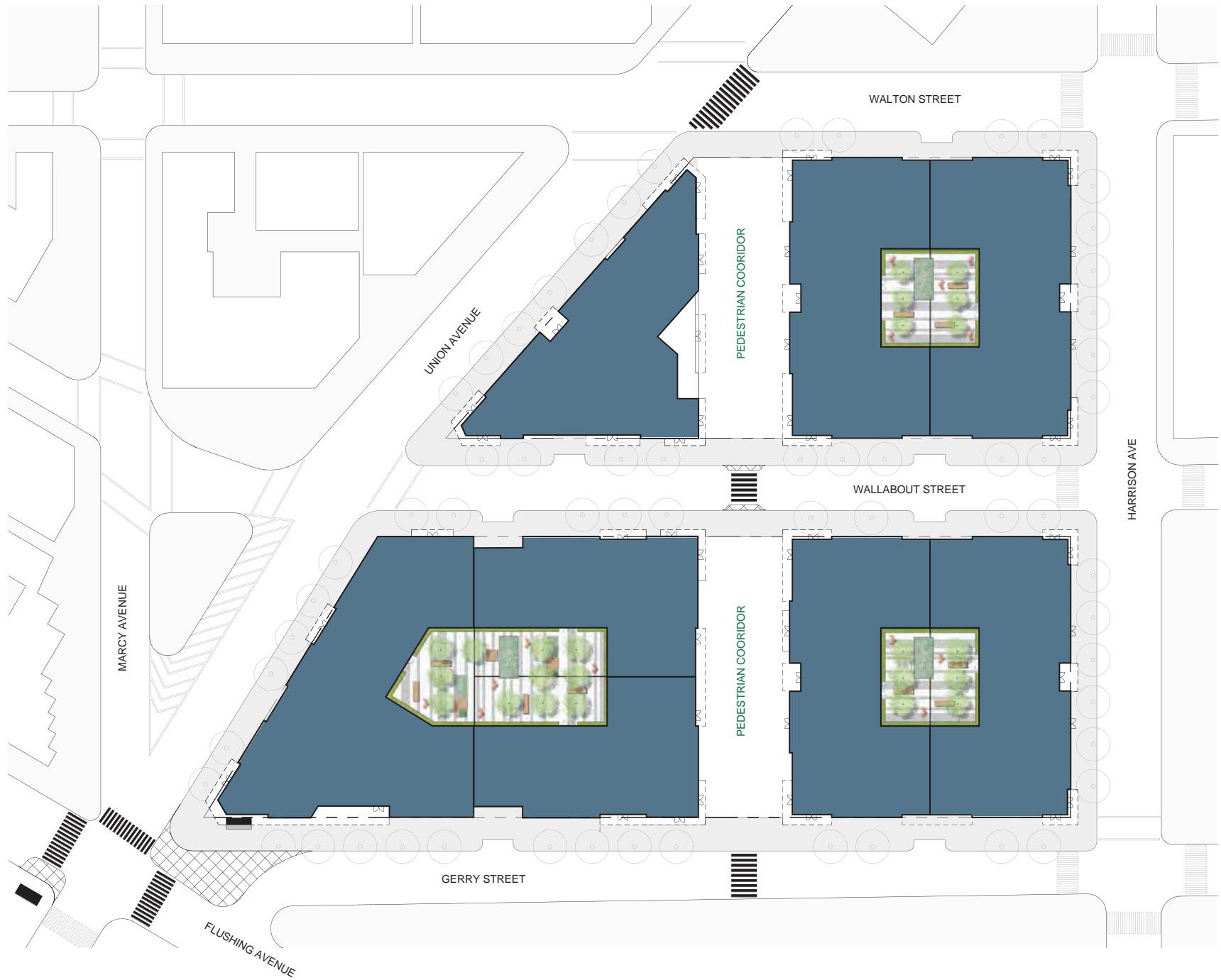
HARRISON AVENUE (70FT NARROW)

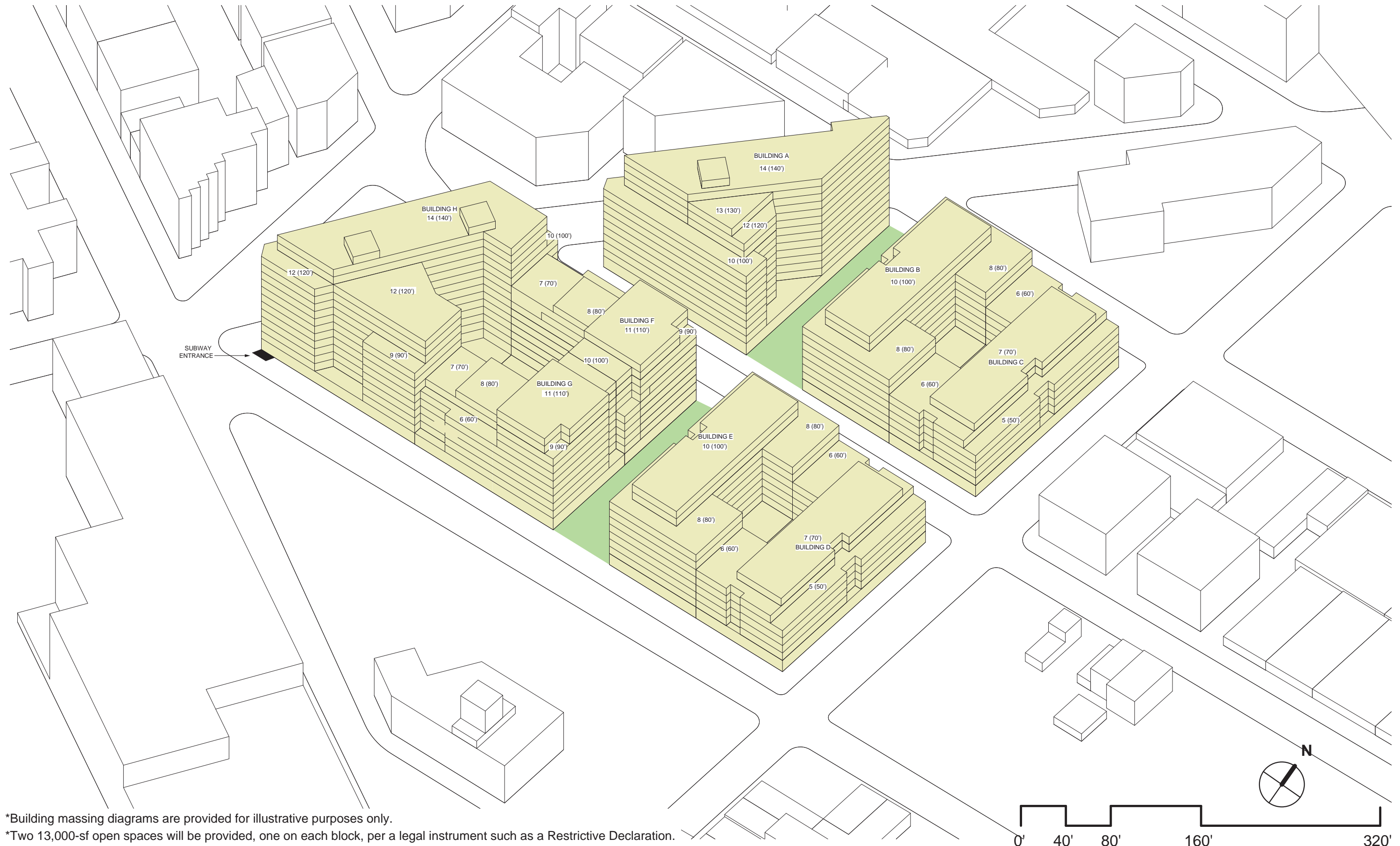




\*Details of ground floor uses are provided for illustrative purposes only.

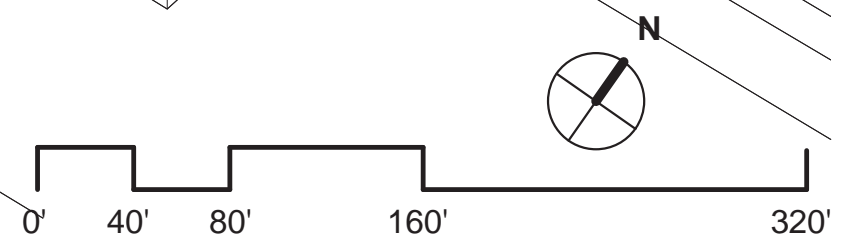
\*Two 13,000-sf open spaces will be provided, one on each block, per a legal instrument such as a Restrictive Declaration.





\*Building massing diagrams are provided for illustrative purposes only.

\*Two 13,000-sf open spaces will be provided, one on each block, per a legal instrument such as a Restrictive Declaration.





Pfizer Sites Rezoning

Figure 11a

Illustrative View from Union Avenue



Pfizer Sites Rezoning

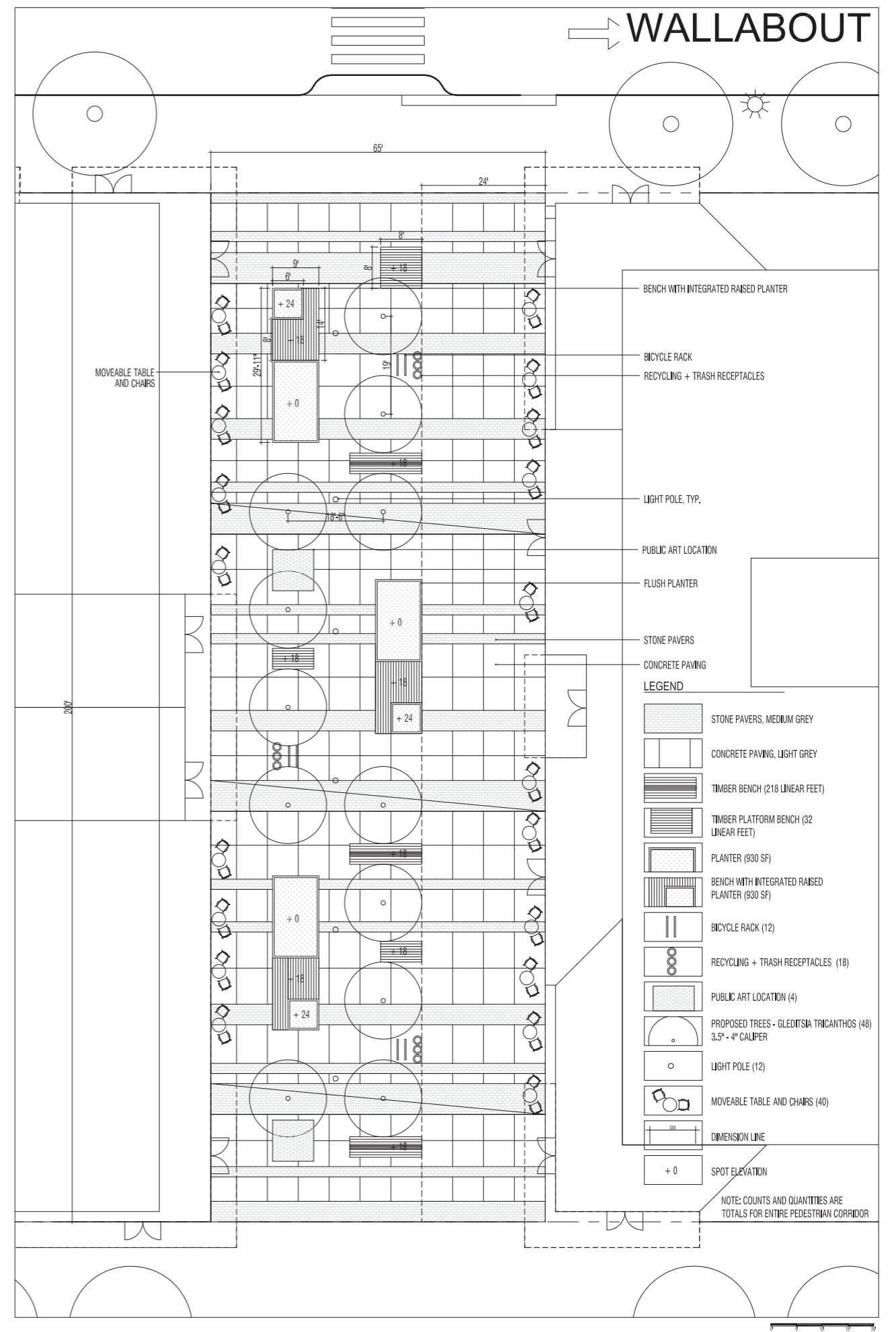
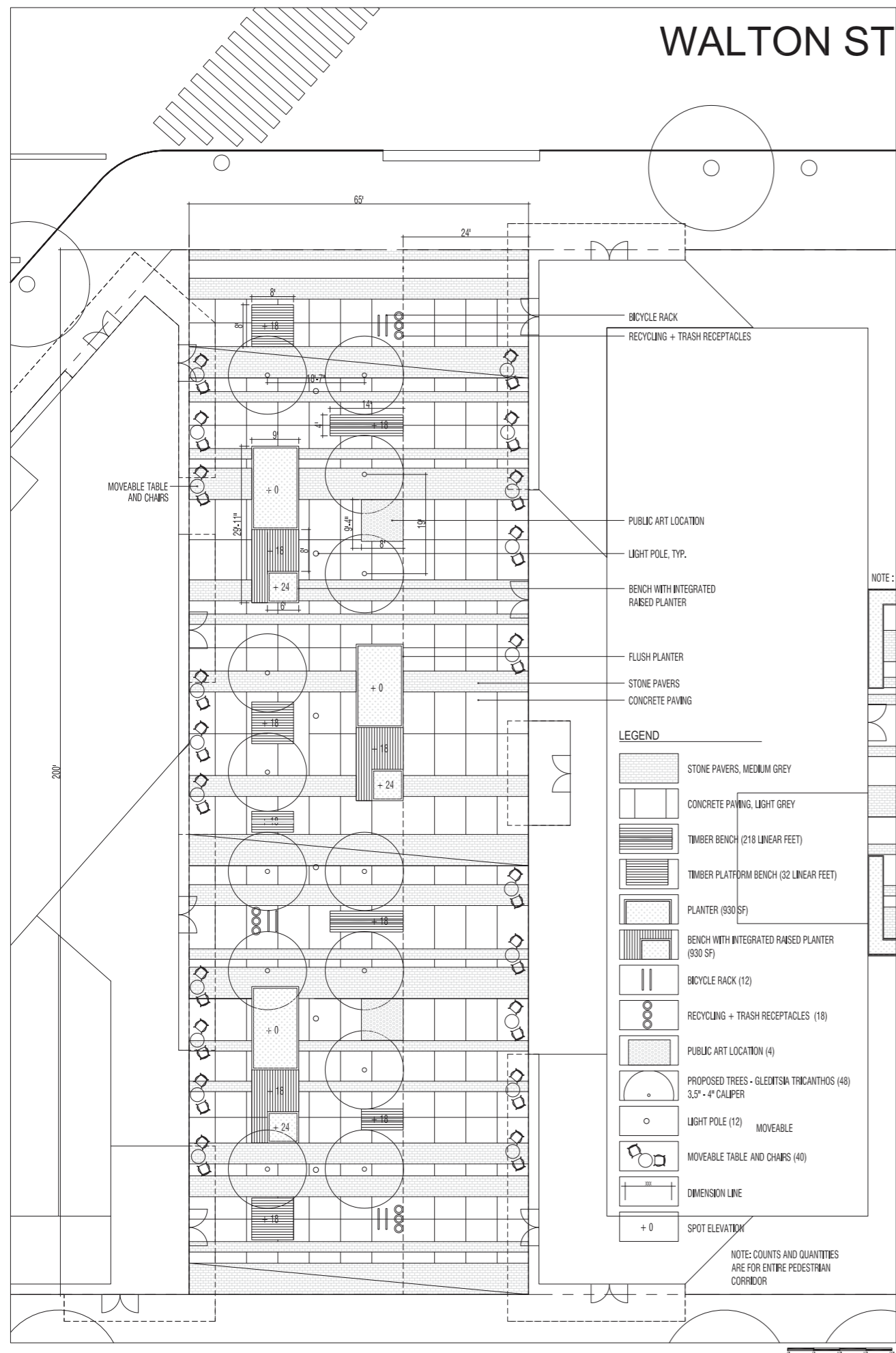
Figure 11b  
Illustrative View from Gerry Street





**Pfizer Sites Rezoning**

**Figure 11c**  
**Illustrative Bird's Eye View**



spaces. For analysis purposes, it is assumed that the cellar area of disturbance could be at any location within the project area.

With the permitted zoning and assumptions outlined above, the RWCDs With-Action scenario development program would include a total of approximately ~~1,340,137~~ 1,340,314 gsf of total building area (1,095,595 ~~1,095,435~~-zsf), a built FAR of approximately 6.0, which reflects the maximum under the proposed split lot conditions. This would include approximately 1,147,378 ~~1,147,202~~ gsf of residential area, consisting of approximately 1,147 DUs (based on 1,000-gsf average unit size); 64,807 gsf of local retail space; approximately 128,128 gsf of parking space, consisting of 427 spaces, as required by zoning, including approximately 68,428 gsf of ground floor space and approximately 59,700 gsf of below-grade space. The development would be subject to MIH, with either 25 or 30 percent of the floor area (excluding ground floor non-residential space) allocated to affordable housing units. For analysis purposes, it is conservatively projected that the CPC and the City Council would apply the 30 percent requirement to this site and therefore approximately 344 of the 1,147 DUs would be affordable housing units. The accessory parking would include approximately 364 residential spaces and approximately 63 retail spaces.

Under the RWCDs With-Action scenario, the project area would have approximately 4,072 residents, based on an average of approximately 3.55 residents per household (the average household size for census tracts within a quarter-mile radius of the project area, 2010 Census), ~~and~~ approximately 194 retail employees based on an average of 3 retail employees per 1,000 gsf (a rate used in the 2009 *Broadway Triangle FEIS*, et al), and approximately 46 residential building employees based on 1 employee for every 25 DUs (a rate used in the *Atlantic Yards FEIS*, et al).

The RWCDs With-Action would consist of eight buildings featuring streetwalls and setbacks, reaching a maximum height of 145 feet (14 stories). Building volumes would substantially fill the permitted building envelopes allowed by the proposed R7A, R7D, and R8A zoning districts. This would result in building heights up to ~~95~~ 75, 115, and 145 feet, in the respective districts. The exception to this would be that there would be no buildings in the 26,000-sf midblock publicly accessible open space. Refer to Figures 13-7 and 8-14, Illustrative Site Plan and Axonometric Diagram, respectively. Also refer to Figure 15, which shows the site plan with an illustration of the publicly-accessible open space. Although these are illustrative of permitted bulk under the proposed action, provision of the 26,000-sf open space would be a required element of site development.

### **Net Increment**

As the project area is assumed to remain vacant under RWCDs No-Action conditions, the projected RWCDs With-Action conditions also represent the net increment for the proposed action.

### **Build Year**

It is anticipated that construction of the development in the project area would commence in ~~2017~~ 2018 contingent on the approval of the proposed action. An approximately 23-month ~~two-year (24-month)~~ construction schedule is anticipated, with completion and occupancy in 2019. Accordingly, the analysis will use a 2019 Build year.

Table 2 provides a summary of the RWCDs With-Action scenario development program, which also represents the increment development program as it is assumed that the project area would remain vacant under RWCDs No-Action scenario conditions.

**BLOCK 2249**  
 TOTAL MAX ZONING FLOOR AREA: 423,278 SF  
 BLENDED FAR: 5.93

**BLOCK 2249 + 2265**  
 MAX ALLOWABLE ZONING FLOOR AREA: 1,095,595 SF  
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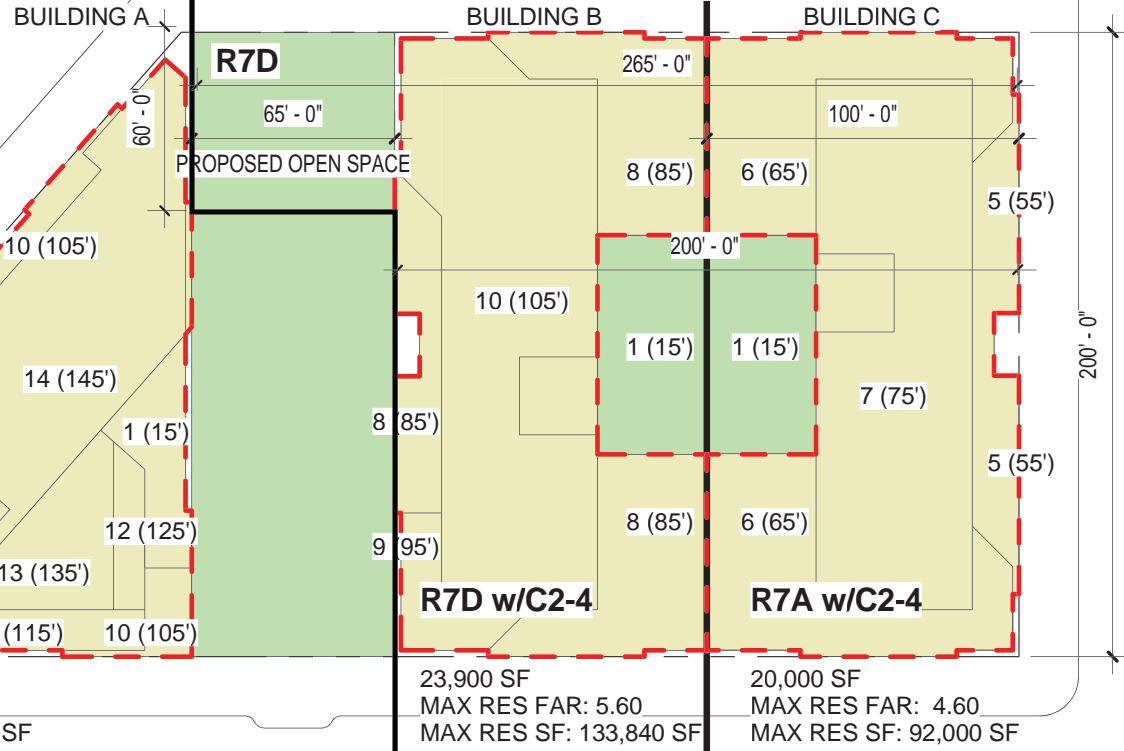
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**BLOCK: 2249; LOT AREA: 71,322 SF**



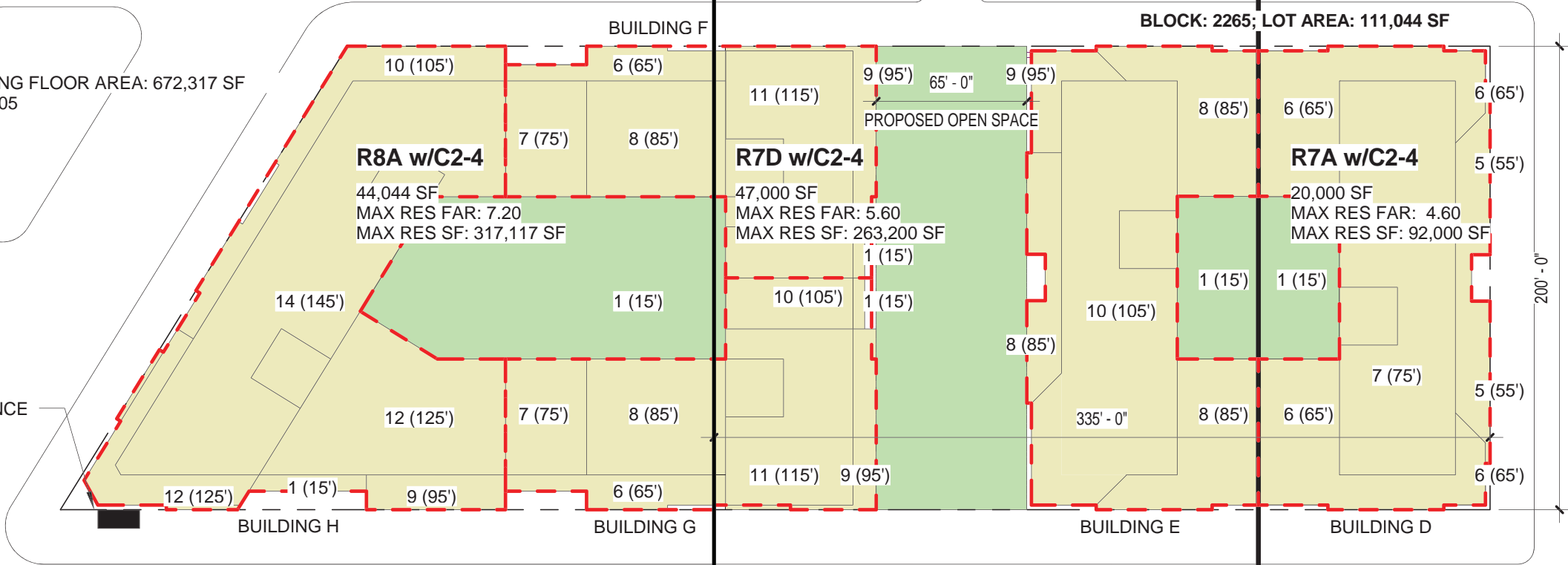
27,422 SF  
 MAX RES FAR: 7.20  
 MAX RES SF: 197,438 SF

23,900 SF  
 MAX RES FAR: 5.60  
 MAX RES SF: 133,840 SF

20,000 SF  
 MAX RES FAR: 4.60  
 MAX RES SF: 92,000 SF

WALLABOUT STREET (70FT NARROW)

**BLOCK: 2265; LOT AREA: 111,044 SF**



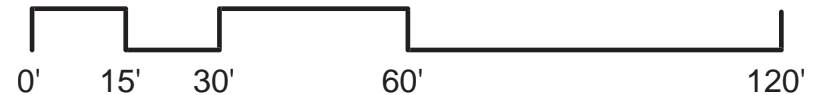
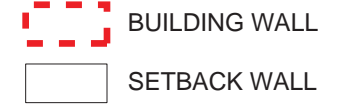
44,044 SF  
 MAX RES FAR: 7.20  
 MAX RES SF: 317,117 SF

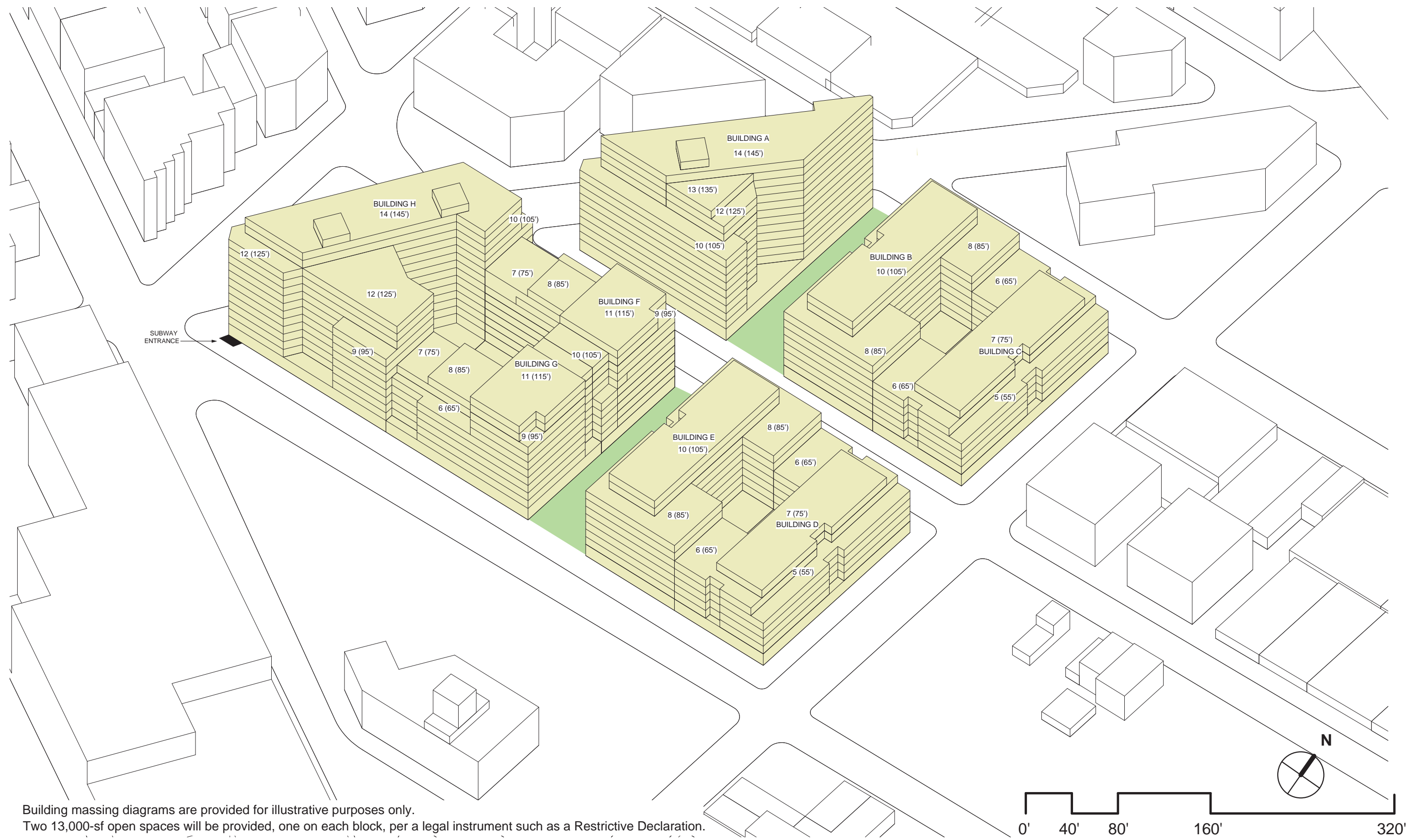
47,000 SF  
 MAX RES FAR: 5.60  
 MAX RES SF: 263,200 SF

20,000 SF  
 MAX RES FAR: 4.60  
 MAX RES SF: 92,000 SF

GERRY STREET (70FT NARROW)

HARRISON AVENUE (70FT NARROW)





Building massing diagrams are provided for illustrative purposes only.  
 Two 13,000-sf open spaces will be provided, one on each block, per a legal instrument such as a Restrictive Declaration.



Pfizer Sites Rezoning

Figure 15  
Illustrated Site Plan

**Table 2. Incremental Difference between No-Action and With-Action Conditions for Project Area**

Use	Increment
Residential	1,147 DUs (1,147, <del>378,202</del> gsf)
Market-Rate Units	803 DUs
Affordable Units	344 DUs
Commercial Local Retail	64,807 gsf
Accessory Parking	427 spaces (128,128 gsf)
Publicly Accessible Open Space	26,000 sf (0.60 acres)
Maximum Permitted Building Heights	95' (R7A); 115' (R7D); 145' (R8A) (with qualifying ground floor use)
<b>Total Development</b>	<b>1,340, <del>314,137</del> gsf</b>

## E. PROPOSED SCOPE OF WORK FOR THE ENVIRONMENTAL IMPACT STATEMENT (EIS)

Because the proposed action and associated RWCDs would affect various areas of environmental concern and were found to have the potential for significant adverse impacts, pursuant to the EAS and Positive Declaration, an Environmental Impact Statement (EIS) will be prepared for the proposed action that will analyze all technical areas of concern.

The EIS will be prepared in conformance with all applicable laws and regulations, including SEQRA (Article 8 of the New York State Environmental Conservation Law) and its implementing regulations found at 6 NYCRR Part 617, New York City Executive Order No. 91 of 1977, as amended, and the Rules of Procedure for CEQR, found at Title 62, Chapter 5 of the Rules of the City of New York. The EIS will follow the guidance of the 2014 *CEQR Technical Manual*, and will contain:

- A description of the proposed action and its environmental setting;
- A statement of the environmental impacts of the proposed action, including its short-and long-term effects and typical associated environmental effects;
- An identification of any adverse environmental effects that cannot be avoided if the proposed action is implemented;
- A discussion of reasonable alternatives to the proposed action;
- An identification of irreversible and irretrievable commitments of resources that would be involved in the proposed action should it be implemented; and
- A description of mitigation measures proposed to eliminate or minimize any significant adverse environmental impacts.

Based on the preliminary screening assessments outlined in the *CEQR Technical Manual* and detailed in the EAS document, the following environmental areas would not require detailed analysis in the EIS: natural resources, solid waste and sanitation services, and energy. The specific areas to be included in the EIS, as well as their respective tasks, are described below.

Each chapter of the EIS that requires a detailed analysis will include an analysis of the future With-Action condition compared to the future No-Action condition, as set forth in the *CEQR Technical Manual*. The technical analyses of the EIS will examine the potential impacts related to the completion of the RWCDs by the 2019 Build Year.

## TASK 1. PROJECT DESCRIPTION

The first chapter of the EIS introduces the reader to the proposed action and sets the context in which to assess impacts. The chapter contains a description of the proposed action: its location; the background and/or history of the project; a statement of the purpose and need; key planning considerations that have shaped the current proposal; a detailed description of the proposed action; and discussion of the approvals required, procedures to be followed, and the role of the EIS in the process. This chapter is the key to understanding the proposed action and its impact, and gives the public and decision-makers a base from which to evaluate the proposed action.

The project description chapter will present the planning background and rationale for the actions being proposed and summarize the reasonable worst-case development scenario (RWCDs) for analysis in the EIS. The section on approval procedures will explain the Uniform Land Use Review Procedure (ULURP) process, its timing, and hearings before the Community Board, the Borough President's Office, the New York City Planning Commission (CPC), and the New York City Council. The role of the EIS as a full-disclosure document to aid in decision-making will be identified and its relationship to ULURP and the public hearings described.

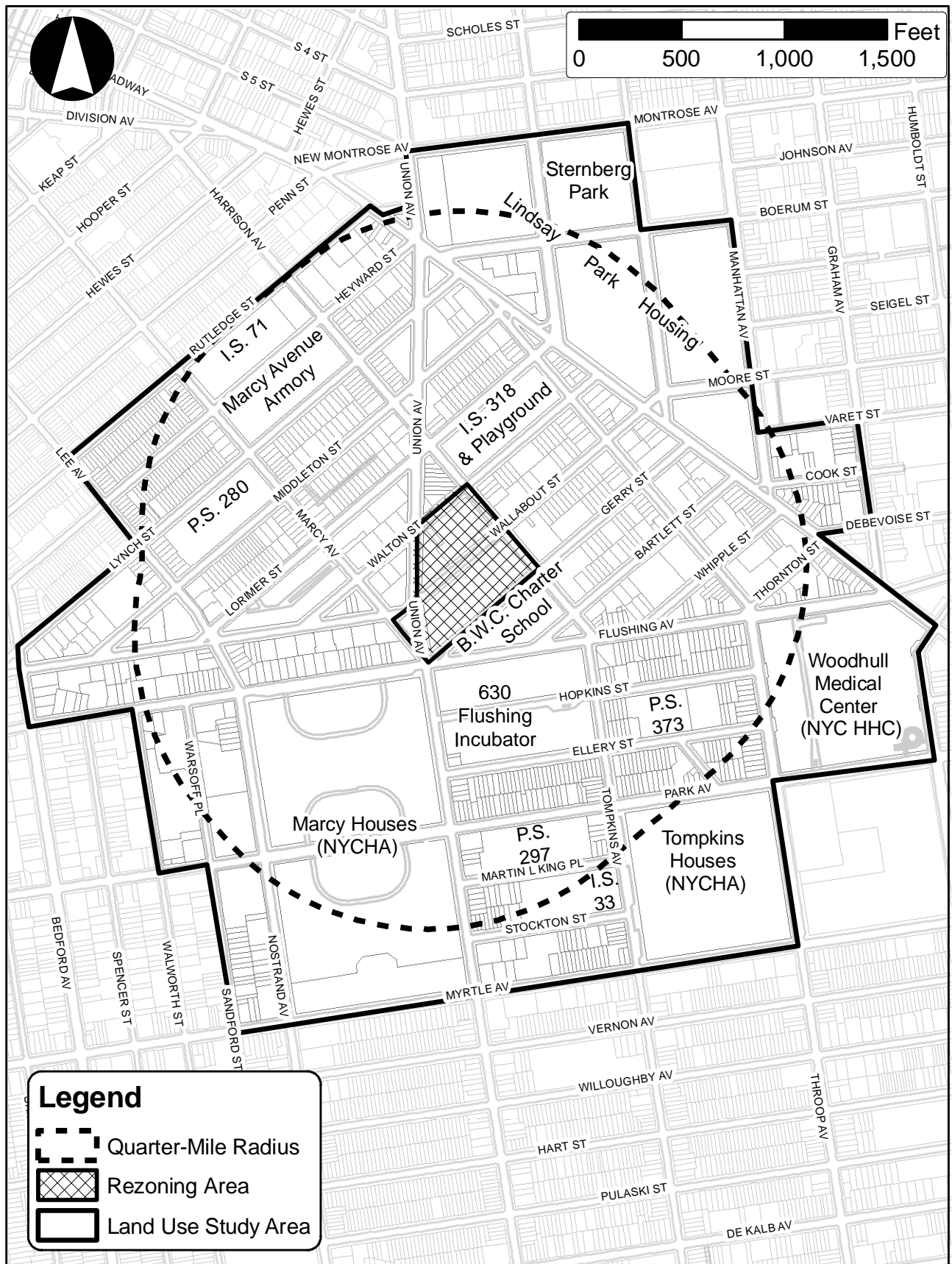
## TASK 2. LAND USE, ZONING, AND PUBLIC POLICY

The proposed action would result in changes to land use and changes in permitted land use density in the project area. This chapter of the EIS will consider the project's compatibility with surrounding land use, zoning and development trends in the area, as well as public policy related to land use and economic development. The land use, zoning and public policy analysis will be consistent with the methodologies presented in the *CEQR Technical Manual*. In completing the following subtasks, the land use study area will consist of the project area, where the land use impacts will be straightforward and direct (reflecting the proposed action), and the neighboring areas within an approximate ¼-mile radius from the boundaries of the project area, a distance that, based on *CEQR Technical Manual* guidelines, defines the area in which the proposed action and associated RWCDs could reasonably be expected to create potential direct and indirect impacts (see Figure 916).

The land use assessment will include a description of existing conditions and evaluations of the future with and without the proposed action in 2019. Subtasks will include the following:

- Provide a brief development history of the project area and surrounding study area.
- Provide a description of land use in the project area.
- Provide a description and map of existing land use patterns and trends in the study area, including a description of recent development activity, and identify major factors influencing land use trends.
- Provide a zoning map and describe the existing zoning, including any recent zoning actions in the study area.
- Describe any public policies that apply to the project area and the study area, including specific development projects and plans for public improvements. Public policies that apply to the study area include the Broadway Triangle Urban Renewal Area, Housing New York: A Five-Borough Ten-Year Plan, and One NYC (formerly PlaNYC). In addition, the project area is located within the coastal zone boundary (CZB). Actions subject to CEQR, such as the ones described in this proposal that are located within the designated boundaries of the coastal zone must be assessed for their consistency with the





City's Waterfront Revitalization Program (WRP). The assessment provided in the EIS will evaluate, for those relevant policies identified on the project's WRP Consistency Assessment Form, the consistency of the proposed action and associated RWCDs with the WRP policies.

- Prepare a list of future development projects in the study area that would be expected to be constructed by the 2019 analysis year and may influence future land use trends in the future without the proposed action. Also, identify pending zoning actions (including those associated with the identified No-Build projects) or other public policy actions that could affect land use patterns and trends in the study area as they relate to the proposed action. Based on these planned projects and initiatives, assess future conditions in the land use and zoning study area in the future without the proposed action (No-Action condition).
- Describe the proposed zoning map and zoning text amendments, and the potential land use changes resulting from the proposed action, i.e., the RWCDs for the project area.
- Discuss the proposed action's potential indirect effects related to issues of compatibility with surrounding land use, the consistency with zoning and other public policies, and the effect of the proposed action on ongoing development trends and conditions in the study area.
- If the results of the impact analysis identify a potential for a significant adverse impact, discuss potential mitigation measures.

### **TASK 3. SOCIOECONOMIC CONDITIONS**

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

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

As the project area does not have any active uses, the proposed action would not have the potential to result in the direct displacement of any residents, businesses, or institutions, and therefore, an assessment of potential socioeconomic effects due to direct residential, business, and institutional displacement is not warranted for the proposed action.

According to the 2014 *CEQR Technical Manual*, commercial development of less than 200,000 square feet (sf) would typically not have the potential to result in significant adverse indirect business or institutional displacement. For projects exceeding this threshold, an assessment of indirect business displacement is

appropriate. The proposed action/RWCDS would not introduce commercial development exceeding this *CEQR Technical Manual* threshold: the RWCDS is projected to result in 64,807 gsf of local retail space and therefore would not warrant detailed analysis. In further support of this screening, according to 2014 PLUTO data, within a half-mile area surrounding the project area there is approximately 1.48 million gross square feet of retail space and within a more immediate quarter-mile area surrounding the project area there is approximately 252,500 gsf of retail. The 64,807 gsf of local ground floor retail in the project area generated under the RWCDS equates to slightly more than a four percent increase in retail space within a half-mile and about a 25 percent increase in a quarter-mile radius. The RWCDS projected retail is expected to support the existing and project-generated populations, as well as the consumer demand that would be added to the study area in the future without the proposed action. Therefore, further assessment of indirect business displacement is not warranted and will not be provided in the EIS.

The proposed action and associated RWCDS would not result in significant adverse impacts due to indirect business and institutional displacement. In most cases, the issue for indirect business and institutional displacement is whether an action would increase property values and thus rents throughout the area, making it difficult for some categories of businesses to remain. According to the *CEQR Technical Manual*, commercial development of less than 200,000 square feet (sf) would typically not result in significant socioeconomic impacts. The RWCDS would introduce approximately 64,807 gsf of local ground floor retail along two street frontages of the project area, which is expected to support the existing and project-generated populations, as well as the consumer demand that would be added to the study area in the future without the proposed action.

In addition, the *CEQR Technical Manual* indicates that an assessment is appropriate if a project is expected to affect conditions within a specific industry. This could affect socioeconomic conditions if a substantial number of workers or residents depend on the goods or services provided by the affected businesses, or if the project would result in the loss or substantial diminishment of a particularly important product or service within the city. As noted above, the project area is currently vacant, apart from temporary uses such as short-term rental for storage of vehicles and construction equipment/supply, and does not support any existing buildings, and therefore the proposed action would not directly displace any businesses or employees. Moreover, the proposed action is site-specific, and does not include any citywide regulatory change that would adversely affect the economic and operational conditions of certain types of businesses or processes. Therefore, the proposed action would not result in significant adverse effects on specific industries, and no further assessment is warranted.

In conformance with the *CEQR Technical Manual* guidelines, the assessment of the remaining area of concern, indirect residential displacement, will begin with a preliminary assessment to determine whether a detailed analysis is necessary. A detailed analysis will be conducted if the preliminary assessment cannot definitively rule out the potential for significant adverse impacts. The detailed assessment would be framed in the context of existing conditions and evaluations of the future No-Action and With-Action conditions in 2019, including any population changes anticipated to take place by the analysis year for the proposed action.

## **Indirect Residential Displacement**

The indirect residential displacement analysis will use the most recent available U.S. Census data, New York City Department of Finance's Real Property Assessment Data (RPAD) database, as well as current real estate market data, to present demographic and residential market trends and conditions for the ¼-mile

study area. Pursuant to *CEQR Technical Manual* guidelines, this study area would be increased to a ½-mile radius if the preliminary analysis reveals that the increase in population resulting from the proposed action and associated RWCDs would exceed 5 percent in the ¼-mile study area compared to the expected No-Action population. The presentation of study area characteristics will include population, housing value and rent, estimates of the number of housing units not subject to rent protection, and median household income. Following *CEQR Technical Manual* guidelines, the preliminary assessment will perform the following step-by-step evaluation:

- **Step 1:** Determine if the proposed action would add substantial new population with different income as compared with the income of the study area population. If the expected average incomes of the new population would be similar to the average incomes of the study area populations, no further analysis is necessary. If the expected average incomes of the new population would exceed the average incomes of the study area populations, then Step 2 of the analysis will be conducted.
- **Step 2:** Determine if the proposed action population is large enough to affect real estate market conditions in the study area. If the population increase is greater than 5 percent in the study area as a whole, then Step 3 will be conducted. If the population increase is greater than 10 percent in the study areas as a whole, then a detailed analysis is required.
- **Step 3:** Consider whether the study area has already experienced a readily observable trend toward increasing rents and the likely effect of the action on such trends. This evaluation will consider the following:
  - a. If the vast majority of the study area has already experienced a readily observable trend toward increasing rents and new market development, further analysis is not necessary. However, if such trends could be considered inconsistent and not sustained, a detailed analysis may be warranted.
  - b. If no such trend exists either within or near the study area, the action could be expected to have a stabilizing effect on the housing market within the study area by allowing limited new housing opportunities and investment, and no further analysis is necessary.
  - c. If those trends do exist near to or within smaller portions of the study area, the action could have the potential to accelerate an existing trend. In this circumstance, a detailed analysis will be conducted.

If the preliminary assessment finds that the proposed action would introduce a trend or accelerate an existing trend of changing socioeconomic conditions that may have the potential to displace a residential population and substantially change the socioeconomic character of the neighborhood, a detailed analysis will be conducted. The detailed analysis would utilize more in-depth demographic analysis and field surveys to characterize existing conditions of residents and housing, identify populations at risk of displacement, assess current and future socioeconomic trends that may affect these populations, and examine the effects of the proposed action on prevailing socioeconomic trends and, thus, impacts on the identified population at risk.

#### **TASK 4. COMMUNITY FACILITIES**

The proposed action would not displace any existing community facilities or services, nor would it affect the physical operations of or access to and from any police or fire stations. As such, the proposed action would not result in any direct effects on community facilities.

The demand for community facilities and services is directly related to the type and size of the new population generated by development resulting from the proposed action. The RWCDs would add up to approximately 1,147 new residential units of which approximately 344 DUs (30 percent of the total) would be affordable housing units.

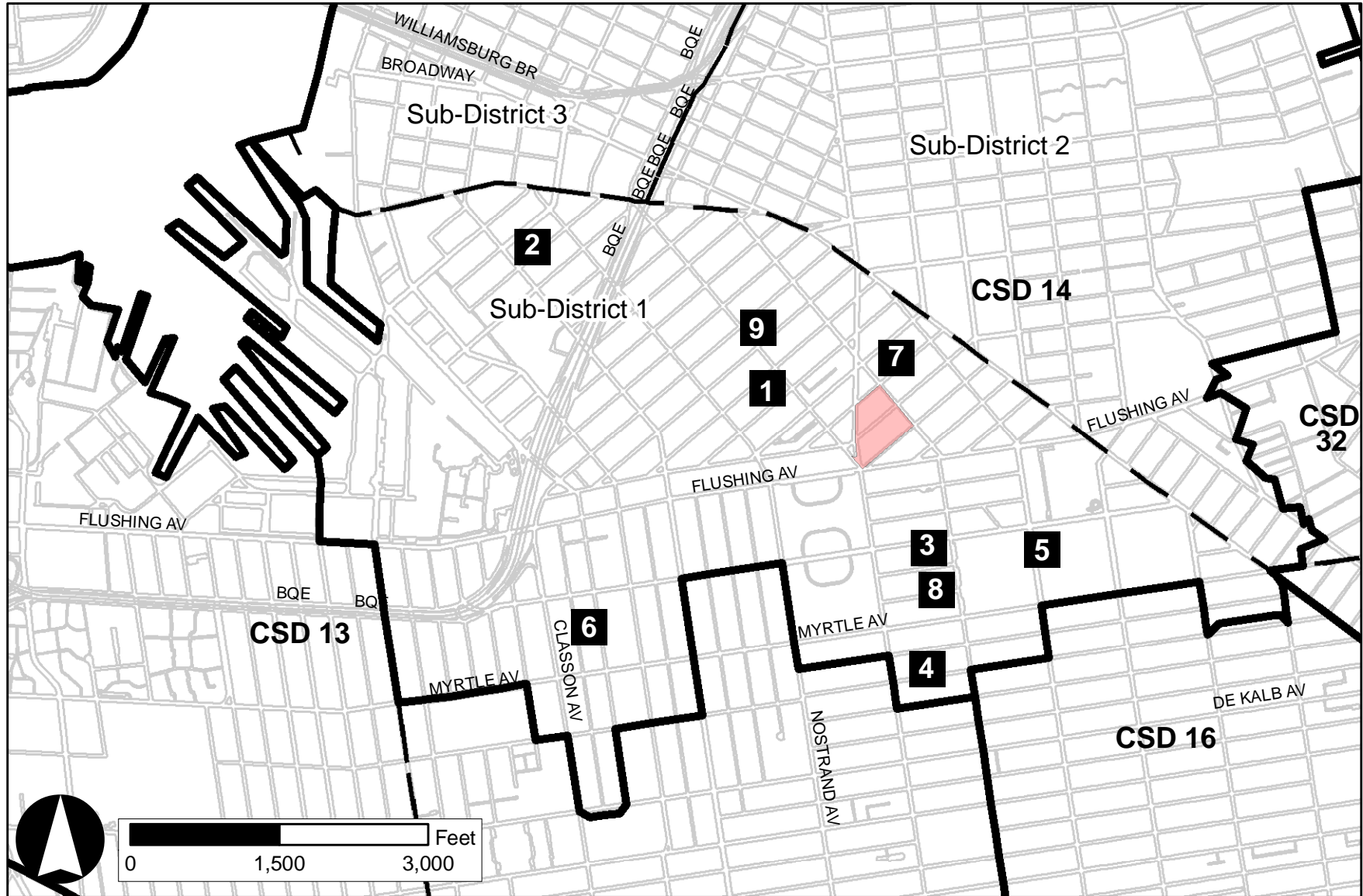
If an action introduces less than 50 elementary and middle school age children, or 150 high school students, an assessment of school facilities is not required. The RWCDs would result in an increase of approximately 471 new elementary and middle school students, and approximately 161 high school students in the area, thereby exceeding the CEQR screening threshold for elementary and middle schools and high schools. For libraries, the CEQR screening threshold is the introduction of 734 residential units in Brooklyn, which would represent a 5 percent increase in dwelling units per branch. As the RWCDs would result in the addition of up to approximately 1,147 dwelling units to the study area, it exceeds the CEQR screening threshold. For child care, the CEQR screening threshold in Brooklyn is the introduction of 110 or more affordable housing units, which would generate 20 or more eligible children under age six. As noted above, approximately 344 dwelling units would be affordable, which would exceed the CEQR screening threshold for analysis of publicly funded child care centers. Therefore, the proposed action would trigger analyses of potential impacts on public elementary and middle schools, high schools, libraries, and publicly funded child care centers.

According to the *CEQR Technical Manual*, a detailed analysis of police and fire protection services and health care facilities is required if a proposed action would (a) introduce a sizeable new neighborhood where one has not previously existed, or (b) would displace or alter a hospital or public health clinic, fire protection services facility, or police station. As the proposed action would not result in any of the above, no significant adverse impacts would be expected to occur, and a detailed analysis of police/fire services and health care facilities is not warranted.

## Public Schools

- According to the *CEQR Technical Manual*, the primary study area for the analysis of elementary and intermediate schools should be the school district's "sub-district" in which the project is located. The project area is located within sub-district 1 of Community School District 14. This sub-district will constitute the study area (see Figure ~~10~~17). High schools are assessed on a borough-wide basis.
- Identify and locate the public elementary and intermediate schools serving the study area defined above. Existing capacity, enrollment, and utilization data for all public elementary and intermediate schools within sub-district 1 of Community School District 14 will be provided for the current or most recent school year, noting any specific shortages of school capacity. Similar data will be provided for Brooklyn high schools in accordance with *CEQR Technical Manual* guidelines.
- Identify conditions that would exist in the 2019 future without the proposed action (No-Action condition), taking into consideration projected changes in future enrollment, including those associated with other developments in the vicinity of the project area, and plans to alter school capacity either through administrative actions on the part of the New York City Department of Education or as a result of the construction of new school space. Planned new capacity projects from the DOE's Five Year Capital Plan will not be included in the quantitative analysis unless the projects have commenced site preparation and/or construction. They may, however, be included in a qualitative discussion.

Study Area Elementary and Intermediate Schools



LEGEND

- 6** Schools in CSD 14, Sub-District 1
- CSD Sub-District Boundaries

- Proposed Rezoning Area
- Community School District Boundaries

- Analyze future conditions with the proposed action, adding students likely to be generated by the RWCDs to the projections for the future No-Action condition. Project impacts will be assessed based on the difference between the future With-Action projections and the future No-Action projections (at the school sub-district level for elementary and intermediate schools and borough for high schools) for enrollment, capacity and utilization in 2019.
- Determine whether the proposed action would result in a significant adverse impact. A significant adverse impact may result, warranting consideration of mitigation, if the proposed action would result in: (1) a collective utilization rate of the elementary and/or intermediate schools in the sub-district study area that is equal to or greater than 100 percent in the With-Action condition; and (2) an increase of five percent or more in the collective utilization rate between the No-Action and With-Action conditions.
- If significant adverse impacts are identified, mitigation measures to avoid or reduce potential significant impacts will be identified.

## Libraries

- Identify the local public library branch(es) serving the area within approximately three-quarters of a mile from the project area, which is the distance that one might be expected to travel for such services. Show the identified local public library branch(es) within a  $\frac{3}{4}$ -mile radius on a map.
- Describe existing libraries within the study area and their information services, and user population. Information regarding services provided by branch(es) within the study area will include circulation, holdings, level of utilization, and other relevant existing conditions. Details on library operations will be based on publicly available information and/or consultation with library officials. If applicable, holdings per resident may be estimated to provide a quantitative gauge of available resources in the applicable branch libraries in order to form a baseline for the analysis.
- For No-Action conditions, projections of population change in the area and information on any planned changes in library services or facilities will be described and the effects of these changes on library services will be assessed. Using the information gathered for the existing conditions, holdings per resident in the No-Action condition will be estimated.
- Determine the effects of the addition of the population resulting from the proposed action on the study area libraries' ability to provide information services to their users. Holdings per resident in the With-Action condition will be estimated and compared to the No-Action holdings estimate.
- Determine whether the proposed action would result in a significant adverse impact. According to the *CEQR Technical Manual*, if the proposed action would increase the  $\frac{3}{4}$ -mile study area population by five percent or more over No-Action levels, and it is determined, in consultation with the appropriate library agency, that this increase would impair the delivery of library services in the study area, a significant impact may occur, warranting consideration of mitigation.

## Child Care Centers

- Identify existing publicly funded child care facilities (including Head Start facilities) within approximately 1.5 miles of the project area. Describe each facility in terms of its location, number of slots (capacity), and enrollment (utilization). Information will be based on publicly available information and/or consultation with the Administration for Children's Services' Division of Child Care and Headstart (CCHS).

- For No-Action conditions, information will be obtained on any changes planned for child care programs or facilities in the area, including closing or expansion of existing facilities and establishment of new facilities. Any expected increase in the population of children under 6 within the eligibility income limitations will be discussed as potential additional demand; and the potential effect of any population increases on demand for child care services in the study area will be assessed. The available capacity or resulting deficiency in slots and the utilization rate for the study area will be calculated for the No-Action condition.
- The potential effects of the additional eligible children resulting from the RWCDs for the proposed action will be assessed by comparing the estimated demand over capacity to the demand over capacity estimated in the No-Action condition.
- Determine whether the proposed action would result in a significant adverse impact. According to the *CEQR Technical Manual*, a significant adverse impact may result, warranting consideration of mitigation, if the proposed action would result in both of the following: (a) a collective utilization rate of the group child care/Head Start centers in the study area that is greater than 100 percent in the With-Action condition; and (b) an increase of five percent or more in the collective utilization rate of the child care/Head Start centers in the study area between the No-Action and With-Action conditions.
- If significant adverse impacts are identified, mitigation measures to avoid or reduce potential significant impacts will be identified.

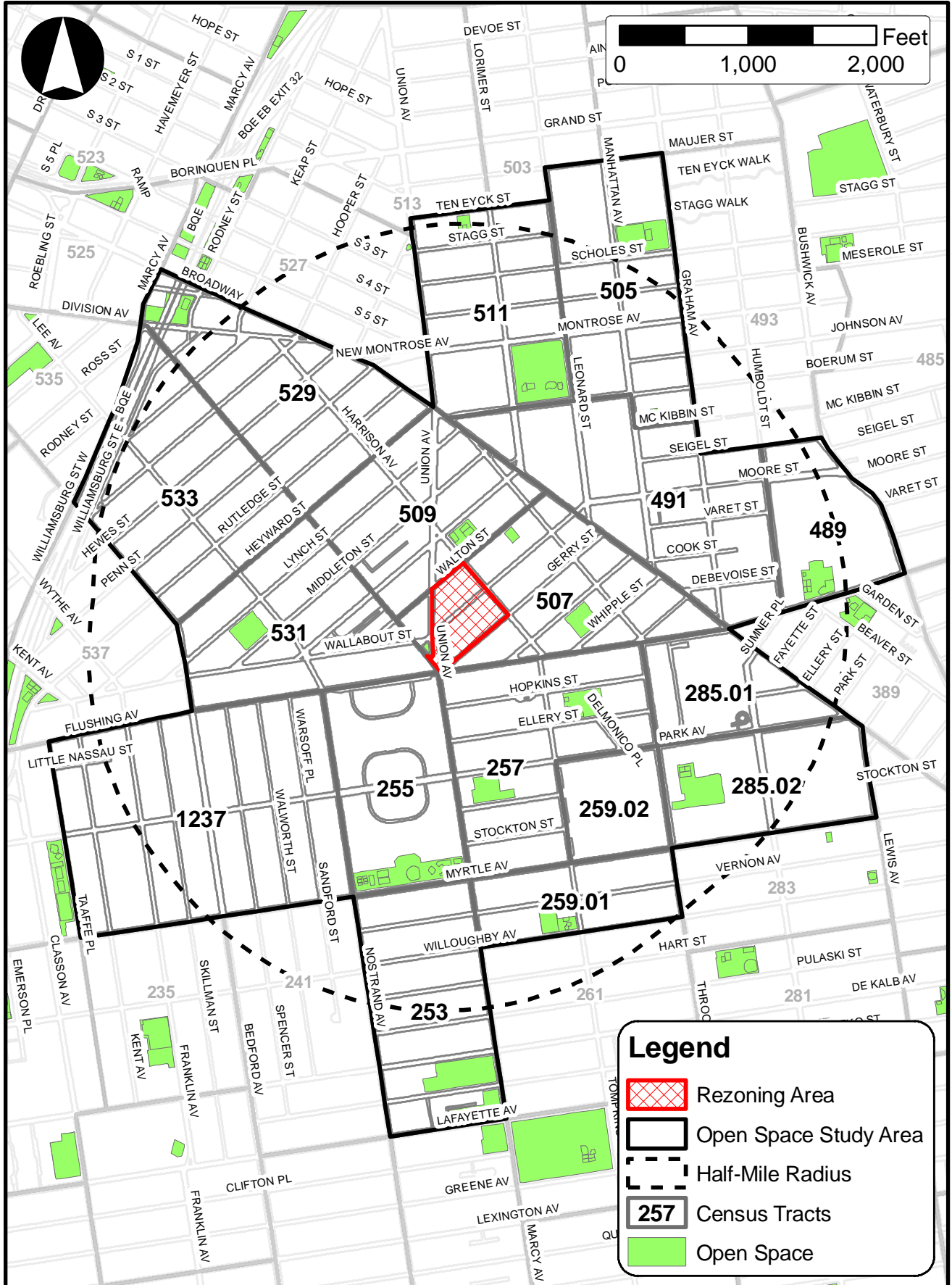
## **TASK 5. OPEN SPACE**

Under the *CEQR Technical Manual*, the threshold for an open space assessment applicable to the proposed action is more than 200 residents and 500 employees because the project area is not located within an underserved or well-served area as defined in the *CEQR Technical Manual*. The proposed RWCDs, as disclosed in the EAS, would generate more than 200 residents, and therefore, would exceed the *CEQR Technical Manual* threshold requiring an analysis to assess potential impacts on the residential open space user population in a ½-mile study area (see Figure ~~4418~~ 4418). The proposed action and RWCDs would not result in an increase of more than 500 workers in the project area. Therefore, an assessment of potential impacts on the non-residential (worker) population is not warranted.

The open space analysis will consider both passive and active open space resources within a residential (½-mile radius) study area. As recommended in the *CEQR Technical Manual*, the study area would comprise all census tracts that have 50 percent of their area located within a ½-mile radius of the project area, respectively. The open space analysis in the EIS will include the following sub-tasks.

- Determine characteristics of the open space user groups: residents and workers/daytime users. To determine the number of residents in the study area, 2010 census data will be compiled for census tracts comprising the residential open space study area. Because the study areas include a workforce and daytime population that may also use open spaces, the number of employees and daytime workers in the study area will also be calculated, based on reverse journey-to-work census data.
- Inventory existing active and passive open spaces within the open space study area. The condition and usage of existing facilities will be described based on the inventory and field visits. Acreage of these facilities will be determined and total study area acreage calculated. The percentage of active and passive open space will also be calculated. A map showing the locations of open spaces keyed to the inventory will be provided.





- Based on the inventory of facilities and study area populations, open space ratios will be calculated for the residential and daytime populations, and compared to City guidelines to assess adequacy. As per the *CEQR Technical Manual*, open space ratios are expressed as the amount of open space acreage per 1,000 user population, and will be calculated for active and passive open space, as well as for the aggregate open space.
- Assess expected changes in future levels of open space supply and demand in the 2019 analysis year, based on other planned development projects within the open space study area. Any new open space or recreational facilities that are anticipated to be operational by the analysis year will also be accounted for. Open space ratios will be calculated for 2019 future No-Action conditions and compared with existing ratios to determine changes in future levels of adequacy.
- Assess the effects on open space supply and demand resulting from increased residential and worker populations added by the proposed action and associated RWCDs. The assessment of the proposed action's impacts will be based on a comparison of open space ratios for the future No-Action versus future With-Action conditions. In addition to the quantitative analysis, qualitative analysis will be performed to determine if the changes resulting from the proposed action constitute a substantial change (positive or negative) or an adverse effect to open space conditions. The qualitative analysis will assess whether or not the study area is sufficiently served by open spaces, given the type (active vs. passive), capacity, condition, and distribution of open space, and the profile of the study area population.

If the results of the impact analysis identify a potential for a significant adverse impact, discuss potential mitigation measures.

## **TASK 6. SHADOWS**

This chapter will examine the proposed action's potential for significant and adverse shadows impacts pursuant to *CEQR Technical Manual* criteria. Generally, the potential for shadows impacts exists if an action would result in new structures or additions to buildings resulting in structures over 50 feet in height that could cast shadows on important natural features, publicly accessible open space, or on historic features that are dependent on sunlight. As a RWCDs, the proposed action would facilitate the construction of predominantly residential mixed-use buildings on two blocks with a maximum roof height of 145 feet and a maximum total building height of approximately 157 feet (including rooftop mechanical equipment). The project area is located across the street from existing sunlight-sensitive resources. Therefore, a preliminary assessment of shadows is warranted and will be provided in the EIS. The preliminary assessment will include the following tasks:

- Develop a base map illustrating the project area in relation to publicly accessible open spaces, historic resources with sunlight-dependent features, and natural features in the area.
- Perform a screening assessment to ascertain which seasons and times of day shadows from the RWCDs could reach any sunlight-sensitive resources.

If the possibility of new shadows reaching sunlight-sensitive resources cannot be eliminated in the preliminary assessment, the EIS will include a detailed analysis in accordance with the 2014 *CEQR Technical Manual*. This will include the following tasks:

- Develop a three-dimensional computer model of the elements of the base map developed in the preliminary assessment.
- Develop three-dimensional representations of the No-Action shadow conditions in the area as of the Build Year.
- Develop a three-dimensional representation of shadow conditions in the area with the proposed action as of the Build Year.
- Determine the extent and duration of incremental shadows that would be cast on sunlight-sensitive resources as a result of the proposed action on four representative days of the year.
- Document the analysis with graphics comparing shadows resulting from the No-Action condition with shadows resulting from the proposed action, with incremental shadows highlighted in a contrasting color.
- Include a summary table listing the entry and exit times and total duration of incremental shadows on each applicable representative day for each affected sun-sensitive resource.
- Assess the significance of any shadows impacts on sunlight-sensitive resources (including the De Hostos Playground, Project Roots I.S. 318, any other existing or planned parks, and sunlight-sensitive historic resources). If potential significant adverse impacts are identified, the amount of remaining sunlight on those sensitive resources as well as the types of vegetation and or recreational activities involved will be considered in reaching impact conclusions.
- If any significant adverse shadow impacts are identified, identify and assess potential mitigation strategies.

In addition, the proposed action would create a new publicly accessible open space. Although action-generated shadows cast on open spaces created by an action are not considered significant under CEQR, they should be identified and disclosed as part of the environmental review.

## **TASK 7. HISTORIC AND CULTURAL RESOURCES**

The *CEQR Technical Manual* identifies historic resources as districts, buildings, structures, sites, and objects of historical, aesthetic, cultural, or archaeological importance. This includes designated NYC Landmarks; properties calendared for consideration as landmarks by the New York City Landmarks Preservation Commission (LPC); properties listed on the State/National Register of Historic Places (S/NR) or contained within a district listed on or formally determined eligible for S/NR listing; properties recommended by the NY State Board for listing on the S/NR; National Historic Landmarks; and properties not identified by one of the programs listed above, but that meet their eligibility requirements.

According to the *CEQR Technical Manual*, a historic and cultural resources assessment is required if there is the potential to affect either archaeological or architectural resources. The analyses will consider the potential of the proposed action and associated RWCDs to affect historic and cultural resources as follows.

### ***Architectural Resources***

Since the issuance of the DSOW, the NYC Landmarks Preservation Commission (LPC) has reviewed the project area and surrounding vicinity and determined that there are no listed or eligible historic architectural resources located on or in the vicinity of the project area. The EIS will provide information on LPC's environmental review provided for this action. While the project area is vacant and does not include any architectural resources, the former Charles Pfizer & Company buildings at 11 Bartlett Street

~~(now Beginning With Children Charter School) and 630 Flushing Avenue (now 630 Flushing Incubator) were previously determined to be eligible for listing on the S/NR are located nearby, and it is possible that there may be other potential architectural resources within the study area. Consistent with the CEQR Technical Manual, the historic and cultural resources assessment will include the following tasks (as applicable):~~

- Select the study area for architectural resources. This scope of work assumes that the study area for architectural resources will be approximately 400 feet beyond the project area's boundaries.
- Submit the proposed action and associated RWCDs to LPC for their review and determination regarding architectural resources, and request a preliminary determination of designated and/or eligible architectural resources within the study area.
- Map and briefly describe designated architectural resources in the study area. Consistent with the guidance of the *CEQR Technical Manual*, designated architectural resources include: New York City Landmarks, Interior Landmarks, Scenic Landmarks, New York City Historic Districts; resources calendared for consideration as one of the above by NYCLPC; resources listed on or formally determined eligible for inclusion on the State and/or National Registers of Historic Places, or contained within a district listed on or formally determined eligible for listing on the Registers; resources recommended by the New York State Board for listing on the Registers; and National Historic Landmarks.
- Assess the potential significant adverse impacts of the proposed action on architectural resources, including visual and contextual changes as well as any direct physical impacts, on any designated and potential architectural resources. Potential effects will be evaluated through a comparison of the No-Action condition and the future with the proposed action.
- If applicable, develop measures to avoid, minimize, or mitigate any significant adverse impacts on historic and cultural resources, in consultation with NYCLPC.
- This scope of work assumes there will be no state or federal actions that require review by the New York State Office of Parks, Recreation and Historic Preservation (OPRHP).

### **Archaeological Resources**

As the proposed action and associated RWCDs would entail in-ground disturbance, pursuant to *CEQR Technical Manual* guidelines, the potential impacts of the proposed action on archaeological resources will need to be analyzed for the project area. The New York City Landmarks Preservation Commission (LPC) was consulted to determine whether the project area is sensitive for archaeological resources. In an Environmental Review letter dated May 26, 2015, LPC confirmed that the site is not sensitive for archaeological resources; per *CEQR Technical Manual* guidelines, no further archaeological analysis will be required for the proposed action. For informational purposes, the EIS will provide information on this and any subsequent LPC's Environmental Review of this action.

## **TASK 8. URBAN DESIGN AND VISUAL RESOURCES**

The *CEQR Technical Manual* indicates that there is no need to conduct an urban design analysis if a proposed project would be constructed within existing zoning envelopes, and would not result in physical changes beyond the bulk and form permitted "as-of-right." The proposed action involves zoning map and zoning text amendments, which would increase the allowable density and create new zoning districts to be mapped in the project area. Therefore, a preliminary assessment of urban design and visual resources

will be conducted in the EIS in order to determine whether the proposed action could cause significant change to the pedestrian experience that could disturb the vitality, walkability, or visual character of the area. The assessment will be based on *CEQR Technical Manual* methodologies, and include the following:

- Identify a study area for the analysis of urban design and visual resources. Following the guidelines of the *CEQR Technical Manual*, the study area will be consistent with the ¼-mile study area for the analysis of land use, zoning and public policy. Based on field visits, describe the project area and the urban design and visual resources of the surrounding area, using text and photographs as appropriate. A description of visual resources in the area and view corridors, if any, will also be provided.
- In coordination with the land use task, describe the changes expected in the urban design and visual character of the study area due to planned development projects in the future without the proposed action (No-Action condition).
- Describe the potential changes that could occur in the urban design character of the study area as a result of the proposed action (With-Action Condition). Assess the changes in urban design characteristics and visual resources that are expected to result from the proposed action in the project area and in the study area and evaluate the significance of the change. Photographs and/or other graphic material will be utilized, where applicable, to assess the potential effects on urban design and visual resources, including views from pedestrian eye-level perspectives of/to resources of visual or historic significance (landmark structures, historic districts, parks, etc.).

A detailed analysis will be prepared if warranted based on the preliminary assessment. As described in the *CEQR Technical Manual*, examples of projects that may require a detailed analysis are those that would make substantial alterations to the streetscape of a neighborhood by noticeably changing the scale of buildings, potentially obstruct view corridors, or compete with icons in the skyline. The detailed analysis would describe the urban design and visual resources of the project area and the surrounding area. The analysis would describe the potential changes that could occur to urban design and visual resources in the future with the proposed action, in comparison to the No-Action condition, focusing on the changes that could negatively affect a pedestrian's experience of the area. If necessary, mitigation measures to avoid or reduce potential significant adverse impacts will be identified.

## **TASK 9. HAZARDOUS MATERIALS**

The objective of the hazardous materials assessment is to determine whether the project area may have been adversely affected by current or historical uses at or adjacent to the site. The proposed action would result in new residential development in areas currently zoned for manufacturing, and therefore has the potential to result in significant hazardous materials impacts.

This chapter of the EIS will be prepared pursuant to 2014 *CEQR Technical Manual* guidelines and will include a detailed description of measures that would be taken to ensure that the potential for any impacts would be avoided. It will primarily examine the potential for impacts related to subsurface contamination, including an evaluation of the existing soil and groundwater conditions in areas that would be affected by the proposed action. The 2014 *CEQR Technical Manual* states that the hazardous materials assessment generally begins with a Phase I Environmental Site Assessment (ESA). In the case of the project area, the two block area of the project area has a documented history of hazardous materials conditions and has undergone hazardous materials investigations and remediation activities. In addition, the Southern Block (Block 2265, Lot 14) is subject to a Voluntary Cleanup Agreement (VCA) executed in

1997, which is under the jurisdiction of the New York State Department of Environmental Conservation (NYSDEC) Voluntary Cleanup Program (VCP). Block 2265, Lot 14 also has an executed a deed restriction that prohibits the property from being used for purposes other than industrial, commercial and/or recreation (designed to preclude contact with contaminants by humans) without the express written permission or waiver of such prohibition by NYSDEC. It further states that this prohibition is enforceable only by NYSDEC or its successor “but shall not be enforceable by any third party.”

Since the issuance of the DSOW, based on consultations between the Lead Agency and the NYC Department of Environmental Protection (DEP), it is now anticipated that both blocks would receive an (E) designation for hazardous materials. For hazardous materials (E) designations, the environmental requirements are that a testing and sampling protocol be conducted, and a remediation plan be developed and implementation where appropriate, to the satisfaction of the OER. OER administers the (E) Designation Environmental Review Program. Per the City rules regulating (E) designations, related to these activities, Phase I Environmental Site Assessments, Remedial Investigation Work Plans (aka, Phase II Work Plans), Remedial Investigation Reports, mandatory health and safety plans (HASPs) Remedial Action Plans (RAPs), and Remedial Closure Reports consistent with the applicable standards of the American Society for Testing and Materials (ASTM) must be prepared, reviewed and approved by OER, and implemented to OER’s satisfaction during investigation and remediation of (E)-designated sites in order to assure protection of public health and the environment. DOB may issue permits allowing for certain activities consistent with a RAP upon receiving a Notice to Proceed from OER. It is not yet clear whether one or both of the project area blocks would receive a hazardous materials (E) designation. If an (E) designation is a possibility a Phase I ESA must be prepared pursuant to 15 RCNY Chapter 24 and its findings disclosed in the EIS. The EIS will include a discussion of what testing, steps and standards would be applied in complying with the VCA and altering the deed restriction on the Southern Block, and will discuss, as applicable, the findings of any Phase I ESAs prepared for the project area blocks, what testing (and, if necessary, remediation and/or institutional controls) would be required on the Northern Block to ensure the proposed action would be protective of human health and the environment.

## **TASK 10. WATER AND SEWER INFRASTRUCTURE**

The water and sewer infrastructure assessment is important to ensure the City’s systems have adequate capacity to accommodate land use or density changes. For any new development it is critical to avoid environmental health problems such as sewer back-ups, street flooding, or pressure reductions.

The Proposed Project would result in increased demand for infrastructure services, including an increase in the demand for water and wastewater treatment services. The estimated water usage, sewage generation, and stormwater discharge rates associated with the RWCDs will be evaluated to determine that the capacity of the network is sufficient and to determine whether the proposed action would result in any significant adverse impacts. This section will also describe and account for any changes in drainage associated with the RWCDs.

### **Water Supply**

- The existing water distribution system serving the project area will be described based on information obtained from DEP’s Bureau of Water Supply and Wastewater Collection;
- The existing water demand generated in the project area will be estimated;

- Water demand generated in the project area by the RWCDs will be projected for future No-Action and With-Action conditions; and
- The effects of the incremental demand on the City's water supply system will be assessed to determine if there would be impacts to water supply or pressure. The incremental water demand will be the difference between the water demand generated in the project area by the RWCDs in the With-Action condition and by the RWCDs in the No-Action condition.

#### Wastewater and Stormwater Infrastructure

- Develop the appropriate study area for assessment in conformance with CEQR guidelines and in consultation with DEP;
- Describe the existing stormwater drainage system and surfaces in the project area and the amount of stormwater generated by it using DEP's volume calculation worksheet;
- Describe the existing sewer system serving the project area based on records obtained from DEP;
- Describe any changes to the stormwater drainage plan, sewer system, and surface area expected in the No-Action and With-Action conditions;
- Assess future stormwater generation in the project area to determine the proposed action potential to result in impacts; and
- Estimate the sanitary sewer generation by the RWCDs in the project area.

According to the *CEQR Technical Manual* and in consultation with DEP, a more detailed assessment may be required if increased sanitary or stormwater discharges from the RWCDs associated with the Proposed Actions are predicted to affect the capacity of portions of the existing sewer system, exacerbate combined sewer overflow (CSO) volumes/frequencies, or contribute greater pollutant loadings in stormwater discharged to receiving water bodies.

## **TASK 11. ENERGY**

An EIS must include a discussion of the effects of a proposed action on the use and conservation of energy, if applicable and significant, in accordance with CEQR. In most cases, an action does not need a detailed energy assessment, but its operational energy is projected. A detailed energy assessment is limited to actions that may significantly affect the transmission or generation of energy. For other actions, in lieu of a detailed assessment, the estimated amount of energy that would be consumed annually as a result of the day-to-day operation of the buildings and uses resulting from an action is disclosed, as recommended in the 2014 *CEQR Technical Manual*.

An analysis of the anticipated additional demand from the Proposed Actions' RWCDs will be provided in the EIS. The EIS will disclose the projected amount of energy consumption during long-term operation resulting from the Proposed Actions. The projected amount of energy consumption during long-term operation (for projected development sites) will be estimated based on the average and annual whole-building energy use rates for New York City (per Table 15-1 of the *CEQR Technical Manual*). If warranted, the Mayor's Office of Sustainability (MOS) and/or the power utility serving the area (Con Edison of New York) will be consulted.

## TASK 12. TRANSPORTATION

The proposed action and associated RWCDs would generate new vehicular travel and parking demand, as well as generate additional pedestrian trips and trips by subway and local bus in the study area. These new trips have the potential to affect the area's transportation systems beginning in the proposed analysis year of 2019. Based on preliminary estimates, the RWCDs is expected to generate more than 50 additional vehicular trips in the weekday AM, midday, and PM peak hours, and the Saturday midday peak hour. The RWCDs is also expected to generate more than 200 subway trips in all peak hours, and more than 200 project-generated pedestrian trips in all peak hours. Therefore, the transportation studies for the EIS will include the following analyses.

### Travel Demand and Screening Assessment

Detailed trip estimates will be prepared using standard sources, including the *CEQR Technical Manual*, U.S. census data, approved studies, and other references. The trip estimates (Level-1 screening assessment) will be summarized by peak hour, mode of travel, as well as person and vehicle trips. The trip estimates will also identify the number of peak hour person trips made by transit and the numbers of pedestrian trips traversing the area's sidewalks, corner reservoirs, and crosswalks. The results of these estimates will be summarized in a Transportation Planning Factors and Travel Demand Forecast memorandum for review and concurrence by the lead agency. In addition to trip estimates, detailed vehicle, pedestrian and transit trip assignments (Level-2 screening assessment) will be prepared to validate the intersections and pedestrian/transit elements selected for undertaking quantified analysis.

### Traffic

Under *CEQR Technical Manual* criteria, significant adverse impacts are considered unlikely and a detailed traffic assessment is typically not warranted if a proposed project would generate fewer than 50 new vehicle trips in any peak hour. Based on ~~preliminary~~ estimates, the RWCDs is expected to generate an increase of approximately ~~152~~ 167 vehicular trips in the weekday AM, ~~144~~ 158 in the midday, and ~~184~~ 206 in the PM peak hours, and ~~176~~ 199 in the Saturday midday peak hour, compared to No-Action conditions. Because the forecasted levels of new vehicular travel demand generated by the RWCDs would exceed the 50-trip *CEQR Technical Manual* analysis threshold, the EIS will provide a detailed traffic analysis focusing on these peak hours.

Based on ~~preliminary~~ estimates and traffic assignment, a total of ~~four (4)~~ ten (10) intersections have been selected for the analysis of traffic conditions. These intersections, listed below, are where traffic and pedestrian demand generated by the RWCDs is expected to be most concentrated based on the ~~preliminary~~ traffic assignment.

1. Wallabout Street at Union Avenue (unsignalized)
2. Flushing Avenue/Gerry Street at Union/Marcy Avenues (signalized)
3. Gerry Street at Harrison Avenue (signalized)
4. Wallabout Street at Harrison Avenue (unsignalized in existing, signalized in No-Action)
5. Harrison Avenue at Union Avenue (signalized)
6. Lorimer Street at Union Avenue (signalized)
7. Walton Street at Union Avenue (signalized)
8. Bartlett Street at Harrison Avenue (signalized)



9. Lorimer Street at Harrison Avenue (signalized)  
4-10. Walton Street at Harrison Avenue (unsignalized)

The EIS traffic analysis will include the following tasks:

- Define a traffic study area to account for the principal travel corridors to/from the project area. Based on a preliminary travel demand forecast and vehicle trip assignments, it is anticipated that a total of approximately ~~four (4)~~ ten (10) intersections were selected for detailed analysis for potential impacts during the weekday AM, midday and PM peak periods and the Saturday midday period (refer to the list of intersections above).
- Conduct traffic counts at traffic analysis locations via a mix of automatic traffic recorder (ATR) machine counts and manual intersection turning movement counts. ATRs will provide continuous 24-hour traffic volumes for a minimum of nine days (including two weekends) along the principal corridors serving the project area. Manual turning movement counts will be conducted during the weekday AM, midday and PM and Saturday midday peak periods. Where applicable, available information from recent studies in the vicinity of the study area will be compiled, including data from such agencies as the New York City Department of Transportation (NYCDOT) and NYCDOT.
- Conduct any required travel speed and delay studies and vehicle classification counts along principal corridors in the study area to provide supporting data for any air quality and noise analyses. These speed-and-delay studies and vehicle classification counts will be conducted in conjunction with the traffic volume counts.
- Inventory physical and operational data as needed for capacity analysis purposes at each of the analyzed intersections. The data collected will be consistent with current *CEQR Technical Manual* guidelines and will include such information as street widths, number of traffic lanes and lane widths, pavement markings, turn prohibitions, parking regulations, and signal phasing and timing data as provided by NYC Department of Transportation.
- Using *Highway Capacity Software (HCS) + Version 5.5* methodologies, determine existing traffic conditions at each analyzed intersection including capacities, volume-to-capacity (v/c) ratios, average control delays per vehicle and levels of service (LOS) for each lane group and intersection approach, and for the intersection overall.
- Identify planned projects that would be developed in the area in the future without the proposed action (the No-Action condition) and determine the associated future No-Action travel demand generated by these projects. The future traffic volumes from No-Action projects will be estimated using published environmental assessments or forecasted based on current *CEQR Technical Manual* guidelines, Census data, and/or data from other secondary sources. An annual growth rate of 0.5 percent per year for the first five years and 0.25 percent per year thereafter will also be applied to existing traffic volumes to account for general background growth through 2019 as per *CEQR Technical Manual* guidelines. Mitigation measures accepted for No-Action projects will also be reflected in the future No-Action traffic network as will any relevant initiatives planned by NYCDOT and other agencies. No-Action traffic volumes will be determined, v/c ratios and levels of service will be calculated, and congested intersections will be identified.
- Based on available sources, U.S. Census data, standard references, and other EIS documents, forecast the travel demand generated by the RWCDs's residential and local retail uses, and the modes of transportation expected to be used for these trips.

- Determine the volume of vehicle traffic expected to be generated by the RWCDs, assign that volume of traffic in each analysis period to the approach and departure routes likely to be used, and prepare balanced traffic volume networks for the future condition with the proposed action (the With-Action condition) for each analysis period.
- Determine the resulting v/c ratios, delays and levels of service for the future With-Action condition, and identify significant traffic impacts in accordance with current *CEQR Technical Manual* criteria.
- Identify and evaluate potential traffic mitigation measures, as appropriate, for all significantly impacted locations in the study area in consultation with the lead agency and NYCDOT. Potential traffic mitigation could include both operational and physical measures such as changes to lane striping, curbside parking regulations and traffic signal timing and phasing, roadway widening, and new traffic signal installations. Where impacts cannot be mitigated, they will be described as unavoidable adverse impacts.

## Parking

Based on preliminary estimates, parking demand generated by the RWCDs is expected to be fully accommodated on-site in accessory garages. Therefore, the parking analysis will focus on parking demand and supply at the project area. Parking demand generated by the projected residential and local retail uses would be estimated and temporal arrival and departure patterns established using standard professional references and/or previously approved factors. Weekday and Saturday parking accumulation profiles will be developed for the project area.

## Transit

Transit analyses typically focus on the weekday AM and PM commuter peak hours, as it is during these periods that overall demand on the subway and bus systems is usually highest. The subway stations selected for analysis are determined based upon projected subway trip assignment patterns and the *CEQR Technical Manual* analysis threshold of 200 incremental trips per hour at any one station. An analysis of MTA New York City Transit (NYC Transit) bus routes is similarly considered warranted based on *CEQR Technical Manual* analysis thresholds of 200 total local bus trips in any one peak hour, and 50 incremental trips per direction per hour on any one bus route.

Based on preliminary travel demand forecasts, the RWCDs is expected to generate an increase (compared to No-Action Conditions) of ~~366, 242, 425, and 375~~ 473 and 538 subway trips during the weekday AM, ~~middy~~ midday and PM and Saturday ~~middy~~ midday peak hours, respectively, which are the peak hours for subway travel identified in the *CEQR Technical Manual*. The RWCDs is expected to exceed the CEQR screening threshold at the Lorimer Station on the BMT Jamaica Line, which is served by the J train at all times except rush hours in the peak direction and the M train at all times except nights.

Based on preliminary travel demand forecasts, the RWCDs is expected to result in an increase (compared to the No-Action) of ~~67, 152, 119, and 123~~ 81, 140, 133, and 135 bus riders in the weekday AM, midday, PM and Saturday midday peak periods, respectively. Bus trips associated with the RWCDs are expected to be below the *CEQR Technical Manual* thresholds to warrant the need for any detailed bus analysis (i.e., the RWCDs is expected to generate fewer than 200 local bus trips in any peak hour).

## Subway

The EIS analysis of the Lorimer Street subway station will include the following tasks:

- Conduct field counts during the weekday AM and PM peak hours to document existing usage at the Lorimer Street subway station, focusing on those station elements (street stairs and fare control areas) most likely to be used by project-generated demand. Determine existing peak hour levels of service.
- Assess conditions at analyzed station elements in the 2019 analysis year in the future without the proposed action (the No-Action condition) based on annual background growth rates specified in the *CEQR Technical Manual* and anticipated demand from known developments in the vicinity of the project area.
- Forecast future subway demand generated by the RWCDs, assign trips to individual station elements, and add them to the future No-Action volumes to determine conditions in the future with the proposed action. Identify significant adverse impacts based on *CEQR Technical Manual* criteria.
- Mitigation needs and potential improvements will be identified, as appropriate, in conjunction with the lead agency and NYC Transit. Where impacts cannot be mitigated, they will be described as unavoidable adverse impacts.

## Pedestrians

Based on a preliminary travel demand, the RWCDs would result in a net increase of more than the 200-trip *CEQR Technical Manual* analysis threshold to sidewalks, corner areas, and crosswalks in the immediate vicinity of the project area during the weekday midday and PM, and Saturday midday peak hours. The RWCDs is expected to generate a total of approximately ~~884, 2,294, 1,681 and 1,776~~ 1,020, 2,148, 1,761, and 1,811 pedestrian trips during the weekday AM, midday, PM, and Saturday midday peak hours, respectively. These trips would include walk-only trips as well as pedestrian trips en route to and from area transit facilities (subway stations and bus stops). Project-generated pedestrian demand is expected to be most concentrated on sidewalks and crosswalks in the immediate vicinity of the project area, and along Wallabout Street between the project area and Lorimer Street subway station.

A quantitative analysis of pedestrian conditions will therefore be prepared focusing on those sidewalks, corner areas and crosswalks in the vicinity of the project area expected to be used by 200 or more project-generated pedestrian trips during one or more peak hours. A total of ~~11~~ eight sidewalks, ~~28~~ five crosswalks, and ~~25~~ 14 corner areas have been selected for the analysis of pedestrian conditions. These locations, listed below, are where pedestrian trips are expected to be most concentrated, including sidewalks, corner areas and crosswalks providing access to entrances and along corridors to nearby transit facilities.

### Sidewalks

- North sidewalk on Gerry Street between Union and Harrison Avenues
- South sidewalk on Wallabout Street between Union and Harrison Avenues
- South sidewalk on Wallabout Street between Harrison and Throop Avenues
- North sidewalk on Wallabout Street between Union and Harrison Avenues
- North sidewalk on Wallabout Street between Harrison and Throop Avenues
- North sidewalk on Wallabout Street between Throop Avenue and Broadway
- South sidewalk on Walton Street between Union and Harrison Avenues

- East sidewalk on Union Avenue between Gerry and Wallabout Streets
- ~~East sidewalk on Union Avenue between Wallabout and Walton Streets~~
- ~~West sidewalk on Harrison Avenue between Gerry and Wallabout Streets~~
- ~~West sidewalk on Harrison Avenue between Wallabout and Walton Streets~~

### Crosswalks

- ~~Walton Street at Union Avenue – North Crosswalk~~
- ~~Walton Street at Union Avenue – East Crosswalk~~
- ~~Walton Street at Union Avenue – South Crosswalk~~
- ~~Wallabout Street at Union Avenue – North Crosswalk<sup>4,5</sup>~~
- ~~Wallabout Street at Union Avenue – East Crosswalk<sup>5</sup>~~
- ~~Wallabout Street at Union Avenue – South Crosswalk<sup>5,6</sup>~~
- Flushing Avenue/Gerry Street at Marcy Avenue/Union Avenue – North Crosswalk
- Flushing Avenue/Gerry Street at Marcy Avenue/Union Avenue – East Crosswalk
- ~~Flushing Avenue/Gerry Street at Marcy Avenue/Union Avenue – South Crosswalk~~
- ~~Flushing Avenue/Gerry Street at Marcy Avenue/Union Avenue – West Crosswalk~~
- ~~Walton Street at Harrison Avenue – North Crosswalk<sup>5</sup>~~
- ~~Walton Street at Harrison Avenue – East Crosswalk<sup>5</sup>~~
- ~~Walton Street at Harrison Avenue – South Crosswalk<sup>5,6</sup>~~
- ~~Walton Street at Harrison Avenue – West Crosswalk<sup>5</sup>~~
- Wallabout Street at Harrison Avenue – North Crosswalk<sup>1,2,5,6</sup>
- ~~Wallabout Street at Harrison Avenue – East Crosswalk<sup>5</sup>~~
- Wallabout Street at Harrison Avenue – South Crosswalk<sup>1,2,5,6</sup>
- Wallabout Street at Harrison Avenue – West Crosswalk<sup>1,5</sup>
- ~~Gerry Street at Harrison Avenue – North Crosswalk~~
- ~~Gerry Street at Harrison Avenue – East Crosswalk~~
- ~~Gerry Street at Harrison Avenue – South Crosswalk~~
- ~~Gerry Street at Harrison Avenue – West Crosswalk~~
- ~~Wallabout Street at Throop Avenue – North Crosswalk<sup>5</sup>~~
- ~~Wallabout Street at Throop Avenue – East Crosswalk<sup>5</sup>~~
- ~~Wallabout Street at Throop Avenue – South Crosswalk<sup>5</sup>~~
- ~~Wallabout Street at Throop Avenue – West Crosswalk<sup>5</sup>~~
- ~~Wallabout Street at Broadway – North Crosswalk~~
- ~~Wallabout Street at Broadway – West Crosswalk~~

### Corner Areas

- Walton Street at Union Avenue – Northeast Corner
- Walton Street at Union Avenue – Southeast Corner
- ~~Wallabout Street at Union Avenue – Northeast Corner<sup>5</sup>~~
- ~~Wallabout Street at Union Avenue – Southeast Corner<sup>5</sup>~~
- Flushing Avenue/Gerry Street at Marcy Avenue/Union Avenue – Northwest Corner
- Flushing Avenue/Gerry Street at Marcy Avenue/Union Avenue – Northeast Corner
- Flushing Avenue/Gerry Street at Marcy Avenue/Union Avenue – Southwest Corner

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<sup>4</sup>Intersection is unsignalized; element will only be analyzed if intersection requires a signal in the With Action condition.

<sup>5</sup>Crosswalk is not striped.

- Flushing Avenue/Gerry Street at Marcy Avenue/Union Avenue – Southeast Corner
- ~~Walton Street at Harrison Avenue – Northwest Corner<sup>5</sup>~~
- ~~Walton Street at Harrison Avenue – Northeast Corner<sup>5</sup>~~
- ~~Walton Street at Harrison Avenue – Southwest Corner<sup>5</sup>~~
- ~~Walton Street at Harrison Avenue – Southeast Corner<sup>5</sup>~~
- Wallabout Street at Harrison Avenue – Northwest Corner<sup>15</sup>
- Wallabout Street at Harrison Avenue – Northeast Corner<sup>15</sup>
- Wallabout Street at Harrison Avenue – Southwest Corner<sup>15</sup>
- Wallabout Street at Harrison Avenue – Southeast Corner<sup>15</sup>
- Gerry Street at Harrison Avenue – Northwest Corner
- Gerry Street at Harrison Avenue – Northeast Corner
- Gerry Street at Harrison Avenue – Southwest Corner
- ~~Gerry Street at Harrison Avenue – Southeast Corner~~
- ~~Wallabout Street at Throop Avenue – Northwest Corner<sup>5</sup>~~
- ~~Wallabout Street at Throop Avenue – Northeast Corner<sup>5</sup>~~
- ~~Wallabout Street at Throop Avenue – Southwest Corner<sup>5</sup>~~
- ~~Wallabout Street at Throop Avenue – Southeast Corner<sup>5</sup>~~
- Wallabout Street at Broadway – Northwest Corner

<sup>1</sup> Unsignalized in existing; signalized in No-Action

<sup>2</sup> Crosswalk to be striped in With-Action

The pedestrian analysis will evaluate existing and No-Action conditions during the weekday AM, midday and PM and Saturday midday peak hours, and the potential for incremental demand from the RWCDs to result in significant adverse impacts based on current *CEQR Technical Manual* criteria. Potential measures to mitigate any significant adverse pedestrian impacts will be identified and evaluated, as warranted, in consultation with the lead agency and NYCDOT.

## **Vehicular and Pedestrian Safety**

Vehicular and pedestrian safety issues in the area will also be examined. Accident data for the study area intersections from the most recent three-year period will be obtained from NYCDOT. These data will be analyzed to determine if any of the studied locations may be classified (using CEQR criteria) as high vehicle crash or high pedestrian/bike accident locations and whether trips and changes resulting from the proposed action would adversely affect vehicular and pedestrian safety in the area. If any high crash locations are identified, feasible improvement measures will be explored to alleviate potential safety issues.

## **TASK 13. AIR QUALITY**

*CEQR Technical Manual* criteria require an air quality assessment for actions that can result in either significant mobile source or stationary source air quality impacts. Mobile source impacts could arise when an action increases or causes a redistribution of traffic, creates any other mobile sources of pollutants, or adds new uses near existing mobile sources. Stationary source impacts could occur with actions that create new stationary sources or pollutants, such as emission stacks for industrial plants, hospitals, or other large institutional uses, or a building's boilers, that can affect surrounding uses; when they add uses

near existing or planned future emissions stacks, and the new uses might be affected by the emissions from the stacks, or when they add structures near such stacks and those structures can change the dispersion of emissions from the stacks so that they begin to affect surrounding uses.

### **Mobile Source Analysis**

Carbon monoxide (CO) and particulate matter (PM) are the primary pollutants of concern for microscale mobile source air quality analyses, including assessments of roadway intersections and parking lots/garages.

A mobile source screening analysis will be conducted to determine if the number of project-generated vehicle trips would exceed the *CEQR Technical Manual* carbon monoxide (CO) analysis screening threshold of 170 vehicles in any peak hour at any locations within the study area and also if the number of heavy duty trucks or equivalent vehicle trips would exceed the City's current interim guidance criteria for requiring an analysis of fine particulate matter (PM<sub>2.5</sub>). If traffic is found to be higher than screening thresholds, a mobile source analysis would be conducted per the *CEQR Technical Manual* standards.

The *CEQR Technical Manual* also requires analysis of both CO and PM for parking facilities. As noted above, the RWCDs assumes that a below-grade, mechanically-ventilated accessory parking garage with a single cellar level would be provided on each block of the project area, providing a total of 477 projected accessory parking spaces. An air quality analysis will be conducted to estimate potential impacts of the proposed parking garages following the appropriate CEQR guidelines. It is assumed that predominantly gasoline-fueled autos would use these facilities and therefore an analysis of CO and PM concentrations is warranted. The maximum total 8-hour CO concentration (i.e., including garage vent impact, street traffic contributions, and background concentration) will be estimated using the approach specified in the *CEQR Technical Manual* and compared to the 8-hr CO NAAQS of 9.0 ppm. The CEQR Spreadsheet for garage CO and/or PM analyses will be updated using MOVES emission factors. PM impacts would be evaluated in accordance with *CEQR Technical Manual* guidelines.

### **Stationary Source Analysis**

The stationary air quality analysis will examine potential stationary source impacts from the RWCDs's HVAC systems on proposed and surrounding land uses and the impacts of nearby industrial sources on sensitive uses associated with the projected development.

### **HVAC Screening**

A screening analysis will be performed to determine whether emissions from any on-site fuel fired heating ventilation and air conditioning systems (HVAC) are significant. The screening analysis will use the procedures outlined in the 2014 *CEQR Technical Manual*. The procedure involves determining the distance (from the exhaust point) within which potential significant impacts may occur, on elevated receptors (such as operable windows) that are of an equal or greater height when compared to the height of the RWCDs's HVAC exhausts. The distance within which a significant impact may occur is dependent on a number of factors, including the height of the discharge, type(s) of fuel burned and development size. As a first step, a screening analysis of fuel oil no. 2 will be conducted. The pollutant of concern for the fuel oil no. 2 screening is SO<sub>2</sub>, per *CEQR Technical Manual* Air Quality Appendix Figure 17-6 (nomograph). If the fuel oil no. 2 screening is exceeded then a screening analysis of natural gas will be conducted. The pollutant of concern for the natural gas screening is NO<sub>2</sub>, per *CEQR Technical Manual* Air Quality Appendix Figure 10-

8 (non-paragraph). Based on the screening analysis, analyze the project's potential impacts on existing and proposed developments to analyze project-on-project and project-on-existing impacts from individual buildings for natural gas using the AERMOD model and five years of meteorological data from LaGuardia Airport (which is the closest airport to the project area). Relevant pollutants would include NO<sub>2</sub>, SO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub>. Additionally, the potential combined impacts from clusters of HVAC emissions (i.e., HVAC emissions from buildings resulting from the proposed action of approximately the same height that are located in close proximity to one another) to significantly impact existing land uses and other buildings resulting from the proposed action. Clusters will be selected based on the sizes of the buildings that comprise the cluster, proximity of the cluster buildings to each other, and the difference in building heights no more than 10 to 15 feet with no city street in between.

### **Air Toxics Analysis**

The RWCDs would include up to approximately 1,147 residential units, a new sensitive receptor, and there are manufacturing/industrial uses within 400 feet of the project area, therefore, an industrial source air quality analysis, as detailed in the 2014 *CEQR Technical Manual*, would be required. A survey of land uses surrounding the project area will be conducted to determine the potential for impacts from industrial emissions. The survey will determine if there are any processing or manufacturing facilities within 400 feet of the project area. A copy of the air permits for each of these facilities will be requested from the NYCDEP Bureau of Environmental Compliance (BEC). A review of NYSDEC Title V permits and the EPA Envirofacts database will also be performed to identify any federal or state-permitted facilities within 1,000 feet of the project area. If permit information on any emissions from processing or manufacturing facilities are identified as a result of the survey and permit review, a cumulative impact analysis will be performed for multiple sources that emit the same air contaminant. Predicted concentrations of these compounds will be compared to NAAQS and NYSDEC DAR-1 guideline values for short-term (SGC) and annual (AGC) averaging periods. In the event that violations of standards are predicted, measures to reduce pollutant levels to within standards will be examined. Potential cumulative impacts of multiple air contaminants will be determined based on the EPA's Hazard Index Approach for non-carcinogenic compounds and using the EPA's Unit Risk Factors for carcinogenic compounds. Both methods are based on equations that use EPA health risk information (established for individual compounds with known health effects) to determine the level of health risk posed by specific ambient concentrations of that compound. The derived values of health risk are additive and can be used to determine the total risk posed by multiple air contaminants.

### **Large and Major Source Analysis**

An analysis of any existing large and major source(s) of emissions (major sources are identified as those sources located at Title V facilities that require Prevention of Significant Determination permits and large sources are identified as sources at facilities which require a State facility permit) identified within 1,000 feet of the project area will be performed to assess their potential effects on the project area. Predicted criteria pollutant concentrations will be predicted using the AERMOD model compared with NAAQS for NO<sub>2</sub>, SO<sub>2</sub>, and PM<sub>10</sub>, as well as applicable criteria for PM<sub>2.5</sub>.

If the results of any of the above air quality analyses identify a potential for a significant adverse impact, potential mitigation measures will be discussed in the EIS.

## TASK 14. GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

The proposed action and associated RWCDs would exceed the *CEQR Technical Manual* threshold of 350,000 sf of development, and therefore, a Greenhouse Gas (GHG) emissions consistency assessment will be included as a separate chapter in the EIS. In accordance with the *CEQR Technical Manual*, an assessment of the consistency with the City's established GHG reduction goal will be performed.

- Sources of GHG from the RWCDs will be identified. The pollutants for analysis will be discussed, as well as the various city, state, and federal goals, policy, regulations, standards and benchmarks for GHG emissions.
- Fuel consumption will be estimated for the RWCDs based on the calculations of energy use estimated for the project in the "Energy" screening analysis conducted as part of the EAS document.
- GHG emissions associated with project-related traffic will be estimated for the RWCDs using data from the transportation analysis. A calculation of Vehicle Miles Traveled (VMT) will be prepared.
- The types of construction materials and equipment proposed will be discussed along with opportunities for alternative approaches that may serve to reduce GHG emissions associated with construction.
- A qualitative discussion of stationary and mobile sources of GHG emissions will be provided in conjunction with a discussion of goals for reducing GHG emissions to determine if the proposed action is consistent with GHG reduction goals, including building efficient buildings, use of clean power, transit-oriented development and sustainable transportation, reduction of construction operations emissions, and use of building materials with low carbon intensity.

As the project area is located within the NYC Coastal Zone, the 2020s 500-year flood zone, the 2050s 100-year flood zone, and the 2050 500-year flood zone, a Climate Change assessment will be provided in the EIS. The Climate Change assessment will be performed in accordance with the *CEQR Technical Manual*.

- Projections for the future sea level rise and, to the extent available, likely future flood zone boundaries projected for the area of the site for different years within the expected life of the development will be provided.
- Any city, state, or federal initiatives to improve coastal resilience, such as those set forth in the Special Initiative for Rebuilding and Resiliency (SIRR) Report, "A Stronger, More Resilient New York," will be discussed if they have the potential to affect the project area.
- An analysis of consistency with policy 6.2 of the revised (and CPC and City Council approved) WRP will be provided.

If the results of the greenhouse gas emissions and climate change analyses identify a potential for a significant adverse impact, potential mitigation measures will be discussed.

## TASK 15. NOISE

For the proposed action, there are two major areas of concern regarding noise: (1) the effect the proposed action and associated RWCDs would have on noise levels in the adjacent community; and (2) the level of building attenuation necessary to achieve interior noise levels that satisfy CEQR requirements.

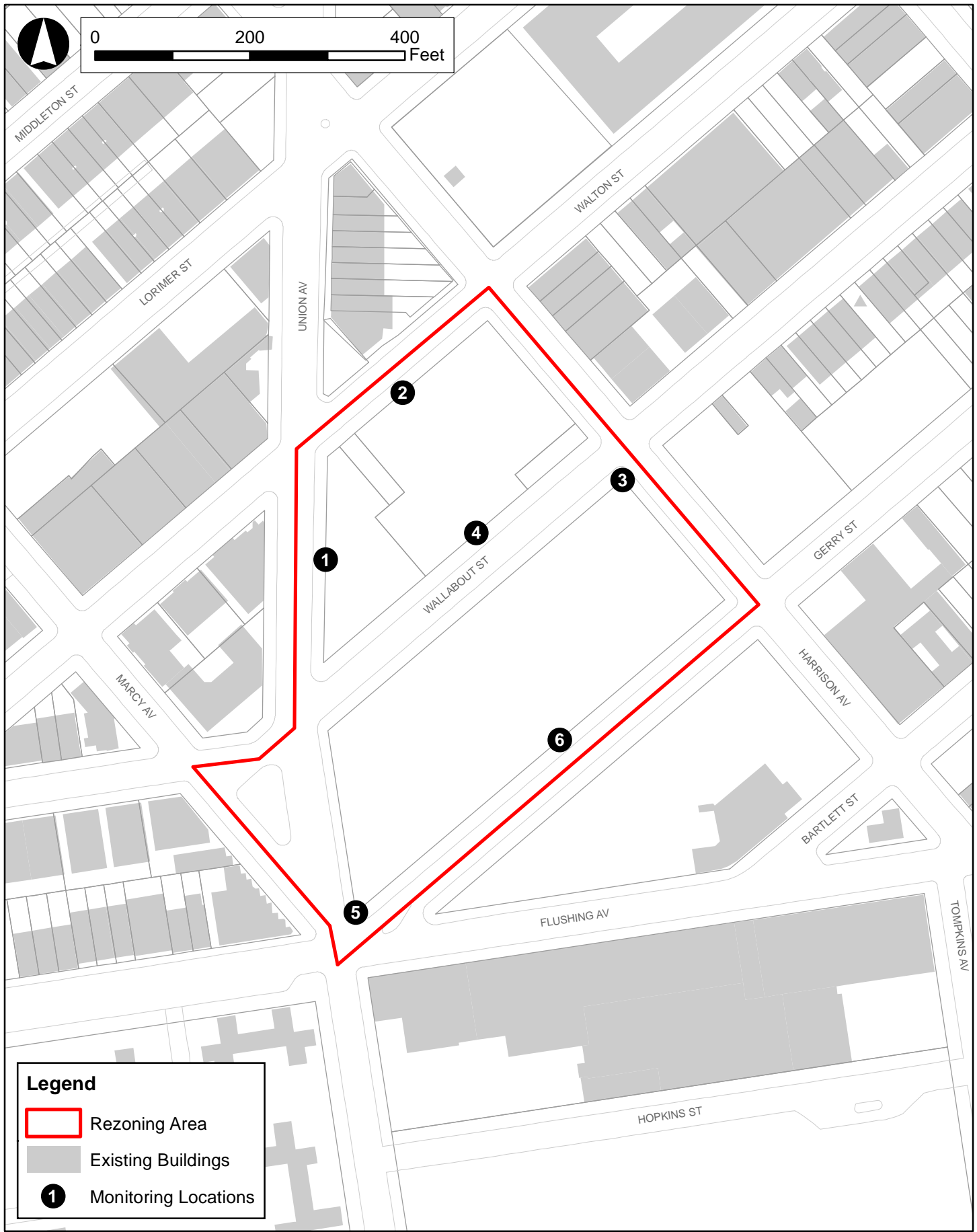


A screening assessment will be performed to determine whether there are any locations where there is the potential for the proposed action and associated RWCDs to result in significant noise impacts (i.e., doubling of Noise PCEs) due to project-generated traffic.

The noise analysis will therefore focus on the level of building attenuation necessary to meet CEQR interior noise level requirements. The building attenuation study will be an assessment of noise levels in the surrounding area associated primarily with traffic and nearby uses and their potential effect on the RWCDs as follows:

- Based on the traffic studies, perform a screening assessment to determine whether there are any locations where there is the potential for the RWCDs to result in significant noise impacts (i.e., doubling of Noise PCEs) due to project-generated traffic. If it is determined that Noise PCEs would double at any sensitive receptor, a detailed analysis would be conducted in accordance with the *CEQR Technical Manual* guidelines.
- Appropriate noise descriptors for building attenuation purposes would be selected. Based on CEQR criteria, the noise analysis would examine the  $L_{10}$ , and 1-hour equivalent ( $L_{eq(1)}$ ) noise levels.
- Existing noise levels will be measured in the project area; these measurements will include background noise from existing sources in the study area. Measurements will be made at up to six (6) receptor locations adjacent to the project area. At each receptor site, 20-minute measurements will be performed during typical weekday AM, midday, and PM peak periods and during the Saturday midday peak period. The location adjacent to De Hostos school/playground will be monitored during the school dismissal/bus departure weekday period.  $L_1$ ,  $L_{10}$ ,  $L_{50}$ ,  $L_{90}$ ,  $L_{min}$ , and  $L_{max}$  values will be recorded.  $L_{10}$  values will be used to determine conformance with CEQR guideline levels. Figure-~~12~~ 19 shows these monitoring locations.
- The results of the noise measurement program will be analyzed and tabulated. Traffic classification counts during the monitoring period will be tabulated. Monitored noise levels will be adjusted to existing noise levels using existing traffic volumes.
- Following procedures outlined in the *CEQR Technical Manual* for assessing mobile source noise impacts, future No-Action and With-Action noise levels will be estimated at the noise receptor locations based on acoustical fundamentals. All projections will be made with  $L_{eq}$  noise descriptor.
- Determine the level of attenuation necessary to satisfy CEQR criteria. The *CEQR Technical Manual* provides recommended levels of building attenuation to achieve acceptable levels of interior noise (which are assumed to be 45 dBA  $L_{10(1)}$  for residential uses and 50 dBA  $L_{10(1)}$  for office and retail uses). The level of building attenuation necessary to satisfy CEQR requirements is a function of exterior noise levels and will be determined. Projected future noise levels will be compared to appropriate standards and guideline levels.
- As necessary, recommendations regarding general noise attenuation measures needed for the RWCDs to achieve compliance with standards and guideline levels will be made.

If the results of the impact analysis identify a potential for a significant adverse impact, discuss potential mitigation measures. If necessary, recommend measures to attain acceptable interior noise levels and/or reduce noise impacts to acceptable levels.



## **TASK 16. PUBLIC HEALTH**

According to the *CEQR Technical Manual*, public health is the organized effort of society to protect and improve the health and well-being of the population through monitoring; assessment and surveillance; health promotion; prevention of disease, injury, disorder, disability and premature death; and reducing inequalities in health status. The goal of CEQR with respect to public health is to determine whether adverse impacts on public health may occur as a result of a proposed action, and if so, to identify measures to mitigate such effects.

According to the guidelines of the *CEQR Technical Manual*, a public health assessment may be warranted if an unmitigated significant adverse impact is identified in certain CEQR analysis areas, such as air quality, hazardous materials, or noise. If unmitigated significant adverse impacts are identified in any of these technical areas and the lead agency determines that a public health assessment is warranted, an analysis will be provided for the specific technical area or areas in accordance with CEQR guidelines.

## **TASK 17. NEIGHBORHOOD CHARACTER**

The character of a neighborhood is established by numerous factors, including land use patterns, the characteristics of its population and economic activities, the scale of its development, the design of its buildings, the presence of notable landmarks, and a variety of other physical features that include traffic and pedestrian patterns, noise levels, etc. The proposed action and associated RWCDs have the potential to alter certain constituent elements of the surrounding area's neighborhood character, including traffic and noise levels, and therefore an analysis will be provided in the EIS. The chapter will summarize changes that can be expected in the character of the neighborhood in the future without the proposed action (No-Action condition) as well as describing the proposed action's impacts on neighborhood character. Subtasks will include:

- Describe the predominant factors that contribute to defining the character of the neighborhood, drawing on relevant EIS chapters.
- Summarize changes in the character of the neighborhood that can be expected in the 2019 future No-Action Condition based on planned development projects, public policy initiatives, and planned public improvements, as applicable.
- Summarize changes in the character of the neighborhood that can be expected in the future With-Action condition, based on the RWCDs, and compare to the future No-Action condition. A qualitative assessment will be presented that will include a description of the potential effects of the proposed action and associated RWCDs on neighborhood character.
- If the results of the assessment identify a potential for a significant adverse impact, potential mitigation measures will be discussed in the EIS.

## **TASK 18. CONSTRUCTION**

Construction impacts, though temporary, can have a disruptive and noticeable effect on the adjacent community, as well as people passing through the area. Construction impacts are usually important when construction activity has the potential to affect traffic conditions, archaeological resources and the integrity of historic resources, community noise patterns, air quality conditions, and mitigation of hazardous materials. For the EIS, the construction schedule and logistics for the RWCDs will be described, along with a discussion of the likely staging areas, anticipated construction activities and equipment, and

estimates of construction workers and truck deliveries. In addition, given the presence of the below-grade G subway line extending beneath Union Avenue along the project area's western edge, as well as entrances to the line's Flushing Avenue subway station adjacent to the project area at the multi-leg intersection of Union Avenue, Gerry Street, Marcie Avenue, and Flushing Avenue, a discussion of potential construction-period effects on these facilities would also be provided. The analysis will be based on the peak construction period of the RWCDs. Since the issuance of the DSOW, it has been determined that the duration of construction for the development would be approximately 23 months, i.e., less than two years and therefore the construction effects of the proposed action would be considered short-term for CEQR purposes. Accordingly, consistent with the CEQR Technical Manual, the EIS will provide a preliminary construction analysis to identify the construction effects of the proposed action. Technical areas to be analyzed include the following:

**Transportation Systems.** The preliminary assessment will consider potential losses in lanes, sidewalks, on-street parking, and effects on other transportation services, if any, during the construction of the proposed project.

- **Transportation Systems.** The preliminary assessment will consider potential losses in lanes, sidewalks, on-street parking, and effects on other transportation services, if any, during the construction of the proposed project. It will also identify the construction-period increase in vehicle trips from construction workers and deliveries. A reasonable worst-case peak construction year (or years, if applicable) will be selected for the assessment of potential transportation-related construction impacts and a determination of likely required mitigation measures. Based on the conclusions of the preliminary assessment, including estimates for construction workers and truck deliveries, a detailed construction traffic analysis may be required for weekday construction peak hours to determine the potential for construction-related impacts. If warranted, the number of intersections selected for quantitative analysis will be finalized (or modified) based on a comparison of the construction-related traffic to the traffic assumed in the operational traffic analysis and the *CEQR Technical Manual* for Level 1 and 2 screenings for construction traffic once construction details are finalized. In addition, construction worker parking demand will be estimated and compared to the area's parking resources. For transit and pedestrians, most construction-related trips would be made outside of commuter peak hours during which background levels are considerably lower. If the preliminary assessment concludes that further analysis is warranted, a detailed construction period analysis of transit and/or pedestrian conditions would be prepared following the guidelines of the *CEQR Technical Manual*.
- **Air Quality.** Construction that lasts two or more years has the potential to result in air quality impacts. As the project's construction period is assumed to be less than two years, a ~~quantitative~~ preliminary construction analysis will be conducted for the proposed project in accordance with *CEQR Technical Manual* criteria. The construction air quality impact section will address both mobile air source emissions from construction equipment and worker and delivery vehicles, and fugitive dust emissions. This analysis will apply measures to reduce impacts consistent with any developer commitments and may include components such as: diesel equipment reduction; clean fuel; best available tailpipe reduction technologies; utilization of equipment that meets specified emission standards; and fugitive dust control measures, among others. The analysis will review the projected activity and equipment in the context of intensity, duration, and location of emissions relative to nearby sensitive locations.
- **Noise.** Appropriate recommendations will be made to comply with DEP Rules for Citywide Construction Noise Mitigation and the New York City Noise Control Code. The analysis will review the projected activity and equipment in the context of intensity, duration, and location of noise relative to nearby sensitive locations, and, if necessary, quantitative analyses may be conducted. As warranted based on the analysis, identify any project-specific control measures required will be

identified to further reduce construction noise. The potential for vibrations caused by construction activities to damage nearby buildings and other resources will be discussed, and, if necessary, mitigation measures to minimize vibrations will be examined

- **Hazardous Materials.** In coordination with the work performed for the hazardous materials task above, the EIS will contain a summary of actions to be taken during project construction to limit exposure of construction workers, residents and nearby workers to potential contaminants, including preparation of a Construction Health and Safety Plan (CHASP) that would be submitted to ~~NYCDEP~~ the Mayor's Office of Environmental Remediation (OER) for approval.
- **Historic and Cultural Resources.** In coordination with the work performed for historic resources above, identify the potential for construction-period impacts, and summarize actions to be taken during construction to protect any adjacent historic resources from potential construction impacts.
- **Other technical areas.** As appropriate, the EIS will discuss other areas of environmental assessment for potential construction-related impacts.

## TASK 19. MITIGATION

Where significant adverse impacts have been identified in any of the above tasks, measures to mitigate those impacts will be described. These measures will be developed and coordinated with the responsible City/State agencies as necessary, including NYCDOT, NYCDEP, Schools Construction Authority, and the Landmarks Preservation Commission. Where impacts cannot be mitigated, they will be described as unavoidable adverse impacts.

## TASK 20. ALTERNATIVES

The purpose of an alternatives analysis in an EIS is to examine reasonable and practical options that avoid or reduce project-related significant adverse impacts while achieving the goals and objectives of the proposed action. The alternatives are usually defined once the full extent of the proposed action's impacts has been identified, however, they must include the No-Action Alternative, as required by SEQRA, and may include a no impact alternative or no unmitigated significant adverse impact, and a lesser density alternative that reduces any identified significant adverse impacts. The alternatives analysis is primarily qualitative, except where significant adverse impacts of the proposed action have been identified. The level of analysis depends on an assessment of project impacts determined by the analysis connected with the appropriate tasks.

## TASK 21. SUMMARY EIS CHAPTERS

In accordance with CEQR guidelines, the EIS will include the following three summary chapters, where appropriate to the proposed action:

- **Unavoidable Adverse Impacts** - which summarizes any significant adverse impacts that are unavoidable if the proposed action is implemented regardless of the mitigation employed (or if mitigation is not feasible).
- **Growth-Inducing Aspects** of the proposed action - which generally refer to "secondary" impacts of a proposed action that trigger further development.

- **Irreversible and Irretrievable Commitments of Resources** - which summarizes the proposed action and its impacts in terms of the loss of environmental resources (loss of vegetation, use of fossil fuels and materials for construction, etc.), both in the immediate future and in the long term.

## **TASK 22. EXECUTIVE SUMMARY**

The executive summary will utilize relevant material from the body of the EIS to describe the proposed action, the necessary approvals, study areas, environmental impacts predicted to occur, measures to mitigate those impacts, unmitigated and unavoidable impacts (if any), and alternatives to the proposed action. The executive summary will be written in sufficient detail to facilitate drafting of a Notice of Completion for the EIS by the lead agency.

## **Appendix A**

### **Response to Comments on the Draft Scope of Work**

# Response to Comments on the Draft Scope of Work for the Draft Environmental Impact Statement

## PFIZER SITES REZONING

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### A. INTRODUCTION

This document summarizes and responds to comments on the Draft Scope of Work (DSOW), issued on August 19, 2016, for the Pfizer Sites Rezoning. Oral and written comments were received during the public meeting held by the New York City Department of City Planning (DCP) on Wednesday, November 9, 2016. Written comments were accepted through the close of the public comment period, which ended at the close of business on Monday, November 21, 2016. Appendix B contains the written comments received on the DSOW.

Section B lists the elected officials, organizations and individuals that provided relevant comments on the DSOW. Section C contains a summary of these relevant comments and a response to each. These summaries convey the substance of the comments made, but do not necessarily quote the comments verbatim. Comments are organized by subject matter and generally parallel the chapter structure of the DSOW.

### B. LIST OF ELECTED OFFICIALS, ORGANIZATIONS AND INDIVIDUALS THAT COMMENTED ON THE DRAFT SCOPE OF WORK<sup>1</sup>

#### Elected Officials

1. Hon. Eric L. Adams, President, Borough of Brooklyn; written submission dated November 21, 2016.
2. Hon. Stephen Levin, Council Member, 33rd District, The Council of the City of New York; oral statement at public hearing.
3. Hon. Antonio Reynoso, Council Member, 34th District, The Council of the City of New York; written submission and oral statement at public scoping hearing.

#### Organizations and Interested Public

4. Anonymous; written submission, undated.
5. Bryant Brown, Service Employees International Union, Local 32BJ; written submission and oral statement at public hearing.
6. Melissa Chapman, Senior Vice President of Public Affairs, Brooklyn Chamber of Commerce; written submission and oral statement at public hearing.
7. Sarita Daftary-Steel, Program Director, El Puente Green Light District; written submission, dated November 17, 2016.

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<sup>1</sup> Listed in alphabetical order by surname or other identifier if no name was provided.



8. David Dobosz, Deacon, Spokesperson, Social Action Committee, Lutheran Church of St. John the Evangelist; written submission, November 16, 2016.
9. Dealice Fuller, Chairperson, Community Board No. 1 (Brooklyn); written submission, dated September 16, 2016.
10. Martin S. Needelman, Esq., Co-Executive Director and Chief Counsel of Brooklyn Legal Services Corporation A; written submission dated September 7, 2016.
11. Max Haight, Real Estate Board of New York; written submission and oral statement at public hearing.
12. Jose Leon, Deputy Executive Director, St. Nicks Alliance.
13. Rabbi David Niederman, Executive Director and President, United Jewish Organizations of Williamsburg; oral statement at public hearing.
14. Juan Ramos, Chairman, Broadway Triangle Community Coalition chairman; Martin S. Needelman, Esq., Co-Executive Director of Brooklyn Legal Services Corporation A; Shekar Krishnan, Esq., Group Representation Unit, Brooklyn Legal Services Corporation; written submission, dated November 9, 2016.
15. Luz Rosero, United Neighbors Organization, written submission, dated November 9, 2016.
16. Southside United HDFC – Los Sures®; written submission, dated November 9, 2016.
17. Rev. Jason Taber, Lutheran Church of St. John the Evangelist, written submission, November 21, 2016.

## C. COMMENTS AND RESPONSES ON THE DRAFT SCOPE OF WORK

### 1. Project Description/Development Scenario Comments

Comment 1.1: The “No-Action” scenario outlined assumes that the project area will remain vacant and that the M3-1 zoning would not support any active use. It continues that there have not been substantial new commercial, industrial, and manufacturing uses in this part of Brooklyn, apart from the reuse of the former Pfizer building for commercial and light manufacturing space. This, of course, to the benefit of the developer, downplays the importance of the Pfizer development at 630 Flushing, which includes about 30 tenants from Cooper-Hewitt and Pratt Institute, to a number of small food businesses being incubated, all creating local jobs. Although I understand that affordable housing development is critical, the analysis should not downplay the potential for manufacturing retention. The Department is considering innovative ideas to accommodate both that could be explored. (3)

**Response 1.1:** *The purpose of defining a No-Action scenario under CEQR Technical Manual guidance is to identify an appropriate baseline against which the effects of the proposed action may be compared. While some environmental reviews do identify new as-of-right uses of the project area for the No-Action scenario, in the case of this action assuming such a condition would likely not be considered a reasonably conservative assumption. The project area has been vacant for over 20 years, apart from temporary storage activities, and there are no known examples in the immediate vicinity of new buildings constructed that would be permitted as-of-right under the project area’s existing M3-1 heavy manufacturing zoning. (630 Flushing involved the re-occupancy of an existing industrial building that had been maintained by Pfizer until shortly before its use by new firms.) To the contrary, there have been many examples on neighboring blocks of new residential, mixed-use, and institutional buildings, but such uses would not be permitted as-of-right under M3-1. This No-Action condition scenario used for the analysis does not prejudice the possibility of an as-of-right industrial use, but is reflected of existing conditions, trends, and provides an appropriate baseline for analysis, which results in the maximum incremental change in development under With-Action conditions*

Comment 1.2: This plan still does not maximize potential density based on the context of the surrounding area. Lindsay Park, for example, is within the study area, and contains seven buildings at 22 stories each.

This proposal maxes out at 14 stories, meaning once again the opportunity to build affordable housing here is not maximized, as it wasn't maximized in the past (2009 rezoning). (3)

**Response 1.2:** *The example cited, Lindsay Park co-operative apartments, are located in an R6 zoning district which has a lower permitted density, with a floor area ratio (FAR) of 2.43, as compared to the proposed blended average FAR of approximately 6.0 for the proposed action. With the proposed zoning text amendment establishing a Mandatory Inclusionary Housing Area (MIHA), depending on which option is selected, requiring that either 25 or 30 percent of the residential floor area and an approximately commensurate share of the residential units, residential development under the proposed action would result in the creation of permanently affordable housing. By contrast the 2009 Broadway Triangle rezoning included the designation of an Inclusionary Housing Area (IHA), in which an FAR bonus is available for developments providing a 20 percent share of affordable housing, but which is optional, i.e., not mandatory. As such, the proposed action would provide significant more density than Lindsay Park and would require the provision of a share of affordable housing, unlike the 2009 rezoning. In addition, the application includes the mapping of contextual zoning districts with requirements for high lot coverage, streetwalls, and building height limits, reflecting the trend of approved rezonings in recent years in which the CPC has often opted for contextual building envelopes as preferable to zoning that allows "height-factor" buildings forms such as those at Lindsay Park with low lot coverage, slab towers, developed pursuant to sky exposure plane controls without maximum height requirements restrictions.*

Comment 1.3: The analysis of household size, once again, does not meet the needs of the surrounding community. The CEQR guidelines note that defined study areas may differ depending on the technical area being analyzed and should be tailored accordingly. Yet the scope of work notes that the calculation for number of residents the project will house, and therefore the number of residents per unit, is based on analysis of the census tracts within one quarter mile radius of this site, rather than considering the full range of communities impacted by the availability of this housing. This is particularly important because the average household size in a quarter mile radius of a perpetuated and segregated community is 3.55 residents per household, while the average household size in Community Board 1 is 2.44 people per household and 2.6 people per household in CB3. Here again we see a bias towards one community over others. (3) Rabsky's Draft Scope of Work for an EIS raises alarm that the history of attempted housing segregation of the Latino and African American populations in the Broadway Triangle will continue. Rabksy estimated the project area to have a total of approximately 4,072 residents based on the usage of the average household size within a quarter-mile, which is 3.55 residents per household. This number does not reflect the average household size of CB1, which is 2.44 residents per household. This number, we believe, was used selfishly to show bias toward communities that tend to have more members in their families, (i.e., the Hasidic community). (7) (16)

**Response 1.3:** *The use of an average household size of 3.55 person provides a conservative assumption for projecting the environmental effects of the proposed action/RWCDS and, as noted in the comments, is empirically based on local census tracts. Using local census tract data to identify average household is common in CEQR reviews and using a rate for a larger geographic area that is significantly lower, would raise concerns that the potential environmental effects of the proposed action/RWCDS would be under estimated and therefore may not disclose the "reasonable worst-case development scenario." The use of the 3.55 rate for environmental review, based on local Census data, does not prejudice the occupancy of action-generated households of smaller sizes.*

Comment 1.4: How does the proposed rezoning relate to the planning or lack of planning associated with the rest of the Broadway Triangle Urban Renewal Area (URA), and shouldn't rezoning – if at all - of the Pfizer sites be part of a revised larger vision of the rezoning of the entire Urban Renewal Area? (10)

**Response 1.4:** *The proposed action is initiated by the applicant, a private property owner of land that, unlike the adjoining Broadway Triangle URA blocks, was not rezoned in 2009. That previous rezoning was a City-initiated, area-wide rezoning and the City has not indicated an intention to undertake a new City-initiated rezoning. As such, the applicant was not a party of the previous rezoning nor is the City a co-applicant for this application. It also should be noted that the project area blocks are not located within the Broadway Triangle URA. Accordingly, although the present rezoning application and the 2009 rezoning are geographically adjacent, they are separate and unrelated actions.*

Comment 1.5: This rezoning addresses several key and interrelated issues that our city faces today. The proposed development will produce approximately 1,146 residential dwelling units (DUs), 287 of the DUs would be affordable, complying with the City's new Mandatory Inclusionary Housing (MIH) policy. The addition of these new units helps address our city's chronic housing crisis. The development will also include 26,000 square feet (sf) of dedicated publicly-accessible open space, and nearly 65,000 sf of local retail and 405 parking spaces. (11)

**Response 1.5:** *Comment noted. The development program outlined in the comment is for the applicant's proposal development, as defined in the draft land use application. Per the SOW, the EIS will study a development program with slightly different residential and parking components, to reflect reasonable worst-case conditions. The Reasonable Worst Case Development Scenario (RWCDs) to be studied in the EIS includes 1,147 DUs, 344 of the DUs would be MIH affordable housing units, 64,807 gsf of local retail space, 26,000 sf of publicly-accessible open space, and 427 required accessory parking spaces.*

Comment 1.6: Within the Development Site criteria of the Draft Scope of Work for an EIS, it is stated that the Northern and Southern Blocks that they are proposing to rezone are "considered a known proposal likely to occur." This statement encapsulates the main reason why this development should not move forward. Our community, as a whole, was not considered during the initial phases of this scope-of-work. The organizations that are central stakeholders in this community, which include Brooklyn Legal Services Corporation A, Churches United for Fair Housing, Los Sures HDFC, Lutheran Church of St. John the Evangelist, and United Neighborhood Organization, were blind-sided by this proposal. (16)

**Response 1.6:** *The applicant filed the land use application that is the subject of the SOW with the Department of City Planning on July 6, 2016, which outlined the applicant's development proposal for the project area pursuant to the proposed zoning map and text amendments. Per standard procedures, a copy of the application was forwarded to Community Board 1 (CB1). This application represented a revision of previous submissions made by the applicant earlier in 2016 and in 2015, which were also forwarded to CB1, Borough President, and the Borough Board. The filing of and forwarding of the application described above were carried out pursuant to the requirements of the New York City Charter. Furthermore, public notices of the issuance of the DSOW and the convening of the public scoping meeting were published in the City Record, the state Environmental Notice Bulletin, and on the Department of City Planning website, and copies of the public notice and DSOW were forwarded to the same entities listed above, pursuant to applicable City and State requirements. As such, the applicant's proposed redevelopment of the project area meets the criteria as a known development and public notice of this development has been provided. As noted in the SOW, the Scoping comment period provides elected officials, interested agencies, and the public the opportunity to comment on the environmental review of the proposed action and the ULURP public review process, provide opportunity for public comment on the application and the environmental review at public meetings held by the community board, City Planning Commission (CPC), and the City Council.*

## 2. Land Use, Zoning, and Public Policy

Comment 2.1: Public policy: This section must include acknowledgment of the 2009 rezoning, subsequent lawsuit, and potential for the future development based on the settlement between the community and the city. (3)

**Response 2.1:** *As noted in the DSOW, the analysis will include a discussion of recent zoning actions in the study area. Given the immediate proximity and relatively recent passage of the Broadway Triangle rezoning, it will be discussed in the EIS. The subsequent lawsuit did not block the adoption of the rezoning actions, although it has enjoined the disposition of City-owned property within the Broadway Triangle rezoning area that was proposed to be redeveloped pursuant to the rezoning. As this is relevant to the rezoning, it will be discussed in the EIS.*

Comment 2.2: The subtasks in this task should be more explicit and should include an analysis of the association of this proposed rezoning with the Broadway Triangle Urban Renewal Area (URA). (9)

**Response 2.2:** *Explicit reference to the Broadway Triangle URA as affecting a portion of the study area has been added to the FSOW. The EIS will include a description and consideration of the effects of the proposed action on the Broadway Triangle URA.*

## 3. Socioeconomic Conditions

Comment 3.1: The assumption that rent-stabilized units are not at risk for displacement should not qualify as a reasonable worst-case assumption. The fact that apartments are rent-stabilized is not a legal deterrent to preclude lawful demolition. Section 9 NYCRR 2525.5 of the Rent Stabilization Code allows a property owner of a rent-stabilized building to not renew the lease of a rent-stabilized tenant on the grounds that the property owner intends to demolish the building. Approval from New York State Division of Housing and Community Renewal (DHCR) is subject to approval plans for future development as well as proof of financial ability to complete the project, and also agree to pay tenants relocation expenses and a stipend according to established formulas. It has been demonstrated that it is reasonable to account for rent-stabilized buildings where zoning floor area utilization is less than half of the permitted floor area. The presentation study area characteristics shall include a screening for housing units that are rent regulated. A further screening should determine the extent of the permitted zoning floor area being utilized in comparison to zoning floor area permitted. For such zoning lots developed to half or less of the permitted floor area, the analysis should assume that these zoning lots are future development sites. These sites should include an estimate of the number of housing units subject to rent protection that might be at risk for demolition and the resulting residential displacement. (1)

**Response 3.1:** *There are no dwelling units located within the rezoning area and, per CEQR guidelines, the reasonable worst-case development scenario (RWCDs) considers only sites directly affected by the proposed action. Therefore, the RWCDs would not include any potential direct residential displacement nor would it include projections of changes in dwelling units on specific sites outside the project area. Regarding potential indirect residential displacement effects on rent-protected units, the CEQR Technical Manual states that the analysis the objective of the indirect residential displacement analysis is to determine whether the proposed project may introduce a trend or accelerate a trend of changing socioeconomic conditions that may potentially displace a population of renters living in units not protected by rent stabilization, rent control, or other government regulations restricting rents. As noted in the comment, the Rent Stabilization Code requires the relocation of rent-stabilized tenants from buildings permitted to be demolished to units at a comparable rent and/or the provision of a stipend payment; as such, these measures*

***provide a protection not available to tenants living in unprotected units. As noted in the SOW, the EIS will include an assessment of the effects of the proposed action related to indirect residential displacement.***

Comment 3.2: The Draft Scope of Work states that the proposed project will not affect conditions within any specific industry. As a result, it declares any further assessment of the project's effect on jobs unnecessary. This decision irresponsibly ignores the building's potential effect on the residential building service industry. These buildings can create good jobs for Brooklyn residents and support an industry that has historically created middle-class jobs for many New Yorkers. But, unless we are careful, the new buildings will undermine the industry standards that 32BJ has fought hard for and create poverty wages that are bad for community members. Any investigation of the socioeconomic impact of this project should consider whether the development will sustain or undermine wage standards in the building service industry. (5)

***Response 3.2: Per the CEQR Technical Manual, a specific industries analysis would be warranted if an action has the potential to affect businesses in a specific industry and a substantial number of residents or workers depend on the goods and services provided by the same or if an action would result in the loss or substantial diminishment of a particularly important product within the city. The proposed action would not have the potential to result in the loss or substantial diminishment of the building service industry. While the proposed action is projected to generate new development that could provide employment opportunities for the building service industry, the wage standards of the building service industry are not subject to zoning regulations and therefore no determination can be made on the effects of the proposed rezoning actions on these conditions.***

Comment 3.3: St. John's Evangelical Lutheran Church has already lost 50 percent of its Black and Latino members to housing displacement. And now we are ducking another wave, your wave, of this blatant injustice, Mr. Mayor. According to research by Brooklyn Legal Services Corporation A, Black and Latino families and their seniors occupy only 20 percent of Williamsburg's affordable housing. Who owns the 80 percent, Mr. Mayor? This looks more like Jim Crow than liberty and justice for all. (8)

***Response 3.3: Comment noted. As noted in the DSOW, the proposed action exceeds screening threshold for preliminary analysis of indirect residential displacement. Therefore, the EIS will provide an indirect residential displacement analysis.***

Comment 3.4: The analysis should include what impacts the proposed rezoning will have on commercial/industrial development in the area, particularly in light of the over-occupancy and demand for such space for start-ups, etc. in the Navy Yard building(s). (9) (10)

***Response 3.4: As noted in the DSOW, the proposed action would not trigger any screening thresholds related to direct commercial/institutional displacement, indirect commercial/institutional displacement, or effects on specific industries. As also noted in the DSOW, although formerly occupied by Pfizer for commercial/industrial use and parking, the project area has been vacant for approximately 20 years, apart from temporary uses such as storage. Accordingly, an analysis of impacts on commercial/industrial development is not warranted and will not be provided.***

Comment 3.5: The residential displacement analysis should be expanded to address the impact on existing (a) Rent Stabilized and (b) small building, tenant populations surrounding the proposed rezoning area. (9) (10)

***Response 3.5: Regarding rent-stabilized units, please refer to response 3.1. Regarding small building tenant populations, the CEQR Technical Manual states the analysis of indirect residential displacement***

***should focus on residents in unprotected privately-owned units, which includes those in building with fewer than six units. Accordingly, the EIS will identify and determine the potential for indirect residential displacement on unprotected households, including those residing in small buildings, i.e., those with fewer than six units.***

Comment 3.6: The outcome of Broadway Triangle also underscores the need for new development here to consider federal housing requirements, and for the Department of City Planning to ensure that new development does not further racial discrimination. (3) The analysis should include a study of what steps need to be taken to comply with the Federal Fair Housing Act requirements to reduce/ameliorate the shocking racial separations in the immediate areas, specifically that the population of Community District #1 is only about 5% African-American/Black, while the adjoining Community District #3 is between 75-90% African-American/Black, with Flushing Avenue being the effective racial barrier between the two. (9) (10)

***Response 3.6: As a recipient of federal housing funds, the City does and will continue to comply with federal law, rules, and regulations to assess the impact of its zoning and land use actions on its obligation to affirmatively further fair housing. The City is not required, pursuant to federal, state or local law or regulation, to include an assessment of an individual proposed action's compliance with federal fair housing laws and regulations in the EIS.***

Comment 3.7: With over 1.1 million sf of residential development, it is important that the Department analyze impacts on local businesses. (11)

***Response 3.7: Please refer to the response 3.4. The screening thresholds for direct commercial/institutional, indirect commercial/institutional, and specific industries analyses do not relate to the magnitude of residential development generated by a proposed action.***

Comment 3.8: A focus on indirect residential displacement is crucial. It is clear that this project will result in substantial new population with different income and would accelerate an existing trend to change socioeconomic conditions that may have the potential to displace a residential population and substantially change the socioeconomic character of the neighborhood, requiring a full analysis. The more than 1,000 market-rate units planned for this site will surely exacerbate gentrification, which has not quite reached this area. This, along with the lack of guarantee that affordable units built will be accessible to residents of surrounding neighborhoods, must be considered. (3) The application before you exacerbates the development of luxury and segregated housing in North Brooklyn at the expense of low income families and individuals in the greater community. (12) The Coalition is deeply concerned about the proposed rezoning of the Pfizer Sites that would serve only to accelerate gentrification and displacement in the Broadway Triangle while doing nothing to address the area's history of segregation. (14)

***Response 3.8: Please refer to the response 3.3. As noted therein, an indirect residential displacement analysis is warranted and will be provided in the EIS. As discussion in the SOW, the proposed action is projected to generate 1,147 units in total and under Mandatory Inclusionary Housing one of two options would be applied to the project area, requiring either at least 25 percent affordable housing (approximately 287 DUs) or 30 percent affordable housing (344 DUs). As such, depending on which option is selected, the proposed action would result in approximately 803 (70 percent) or 860 (75 percent) market rate DUs.***

Comment 3.9: While the CEQR Technical Manual requires the City to evaluate the risk of indirect displacement which would result from a rezoning, its procedures and methodology are woefully inadequate. Proposed luxury developments which increase the neighborhood's population by less than 5% need not include a detailed analysis of indirect residential displacement. Proposed developments being built in an area already overwhelmed by rising rents and gentrification do not require

analysis either, nor do proposed developments within areas which have not yet faced rising rents. A detailed analysis is only required for certain “Goldilocks” developments – large developments in markets which are neither “too hot” nor “too cold.” Even in those cases where detailed analysis are required, they are inadequate – excluding from consideration rent regulated apartments deemed to be safe in spite of widespread patterns of tenant harassment which can displace even regulated tenants. (14)

**Response 3.9:** *Comment noted. The EIS is required to follow the guidance of the CEQR Technical Manual.*

Comment 3.10: The Coalition and its members have been fighting against widespread gentrification and displacement in and around the Broadway Triangle for more than a decade, and the proposed development will only accelerate the trend. For this reason, the Coalition objects to this application and demand that it be denied. (14)

**Response 3.10:** *Comment noted.*

## 4. Community Facilities and Services

Comment 4.1: In identifying existing publicly-funded child care, the description of each child care facility pertaining to existing child care centers should note whether the location is City-owned or leased (including the number of years remaining on the lease) year, and extent of capital improvements, and available floor area. (1) The analysis should include a disclosure of the lease terms for the day care facilities in the area, and whether we are at risk of losing leases beyond the 2019 EIS cut-off date. (9)

**Response 4.1:** *The CEQR Technical Manual states that information on child care facilities should include study area facilities’ location, number of slots (capacity), and enrollment (utilization). The other items cited in this comment are outside the scope of CEQR. As the proposed action would not directly displace any existing community facilities (as defined in the CEQR Technical Manual), an analysis of direct effects is not required.*

Comment 4.2: The analysis should include the impact that the rezoning would have on the high schools in Community Boards #1 and #3. (9)

**Response 4.2:** *As noted in the DSOW, the proposed action/RWCDS would exceed the screening threshold for high school and per CEQR guidelines, high school analyses are conducted on a borough-wide basis. As such, the analysis to be provided in the EIS will include all of Brooklyn, inclusive of Community Districts 1 and 3 and the rest of the borough.*

Comment 4.3: With over 1.1 million sf of residential development, it is important that the Department analyze impacts on schools. (11)

**Response 4.3:** *As noted in the DSOW, the proposed action/RWCDS would exceed the screening threshold for elementary/intermediate schools and high schools and therefore detailed schools analysis will be provided in the EIS.*

## 5. Open Space

Comment 5.1: The idea that this site is not located in an underserved area for open space is laughable. Brooklyn Community District 1 has one of the lowest open space ratios in the city. Both the 33rd and 34th Council Districts fall well below the average for open space per 1,000 residents. (3)

**Response 5.1:** *As noted in the DSOW, according to the maps provided in the CEQR Technical Manual Appendices, the project area is not considered either “underserved” or “well-served” by open space. The term “underserved” is defined in the CEQR Technical Manual as “areas of high population density in the City that are generally the greatest distance from parkland where the amount of open space per 1,000 residents is currently less than 2.5 acres.” For the record, portions of CD1 in Greenpoint and CD3 in Bushwick are categorized as “underserved” by the maps in the CEQR Technical Manual Appendices.*

Comment 5.2: This development proposes 26,000 square feet of privately-owned, publicly-accessible open space, yet its location within the site plan is between buildings and likely to make it feel like the development's backyard. DCP must create a mechanism to monitor this open space and to ensure that it will truly be open to the public. (3)

**Response 5.2:** *As noted in the DSOW, the publicly-accessible open space would be provided pursuant to a legal instrument such as a Restrictive Declaration (RD) to ensure that it is provided when the project area is developed. This space would be similar to other publicly-accessible open spaces located adjacent to residential buildings. For example, Ten Eyck Plaza, a New York City Park located approximately a half-mile north of the project area in CD1, is a midblock through parcel situated between two apartment buildings*

Comment 5.3: The provisions of the publicly-accessible open space that would be provided as part of the proposed action have not been defined. However, at such time as they are defined, the developer should have to address the plan for the upkeep, supervision, and enforcement of public safety measures. (9)

**Response 5.3:** *Identification of project commitments related to these operational issues for the publicly-accessible open space would be required pursuant to a legal instrument such as an RD.*

Comment 5.4: With over 1.1 million sf of residential development, it is important that the Department analyze impacts on open space. (11)

**Response 5.4:** *As noted in the DSOW, the proposed action/RWCDS would exceed the screening threshold for a residential open space analysis and therefore the EIS will provide an open space analysis.*

## 6. Shadows

No comments.

## 7. Historic and Cultural Resources

No comments.

## 8. Urban Design and Visual Resources

Comment 8.1: To assess the possible effects on urban design and visual resources for the potential changes, representation through graphic material should be depicted along sidewalks at eye level in order to focus on the pedestrian's experience. Views should include the perimeter of the sites (Gerry Street, Harrison Avenue, Union Avenue, Wallabout Street, and Walton Street.) (1)



**Response 8.1:** *As noted in the DSOW and consistent with CEQR Technical Manual guidelines, the urban design and visual resources analysis will include photographs and/or other graphic material, where applicable, to assess the potential effects of the proposed action/RWCDS on urban design and visual resources. This will include views of/to resources of visual or historic significance (landmark structures, historic districts, parks, etc.). The text of the FSOW has been revised to more specifically note that such views will include pedestrian eye-level perspectives.*

## 9. Natural Resources

No comments.

## 10. Hazardous Materials

Comment 10.1: Because Pfizer operated pharmaceutical production facilities on the site, the scope should consider environmental site conditions to ensure the safety of both the surrounding community during construction and the new residents who will inhabit the buildings. (11)

**Response 10.1:** *As noted in the DSOW, the project area has a documented history of hazardous materials conditions and has undergone hazardous materials investigations and remediation activities. As further noted, as part of the environmental review process, appropriate institutional controls to ensure that the proposed action does not result in significant adverse hazardous materials will be identified and applied to the project area blocks.*

## 11. Water and Sewer Infrastructure

Comment 11.1: It is Borough President Adams' policy to promote a resilient and sustainable Brooklyn, and he believes that maximum consideration should be given to diverting stormwater runoff from the Newtown Creek Wastewater Treatment Plant (WWTP). As the directly affected service area is the WWTP, With-Action conditions should also disclose opportunities for reduction based on the possibility of the building roofs integrating green and blue water roof treatments as well as incorporating curbside bioswale stormwater management infrastructure. (1)

**Response 11.1:** *As noted in the DSOW, a detailed water and sewer infrastructure analysis is warranted for the proposed action and will be provided in the EIS. Any new development would have to meet DEP's stormwater management requirements including stormwater detention and release rates as part of the site connection permit approval process. The specific measures to be used would not be identified during for the EIS, but a general discussion of possible approaches will be included in the EIS.*

## 12. Energy

Comment 12.1: The analysis should discuss the potential for lessening demand through Passive House construction and identify opportunities where building heights would permit the installation of rooftop micro wind turbines as permitted obstructions and/or opportunity for rooftop solar energy installation and/or geothermal generation, as a means to offset the amount of energy consumption during long-term operation. (1)

**Response 12.1:** *As noted in the DSOW, per CEQR Technical Manual guidelines the EIS will disclose the projected energy consumption generated by the proposed action/RWCDS. Identifying measures to lessen*

**energy consumption are outside the scope of CEQR analysis for the projects such as the proposed action/RWCDS which do not require detailed analysis.**

### 13. Transportation

Comment 13.1: Analysis for traffic conditions should include four additional intersections, including the remainder of the project's perimeter of Walton Street at Union Avenue (signalized), Walton Street at Harrison Avenue (unsignalized), and at key intersections to and from the development project at both Union Avenue at Broadway (signalized) and Flushing Avenue at Broadway (signalized). (1)

**Response 13.1: The selection of intersections for traffic analysis is based on a quantitative criteria, whether an intersection would process 50 or more action-generated vehicle trips in a peak hour. Furthermore, additional intersections should be included in the detailed traffic analysis if they would experience a substantial increase in action-generated pedestrian trips or if they have been identified as congested locations. Since the publication of the DSOW, the travel demand forecast has been refined and, as reflected in the FSOW a total of ten intersections, including two of the four intersections cited in the comment, have been identified as traffic analysis locations.**

Comment 13.2: Consideration should be given as to whether weekend detailed analysis is most impactful on a Sunday midday period as opposed to a Saturday midday period given the population within a segment of the study area who do not utilize motor vehicles in observance of religious practice. (1) In light of the diversity of religions observed in the area, the traffic studies should include Sundays in addition to Saturdays. (9)

**Response 13.2: While assessment of a Sunday midday peak hour was considered, the Saturday midday was selected for analysis given the diverse populations within the communities surrounding the project area, and the fact that in general and consistent with trip generation rates provided in Table 16-2 of the CEQR Technical Manual, residential and retail travel demand tends to be greater on Saturday than on Sunday.**

Comment 13.3: Regarding on-street parking space availability, parking accumulation profiles for the project site should take into consideration an overnight period for both midweek overnight and weekend overnight. (1)

**Response 13.3: As noted in the DSOW, based on preliminary forecasts and in light of the applicable parking zoning requirements, it is anticipated that the proposed action/RWCDS would provide sufficient on-site, off-street accessory parking to accommodate action-generated peak parking demand. Therefore, an on-street parking analysis would not be warranted or provided.**

Comment 13.4: It should be confirmed that the preliminary demand forecast for the reasonable worst-case development scenario accounts for the BMT's 14th Street – Canarsie Local L Line service being suspended between the Bedford Avenue station and Manhattan. In addition, the forecast should assume that street stairs and fare controls at the northern end of the IND Brooklyn-Queens Crosstown Local G Line service at Flushing Avenue will be restored. It should be determined whether having such improved access to the Flushing Avenue station might divert enough trips from the Lorimer Street station to warrant analysis at the Flushing Street station. (1)

**Response 13.4: As the project area is not served by the any stations of the L line and detailed information about changes to service patterns to the lines serving the project area, including the G, J, and M lines is not available, these are not accounted for in the travel demand forecast. In any event, it is considered unlikely that forecasted travel patterns of subway usage by action-generated subway trips would change due to L line-related service changes as it is expected that the lines and**

**stations serving the project area would likely continue to provide services to the same general areas of the City as under existing conditions. Regarding the restoration of street stairs and fare control areas at the north end of the Flushing Avenue G line station, there is no indication of a proposal by NYC Transit for this change in facility operations. Furthermore, it is not proposed as part of the proposed action as it outside the scope of this application to propose general changes in subway station operations.**

Comment 13.5: Depending on confirmation of the preliminary demand forecast, in addition to analysis of the Lorimer Street subway station, there might be a need to include analysis of the Flushing Avenue subway station. (1)

**Response 13.5: Comment noted. Since the publication of the DSOW, the travel demand forecast was refined and, as reflected in the FSOW, it was confirmed, based on the assignment of subway trips, that the Flushing Avenue G station would not exceed the subway analysis screening threshold and therefore detailed analysis of the station is not warranted.**

Comment 13.6: Anticipated demand from known developments in the vicinity of the project area should include the re-routing of a segment of L train riders to the Myrtle Avenue Local M Line in terms of establishing available train capacity for trains entering the Lorimer Street station. (1)

**Response 13.6: The proposed action/RWCDS was not found to warrant a line-haul analysis of any subway line serving the project area and therefore a consideration of the re-routing of L train riders to M line is outside the scope of this analysis.**

Comment 13.7: At all subway stations to be analyzed, analysis should identify opportunities to re-open any inactive entrances/exits and whether there are opportunities to upgrade capacity through the installation of High Entrance/Exit Turnstile (HEET) fare control elements. (1)

**Response 13.7: Please refer to response 13.4**

Comment 13.8: Specific pedestrian facilities analyzed should be inclusive of the United Talmudical Academy Girls School and IS 318 Eugenia Maria de Hostos and note opportunities to implement installation of sidewalk extensions (bulbouts/neck-downs) and other safe-street infrastructure in proximity to these schools should be identified. (1)

**Response 13.8: As noted in the DSOW, the EIS will provide pedestrian and traffic safety analyses as warranted to identify the effects of pedestrian demand generated by the proposed action/RWCDS and make an impact determination. Such analyses would include analysis of locations in the surrounding area where significant action-generated travel demand would occur. Insofar as the proposed action/RWCDS is found to create significant adverse pedestrian or safety impacts, mitigation measures would be identified. A determination as to if and where such mitigation measures would be necessary cannot be identified until the analysis is completed. However, the proposed action/RWCDS is not responsible for general safety improvements that are identified a priori and as such the appropriateness of such improvements as mitigation measures warranted for the proposed action/RWCDS cannot be made at this time.**

Comment 13.9: The J train is already overcrowded and it will only be exacerbated during the L train shutdown from 2019 to 2020. As this development comes online, the City must work with the MTA to open closed sections along the J and G lines and nearby stations; Hewes, Lorimer, and Flushing on the J and Broadway on the G, and to make the transfer between the J at Lorimer and G at Broadway permanently free. (3)

**Response 13.9: Please refer to response 13.4.**

Comment 13.10: The analysis should take into consideration the ongoing transportation studies for the entire area. (9)

**Response 13.10:** *The Transportation analysis will include consideration of any studies in the area, particularly as they related to possible operational changes.*

Comment 13.11: Given limited access to the G train at the Flushing Avenue stop, the analysis should describe the station elements of that location, including streets stairs and fare control areas. (9)

**Response 13.11:** *Please refer to response 13.5. As the travel demand forecast indicates that the Flushing Avenue G line station would not exceed the screening threshold for detailed subway analysis, a detailed description of station elements is not warranted.*

Comment 13.12: With respect to the J/M/Z lines, the 2019 analysis should take into account the proposed closure of the L train. (9)

**Response 13.12:** *Please refer to response 13.4*

Comment 13.13: With over 1.1 million sf of residential development, it is important that the Department analyze impacts on transit. (11)

**Response 13.13:** *As noted in the DSOW, based on the preliminary travel demand forecast the proposed action/RWCDS warrant detailed subway analysis, which will be provided in the EIS.*

## 14. Air Quality

No comments.

## 15. Greenhouse Gas Emissions and Climate Change

Comment 15.1: Discussion of alternative approaches that may serve to reduce GHG emissions should include Passive House construction, micro wind turbines, solar panels, and geothermal installation. (1)

**Response 15.1:** *A discussion of specific measures to reduce greenhouse gas emissions and improve energy efficiency beyond what is required by the New York City Energy Code is outside the scope of this analysis.*

## 16. Noise

No comments.

## 17. Public Health

No comments.

## 18. Neighborhood Character

No comments.

## 19. Construction

No comments.

## 20. Mitigation

Comment 20.1: To address possible transit impacts, the analysis should also include vetting reopening the northern stairwells and fare controls of the IND Brooklyn-Queens Crosstown Local G Line at Flushing Avenue, as well as the stairwell and fare control area at the BMT Myrtle Avenue Local M Line at Lorimer Street station, at Broadway and Moore Street, to mitigate stairwell and fare control congestion. (1)

**Response 20.1:** *As noted in the SOW, based on the preliminary travel demand forecast detailed analysis of the Flushing Avenue G line station is not warranted, which indicates that the proposed action/RWCDS would not have the potential to result in significant adverse subway impacts at that location. As also noted in the DSOW, based on the preliminary travel demand forecast detailed analysis of the Lorimer Street J and M station is warranted and will be provided in the EIS. In the event that a significant adverse subway impact at that station is identified, the applicant will consult with the lead agency and NYC Transit to identify measures that could fully or partially mitigate such impacts.*

## 21. Alternatives

No comments.

## 22. Unavoidable Adverse Impacts

No comments.

## 23. Executive Summary

No comments.

## G. General

Comment G.1: This is a process we have designed by law. It is the process that we have in New York City for rezonings. If a developer owns a piece of property and proceeds to apply for a rezoning, this is the process, the scoping meeting. We can't just shut down government. And so I am appreciative of everybody that's here to make their voices heard. I appreciate that, but to say that they're going to shut down the process is not only inappropriate, it does a disservice to the community. It does a disservice to our city, because truly the process we have is, in many ways, sacrosanct. And so I appreciate productive dialogue and engagement in the structures in which we have set up to discuss these things. We have representative democracy here in New York City. We should lead by example here to say that truly the rule of law is paramount. (2)

**Response G.1:** *Comment noted.*

Comment G.2: Mandatory Inclusionary Housing (MIH) puts a legal requirement for 30 percent affordable housing or 25 percent affordable housing with deeper AMIs. That now carries the force of law. So to be totally candid, I, as a council member, have no desire to make outside agreements with developers on the level of affordability or other amenities, because the fact is it only matters if it carries the force of law. If it's in the zoning, if it's through MIH, if it's tied to tax benefits. That's the only thing that matters, and this (application) is going to have MIH applied. (2)

**Response G.2: Comment noted.**

Comment G.3: The Lindsay Park development was developed in the 1950s and 1960s and is a rather discredited "tower in the park" model of zoning. If you go out to Lindsay Park, there are tall buildings surrounded by a tremendous amount of open space. And to get Lindsay Park, they had to demolish hundreds of tenements. And the zoning, is an R6; R6 carries an FAR of 3.44 (sic)<sup>2</sup>. This proposal [the proposed action] has an across the board average FAR of 6. Even if you look at Marcy Houses, you do not see the 20-story buildings, those are actually lower-rise NYCHA buildings, because that is more appropriate for the context. In fact, the Broadway Triangle, the context of the existing housing stock, including the affordable housing that was built by St. Nick's in the 1990s, that doesn't go to 20 stories, that's a much lower height, but also it uses up much more of the footprint of the lot area than Lindsay Park. (2)

**Response G.3: Comment noted.**

Comment G.4: [Others say] we should be using our discretion to say, "No, until you do X, Y, and Z, you cannot proceed with this proposal or the City won't allow you to proceed with this proposal." And that, by definition, is arbitrary and capricious. That's saying because of some unrelated application or unrelated proposal we are not going to allow you your right, as a property owner to apply for a rezoning. The City Planning Commission has the responsibility of determining the appropriateness of that and that is obviously what this process is for. [Others say] until the Broadway Triangle litigation is resolved this ought not be allowed to move forward. That is not at all related to this particular proposal. This developer was not a party to the Broadway Triangle rezoning; it was a rezoning put forward by the City of New York, has been under injunction since 2012, and under a temporary restraining order since 2009. It is entirely inappropriate to condition one developer's ability to move forward on a parcel that they own, to condition that on the resolution of an adjacent rezoning action, not one that this developer was a party to. (2)

**Response G.4: Comment noted.**

Comment G.5: I would like to note for the record that there were over 40 people that have been escorted out that are against this project, whose voices will not be heard today, but they stand outside continuing to protest against this. I'd like to note for the record that this meeting is here today because it was shut down in a local community in which over 90 percent of the people that attended were also against this project. As you are all aware, we're reconvened here today because members of my community shut down the first scoping hearing due to the opposition of this project. I stand in solidarity with them and believe that the opposition is based on sound arguments that have merit and that should be closely considered by the Commission as they decide whether this project should move forward. (3)

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<sup>2</sup> Per ZR 23-151, the maximum permitted floor area ratio in R6 districts is 2.43, lower than the 3.44 indicated.

**Response G.5: Comment noted.**

Comment G.6: The Broadway Triangle is not in my District, but it's right across the street. It is truly a border area, not only between Council Member Levin's and my Districts, but also on the borders of Brooklyn Community Districts 1, 3, and 4; Williamsburg, Bedford-Stuyvesant and Bushwick. These neighborhoods are all historically, and despite a recent influx of gentrification, remain low-income communities of color. (3)

**Response G.6: Comment noted.**

Comment G.7: The substantive decisions about what will happen on this site have already been made by the City and the developer with no consideration of the community's needs. No thought of the possibility of what a settlement of the aforementioned lawsuit would mean for this, and no commitment from the City to its duty to affirmatively further Federal fair housing requirements. (3)

**Response G.7: Comment noted.**

Comment G.8: This plan still does not maximize potential density based on the context of the surrounding area. Lindsay Park, for example, is within the study area, and contains seven buildings at 22 stories each. This proposal maxes out at 14 stories, meaning once again the opportunity to build affordable housing here is not maximized, as it wasn't maximized in the past (2009 rezoning). (3)

**Response G.8: Comment noted.**

Comment G.9: Given the history, the developer should be held to a higher standard regarding HUD's requirement to ensure nondiscrimination and equal housing opportunity. (3)

**Response G.9: Comment noted. Please refer to response 3.6.**

Comment G.10: The needs of the low-income communities in nearby Southside Williamsburg, Bushwick, and Bed-Stuy can only be achieved through deeper affordability than MIH provides. Rezoning this land from manufacturing to residential increases the property's value dramatically. The City should not allow this action to simply translate into more profit for the developer. It should require more affordable housing at deeper levels of affordability in exchange for this windfall. (3)

**Response G.10: Comment noted.**

Comment G.11: I also want to note that the City or DCP has stated that we would get 4- to 500 units of affordable housing through voluntary inclusionary housing in the original rezoning, of which 50 percent of the private applications have already built and we have zero affordable housing in those areas. So you can just note the mistrust we have in DCP's judgement to deal with discrimination. (3)

**Response G.11: Comment noted.**

Comment G.12: In August 2014 Rabsky Group purchased a part of the rezoned Rheingold site from Read Group. To date, Rabsky has followed through on zero, or none, of the commitments agreed to with the community. Only after the community held a march and a sleep-out protest at the site did Rabsky commit in writing to developing any affordable housing at Rheingold, and it is still to be determined how much and what unit sizes will be built. (3)

**Response G.12: Comment noted.**

Comment G.13: Rabsky Group has demonstrated illegal, even dangerous, behavior at other developments they own. In November 2015, they were found to be illegally flouting rent stabilization requirements tied to 421(a) tax breaks they received for a development in Williamsburg. (3)

**Response G.13: Comment noted.**

Comment G.14: In October 2015, 37-year-old Eran Modan was crushed to death by an elevator in another Rabsky Group building. The contractor hired by Rabsky for elevator maintenance had a death in another one of its elevators the previous year, and a questionable history of training its inspectors. (3)

**Response G.14: Comment noted.**

Comment G.15: My community does not trust Rabsky Group to keep its commitments and feel strongly that they should not be allowed to profit off yet another manufacturing to residential rezoning, especially given the Broadway Triangle lawsuit has yet to be settled. (3)

**Response G.15: Comment noted.**

Comment G.16: I encourage the Department to stop this process now, go back to the drawing board, and work with the community to settle the lawsuit, create a comprehensive community-based plan that truly meets the needs of surrounding communities and further the City's obligation to creating housing that is fair and nondiscriminatory. (3)

**Response G.16: Comment noted.**

Comment G.17: For the record, the only reason I'm making this testimony is because my hand is being forced. I believe that this process is a sham. It is discriminatory against my community, it marginalizes people of color, and the process itself institutionally is racist, and because of that I don't want to participate. But as you see, you moved the meeting to the City, so it's not happening in the District, because you knew we would shut it down there, and you escorted residents, in my District particularly, out of this room. So at this point, if something is going to be said, I might as well have it on the record so your system can take over from here. (3)

**Response G.17: Comment noted.**

Comment G.18: To Rabsky and any other developer who is in favor of ridding us all. Know, that we are many. The voice of the community will continue to echo; if these injustices continue, you can be that we will be on the frontlines as many times as we have to. Because at the very least, none of us are going down without a fight. The people, united, will never be defeated. (4)

**Response G.18: Comment noted.**

Comment G.19: We see this project as a unique opportunity to address one of the top obstacles to doing business in the borough, which is finding available commercial and residential space. In our 2015 Member Issues survey, over 60 percent of respondents identified this as a serious problem. Business owners are having a difficult time finding suitable commercial space to launch or expand; whereas, affordable housing options for both employers and employees are rapidly increasing. This project will effectively address some of these issues with the inclusion of 1,146 residential units and 64,607 square feet of neighborhood retail space. (6)

**Response G.19: Comment noted.**



Comment G.20: Advancing this project will help to effectively address the urgent need for more affordable housing options in Brooklyn. (6)

**Response G.20: Comment noted.**

Comment G.21: The addition of retail space will increase the quality of life for people in the area. To this end, the project will also include 26,000 square feet of open space, as well as parking to accommodate 405 vehicles. (6)

**Response G.21: Comment noted.**

Comment G.22: The positive local impact of the hundreds of construction jobs that the project will create cannot be underestimated. (6)

**Response G.22: Comment noted.**

Comment G.23: We hope that you will join us in supporting this, and similar mixed-use projects across New York City, as they will generate much needed jobs and affordable housing options for New Yorkers. (6)

**Response G.23: Comment noted.**

Comment G.24: The developers, the Rabsky Group, should be required to provide information regarding how many 1-unit, 2-unit, or 3-unit apartments would be available, to enable the community to make a fuller, more accurate assessment of whether they are trying to discriminate. Given the track record of this developer the patterns of development in this area, the decision to withhold this information indicates intent to discriminate. (7)

**Response G.24: The requested information is outside the scope of CEQR. As noted in the DSOW, the RWCDs assumes an average dwelling unit size of 1,000 gross square feet. This rate is based on standard criteria and methodologies along with observed and projected development patterns for this and similar areas of the City.**

Comment G.25: El Puente believes the Department of City Planning should halt this process until the developer is willing and able to completely meet the needs of the community. Considering the historical context of the [Broadway] Triangle, DCP should delay further consideration of this development until the litigation reaches a settlement. In the case that the City still moves on with Rabsky, to be done with CB1 and CB3 to keep us up to speed with any updates involving the development. This is a request the community made of Rabsky in relation to its Rheingold development, which it refuses to honor. (7)

**Response G.25: Comment noted.**

Comment G.26: This administration has the opportunity and obligation to break with the flawed rezoning policies of the previous administration, which passed massive rezonings despite legitimate community concerns, and set the stage for rapid development along our waterfront without offering any substantial affordable housing for our community. Furthermore, those rezonings left our community with a deficit of affordable housing and a recent history of displacement, especially of Latino and black families that must be considered and addressed. (7)

**Response G.26: Comment noted. Please also see response 3.3.**

Comment G.27: Affordable housing was promised and yet, that promise was shattered by the idea of a development that segregates the very people of the community. Excluding the people that have

endured these neighborhoods during their darkest hours; the very people who have made the community what it is today. Is fairness something that is truly too much to ask for? In the end, we all want the same thing; to just simply live in comfort. (4) Shocking as it is, there are still zero, zero, and zero new affordable housing units for any Black, Latino, or Asian families in this Triangle, not on the public land, not on the private land. What happened to your promise Mr. Mayor? In violation of the injunction, you continue a policy of exclusion that produces more and more segregation and inequality. This is not development on behalf of liberty and justice for all! (8)

**Response G.27: Comment noted.**

Comment G.28: Why are developers like Rabsky so sure of your approval that they arrogantly reveal their not-for-us plans, as if it's a done deal? It's way too late now for honest community input, Mr. Mayor. This new exclusion is exactly what caused our lawsuit in the first place. Justice is for all, not just some. The Triangle would now be an integrated neighborhood of Blacks, Latinos, Asians, and Hasidim, if the City believed that all citizens are truly created equal. (8)

**Response G.28: Comment noted.**

Comment G.29: True progressives do not play politics with sacred human rights, Mr. Mayor. So, we aren't moving our congregation up to Buffalo and let you have your way! The line in the sand is right here! And we will continue to fight by any non-violent means necessary, just like the abolitionists Harriet Tubman and Frederick Douglass did. We tremble not; we fear no ill from your pathetic Jim Crow legacy. In the end the abolitionists won, Mr. Mayor. And so will we, as well. Why? Because they, like we, firmly believed that our nation is, indeed, one nation, under God, indivisible, with liberty and justice for all. We are past due for a justice revolution and a rebirth of freedom in New York City. (8)

**Response G.29: Comment noted.**

Comment G.30: The review of rezoning applications in and around the Urban Renewal Area (also referred to as the Broadway Triangle) while a pending court decision/ruling remains is not thoughtful planning and excludes community participation and goes against the principles of our great city and community. (12)

**Response G.30: Comment noted.**

Comment G.31: In 2009, the Bloomberg Administration rezoned the adjacent blocks of the Broadway Triangle, including both private- and City-owned sites from manufacturing to residential. The City's plan, developed with United Jewish Organizations and the Ridgewood-Bushwick Senior Citizens Council, with no public bidding process, favored the construction of low-rise buildings with large unit sizes. This meant that the number of affordable housing units was not maximized, and the planned units were designed to favor those with large family sizes, particularly the Hasidic community primarily found in nearby South Williamsburg. A coalition of churches, not-for-profit organizations, and tenant associations representing the surrounding communities of color in Williamsburg, Bushwick, and Bed-Stuy successfully sued the City over this plan for violating Federal fair housing regulations. The judge found that the City's plan would not only not foster integration of the neighborhood, but would perpetuate segregation in the Broadway Triangle. This determination came after an EIS and a determination by DCP that it was appropriate. So this institution approved a discriminatory plan. Discriminatory mainly based on race, which by any other terms would be called racism. Despite ongoing negotiations with the City, the lawsuit has not been settled and no new plan has been created for the area. The court issued an injunction on development of the City-owned sites, yet development of the privately-owned sites continued unabated, despite the fact that my community has long been advocating that any settlement of the lawsuit include a commitment

from the City to create a truly inclusive, community-based plan for the entire Broadway Triangle area, including the privately-owned sites. Instead, the City is allowing the development to move forward with no meaningful public input. (3) We are deeply concerned about the likely further violation of fair housing rights if this development is approved. When the City rezoned the adjacent blocks of the Broadway Triangle in 2009, they worked with the non-profit organizations United Jewish Organizations and Ridgewood-Bushwick Senior Citizens Council to plan housing developments that were designed to favor one community – the Orthodox Jewish Hasidic community – over others. A judge deemed this plan to be in direct violation of the Fair Housing Act. For this reason the judge issued an injunction on development on development of City-owned sites. (7) Unfortunately, neither the November 9 Scoping Meeting nor the City’s environmental review process as a whole permits the Coalition’s objections to be meaningfully heard. The City has consistently refused to consider the effect of proposed rezonings upon issues of segregation and fair housing, in spite of its mandate to “affirmatively further fair housing” under the fair housing laws. Its consideration of gentrification and displacement is so limited as to render it meaningfully nonexistent. (14)

**Response G.31: Comment noted. Please also see response 3.6.**

Comment G.32: There is no element of the process that considers a developer’s history of working with – or against – the surrounding community. (14)

**Response G.32: Comment noted. CEQR considers the likely effects of a proposed project based on the conditions that would be allowed by the proposed discretionary actions. The applicant’s history, which may be considered by the decision-makers in their discretion, are not the purview of CEQR.**

Comment G.33: We urge the City Planning Commission to please pause the Scoping Hearing on the application to Rezone two former Pfizer property lots in the Urban Renewal Area<sup>3</sup> and now owned by Rabsky Group for greater review and impact on the current community. Please do not disregard the community’s pleas for thoughtful and engaging participation and planning. (12) The Coalition opposes any efforts by the City or the developer to move forward with this rezoning application – at least until such time as there has been an opportunity for meaningful community participation in planning a future for these Pfizer Sites which would work to ameliorate rather than accelerate residential segregation and displacement. (14)

**Response G.33: Comment noted.**

Comment G.34: The Coalition’s greatest concern is that the extensive segregation that has been afflicting the Broadway Triangle and surrounding neighborhoods for decades be brought to an end. Any rezoning application that is proposed or considered by the City, including the present one, must take into account this history and work to address it. Unfortunately, the City has made clear its position that issues of segregation and discrimination are not an appropriate factor in its environmental review, and for this reason the Coalition demands that this process be brought to an end. (14)

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<sup>3</sup> N.B.: The Pfizer Sites blocks are located adjacent to but not within the Broadway Triangle Urban Renewal Area, although the Northern Block was formerly located within it.

**Response G.34: Comment noted.**

Comment G.35: We ask City Planning and the City of New York not to move forward with the proposed rezoning of these lots. Our organization is concerned that the city is moving forward with this rezoning, while not finding a solution to the already segregated Broadway Triangle. We oppose this rezoning. (15)

**Response G.35: Comment noted.**

Comment G.36: The current proposed rezoning is by Rabsky Group, which owns the two large, former Pfizer parking lots. The notorious Rabsky Group is infamous for not upholding prior agreements with the community that enabled the approval of the Rheingold Brewery site, which required desperately needed affordable housing units. Rabsky proceeded to only include the minimum of such units in order to merely meet the City's minimal requirements. (15)

**Response G.36: Comment noted.**

Comment G.37: We believe that it is in the best interest of everyone; Rabsky, our community, and the City; to meet and work together to create a community-based development plan that meets the needs of all members of the community. (16)

**Response G.37: Comment noted.**

Comment G.38: This current effort—which has for years prioritized the desires of exclusionary elements within our community and billionaire developers with poor track records; and seeks at every turn to marginalize the very community it ought to be strengthening—fails on all counts. (17)

**Response G.38: Comment noted.**

Comment G.39: The parcel of land under consideration in this matter represents one of the last, best opportunities to stop the bleeding in a community too long ravaged by unchecked greed and tacit complicity by city government. To achieve that, we need truly affordable (low income) housing that will be available to all races and religious groups. (17)

**Response G.39: Comment noted.**

## **Appendix B**

### **Comments on the Draft Scope of Work**

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THE CITY OF NEW YORK  
CITY PLANNING COMMISSION

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RE: Pfizer Sites Rezoning Proposal  
Public Hearing

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Spector Hall  
22 Reade Street  
New York, New York

November 19, 2016  
10:00 a.m.

B E F O R E:

OLGA ABINADER, Deputy Director,  
Environmental Assessment and Review Division  
New York City Department of City Planning

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A P P E A R A N C E S :

For New York City Department of City Planning:

- Olga Abinader
- Robert Dobruskin
- Winston von Engel
- Stephanie Shellooe

ALSO PRESENT:

- The Public
- The Press
  
- Nicole Ellis, Stenographer

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1 11/9/16 - Pfizer Sites Rezoning Proposal

2 P R O C E E D I N G S

3 MS. ABINADER: Good morning. Let's  
4 begin. Welcome.

5 Can everyone hear me?

6 This is a public scoping meeting for  
7 the Pfizer Sites Rezoning Proposal --

8 (Audience interruption.)

9 MS. ABINADER: For the record, the  
10 City Environmental Quality Review, or  
11 CEQR, application number is 15DCP117K.

12 Today's date is November 9, 2016 and  
13 the time is approximately 10:00 a.m.

14 My name is Olga Abinader and I'm the  
15 Deputy Director of the Environmental  
16 Assessment and Review Division of the New  
17 York City Department of City Planning.

18 The Department is acting on behalf of  
19 the City Planning Commission --

20 (Audience interruption.)

21 MS. ABINADER: Let's resume.

22 This is a public scoping meeting for  
23 the Pfizer Sites Rezoning Proposal.

24 For the record, the City  
25 Environmental Quality Review, or CEQR,

1 11/9/16 - Pfizer Sites Rezoning Proposal  
2 application number is 15DCP117K.

3 Today's date is November 9, 2016 and  
4 the time is approximately 10:12 a.m.

5 My name is Olga Abinader and I'm the  
6 deputy director of the Environmental  
7 Assessment and Review Division of the New  
8 York City Department of City Planning.

9 The Department is acting on behalf of  
10 the City Planning Commission, as the lead  
11 agency for the proposal's environmental  
12 review.

13 Joining me this morning are a few of  
14 my colleagues. Robert Dobruskin, to my  
15 left, is the director of the Environmental  
16 Assessment and Review Division at the  
17 Department of City Planning. Winston von  
18 Engel, to my right, is the director of the  
19 Brooklyn office at the Department of City  
20 Planning. Stephanie Shellooe, to my far  
21 left, is the senior project manager at the  
22 Environmental Assessment and Review  
23 Division and the environmental review  
24 project manager for the proposal.

25 Together we are here to receive your

1 11/9/16 - Pfizer Sites Rezoning Proposal  
2 comments on the Draft Scope of Work for  
3 the Pfizer Sites Rezoning Proposal and  
4 incorporate those comments into the  
5 project record.

6 The Draft Scope of Work identifies  
7 all of the issues that will be analyzed in  
8 the upcoming Draft Environmental Impact  
9 Statement, or DEIS, and describes the  
10 methodologies that will be used in the  
11 analyses.

12 For those of you who haven't seen the  
13 document yet, we have copies of the Draft  
14 Scope of Work available, along with a  
15 protocol for today's meeting, at the desk  
16 right outside of this -- Spector Hall,  
17 right outside of this room. These  
18 materials can also be viewed on the  
19 Department of City Planning website at  
20 [nyc.gov/planning](http://nyc.gov/planning).

21 The purpose of scoping is to allow  
22 for public participation in the  
23 environmental review process at the  
24 earliest stage possible. Toward that end,  
25 we will have an opportunity today to

1 11/9/16 - Pfizer Sites Rezoning Proposal  
2 receive comments from elected officials,  
3 Community Board representatives,  
4 government agencies, and members of the  
5 general public.

6 Today also marks the beginning of the  
7 written comment period on the Draft Scope  
8 of Work. You may give us your written  
9 comments today at this meeting or mail  
10 them to us at the address shown on the  
11 scoping protocol. Written comments will  
12 be accepted through the close of business  
13 on Monday, November 21st.

14 At the end of the comment period, the  
15 Department will consider all of the  
16 comments we've received, including those  
17 we've heard today, and all written  
18 comments, and determine what changes, if  
19 any, to make to the Draft Scope of Work.

20 We will then issue a Final Scope of  
21 Work. It is the Final Scope of Work that  
22 will serve as the basis for preparing the  
23 Draft Environmental Impact Statement.

24 So for more logistical information,  
25 today's meeting will be divided into three

1 11/9/16 - Pfizer Sites Rezoning Proposal  
2 separate parts. During the first part, a  
3 representative from the applicant team  
4 will make a brief presentation describing  
5 the proposed project and summarizing the  
6 Draft Scope of Work. During this second  
7 part of the meeting, we will receive  
8 comments, if any, from elected officials,  
9 Community Board representatives, and  
10 government agencies. During the third and  
11 final part of the meeting, we will receive  
12 comments from members of the general  
13 public.

14 Just as a reminder, if you wish to  
15 speak today you must fill out a speaker  
16 card. These cards are available at the  
17 desk outside of Spector Hall. Speaking  
18 time for the general public is limited to  
19 three minutes. We'll let you know when  
20 the three minutes are up by ringing a  
21 bell.

22 And as a reminder, please remember to  
23 identify yourself at the beginning of your  
24 speaking time for the purposes of the  
25 record, and please limit your comments on

1 11/9/16 - Pfizer Sites Rezoning Proposal  
2 the Draft Scope of Work itself.

3 We also ask that everyone please  
4 clear the aisles and remain in their seats  
5 while the meeting is ongoing.

6 And now for the first part of the  
7 meeting, I'll turn things over to Ray  
8 Levin, from the applicant team, who will  
9 present the proposal.

10 MR. LEVIN: Good morning. My name is  
11 Raymond Levin, I'm with the law firm of  
12 Slater and Beckerman, we represent  
13 Harrison Real Estate, LLC, applicants for  
14 the Zoning Map Amendment and Zoning Text  
15 change to facilitate a residential and  
16 commercial development on two blocks in  
17 south eastern Williamsburg.

18 The Zoning Map Amendment will replace  
19 a heavy manufacturing Zoning District with  
20 contextual residential Zoning Districts  
21 and an overlay commercial Zoning District.

22 The amount of space that can be  
23 constructed with the rezoning will be  
24 three times the currently permitted floor  
25 area allowed, yielding approximately

1 11/9/16 - Pfizer Sites Rezoning Proposal  
2 one million square feet.

3 The Zoning Text Amendment will bring  
4 the development under the recently enacted  
5 Mandatory Inclusionary Housing program,  
6 proposed by Mayor de Blasio and adopted by  
7 the City Council, with the support of City  
8 Council Member Levin, in whose District  
9 the proposed development resides, and  
10 Council members Reynoso and Cornegy, whose  
11 Districts are in close proximity to the  
12 site.

13 The Mandatory Inclusionary Housing  
14 program requires that at least 25 percent  
15 of the residential space, in this case  
16 over a quarter million square feet, be set  
17 aside for income-restricted housing units.  
18 For example, a family of three cannot earn  
19 more than \$48,960 a year, and at least 10  
20 percent of the income-restricted units  
21 will be set aside for families earning no  
22 more than \$32,640 a year.

23 Physically the development will  
24 include 8 buildings ranging in height from  
25 7 to 14 stories. Taller building fronts

1 11/9/16 - Pfizer Sites Rezoning Proposal  
2 on Union Avenue, and the lower ones on  
3 Harrison Avenue. There will be a 65-foot  
4 wide landscape open space, running  
5 north/south through the center of the site  
6 from Walden to Gerry Streets. The  
7 landscape space will be open to the public  
8 and accessed from Walden, Wallabout and  
9 Gerry Streets.

10 Local retail stories, most of which  
11 less than 3,000 square feet each, will  
12 front on all the public streets and the  
13 publicly accessible open space. The  
14 retail space fronting on Union Avenue may  
15 be larger, up to 16,500 square feet.  
16 Off-street parking will be provided for  
17 approximately 400 cars.

18 As was previously stated, this  
19 meeting is being conducted by the  
20 Department of City Planning on behalf of  
21 City Planning Commission, not by the  
22 applicant, and is to solicit comments on  
23 issues to be addressed in the  
24 Environmental Impact Statement, which will  
25 be prepared under the supervision of the



1 11/9/16 - Pfizer Sites Rezoning Proposal  
2 Department of City Planning, pursuant to  
3 the City and State Environmental Quality  
4 Review laws.

5 Thank you very much.

6 MS. ABINADER: Thank you.

7 Jeff Reuben from the applicant team  
8 will now speak.

9 MR. REUBEN: Good morning. My name  
10 is Jeff Reuben, I'm a city planner with  
11 the Philip Habib & Associates.

12 I'll give an overview of the Draft  
13 Scope of Work, which provides the  
14 framework for how the Draft Environmental  
15 Impact Statement will be prepared.

16 The Draft Environmental Impact  
17 Statement, also referred to as the Draft  
18 EIS, will be consistent with the  
19 guidelines in the City Environmental  
20 Quality Review technical manual, also  
21 referred to as the CEQR Technical Manuel.  
22 The CEQR Technical Manual is the standard  
23 guidance document for environmental  
24 analysis and review in the city.

25 The EIS is required to identify the

1 11/9/16 - Pfizer Sites Rezoning Proposal  
2 affects of the proposed action and analyze  
3 its impacts by comparing future conditions  
4 without the approval of the proposed  
5 rezoning, called the "No Action"  
6 condition, with future conditions with the  
7 approval of the proposed rezoning called  
8 "With Action" conditions.

9 Using criteria outlined in the CEQR  
10 Technical Manual, the EIS will determine  
11 if significant adverse impacts would  
12 occur. As detailed in the Draft Scope of  
13 Work, the proposed action requires  
14 analysis of a number of technical areas,  
15 and I will briefly discuss a few key  
16 areas, which are shown in blue on the  
17 board behind me.

18 As the proposed action would --

19 MS. ABINADER: If you could please  
20 speak into the microphone.

21 MR. REUBEN: Okay.

22 As the proposed action would  
23 introduce new residential development,  
24 including new Mandatory Inclusionary  
25 Housing units, the EIS will analyze the

1 11/9/16 - Pfizer Sites Rezoning Proposal  
2 affects on local community facilities,  
3 including schools and publicly-funded  
4 daycare. In addition, the EIS will also  
5 assess the affects on socioeconomic  
6 conditions, including the potential for  
7 indirect residential displacement.

8 The proposed action would result in  
9 an increase in the number of vehicle  
10 trips, increased ridership on mass transit  
11 facilities, and an increase in pedestrian  
12 activity in the vicinity of the project  
13 site. Therefore, the EIS will analyze the  
14 change to traffic, transit, pedestrian and  
15 parking conditions that would occur as a  
16 result of the proposed action.

17 The Draft Scope of Work provides a  
18 more detailed outline of how each of these  
19 technical areas will be examined and  
20 identifies study areas, types of data to  
21 be gathered, and how these data would be  
22 analyzed and how potential impacts would  
23 be quantified. In addition, the EIS will  
24 include a mitigation chapter, which is  
25 described mitigation measures to address

1 11/9/16 - Pfizer Sites Rezoning Proposal  
2 any significant adverse impacts that are  
3 identified. When impacts cannot be  
4 mitigated, they will be identified as  
5 unavoidable adverse impacts.

6 An alternatives chapter will also be  
7 included in the EIS to evaluate  
8 alternative development proposals that may  
9 reduce or eliminate any significant  
10 adverse impacts. The alternatives are  
11 used to find when the full extent of the  
12 proposed action impacts are determined.

13 As of now, the EIS is expected to  
14 analyze a "No Action" alternative, which  
15 would be the site stays the way it is  
16 today. Additional alternatives may be  
17 developed in consultation with the  
18 Department of City Planning during the  
19 CEQR process.

20 The Draft Scope of Work can be viewed  
21 in its entirety online at the Department  
22 of City Planning's website. Thank you.

23 MS. ABINADER: Thank you.

24 We're now moving forward with the  
25 second part of the meeting, where we will

1 11/9/16 - Pfizer Sites Rezoning Proposal  
2 accept comments from elected officials,  
3 Community Board representatives, and  
4 government agencies.

5 Our first speaker is Council member  
6 Reynoso.

7 COUNCILMAN REYNOSO: First, I would  
8 like to note that I'm not the Council  
9 member that represents this District, but  
10 I'm the one that's here.

11 Two, what you will see in the next, I  
12 guess, 40 minutes to an hour or however  
13 long it takes for this testimony to be put  
14 through, that there will be a stark  
15 difference between the people who are  
16 protesting against and the people who  
17 support it.

18 I would also like for the record to  
19 note that there were over, maybe, 40  
20 people that have been escorted out that  
21 are against this project, whose voices  
22 will not be heard today, but they stand  
23 outside continuing to protest against  
24 this.

25 I'd like to note for the record that

1 11/9/16 - Pfizer Sites Rezoning Proposal  
2 this meeting is here today because it was  
3 shut down in a local community in which  
4 over 90 percent of the people that  
5 attended were also against this project.

6 We also, for the record, would like  
7 to note that this is happening the day  
8 after an election, where no one, including  
9 the people sitting in front of me,  
10 probably don't want to be here.

11 Right now a lot of the information  
12 that you guys are going to get in the  
13 public will probably pail in comparison to  
14 what we really need to be talking about,  
15 which is the direction of this country  
16 moving forward after yesterday's results.  
17 So this will be a blip, an asterisks,  
18 within a daily news for the time being.

19 My name is Council member Antonio  
20 Reynoso, and I'm grateful for the  
21 opportunity to speak today on Rabsky  
22 Group's proposed development of the Pfizer  
23 site located on the Broadway Triangle.

24 As you are all aware, we're  
25 reconvened here today because members of

1 11/9/16 - Pfizer Sites Rezoning Proposal  
2 my community shut down the first scoping  
3 hearing due to the opposition of this  
4 project. I stand in solidarity with them  
5 and believe that the opposition is based  
6 on sound arguments that have merit and  
7 that should be closely considered by the  
8 Commission as they decide whether this  
9 project should move forward.

10 The Broadway Triangle is not in my  
11 District, but it's right across the  
12 street. It is truly a border area, not  
13 only between Council Member Levin's and my  
14 Districts, but also on the borders of  
15 Brooklyn Community Districts 1, 3, and 4;  
16 Williamsburg, Bedford-Stuyvesant and  
17 Bushwick.

18 These neighborhoods are all  
19 historically, and despite a recent influx  
20 of gentrification, remain low-income  
21 communities of color. I'm sure that you  
22 are all familiar with the history of this  
23 area, but I will reiterate it here because  
24 it explains my community's vehement  
25 opposition to this proposal.

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2 In 2009, the Bloomberg Administration  
3 rezoned the adjacent blocks of the  
4 Broadway Triangle, including both private-  
5 and City-owned sites from manufacturing to  
6 residential. The City's plan, developed  
7 with United Jewish Organizations and the  
8 Ridgewood-Bushwick Senior Citizens  
9 Council, with no public bidding process,  
10 favored the construction of low-rise  
11 buildings with large unit sizes. This  
12 meant that the number of affordable  
13 housing units was not maximized, and the  
14 planned units were designed to favor those  
15 with large family sizes, particularly the  
16 Hasidic community primarily found in  
17 nearby South Williamsburg.

18 A coalition of churches,  
19 not-for-profit organizations, and tenant  
20 associations representing the surrounding  
21 communities of color in Williamsburg,  
22 Bushwick, and Bed-Stuy successfully sued  
23 the City over this plan for violating  
24 Federal fair housing regulations. The  
25 judge found that the City's plan would not



1 11/9/16 - Pfizer Sites Rezoning Proposal  
2 only not foster integration of the  
3 neighborhood, but would perpetuate  
4 segregation in the Broadway Triangle.  
5 This determination came after a DEIS or  
6 EIS and a determination by DCP that it was  
7 appropriate. So this institution approved  
8 a discriminatory plan. Discriminatory  
9 mainly based on race, which by any other  
10 terms would be called racism.

11 Despite ongoing negotiations with the  
12 City, the lawsuit has not been settled and  
13 no new plan has been created for the area.  
14 The court issued an injunction on  
15 development of the City-owned sites, yet  
16 development of the privately-owned sites  
17 continued unabated, despite the fact that  
18 my community has long been advocating that  
19 any settlement of the lawsuit include a  
20 commitment from the City to create a truly  
21 inclusive, community-based plan for the  
22 entire Broadway Triangle area, including  
23 the privately-owned sites. Instead, the  
24 City is allowing the development to move  
25 forward with no meaningful public input.

1 11/9/16 - Pfizer Sites Rezoning Proposal  
2 Additionally, Rabsky has proven itself a  
3 terrible player in both Williamsburg and  
4 Bushwick, which I will describe in detail  
5 later.

6 These are the reasons why my  
7 community has thus far refused to  
8 participate in the limited public process  
9 available to them a/k/a this hearing.

10 The substantive decisions about what  
11 will happen on this site have already been  
12 made by the City and the developer with no  
13 consideration of the community's needs.  
14 No thought of the possibility of what a  
15 settlement of the aforementioned lawsuit  
16 would mean for this, and no commitment  
17 from the City to its duty to affirmatively  
18 further Federal fair housing requirements.

19 Despite all of the above, the fact  
20 that we're here today at this rescheduled  
21 hearing indicates that the Department of  
22 City Planning is determined to move ahead  
23 with this proposal.

24 So I submit the following comments on  
25 the Draft Scope of Work for the project's

1 11/9/16 - Pfizer Sites Rezoning Proposal  
2 environmental review for the record only  
3 because at this point I have to  
4 participate in a process that  
5 discriminates and marginalizes communities  
6 of color like mine.

7 Land use and zoning. Manufacturing  
8 retention. Thus far, my policy as a  
9 Council member has been to encourage a  
10 zero net loss for manufacturing-zoned  
11 land. I have worked very closely with  
12 Evergreen, the industrial business  
13 solutions provider, that services  
14 manufacturing businesses in my District,  
15 that is telling me they have a long list  
16 of potential tenants that are interested  
17 in the industrial space. Yet many  
18 buildings and lots in manufacturing areas  
19 remain vacant due to speculation that  
20 residential rezoning is coming thanks to  
21 the Department of City Planning's refusal  
22 thus far to make any real commitments to  
23 strengthen the protection for  
24 manufacturing zones.

25 The "No Action" scenario outlined

1 11/9/16 - Pfizer Sites Rezoning Proposal  
2 assumes that this development does not  
3 happen. The property will remain vacant  
4 and that the M3-1 zoning would not support  
5 any active use. It continues that there  
6 have not been substantial new commercial,  
7 industrial, and manufacturing uses in this  
8 part of Brooklyn, apart from the reuse of  
9 the former Pfizer building for commercial  
10 and light manufacturing space.

11 This, of course, to the benefit of  
12 the developer, downplays the importance of  
13 the Pfizer development at 630 Flushing,  
14 which includes about 30 tenants from  
15 Cooper-Hewitt and Pratt Institute, to a  
16 number of small food businesses being  
17 incubated, all creating local jobs.

18 Although I understand that affordable  
19 housing development is critical, the  
20 analysis should not downplay the potential  
21 for manufacturing retention. The  
22 Department is considering innovative ideas  
23 to accommodate both that could be  
24 explored.

25 Zoning and density. This was the

1 11/9/16 - Pfizer Sites Rezoning Proposal  
2 crux of the issue in the 2009 rezoning, as  
3 I mentioned above. While Rabsky Group's  
4 proposal does include more density than in  
5 2009, which was also being advocated for  
6 by the community and was not approved by  
7 DCP, this plan still does not maximize  
8 potential density based on the context of  
9 the surrounding area. Lindsay Park, for  
10 example, is within the study area, and  
11 contains seven buildings at 22 stories  
12 each. This proposal maxes out at 14  
13 stories, meaning once again the  
14 opportunity to build affordable housing  
15 here is not maximized, as it wasn't  
16 maximized in the past.

17 What's worse, the analysis of  
18 household size, once again, does not meet  
19 the needs of the surrounding community.  
20 The CEQR guidelines note that defined  
21 study areas may differ depending on the  
22 technical area being analyzed and should  
23 be tailored accordingly. Yet the scope of  
24 work notes that the calculation for number  
25 of residents the project will house, and

1 11/9/16 - Pfizer Sites Rezoning Proposal  
2 therefore the number of residents per  
3 unit, is based on analysis of the census  
4 tracts within one quarter mile radius of  
5 this site, rather than considering the  
6 full range of communities impacted by the  
7 availability of this housing.

8 This is particularly important  
9 because the average household size in a  
10 quarter mile radius of a perpetuated and  
11 segregated community is 3.55 residents per  
12 household, while the average household  
13 size in Community Board 1 is 2.44 people  
14 per household and 2.6 people per household  
15 in CB3. Here again we see a bias towards  
16 one community over others.

17 Environmental review -- I'm sorry,  
18 public policy. Environmental review  
19 requires a description of any current and  
20 pending public policy and zoning actions  
21 that apply to the project and study area.  
22 This section must include acknowledgment  
23 of the 2009 rezoning, subsequent lawsuit,  
24 and potential for the future development  
25 based on the settlement between the

1 11/9/16 - Pfizer Sites Rezoning Proposal  
2 community and the City.

3 Given the history, the developer  
4 should be held to a higher standard  
5 regarding HUD's requirement to ensure  
6 nondiscrimination and equal housing  
7 opportunity.

8 A focus on indirect residential  
9 displacement or socioeconomic conditions,  
10 I'm glad they're highlighted here. A  
11 focus on indirect residential displacement  
12 is crucial. It is clear that this project  
13 will result in substantial new population  
14 with different income and would accelerate  
15 an existing trend to change socioeconomic  
16 conditions that may have the potential to  
17 displace a residential population and  
18 substantially change the socioeconomic  
19 character of the neighborhood, requiring a  
20 full analysis.

21 The more than 1,000 market-rate units  
22 planned for this site will surely  
23 exacerbate gentrification, which was not  
24 quite reached -- has not quite reached  
25 this area. This, along with the lack of

1 11/9/16 - Pfizer Sites Rezoning Proposal  
2 guarantee that affordable units built will  
3 be accessible to residents of surrounding  
4 neighborhoods, must be considered. MIH,  
5 or Mandatory Inclusionary Housing, is a  
6 great tool to ensure that all new  
7 developments include affordable housing;  
8 however, it is only one tool in the  
9 toolbox available to developers. The  
10 needs of the low-income communities in  
11 nearby Southside Williamsburg, Bushwick,  
12 and Bed-Stuy can only be achieved through  
13 deeper affordability than MIH provides.

14 Rezoning this land from manufacturing  
15 to residential increases the property's  
16 value dramatically. The City should not  
17 allow this action to simply translate into  
18 more profit for the developer. It should  
19 require more affordable housing at deeper  
20 levels of affordability in exchange for  
21 this windfall.

22 I also want to note that the City or  
23 DCP has stated that we would get 4- to 500  
24 units of affordable housing through  
25 voluntary inclusionary housing in the



1 11/9/16 - Pfizer Sites Rezoning Proposal  
2 original rezoning, of which 50 percent of  
3 the private applications have already  
4 built and we have zero affordable housing  
5 in those areas. So you can just note the  
6 mistrust we have in DCP's judgement to  
7 deal with discrimination.

8 Open space. The idea that this site  
9 is not located in an underserved area for  
10 open space is laughable. Brooklyn  
11 Community District 1 has one of the lowest  
12 open space ratios in the city. Both the  
13 33rd and 34th Council Districts fall well  
14 below the average for open space per 1,000  
15 residents. The 33rd has one acre and the  
16 34th has 0.3 acres versus the citywide  
17 average of 2.9 acres per 1,000 residents.

18 This development proposes 26,000  
19 square feet of privately-owned,  
20 publicly-accessible open space, yet its  
21 location within the site plan is between  
22 buildings and likely to make it feel like  
23 the development's backyard.

24 When I describe how Rabsky Group has  
25 treated communities in my District, you

1 11/9/16 - Pfizer Sites Rezoning Proposal  
2 will understand my skepticism that they  
3 intend to allow the public in, despite the  
4 fact that there will be no restrictive  
5 declaration required -- that there will be  
6 a restrictive declaration required. DCP  
7 must create a mechanism to monitor this  
8 open space and to ensure that it will  
9 truly be open to the public.

10 Transit. The scoping document notes  
11 that this development is expected to  
12 increase subway trips by an average of 352  
13 trips per day. The J train is already  
14 overcrowded and it will only be  
15 exacerbated during the L train shutdown  
16 from 2019 to 2020. As this development  
17 comes online, the City must work with the  
18 MTA to open closed sections along the J  
19 and G lines and nearby stations; Hewes,  
20 Lorimer, and Flushing on the J and  
21 Broadway on the G, and to make the  
22 transfer between the J at Lorimer and G at  
23 Broadway permanently free.

24 So those are all my technical terms  
25 that you guys think are important for

1 11/9/16 - Pfizer Sites Rezoning Proposal  
2 making your decision.

3 Issues with Rabsky Group. While this  
4 falls outside the scope of environmental  
5 review, it is important that the  
6 Department and the Commission be aware of  
7 issues my community has faced with Rabsky  
8 as a developer.

9 In 2013, the City Council passed a  
10 manufacturing to residential rezoning plan  
11 for the former Rheingold Brewery in  
12 Bushwick. A coalition of community-based  
13 organizations and residents negotiated an  
14 agreement with this developer, Read Group,  
15 which included a community need, as well  
16 as other community benefits, such as  
17 regular communication with the coalition  
18 and Community Board 4, a local hiring  
19 program and union jobs, a partnership with  
20 a local not-for-profit to market the  
21 affordable housing units, and mitigation  
22 of construction and traffic impacts.

23 In August 2014 Rabsky Group purchased  
24 a part of the rezoned Rheingold site from  
25 Read Group. To date, Rabsky has followed

1 11/9/16 - Pfizer Sites Rezoning Proposal  
2 through on zero, or none, of the  
3 commitments agreed to with the community.  
4 Only after the community held a march and  
5 a sleep-out protest at the site did Rabsky  
6 commit in writing to developing any  
7 affordable housing at Rheingold, and it is  
8 still to be determined how much and what  
9 unit sizes will be built.

10 In your documents there is still  
11 nothing in writing regarding what the  
12 affordable housing is going to look like  
13 in the Rabsky site, on record, in your  
14 website, there's nothing that says what  
15 the affordable housing is going to look  
16 like on that site. Rabsky Group has  
17 categorically refused to engage with the  
18 coalition on any other of its commitments.

19 Additionally, Rabsky Group has  
20 demonstrated illegal, even dangerous,  
21 behavior at other developments they own.  
22 In November 2015, they were found to be  
23 illegally flouting rent stabilization  
24 requirements tied to 421(a) tax breaks  
25 they received for a development in

1 11/9/16 - Pfizer Sites Rezoning Proposal  
2 Williamsburg. This was on the news, you  
3 probably know about the issue better than  
4 I, I hope you do. If you don't, I can  
5 give you the reference.

6 In October 2015, 37-year-old Eran  
7 Modan was crushed to death by an elevator  
8 in another Rabsky Group building. The  
9 contractor hired by Rabsky for elevator  
10 maintenance had a death in another one of  
11 its elevators the previous year, and a  
12 questionable history of training its  
13 inspectors.

14 In short, my community does not trust  
15 Rabsky Group to keep its commitments and  
16 feel strongly that they should not be  
17 allowed to profit off yet another  
18 manufacturing to residential rezoning,  
19 especially given the Broadway Triangle  
20 lawsuit has yet to be settled.

21 And as an institution -- for the City  
22 Council, as an institution, if we can't  
23 hold developers accountable for the  
24 promises that they made to a community, we  
25 shouldn't allow them to build in other

1 11/9/16 - Pfizer Sites Rezoning Proposal  
2 Districts.

3 The outcome of Broadway Triangle also  
4 underscores the need for new development  
5 here to consider federal housing  
6 requirements, and for the Department of  
7 City Planning to ensure that new  
8 development does not further racial  
9 discrimination.

10 The Department testified at the  
11 related court hearing that it had no  
12 mechanism to evaluate whether segregation  
13 or whether or not its decisions meet the  
14 HUD requirements to ensure  
15 nondiscrimination and equal housing  
16 opportunity.

17 Here's an opportunity to change that  
18 model. Given the history of this  
19 contentious area, we should see this site  
20 as an opportunity to ensure that any new  
21 development follows federal guidelines and  
22 meets the needs of surrounding  
23 communities.

24 The issues I've established of Rabsky  
25 Group and the concerns noted above that

1 11/9/16 - Pfizer Sites Rezoning Proposal  
2 are already coming out in the scoping  
3 phase, indicates that this proposal will  
4 further, and not solve the problems long  
5 established within the Broadway Triangle.

6 I encourage the Department to stop  
7 this process now, go back to the drawing  
8 board, and work with the community to  
9 settle the lawsuit, create a comprehensive  
10 community-based plan that truly meets the  
11 needs of surrounding communities and  
12 further the City's obligation to creating  
13 housing that is fair and  
14 nondiscriminatory.

15 And I do want to say again, for the  
16 record, that the only reason I'm making  
17 this testimony is because my hand is being  
18 forced. I believe that this process is a  
19 sham. It is discriminatory against my  
20 community, it marginalizes people of  
21 color, and the process itself  
22 institutionally is racist, and because of  
23 that I don't want to participate. But as  
24 you see, you moved the meeting to the  
25 City, so it's not happening in the

1 11/9/16 - Pfizer Sites Rezoning Proposal  
2 District, because you knew we would shut  
3 it down there, and you escorted residents,  
4 in my District particularly, out of this  
5 room. So at this point, if something is  
6 going to be said, I might as well have it  
7 on the record so your system can take over  
8 from here. Thank you for your time.

9 MS. ABINADER: Thank you for your  
10 comments.

11 If you'd like to submit your written  
12 testimony, we'll accept that now.

13 Our next speaker is Council member  
14 Stephen Levin.

15 COUNCILMAN LEVIN: Thank you very  
16 much, City Planning Commission.

17 First of all, I want to thank Council  
18 member Reynoso for his remarks. And I  
19 think the fact that he gave a detailed  
20 accounting of his concerns is a very  
21 positive aspect to this, because it shows  
22 that this is a process. This is a process  
23 that we have designed by law. It is the  
24 process that we have in New York City for  
25 rezonings.



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2 And, you know, in light of what we  
3 saw yesterday, we've seen in this  
4 presidential campaign, an election that,  
5 in a lot of ways, is very dismaying to a  
6 lot of us because of what it says about  
7 the rule of law.

8 I think that we need to consider that  
9 we have laws for a reason. Our processes  
10 that we've set up as a city and a country  
11 are there for a reason, because we are not  
12 an arbitrary country. We are not an  
13 arbitrary city. We do not apply some  
14 rules to some people and other rules to  
15 others.

16 If a developer owns a piece of  
17 property and proceeds to apply for a  
18 rezoning, this is the process. This is  
19 actually an additional process, the  
20 scoping meeting, and that's a fact. This  
21 is the process. We can't just shut down  
22 government. We cannot just shut down  
23 government. That is an abdication of our  
24 responsibility as citizens. That is an  
25 abdication of our citizens, to apply one

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2 set of rules to one people and another set  
3 of rules to another.

4 And so I am appreciative of everybody  
5 that's here to make their voices heard. I  
6 appreciate that, but to say that they're  
7 going to shut down the process is not only  
8 inappropriate, it's -- it does a  
9 disservice to the community. It does a  
10 disservice to our city, because truly the  
11 process that we have is, in many ways,  
12 sacrosanct.

13 So I want to thank Council member  
14 Reynoso for adding his voice and his  
15 perspective and his detailed objections to  
16 this proposal for the record.

17 Now on the record, when -- I'm not  
18 here to testify in support of the project,  
19 I'm here to testify in support of the  
20 process, because, in fact, the process  
21 does work. And when we're talking about  
22 the level of affordability that's proposed  
23 here, that's part of the Mandatory  
24 Inclusionary Housing program. I voted for  
25 the Mandatory Inclusionary Housing

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2 program, the City Council passed the  
3 Mandatory Inclusionary Housing program,  
4 the de Blasio administration put forward  
5 and developed that program. That is --  
6 that carries the rule of law.

7 In my tenure as a City Council  
8 member, I look back to 2010 when we  
9 rezoned in my Council District -- by the  
10 way, this is in the Council District that  
11 I represent, just to be very clear. It's  
12 entirely 100 percent as a proposal within  
13 the confines of the 33rd District. I look  
14 back at the 2010 Domino rezoning, that was  
15 put forward -- the first one, that was put  
16 forward by CPC Resources.

17 And that proposal, the developer at  
18 the time, CPCRC, promised 30 percent  
19 affordable housing. In fact, many  
20 community residents supported that  
21 proposal because of that promise;  
22 30 percent affordable housing.

23 Well, consequent to that time or  
24 subsequent to that time, the CPCRC decided  
25 to sell the property. They sold it to Two

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2 Trees. And the very first thing I heard  
3 from Two Trees as the Council member that  
4 represents the area, when they said  
5 they're going to put forward a new zoning  
6 proposal for Domino, was that they were  
7 not legally bound by the 30 percent  
8 affordable housing that CPCR promised.

9 They said we are obligated under the  
10 2005 rezoning, Greenpoint and Williamsburg  
11 421(a) 20 percent affordable housing, but  
12 they're not required to do 30 percent  
13 affordable housing, and they had no  
14 intention of doing 30 percent affordable  
15 housing. That was an informal agreement.  
16 As much as they reported it to be a  
17 commitment, it was no such thing.

18 So to correct it, that is why we have  
19 now done MIH. Because MIH puts a legal  
20 requirement for 30 percent affordable  
21 housing or 25 percent affordable housing  
22 with deeper AMIs. But that is -- that now  
23 carries the force of law. So to be  
24 totally candid, I, as a Council member,  
25 have no desire to make outside agreements

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2 with developers on the level of  
3 affordability or other amenities, because  
4 the fact of the matter is it only matters  
5 if it carries the force of law. If it's  
6 in the zoning, if it's through Mandatory  
7 Inclusionary, if it's tied to tax  
8 benefits. That's the only thing that  
9 matters, and this is going have Mandatory  
10 Inclusionary applied. So -- and that will  
11 be 30 percent affordable requirement at  
12 one set of AMIs or 25 percent at deeper  
13 AMIs.

14 When it comes to zoning, I know that  
15 Council member Reynoso pointed out that  
16 nearby is the Lindsay Park development.  
17 The Lindsay Park, for one thing, was  
18 developed in the 1950's and 1960's and is  
19 a rather discredited "tower in the park"  
20 model of zoning. If you go out to Lindsay  
21 Park, there are tall buildings surrounded  
22 by at tremendous amount of open space.  
23 And to get Lindsay Park, by the way, they  
24 had to demolish hundreds of tenements. If  
25 you look back at photographs of that

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2 section of Williamsburg from the '20's,  
3 '30's, '40's it would be unrecognizable  
4 because they demolished hundreds of  
5 tenement buildings, and they replaced them  
6 with a "tower in the park" model that has  
7 superblocks that are seven buildings  
8 there.

9 And the zoning, if you look at the  
10 zoning map, is an R6; R6 carries an FAR of  
11 3.44. This proposal has an across the  
12 board average FAR of 6. Meaning that as  
13 Council member Reynoso uses as an argument  
14 that Lindsay Park produced more housing,  
15 that's not accurate. Lindsay Park  
16 produced an R6 zoning, which is an FAR of  
17 3.44. Across the board here we're talking  
18 about a higher FAR of 6, while using more  
19 of the context south of Broadway, which is  
20 not 20-story buildings.

21 Even if you look at Marcy Houses, you  
22 do not see the 20-story buildings, those  
23 are actually lower-rise NYCHA buildings,  
24 because that is more appropriate for the  
25 context. In fact, the rest of the

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2 Broadway Triangle, the context of the  
3 existing housing stock, including the  
4 affordable housing that was built by  
5 St. Nick's in the 1990's, that doesn't go  
6 to 20 stories, that's a much lower height,  
7 but also it uses up much more of the  
8 footprint of the lot area than Lindsay  
9 Park. Lindsay Park is truly a textbook  
10 "tower in the park."

11 You know, just back to the process  
12 issue. Council member Reynoso he used the  
13 word "allowed." He said Rabsky should not  
14 be allowed to proceed, especially in light  
15 of other issues regarding the Broadway  
16 Triangle rezoning. And there are -- I  
17 just have serious concerns with what that  
18 presents to us. Because "allowed" means  
19 that for some reason, because of another  
20 development that this developer has  
21 developed, and other agreements that this  
22 developer has or has not entered into with  
23 other communities or communities here in  
24 this neighborhood, that they should not be  
25 allowed to proceed with what the law

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2 allows them to do.

3 In other words, we should be using  
4 our discretion to say, No, until you do X,  
5 Y, Z, you cannot proceed with this  
6 proposal or the City won't allow you to  
7 proceed with this proposal. And that, by  
8 definition, is arbitrary and capricious.  
9 That's saying because of some unrelated  
10 application or unrelated proposal, you  
11 are -- we are not going to allow you your  
12 right, as a property owner -- any property  
13 owner has the right to apply for a  
14 rezoning as they see fit. The City  
15 Planning Commission has the responsibility  
16 of determining the appropriateness of that  
17 and that is obviously what this process is  
18 for.

19 The other issue that Council member  
20 Reynoso mentioned is, and perhaps even  
21 more concerning, is until the Broadway  
22 Triangle litigation is resolved this ought  
23 not be allowed to move forward. Again,  
24 the word "allowed." That is not at all  
25 related to this particular proposal. This



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2 developer was not a party to the Broadway  
3 Triangle rezoning, it was a rezoning put  
4 forward by the City of New York, has been  
5 under injunction since 2012, and under a  
6 temporary restraining order since 2009.

7 They -- it is entirely inappropriate  
8 to condition one developer's ability to  
9 move forward on a parcel that they own, to  
10 condition that on the resolution of while  
11 an adjacent rezoning action, not one that  
12 this developer was a party to. Again,  
13 that's arbitrary and capricious. We  
14 cannot, we cannot do that. We cannot say,  
15 We don't like you as a developer.

16 To be totally candid, there are a lot  
17 of developers I don't like. There are a  
18 lot of developers that I'm angry at,  
19 frustrated with, I feel have lied to me,  
20 have not done right by the communities  
21 that they've built in. Unfortunately,  
22 that exists. We cannot say that due to  
23 that reason or because they did not live  
24 up to a commitment, that even another  
25 developer that previously owned the

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2 property made, that we would then not  
3 allow them to move forward on an unrelated  
4 application.

5 I mean, just to use the -- go back to  
6 the example of Domino for a moment. If I  
7 were to apply this standard to another  
8 developer, I would say that Two Trees, I  
9 would oppose any rezoning application that  
10 they put forward just based on the fact  
11 that they didn't live up to that  
12 30 percent commitment that CPRC made. I  
13 can't do that in good conscience. I can't  
14 do that as a public official in good  
15 conscience.

16 So while I appreciate people here  
17 making their position known, making their  
18 voice heard, and I think that they are  
19 exercising their right as citizens, and  
20 they're doing their job as community  
21 activists. Shutting down the process  
22 is -- it betrays who we are as a city and  
23 as communities.

24 And so I appreciate productive  
25 dialogue and engagement in the structures

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2 in which we have set up to discuss these  
3 things. We have a representative  
4 democracy here in New York City. Both  
5 myself and Councilman Reynoso were elected  
6 to represent our constituents, and have a  
7 fiduciary responsibility the City at  
8 large. We owe it to those communities to  
9 allow the process to continue, and use the  
10 various public review points along the  
11 process to voice objections or opinions or  
12 affirmation or support. But to shut it  
13 down is a betrayal of who we are as a city  
14 and where we ought to be as communities.

15 And I think that we -- this is a --  
16 now we're looking at a very challenging  
17 time in this country over the next few  
18 years, and we should lead by example here  
19 to say that truly the rule of law is  
20 paramount. Thank you.

21 MS. ABINADER: Thank you for your  
22 comments. If you'd like to submit written  
23 testimony, we'll accept it through  
24 November 21st.

25 Are there any other appointed or

1 11/9/16 - Pfizer Sites Rezoning Proposal  
2 elected officials who wish to speak or  
3 Community Board representatives who filled  
4 out a speaker card?

5 (No response.)

6 MS. ABINADER: If not, we'll proceed  
7 with the third part of the meeting where  
8 we will accept comments from the general  
9 public.

10 Please note that we are going to  
11 limit comments to three minutes, and we  
12 will ring a bell at the end of the three  
13 minutes.

14 Our first speaker is David Niederman.  
15 If you could please come to the  
16 microphone.

17 Following David Niederman, will be  
18 Melissa Chapman and Max Height.

19 MR. NIEDERMAN: Thank you very much.

20 And I can only say I echo the  
21 sentiments of the Councilman for the  
22 process to proceed. Because we can only  
23 look forward and see what has happened  
24 over the past few years that project has  
25 stalled. Everybody in the community and

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2 surrounding communities fail because they  
3 cannot benefit off affordable housing that  
4 would have been built and wouldn't be  
5 standing, and everybody would have an  
6 equal opportunity to participate. And  
7 that is terrible, especially in a time  
8 when we see so many projects pull out and  
9 do just as of right, because they don't  
10 like one set of rules or the others.

11 So this process, which is the  
12 scoping, which is in the rezoning, is the  
13 process that will ensure that the concerns  
14 you heard and you will hear will be  
15 addressed. Everybody will be -- can beat  
16 any segregation, it's housing for  
17 everybody. And we thank you for going  
18 forward with the process. Thank you.

19 MS. ABINADER: Thank you.

20 Our next speaker is Melissa Chapman,  
21 followed by Max Height.

22 MS. CHAPMAN: Hi. Good morning, I'm  
23 Melissa Chapman, and I serve an a senior  
24 vice president for public affairs at the  
25 Brooklyn Chamber of Commerce.

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2 The Brooklyn Chamber is a  
3 membership-based, business assistance  
4 organization that represents the interest  
5 of over 2,100 member businesses, as well  
6 as other businesses across the borough of  
7 Brooklyn.

8 Today I'm presenting testimony on  
9 behalf of our president and CEO, Carlos A.  
10 Scissura. I want to thank you for  
11 convening today's hearing, which speaks to  
12 solicit feedback from the community, as  
13 well as other stakeholders about Rabsky  
14 Group's plan to transform the dormant and  
15 unused Pfizer site into a mixed-use  
16 development.

17 As a leading voice of the Brooklyn  
18 business community, we see this project as  
19 a unique opportunity to address one of the  
20 top obstacles to doing business in the  
21 borough, which is finding available  
22 commercial and residential space.

23 In our 2015 member issue survey, over  
24 60 percent of respondents identified this  
25 as a serious problem. Business owners are

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2 having a difficult time finding suitable  
3 commercial space to launch or expand,  
4 whereas affordable housing options for  
5 both employers and employees are rapidly  
6 decreasing. This project will effectively  
7 address some of these issues with the  
8 inclusion of 1,146 residential units and  
9 64,807 square feet of neighborhood retail  
10 space.

11 When completed, it is expected to  
12 fulfill the de Blasio administration's  
13 vision to create mixed-income housing for  
14 all New Yorkers. It would be among the  
15 first privately-owned and financed  
16 development to comply with the recently  
17 enacted Mandatory Inclusionary Housing  
18 requirement.

19 Currently there are more than 27,000  
20 people in New York City on wait lists for  
21 public housing and lotteries for  
22 privately-owned subsidized housing that  
23 draws very high numbers of applicants.  
24 Advancing this project will help to  
25 effectively address the urgent need for

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2 more affordable housing options in  
3 Brooklyn.

4 The square footage reserved for  
5 retail space will be a welcomed feature  
6 for the businesses looking to relocate  
7 and/or expand. This will, in turn, create  
8 jobs, opportunities to residents, and also  
9 offer them a wider variety of options for  
10 shopping. Overall, the retail addition  
11 will increase the quality of life to  
12 people in the area. To this end, the  
13 project will also include 26,000 square  
14 feet of open space and parking to  
15 accommodate 405 vehicles.

16 Further, the positive local impact of  
17 hundreds of construction jobs that this  
18 project will create cannot be  
19 underestimated. We hope that you will  
20 join us in supporting this and similar  
21 mixed-use projects across New York City,  
22 as they will generate much needed jobs and  
23 affordable housing for New Yorkers.

24 Thank you for the opportunity to  
25 testify in this matter.



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2 MS. ABINADER: Thank you. If you'd  
3 like to submit your written testimony,  
4 we'll accept it.

5 Our next speaker is Max Height,  
6 followed by Cesar Rodriguez and Bryant  
7 Brown.

8 MR. HEIGHT: Good morning.

9 The Real Estate Board of New York is  
10 a trade association with 17,000 members  
11 comprised of owners, builders, brokers,  
12 managers, and other professionals active  
13 in real estate New York. We're here today  
14 to provide comment on the Pfizer sites  
15 rezoning.

16 The proposed rezoning consists of two  
17 blocks bound by Harrison Avenue, Union  
18 Avenue, and Gerry Street. The total  
19 rezoning is 191,217 square feet and it's  
20 zone M3-1, which allows for low  
21 performance manufacturing. The area is  
22 also well served by transit, as it is  
23 located within blocks of the G, J, and M  
24 trains.

25 The rezoning addresses several key

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2 and interrelated issues that our city  
3 faces today. The proposed development  
4 will produce approximately 1,146  
5 residential units, 287 of which would be  
6 affordable, complying with the City's new  
7 Mandatory Inclusionary Housing policy.  
8 The addition of these new units helps  
9 address our city's chronic housing crisis.

10 The development will also include  
11 26,000 square feet of dedicated publicly  
12 accessible open space and 65,000 square  
13 feet of local retail and 405 parking  
14 spaces.

15 In defining the scope of the  
16 Environmental Impact Statement, we ask  
17 that the Department of City Planning  
18 analyzes the following elements of the  
19 proposed plan so that this rezoning can  
20 proceed through the public review process  
21 without any ambiguity. With over 1.1  
22 million square feet of residential  
23 development, it is important that the  
24 Department analyzes impacts on transit,  
25 schools, local businesses, and open space.

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2 Further, because Pfizer operated  
3 pharmaceutical production facilities on  
4 the site, the scope should consider  
5 environmental site conditions to ensure  
6 the safety of both the surrounding  
7 communities during correction and the new  
8 residents that will inhabit the building.  
9 Thank you.

10 MS. ABINADER: Thank you. If you'd  
11 like to submit your written testimony,  
12 we'll accept it at this time.

13 Our next speaker is Cesar Rodriguez  
14 followed by Bryant Brown.

15 Cesar Rodriguez?

16 (No response.)

17 MS. ABINADER: Bryant Brown.

18 MR. BROWN: Good morning. Hello, my  
19 name is Bryant Brown, and I'm here  
20 testifying on behalf of over 1,000 32BJ  
21 members who live or work in the  
22 Williamsburg area.

23 32BJ is the largest property service  
24 union. We represent 70,000 building  
25 service workers in New York City,

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2 including workers in residential building  
3 like the one being proposed at the Pfizer  
4 site.

5 The Draft Scope of Work states that  
6 the proposed project will not affect  
7 conditions within any specific industry.  
8 As a result, it declares any further  
9 assessment of the projects affect on jobs  
10 unnecessary. This decision irresponsibly  
11 ignores the buildings potential affect on  
12 the residential building service industry.

13 32BJ members maintain, clean, and  
14 provide security services in residential  
15 buildings all across the five boroughs.  
16 Where we represent workers, these building  
17 service jobs have long offered New Yorkers  
18 wages and benefits that allow workers and  
19 their families to live, work, and succeed  
20 in the city.

21 32BJ's work has made fairly  
22 sustaining wages and benefits to recognize  
23 industry standards in New York City  
24 residential buildings. In any individual  
25 residential building there may only be

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2 five or ten workers, but across New York  
3 City over 33,000 workers hold these high  
4 quality jobs.

5 Brooklyn is in the midst of a  
6 residential building boom. In  
7 Williamsburg and Downtown Brooklyn alone,  
8 50 new buildings are slated to open  
9 between now and 2019. These buildings can  
10 create good jobs for Brooklyn residents  
11 and support an industry that has  
12 historically created middle class jobs for  
13 many New Yorkers. But unless we're  
14 careful, the new buildings will undermine  
15 industry standards that 32BJ has fought  
16 hard for and create poverty wages that are  
17 bad for community members.

18 Any investigation of the  
19 socioeconomic impact of this project  
20 should consider whether the development  
21 will sustain or undermine wage standards  
22 in the building service industry. Thank  
23 you.

24 MS. ABINADER: Thank you.

25 Is there anyone else who wishes to

1 11/9/16 - Pfizer Sites Rezoning Proposal  
2 speak on this matter that has filled out a  
3 speaker card?

4 (No response.)

5 MS. ABINADER: Again, we ask that  
6 anyone who wishes to speak, please fill  
7 out a speaker card. Anyone else?

8 (No response.)

9 MS. ABINADER: If there's no one else  
10 who wishes to be heard on the project, we  
11 will close the meeting.

12 I'd like to remind everyone that  
13 written comments will be accepted through  
14 Monday, November 21st, and the contact  
15 information is available on the Department  
16 of City Planning website and the scoping  
17 protocol.

18 The meeting is now adjourned. Thank  
19 you.

20 (Time noted: 11:04 a.m.)

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C E R T I F I C A T E

STATE OF NEW YORK            )  
  :                    ss.:  
COUNTY OF QUEENS            )

I, NICOLE ELLIS, a Notary Public for and within  
the State of New York, do hereby certify:

I reported the proceedings in the within-entitled  
matter, and that the within transcript is a true  
record of such proceedings.

I further certify that I am not related to any of  
the parties to this action by blood or by marriage  
and that I am in no way interested in the outcome of  
this matter.

IN WITNESS WHEREOF, I have hereunto set my hand  
this 16th d \_\_\_\_\_ 6.

*Nicole Ellis*

\_\_\_\_\_

NICOLE ELLIS

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OFFICE OF THE BROOKLYN BOROUGH PRESIDENT

November 21, 2016

**ERIC L. ADAMS**

President

Mr. Robert Dobruskin  
Director  
Environmental Assessment and Review Division  
New York City Department of City Planning  
22 Reade Street, Room 4E  
New York, NY 10007

Dear Mr. Dobruskin:

I am writing to submit comments in response to the proposed scope of work for the Draft Environmental Impact Statement (DEIS) for the Pfizer sites.

Enclosed are my formal comments on the Draft Scope of Work. These comments take into consideration matters pertaining to child care centers, climate change, energy, greenhouse gas emissions, indirect residential displacement, parking, pedestrians, subway, traffic, transit, storm water and wastewater infrastructure, and urban design and visual resources.

As the proposal moves forward through the ULURP process, I expect there will be nearby residents who would continue to voice concerns regarding the risk for displacement and the extent of opportunity to obtain affordable housing through the proposed development. The DEIS might shed thoughtful consideration of such concerns.

If there are any questions, please feel free to contact Richard Bearak, my director of land use, at (718) 802-4057.

Thank you for your consideration.

Sincerely,

Eric L. Adams  
Brooklyn Borough President

Enc.

cc.: Honorable Stephen Levin, council member, 33<sup>rd</sup> District  
Dealice Fuller, chair, Community Board 1  
Gerald Esposito, district manager, Community Board 1  
Winston Von Engel, Brooklyn office director, New York City Department of City Planning

**Comments of Brooklyn Borough President Eric L. Adams  
In Response to the Proposed Scope of Work for the  
Draft Environmental Impact Statement for the Pfizer Sites**

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**E. PROPOSED SCOPE OF WORK FOR THE EIS**

**Task 1. Project Description Task 2. Land Use, Zoning, and Public Policy**

No Comment

**Task 3. Socioeconomic Conditions**

**Indirect Residential Displacement**

The assumption that rent-stabilized units are not at risk for displacement should not qualify as a reasonable worst case assumption. The fact that apartments are rent-stabilized is not a legal deterrent to preclude lawful demolition. There is at least one known example of a development site along Fourth Avenue in Park Slope, which resulted in the vacating of rent-stabilized tenants in adjacent, multiple dwelling buildings for the purpose of demolishing the multi-unit buildings development.

Section 9 NYCRR 2524.5 of the Rent Stabilization Code allows a property owner of a rent-stabilized building to not renew the lease of a rent-stabilized tenant on the grounds that the property owner intends to demolish the building. Approval from New York State Division of Housing and Community Renewal (DHCR) is subject to approved plans for future development as well as proof of financial ability to complete the project, and also agree to pay tenants relocation expenses and a stipend according to established formulas. This strategy was well-publicized at a June 2016 real estate summit in Brooklyn. Therefore, the documentation of such underdeveloped rent-stabilized buildings should be accounted for in developing assumptions for the possibilities of induced indirect displacement.

Therefore, it has been demonstrated that it is reasonable to account for rent-stabilized buildings where zoning floor area utilization is less than half of the permitted floor area. The presentation study area characteristics shall include a screening for housing units that are rent regulated. A further screening should determine the extent of the permitted zoning floor area being utilized in comparison to zoning floor area permitted. For such zoning lots developed to half or less of the permitted floor area, the analysis should assume that these zoning lots are future development sites. These sites should include an estimate of the number of housing units subject to rent protection that might be at risk for demolition and the resulting residential displacement.

**Task 4. Community Facilities and Services**

**Child Care Centers**

Per the first bulleted task, the description of each child care facility pertaining to existing child care centers should note whether the location is City-owned or leased (including the number of years remaining on the lease), year, and extent of capital improvements and available floor area.

**Task 5. Open Space Task 6. Shadows Task 7. Historic and Cultural Resources**

No Comment

### **Task 8. Urban Design and Visual Resources**

To assess the possible effects on urban design and visual resources for the potential changes, representation through graphic material should be depicted along sidewalks at eye level in order to focus on the pedestrian's experience. Views should include the perimeter of the sites (Gerry Street, Harrison Avenue, Union Avenue, Wallabout Street, and Walton Street).

### **Task 9. Hazardous Materials**

No Comment

### **Task 10. Water and Sewer Infrastructure**

#### **Wastewater and Stormwater Infrastructure**

It is Borough President Adams' policy to promote a resilient and sustainable Brooklyn, and he believes that maximum consideration should be given to diverting stormwater runoff from the Newtown Creek Wastewater Treatment Plant (WWTP). As the directly affected service area is the WWTP, With-Action conditions should also disclose opportunities for reduction based on the possibility of the building roofs integrating green and blue water roof treatments as well as incorporating curbside bioswale stormwater management infrastructure.

### **Task 11. Energy**

The analysis should discuss the potential for lessening demand through Passive House construction and identify opportunities where building heights would permit the installation of rooftop micro wind turbines as permitted obstructions and/or opportunity for rooftop solar energy installation and/or geothermal generation, as a means to offset the amount of energy consumption during long-term operation.

### **Task 12. Transportation**

#### **Traffic**

Analysis for traffic conditions should include four additional intersections, including the remainder of the project's perimeter of Walton Street at Union Street (signalized), Walton Street at Harrison Avenue (unsignalized), and at key intersections to and from the development project at both Union Avenue at Broadway (signalized) and Flushing Avenue at Broadway (signalized).

Per the first bulleted task, consideration should be given as to whether weekend detailed analysis is most impactful on a Sunday midday period as opposed to a Saturday midday period given the population within a segment of the study area who do not utilize motor vehicles in observance of religious practice.

#### **Parking**

Regarding on-street parking space availability, parking accumulation profiles for the project area should take into consideration an overnight period both mid-week overnight and a weekend overnight.

### **Transit**

It should be confirmed that the preliminary demand forecast for the reasonable worst case development scenario accounts for both the BMT's 14<sup>th</sup> Street – Canarsie Local L Line service being suspended between the Bedford Avenue station and Manhattan. In addition, the forecast should assume that street stairs and fare controls at the northern end of the IND Brooklyn-Queens Crosstown Local G Line service at Flushing Avenue will be restored. It should be determined whether having such improved access to the Flushing Avenue station might divert enough trips from the Lorimer Street station to warrant analysis at the Flushing Avenue station.

### **Subway**

Depending on confirmation of the preliminary demand forecast, in addition to analysis of the Lorimer Street subway station, there might be a need to include analysis of the Flushing Avenue subway station.

Per the second bulleted task, known developments should include the re-routing of a segment of L train riders to the Myrtle Avenue Local M Line in terms of establishing available train car capacity for trains entering the Lorimer Street station.

At all subway stations to be analyzed, analysis should identify opportunities to re-open any inactive entrances/exits and whether there are opportunities to upgrade capacity through the installation of High Entrance/Exit Turnstyle (HEET) fare control elements.

### **Pedestrians**

Specific pedestrian facilities analyzed should be inclusive of United Talmudical Academy Girls School and IS 318 Eugenia Maria De Hostos and note opportunities to implement installation of sidewalk extensions (bulbouts/neck-downs), and other safe street infrastructure in proximity to these schools should be identified.

### **Task 13. Air Quality**

No Comment

### **Task 14. Greenhouse Gas Emissions and Climate Change**

Per the fourth bulleted task, alternative approaches should include Passive House construction, micro wind turbines, solar panels, and geothermal installation.

### **Task 15. Noise Task 16. Public Health Task 17. Neighborhood Character Task 18. Construction**

No Comment

### **Task 19. Mitigation**

To address possible transit impacts, the analysis should also include vetting of how reopening the northern stairwells and fare controls at the IND Brooklyn-Queens Crosstown Local G Line at Flushing Avenue, as well as the stairwell and fare control at the BMT Myrtle Avenue Local M Line at Lorimer Street station, at Broadway and Moore Street, to mitigate stairwell and fare control congestion.

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ZONING AND FRANCHISES

**ANTONIO REYNOSO**

COUNCIL MEMBER, 34<sup>TH</sup> DISTRICT, BROOKLYN and QUEEN

**Testimony to NYC Department of City Planning on Proposed Pfizer Rezoning  
11/9/2016**

Thank you for the opportunity to speak today on Rabsky Group's proposed development of the Pfizer site, located in the Broadway Triangle. As you are aware, we are reconvened here today because members of my community shut down the first scoping hearing due to their opposition of this project. I stand in solidarity with them and believe that their opposition is based on sound arguments that have merit and that should be closely considered by the Commission as they decide whether this project should move forward.

The Broadway Triangle is not in my district, but it is right across the street. This is truly a border area, not only between Council Member Levin's and my districts, but also on the borders of Brooklyn Community Districts 1, 3, and 4 – Williamsburg, Bedford-Stuyvesant, and Bushwick. These neighborhoods are all historically, and despite a recent influx of gentrification remain, low-income communities of color. I'm sure you are all familiar with the contentious history of this area, but I will reiterate it here because it explains my community's vehement opposition to this proposal.

In 2009, the Bloomberg administration rezoned the adjacent blocks of the Broadway Triangle, including both private and City-owned sites, from manufacturing to residential. The City's plan, developed with United Jewish Organizations and the Ridgewood-Bushwick Senior Citizens Council with **no public bidding process**, favored the construction of low-rise buildings with large unit sizes. This meant that the number of affordable housing units was not maximized, and the planned units were designed to favor those with large family sizes, particularly the Hasidic community primarily found in nearby South Williamsburg.

A coalition of churches, non-profit organizations, and tenant associations representing the surrounding communities of color in Williamsburg, Bushwick, and Bed Stuy successfully sued the City over this plan for violating Federal fair housing regulations. **The Judge found that the City's plan "[would] not only NOT foster integration of the neighborhood, but [would] perpetuate segregation in the Broadway Triangle."**

Despite ongoing negotiations with the City, the lawsuit has not been settled, and no new plan has been created for the area. The court issued an injunction on development of the

City-owned sites, yet development of the privately owned sites continues unabated, despite the fact that my community has long been advocating that any settlement of the lawsuit include a commitment from the City to create a truly inclusive, community-based plan for the entire Broadway Triangle area, including the privately owned sites. Instead, the City is allowing this development to move forward with no meaningful public input. Additionally, Rabsky Group has proven itself a terrible player in both Williamsburg and Bushwick, which I will describe in detail later.

These are the reasons why my community has thus far refused to participate in the limited public process available to them, aka this hearing. The substantive decisions about what will happen on this site have already been made by the City and the developer, with no consideration of the community's needs, no thought to the possibility of what a settlement of the aforementioned lawsuit would mean for this area, and no commitment from the City to its duty to affirmatively further Federal fair housing requirements.

Despite all of the above, the fact that we are here today at this rescheduled hearing indicates that the Department of City Planning is determined to move ahead with this proposal. So, I submit the following comments on the Draft Scope of Work for the project's environmental review, for the record:

### **Land Use and Zoning**

#### **Manufacturing Retention**

Thus far, my policy as a Council Member has been to encourage "zero-net-loss" for manufacturing-zoned land. I work very closely with Evergreen, the Industrial Business Solutions Provider that services manufacturing businesses in my district, and they tell me that they have a long list of potential tenants that are interested in industrial space. Yet many buildings and lots in manufacturing areas remain vacant due to speculation that residential rezoning is coming, thanks to the Department of City Planning's refusal thus far to make real commitments to strengthen protections for manufacturing zones.

The "no action" scenario outlined assumes that if this development does not happen, the property will remain vacant, and that the M3-1 zoning "would not support any active uses." It continues, "there have not been substantial new commercial, industrial, or manufacturing uses in this part of Brooklyn (apart from the reuse of the former Pfizer main plant building for commercial and light manufacturing space)." This downplays the importance of the Pfizer redevelopment at 630 Flushing, which includes about 30 tenants, from Cooper-Hewitt and Pratt Institute, to a number of small food businesses being incubated, all creating local jobs. Although I understand that affordable housing development is critical, the analysis should not downplay the potential for manufacturing retention. The Department is considering innovative ideas to accommodate both that could be explored.



### Zoning and Density

This was the crux of the issue in the 2009 rezoning, as I mentioned above. While Rabsky Group's proposal does include more density than the 2009 rezoning allowed, this plan still does not maximize potential density based on the context of the surrounding area. Lindsay Park, for example, is within the study area, and contains seven buildings at 22 stories each. This proposal maxes out at 14 stories, meaning once again the opportunity to build affordable housing here is not maximized.

What's worse, the analysis of household size once again does not meet the needs of the surrounding community. CEQR guidelines note that defined study areas may differ depending on the technical area being analyzed, and should be tailored accordingly. Yet the scope of work notes that the calculation for number of residents the project will house, and therefore the number of residents per unit, is based on an analysis of the census tracts within one-quarter-mile radius of the site, rather than considering the full range of communities impacted by the availability of this housing. This is particularly important because the average household size in a quarter-mile radius of the site is 3.55 residents per household, while the average household size is 2.44 people per household in CB1 and 2.6 people per household in CB3. Here again, we see a bias toward one community over others.

### Public Policy

Environmental review requires a description of any current and pending public policy and zoning actions that apply to the project and study area. This section MUST include acknowledgement of the 2009 rezoning, subsequent lawsuit, and potential for future development based on a settlement between the community and the City. Given this history, the developer should be held to a higher standard regarding HUD's requirement to ensure non-discrimination and equal housing opportunity.

### Socio-Economic Conditions

A focus on indirect residential displacement is crucial. It is clear that this project will result in substantial new population with different income and would accelerate an existing trend of changing socioeconomic conditions that may have the potential to displace a residential population and substantially change the socioeconomic character of the neighborhood, requiring a full analysis.

The more than 1,000 market-rate units planned for this site will surely exacerbate gentrification, which has not quite reached this area. This, along with the lack of guarantee that affordable units built will be accessible to residents of surrounding neighborhoods, must be considered. Mandatory Inclusionary Housing is a great tool to ensure that all new development includes affordable housing; however, it is only one tool in the toolbox available to developers. The needs of the low-income communities in nearby Southside Williamsburg, Bushwick, and Bed Stuy can only be achieved through deeper affordability than MIH provides. Rezoning this land from manufacturing to residential increases the property's value dramatically, and the City should not allow this action to simply translate into more profit for the developer. It should require more affordable housing at deeper

levels of affordability in exchange for this windfall.

### Open Space

The idea that this site is not located in an underserved area for open space is laughable. Brooklyn Community District 1 has one of the lowest open space ratios in the city. Both the 33<sup>rd</sup> and 34<sup>th</sup> Council Districts fall well below average for open space per 1,000 residents - the 33<sup>rd</sup> has 1 acre and the 34<sup>th</sup> has 0.3 acres, versus the citywide average of 2.9 acres per 1,000 residents. This development proposes 26,000 sq. ft. of privately owned, publicly accessible open space, yet its location within the site plan, in between the buildings, is likely to make it feel like the development's backyard. When I describe how Rabsky Group has treated communities in my district, you will understand my skepticism that they intend to allow the public in, despite the fact that there will be a restrictive declaration requiring it. DCP must create a mechanism to monitor this open space to ensure that it will truly be open to the public.

### Transit

The scoping document notes that this development is expected to increase subway trips by an average of 352 trips per day. The J train is already crowded, and this will only be exacerbated during the L train shutdown in 2019-2020, as this development comes online. The City MUST work with the MTA to open closed entrances along the J and G lines at nearby stations (Hewes, Lorimer, and Flushing on the J and Broadway on the G), and to make the transfer between the J at Lorimer and the G at Broadway permanently free.

### Issues with Rabsky Group

While this falls outside the scope of environmental review, it is important that the Department and the Commission be aware of issues my community has faced with Rabsky Group as a developer.

In 2013, the City Council passed a manufacturing-to-residential rezoning plan for the former Rheingold brewery site in Bushwick. A coalition of community-based organizations and residents negotiated an agreement with the developer, Read Group, which included a commitment to develop affordable housing at levels and unit sizes tailored to meet community need, as well as other community benefits, such as: regular communication with the coalition and Community Board 4; a local hiring program and union jobs; a partnership with a local non-profit to market the affordable housing units; and mitigation of construction and traffic impacts.

In August 2014, Rabsky Group purchased part of the rezoned Rheingold site from Read Group. **To date, Rabsky Group has followed through on NONE of the commitments agreed to with the community.** Only after the community held a march and a "sleep-out" protest at the site, did Rabsky Group commit in writing to developing any affordable housing at Rheingold, and it is still to-be-determined how much and what unit sizes will be built. Rabsky Group has categorically refused to engage with the coalition on any of the other commitments.

**Additionally, Rabsky Group has demonstrated illegal, even dangerous, behavior at other developments they own.** In November 2015, they were found to be illegally flouting rent stabilization requirements tied to 421-a tax breaks they received for a development in Williamsburg.<sup>1</sup> In October 2015, 37-year-old Eran Modan was crushed to death by an elevator in another Rabsky Group building in Williamsburg. The contractor hired by Rabsky for elevator maintenance had a death in another one of its elevators the previous year, and a questionable history of training its inspectors.<sup>2</sup>

**In short, my community does not trust Rabsky Group to keep its commitments, and feels strongly that they should not be allowed to profit off yet another manufacturing-to-residential rezoning, especially given that the Broadway Triangle lawsuit has yet to be settled.**

### **Conclusion**

The outcome of the Broadway Triangle lawsuit underscores the need for new development here to consider Federal fair housing requirements and for the Department of City Planning to ensure that new development does not further racial discrimination. **The Department testified at the related court hearing that it has no mechanism to evaluate racial segregation or whether or not its decisions meet the HUD requirement to ensure non-discrimination and equal housing opportunity. Here is an opportunity to change the model.** Given the history of this contentious area, we should see this site as an opportunity to ensure that any new development follows Federal guidelines and meets the needs of surrounding communities.

The issues I've established with Rabsky Group, and the concerns noted above that are already coming out in the scoping phase indicate that this proposal will exacerbate, not solve, the problems long established within the Broadway Triangle. I encourage the Department to stop this process now, go back to the drawing board, and work with the community to settle the lawsuit and create a comprehensive, community-based plan that truly meets the needs of surrounding communities and furthers the City's obligation to create housing that is fair and non-discriminatory.

Thank you for your time.

Sincerely,



Council Member Antonio Reynoso  
District 34

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<sup>1</sup> <https://www.propublica.org/article/nyc-landlords-flout-rent-limits-but-still-rake-in-lucrative-tax-breaks>

<sup>2</sup> [http://gothamist.com/2015/10/16/after\\_williamsburg\\_death\\_a\\_renewed.php](http://gothamist.com/2015/10/16/after_williamsburg_death_a_renewed.php)

The Broadway Triangle has gone through a lot of pulling and tugging over the last few years. Affordable Housing was promised and yet, that promise was shattered; shattered by the idea of a development that segregates the very people of the community. Excluding the people that have endured these neighborhoods during their darkest hour; the very people who have made the community what it is today.

Im sure we are all aware of how much of a melting pot nyc is; the problem is that some folks forget that; they tend to forget that we live under the same sky; breathe the same air. Why must we constantly fight so hard over a basic human right? When put in perspective, is fairness something that is truly too much to ask for? In the end, we all want the same thing; to just.....simply live in comfort.

Rabsky! We hope that you realize that the people who stand before you are frustrated over the lack of fairness that occurs time and time again. We are here before you because we demand a basic human right; Affordable Housing. Please, understand that all we want is housing that caters to us all. Please consider the struggle that we have all endured for this basic human right. To rabsky and any other developer who is in favor of ridding us all.

Know, that we, are many. The voice of the community will continue to echo; if these injustices continue, you can bet that we will be on the frontlines as many times as we have to. Because at the very least, none of us, are going down without a fight.

The people, united, will never be defeated.



**Testimony of Bryant Brown  
SEIU 32BJ  
Pfizer Site Scoping Comments  
November 8, 2016**

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Good morning. My name is Bryant Brown. I am here today testifying on behalf of over a thousand 32BJ members who live or work in residential buildings in the Williamsburg area. 32BJ is the largest property service union. We represent 70,000 building service workers in New York City, including workers in residential buildings like the one being proposed at the Pfizer site.

The Draft Scope of Work states that the proposed project will not affect conditions within any specific industry. As a result, it declares any further assessment of the project's effect on jobs unnecessary. This decision irresponsibly ignores the building's potential effect on the residential building service industry.

32BJ members maintain, clean, and provide security services in residential buildings all across the five boroughs. Where we represent workers these building service jobs have long offered New Yorkers wages and benefits that allow workers and their families to live, work, and succeed in this city. 32BJ's work has made family-sustaining wages and benefits the recognized industry standard in New York City residential buildings. In any individual residential building there may only be five or ten workers, but across New York City over 33,000 workers hold these high-quality jobs.

Brooklyn is in the midst of a residential building boom. In Williamsburg and Downtown Brooklyn alone, 50 new buildings are slated to open between now and 2019. These buildings can create good jobs for Brooklyn residents and support an industry that has historically created middle-class jobs for many New Yorkers. But, unless we are careful, the new buildings will undermine the industry standards that 32BJ has fought hard for and create poverty wages that are bad for community members. Any investigation of the socioeconomic impact of this project should consider whether the development will sustain or undermine wage standards in the building service industry. Thank You.



November 9, 2016

**Written testimony submitted to the NYC Department of City Planning, in relation to the Pfizer Sites Rezoning**

Good Morning, I'm Melissa Chapman, Senior Vice President for Public Affairs at the Brooklyn Chamber of Commerce (BCC). I am delivering testimony on behalf of Carlo A. Scissura, President and CEO of BCC.

BCC is a membership-based, business assistance organization that represents the interests of over 2,100 member businesses as well as other businesses across Brooklyn. The Brooklyn Alliance is the not-for-profit economic development organization of the Chamber, which works to address the needs of businesses through direct assistance programs and services.

Thank you for convening today's hearing, which seeks to solicit feedback from the community, as well as other stakeholders, about the Rabsky Group's plan to transform the dormant and unused Pfizer site in Williamsburg, into a mixed-use development.

As the leading voice of the Brooklyn business community, we see this project as a unique opportunity to address one of the top obstacles to doing business in the borough, which is finding available commercial and residential space. In our 2015 Member Issues survey, over 60% of respondents identified this as a serious problem. Business owners are having a difficult time finding suitable commercial space to launch or expand; whereas, affordable housing options for both employers and employees are rapidly decreasing.

This project will effectively address some of these issues with the inclusion of 1,146 residential units and 64,807 square feet of neighborhood retail space. When completed, it is expected to fulfill the de Blasio administration's vision to create mixed-income housing for all New Yorkers. It would be among the first privately owned and financed developments to comply with the recently enacted mandatory inclusionary housing requirement. Currently, there are more than 270,000 people in New York City on waitlists for public housing, and lotteries for privately-owned, subsidized housing draw a very high number of applicants. Advancing this project will help to effectively address the urgent need for more affordable housing options in Brooklyn.

The square footage reserved for retail will be a welcome feature for businesses looking to re-locate and/or expand. This will in turn create job opportunities for residents, and also offer them a wider variety of options for shopping. Overall, the retail addition will increase the quality of life for people in the area. To this end, the project will also include 26,000 square feet of open space, as well as parking to accommodate 405 vehicles. Further, the positive, local impact of the hundreds of construction jobs that this project will create cannot be underestimated.

We hope that you will join us in supporting this, and similar mixed-use projects across New York City, as they will generate jobs much needed jobs, and affordable housing options for New Yorkers.

Thank you for the opportunity to testify in this matter.



Ms. Olga Abinader  
Deputy Director, Environmental Assessment and Review Division  
Department of City Planning  
120 Broadway, 31<sup>st</sup> floor  
New York, NY 10271

November 17, 2016

Dear Ms. Abinader and Planning Commission members,

El Puente respectfully submits this testimony in regard to the proposed Pfizer sites rezoning (CEQR # 15DCP117K). El Puente is a 35 year-old community human rights institution, and an active member of the Broadway Triangle Community Coalition, and as such, we are deeply concerned about the likely further violation of fair housing rights if this development is approved.

The eight buildings that the developer desires to construct will be located within the Broadway Triangle, an area that borders Community Districts 1, 3, and 4. This area has been targeted, both by the City and developers, as a place to build segregated housing. When the City rezoned the adjacent blocks of the Broadway Triangle in 2009, they worked with the non-profit organizations United Jewish Organizations and Ridgewood-Bushwick Senior Citizens Council to plan housing developments that were designed to favor one community – the orthodox Jewish Hasidic community - over others. A judge deemed this plan to be in direct violation of the Fair Housing Act. For this reason the judge issued an injunction on development of City-owned sites. Based on the developer's draft scope of work for an EIS, this proposal also shows preference towards one community, therefore, continuing the longstanding history of housing segregation within the Broadway Triangle.

The Draft-Scope of work mentions that the 1,147 units would have, under the RWCDs with-action scenario, an average of approximately 3.55 residents per household. In other words, the units will be populated by approximately 4,072 residents. The developer used the average household size for census tracts within a quarter-mile radius. We suspect that the developer used this census figure to give residential preference to a community that tends to have bigger families (i.e. the Hasidic community), considering that the average household size is 2.44 people per household in CB1 and 2.6 people per household in CB3. The developers, the Rabsky Group, should be required to provide information regarding how many 1-unit, 2-unit, or 3-unit apartments would be available, to enable the community to make a fuller, more accurate assessment of whether they are trying to discriminate. Given the track record



of this developer and the patterns of development in this area, the decision to withhold this information indicates intent to discriminate.

El Puente believes the Department of City Planning should halt this process until the developer is willing and able to completely meet the needs of the community. Considering the historical context of the Triangle, DCP should delay further consideration of this development until the litigation reaches a settlement. In the case that the City still moves on with Rabsky's development plans, we ask that constant reporting, by Rabsky, be done with CB1 and CB3 to keep us up to speed with any updates involving the development. This is a request the community made of Rabsky in relation to their Rheingold development, which they refused to honor.

Lastly, this administration has the opportunity and obligation to break with the flawed rezoning policies of the previous administration, which passed massive rezonings despite legitimate community concerns, and set the stage for rapid development along our waterfront without offering any substantial affordable housing for our community. Furthermore, those rezonings left our community with a deficit of affordable housing and a recent history of displacement, especially of Latino and black families, that must be considered and addressed.

Sincerely,

Sarita Daftary-Steel  
Program Director, El Puente Green Light District



I am David Dobosz, a deacon at St. John the Evangelist Lutheran Church, across from Williamsburg Houses for about 170 years. Our parish Social Action Committee is a committed plaintiff in the lawsuit that got the injunction against the City to supposedly end any further exclusionary housing in the Broadway Triangle. But we have not seen that injunction honored by the City, Mr. Mayor. That is why today, November 16, 2016, we protest the City's plan to rezone land in the Broadway Triangle for a not-for-us Rabsky development.

Our nation's Pledge of Allegiance declares that our government is first of all "under God". It then affirms that the moral arc of the universe curves towards "liberty and justice for all", not just for some. What does this pledge mean to you, Mr. Mayor? Shocking as it is, there are still zero, zero and zero new affordable housing units for any Black, Latino or Asian families in this Triangle, not on public land, not on private land. What happened to your promise, Mr. Mayor? In violation of the injunction, you continue a policy of exclusion that produces more and more segregation and inequality. This is not development on behalf of liberty and justice for all!

Oh yes, truth be told: One of our members finally did win a lottery for an affordable apartment. Joy on the block? No! The apartment is in Buffalo, not in NYC. St. John's has already lost 50% of its Black and Latino members to housing displacement. And now we are ducking still another wave, your wave of this blatant injustice, Mr. Mayor. According to research by Brooklyn Legal Services, Corporation A, Black and Latino families and their seniors occupy only 20% of Williamsburg's affordable housing. Who owns the 80%, Mr. Mayor? This looks more like Jim Crow than liberty & justice for all. You can read all about it in the new book, "Zoned Out". But you are forcing us to live it.

Everywhere we apply, we are Zoned Out! Zoned out by market rate, Zoned Out by lottery competition, Zoned Out by too narrow a slice of the AMI. Zoned Out because we have the wrong ethnicities, Zoned Out because we don't have the same religious beliefs or leadership. Zoned Out by official injustice. Zoned Out from a community voice before the corrupt billionaire and millionaire developers get the City's ear. And Zoned Out once again in the Broadway Triangle, this time by another, not-for-us Rabsky development, instead of our community-based plan benefiting all, including diverse small businesses and light industry, as well as public space.

Rabsky ignores the Black and Latino community, and you plan to reward him today with a rezoning? For what return, Mr. Mayor, votes? Why are developers like Rabsky so sure of your approval that they arrogantly reveal their not-for-us plans, as if it's a done deal? It's way too late now for honest community input, Mr. Mayor. This new exclusion is exactly what caused our lawsuit in the first place: Justice is for all, not just some. The Triangle would now be an integrated neighborhood of Blacks, Latinos, Asians and Hasidics, if the City believed that all citizens are truly created equal. CUFFH integrated Cook St. Houses, and Los Sures oversaw the affordable apartments at Schaefer Landing for all, not just for some. So why continue to segregate the BT?

True progressives do not play politics with sacred human rights, Mr. Mayor. So, we aren't moving our congregation up to Buffalo and let you have your way! The line in the sand is right here! And we will continue to fight by any non-violent means necessary, just like the abolitionists Harriet Tubman and Frederick Douglass did. We tremble not; we fear no ill from your pathetic Jim Crow legacy. In the end the abolitionists won, Mr. Mayor. And so will we, as well. Why? Because they, like we, firmly believed that our nation is, indeed, one nation, under God, indivisible, with liberty and justice for all. We are past due for a justice revolution and a rebirth of freedom in New York City! Thank you.

David Dobosz, Deacon  
Spokesperson, Social Action Committee  
Lutheran Church of St. John the Evangelist  
195 Maujer St.  
Brooklyn, NY 11206



# COMMUNITY BOARD NO. 1

435 GRAHAM AVENUE – BROOKLYN, NY 11211

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HON. ERIC L. ADAMS  
BROOKLYN BOROUGH PRESIDENT



RABBI ABRAHAM PERLSTEIN  
FIRST VICE-CHAIRMAN

DEL TEAGUE  
SECOND VICE-CHAIRPERSON

STEPHEN J. WEIDBERG  
THIRD VICE-CHAIRMAN

MARIA VIERA  
FINANCIAL SECRETARY

ALMA SAVOIA  
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PHILIP A. CAPONEGRO  
MEMBER-AT-LARGE

DEALICE FULLER  
CHAIRPERSON

GERALD A. ESPOSITO  
DISTRICT MANAGER

HON. STEPHEN T. LEVIN  
COUNCILMEMBER, 33<sup>rd</sup> CD

HON. ANTONIO REYNOSO  
COUNCILMEMBER, 34<sup>th</sup> CD

September 16, 2016

Mr. Carl Weisbrod  
Director  
NYC Department of City Planning  
120 Broadway  
31st Floor  
New York, NY 10271

**RE: Comments for Pfizer Sites Rezoning  
Draft Scope of Work for an E.I.S.**

Dear Mr. Weisbrod:

Please be advised that at the regular meeting of Brooklyn Community Board No. 1 held on September 14, 2016 the board members reviewed the attached report and voted unanimously to support the comments and to submit them to the Department of City Planning for the scoping meeting. The vote was as follow: 34 “YES”; 0 “NO”; 0 “ABSTENTIONS”; 0 “RECUSALS”.

**PFIZER SITES REZONING  
DRAFT SCOPE OF WORK FOR AN ENVIRONMENTAL IMPACT STATEMENT  
(E.I.S.) CEQR No. 15DCP117K, ULURP No. N150277ZRK & 1502787ZMK**

**Task 1. PROJECT DESCRIPTION - No comment.**

**Task 2. LAND USE, ZONING AND PUBLIC POLICY –** The subtasks in this task should be more explicit and should include an analysis of the association of this proposed rezoning with the Broadway Triangle Urban Renewal Area.

**Task 3. SOCIOECONOMIC CONDITIONS** – The analysis should include a study of what steps need to be taken to comply with the Federal Fair Housing Act requirements to reduce/ameliorate the shocking racial separations in the immediate area, specifically that the population of Community District #1 is only about 5% African-American/Black, while the adjoining Community District #3 is between 75-90% African-American/Black, with Flushing Avenue being the effective racial barrier between the two.

The analysis should include what impacts the proposed re-zoning will have on commercial/industrial development in the area, particularly in light of the over-occupancy and demand for such space for start-ups, etc. in the Navy Yard building(s).

The residential displacement analysis should be expanded to address the impact on the existing Rent Stabilized tenant populations surrounding the proposed re-zoning area.

#### **Task 4. COMMUNITY FACILITIES**

- **Public Schools** - The analysis should include the impact that the re-zoning would have on the high schools in Community Boards #1 and #3.

- **Libraries** – no comment.

- **Child Care Centers** – The analysis should include a disclosure of the lease terms for the day care facilities in the area, and whether we are at risk of losing leases beyond the 2019 EIS cut-off date.

**Task 5. OPEN SPACE** – The open space areas/provisions have not been defined. However, at such time as they are defined, the developer should have to address the plan for the upkeep, supervision, and enforcement of public safety measures.

**Task 6. SHADOWS** – no comment.

#### **Task 7. HISTORIC AND CULTRAL RESOURCES**

- **Architectural Resources** – no comment.

- **Archaeological Resources** – no comment.

**Task 8. URBAN DESIGN AND VISUAL REOURCES** – no comment.

**Task 9. HAZARDOUS MATERIALS** – no comment.

**Task 10. WATER AND SEWER INFRASTRUCTURE**

- **Water Supply** – no comment.

- **Wastewater and Stormwater Infrastructure** – no comment.

**Task 11. ENERGY** – no comment.

**Task 12. TRANSPORTATION** – The analysis should take into consideration the ongoing transportation studies for the entire area.

Given limited access to the G train at the Flushing Avenue stop, the analysis should describe the station elements of that location, including street stairs and fare control areas.

With respect to the JMZ lines, the 2019 analysis should take into account the proposed closure of the L train.

In light of the diversity of religions observed in the area, the traffic studies should include Sundays in addition to Saturdays.

**Task 13. AIR QUALITY** – no comment.

**Task 14. GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE** – no comment.

**Task 15. NOISE** – no comment.

**Task 16. PUBLIC HEALTH** – no comment.

**Task 17. NEIGHBORHOOD CHARACTER** – no comment.

**Task 18. CONSTRUCTION** – no comment.

**Task 19. MITIGATION** – no comment.

**Task 20. ALTERNATIVES** – no comment.

**Task 21. SUMMARY EIS CHAPTERS** – no comment.

**Task 22. EXECUTIVE SUMMARY** – no comment.

Working for a Better Williamsburg-Greenpoint.

Sincerely,



Dealice Fuller  
Chairperson

DF/mbw

Attachment: 1

cc: Syed Ahmed, Planner, Brooklyn Office/DCP

**From:** [John Mangin \(DCP\)](#)  
**To:** [Alex Sommer \(DCP\)](#); [Syed Ahmed \(DCP\)](#); [Olga Abinader \(DCP\)](#); [Stephanie Shellooe \(DCP\)](#)  
**Subject:** RE: Pfizer  
**Date:** Thursday, October 06, 2016 6:58:19 PM

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Thanks, Alex.

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**From:** Alex Sommer (DCP)  
**Sent:** Thursday, October 06, 2016 6:58 PM  
**To:** John Mangin (DCP) <JMANGIN@planning.nyc.gov>; Syed Ahmed (DCP) <SAHMED@planning.nyc.gov>; Olga Abinader (DCP) <OABINAD@planning.nyc.gov>; Stephanie Shellooe (DCP) <SSHELLOOE@planning.nyc.gov>  
**Subject:** RE: Pfizer

**From:** Marty Needelman [mneedelman@bka.org]  
**Sent:** Wednesday, September 07, 2016 2:41 PM  
**To:** BK01 (CB)  
**Cc:** BKA-GroupHousing; Alison Cordero ([alison.cordero@gmail.com](mailto:alison.cordero@gmail.com)); Barbara Schliff; Chelsea Blocklin - Los Sures Organizer; Danny Rivera - People's Firehouse; Emily Gallagher - NAG; Evelyn Cruz; Felice Kirby; Jacek Bikowski; Jack Bikowski (PFH) ([jbiko@aol.com](mailto:jbiko@aol.com)); Jennifer Gutierrez - Antonio's Chief of Staff ([jgutierrez@council.nyc.gov](mailto:jgutierrez@council.nyc.gov)); [jyra08@aol.com](mailto:jyra08@aol.com); Kevin Worthington - Antonio's office; Kurt Hill; Michael Rochford; Ramon Peguero - Los Sures ([rpeguero@lossures.org](mailto:rpeguero@lossures.org)); Rich Mazur; Rob Solano - CUFFH; Rolando Guzman; Rosangel Perez - CUFFH; Sara Knispel - St. Nick's Alliance; Anita Dunbar (gmail); Antonio Reynoso; Cassandra Harrell - Bed Stuy Rehabs; Daftary-Steel, Sarita <[sdaftary@elpuente.us](mailto:sdaftary@elpuente.us)>; David Dubosz ([dadobosz40@gmail.com](mailto:dadobosz40@gmail.com)); David Lopez; Debbie Medina; Deneise Jennings-Houston; Dorothea Knox - Berry St Tenants; Esteban Duran; Frank Lang; Gary Schlesinger; Gino Maldonado; Iris Minaya; Juan Ramos; Justina Lopez; Luis Garden Acosta; Marcos Masri; Marty Needelman; Naomi Colon - Marcy Houses; Pat Dobosz; Ron Shiffman; Sam Beck; Shekar Krishan; Adam Meyers; Art Eisenberg NYCLU; Dana Wolfe - NYCLU; Diane Houk; Gregory Louis  
**Subject:** Pfizer Scoping

Some points that need to be addressed and included in the scoping re the proposed rezoning of the Pfizer lots:

1. What would be the displacement impact(s) on the existing (a) Rent Stabilized and (b) small building, tenant populations in the areas surrounding the proposed rezoning area?
2. What steps need to be taken to reduce/ameliorate the shocking racial separations in the immediate areas, specifically that the population of Community District #1 is only about 5% African-American/Black, while the adjoining Community District #3 is between 75-90% African-American/Black, with Flushing Avenue being the effective racial barrier between the two.
3. How does the proposed rezoning relate to the planning or lack of planning associated with the rest of the Broadway Triangle Urban Renewal Area, and shouldn't rezoning – if at all - of the Pfizer sites be

part of a revised larger vision of the rezoning of the entire Urban  
Renewal Area?

4. What impacts will the proposed rezoning have on commercial/industrial development in the area, particularly in light of the over-occupancy and demand for such space for start-ups, etc. in the Navy Yard building(s)?

We have a huge responsibility not to ignore the potential huge displacement and related negative impacts of such rezonings, and note the recent rejection of same in other places such as the Bronx and one of its CB's !!

Thanks for considering these thoughts and for passing them on.

Marty

Martin S. Needelman, Esq.  
Co-Executive Director & Chief Counsel  
Brooklyn Legal Services Corporation A  
Shriver Tyler MacCrate Center for Justice  
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**From:** John Mangin (DCP)  
**Sent:** Thursday, October 06, 2016 6:46 PM  
**To:** Alex Sommer (DCP) <[ASOMMER@planning.nyc.gov](mailto:ASOMMER@planning.nyc.gov)>; Syed Ahmed (DCP) <[SAHMED@planning.nyc.gov](mailto:SAHMED@planning.nyc.gov)>; Olga Abinader (DCP) <[OABINAD@planning.nyc.gov](mailto:OABINAD@planning.nyc.gov)>; Stephanie Shellooe (DCP) <[SSHELLOOE@planning.nyc.gov](mailto:SSHELLOOE@planning.nyc.gov)>  
**Subject:** Pfizer

Hi folks – can one of you send me Marty Needleman’s scoping comments for Pfizer? Thanks –

John Mangin  
ASSISTANT COUNSEL



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t 212.720.3454

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**Real Estate Board of New York  
Testimony before the New York City Planning Commission  
Public Scoping Meeting for the Pfizer Sites Rezoning  
November 9, 2016**

The Real Estate Board of New York (REBNY) is a trade association with 17,000 members comprised of owners, builders, brokers, managers, and other professionals active in real estate in New York. We are here today to provide comment on the Pfizer sites rezoning.

The proposed rezoning consists of two blocks, bound by Harrison Ave, Union Ave, and Gerry St. The total rezoning area is 191,217 square feet and is zoned M3-1, which allows for low performance manufacturing. The area is also well served by transit as it is located within blocks of the G, J and M trains.

This rezoning addresses several key and interrelated issues that our city faces today. The proposed development will produce approximately 1,146 residential units. 287 of the units would be affordable, complying with the City's new Mandatory Inclusionary Housing policy. The addition of these new units helps address our city's chronic housing crisis. The development will also include 26,000 square feet of dedicated publicly-accessible open space, nearly 65,000 square feet of local retail and 405 parking spaces.

In defining the scope of the Environmental Impact Statement, we ask that the Department of City Planning analyze the following elements of the proposed plan so that this rezoning can proceed through the public review process without any ambiguity. With over 1.1 million square feet of residential development, it is important that the Department analyze impacts on transit, schools, local businesses and open space. Further, because Pfizer operated pharmaceutical production facilities on the site, the scope should consider environmental site conditions to ensure the safety of both the surrounding community during construction and the new residents that will inhabit the building.

November 9, 2016

RE: Scoping Hearing on the application by the Rabsky Group to Rezone two former Pfizer property lots in the Urban Renewal Area, North Brooklyn

Dear NYC City Planning Commission,

St. Nicks Alliance along with 40 North Brooklyn community organizations and residents urge the NYC Planning Commission to please pause the Scoping Hearing on the application to Rezone two former Pfizer property lots in the Urban Renewal Area and now owned by the Rabsky Group for greater review and impact on the current community.

The review of rezoning applications for properties in and around the Urban Renewal Area (also referred to as the Broadway Triangle) while a pending court decision/ruling remains is not thoughtful planning and excludes community participation and goes against the principles of our great city and community.

The application before you exacerbates the development of luxury and segregated housing in North Brooklyn at the expense of low income families and individuals in the greater community. Please do not disregard the community's pleas for thoughtful and engaging participation and planning.

Sincerely,

*Jose Leon*

Jose Leon  
Dep. Executive Director  
St. Nicks Alliance

**THOMAS McC. SOUTHER**, BOARD CHAIR  
**MARTIN S. NEEDELMAN, ESQ.**, CO-EXECUTIVE DIRECTOR, CHIEF COUNSEL  
**PAUL J. ACINAPURA, ESQ.**, CO-EXECUTIVE DIRECTOR, GENERAL COUNSEL



**Brooklyn Legal Services Corporation A**  
SHRIVER TYLER MACCRATE CENTER FOR JUSTICE

November 9, 2016

New York City Department of City Planning  
Attn: Carl Weisbrod, Director  
120 Broadway, 31<sup>st</sup> Floor  
New York, New York 10271

Re: Testimony of the Broadway Triangle Community Coalition  
November 9, 2016 Scoping Meeting  
Pfizer Sites Rezoning, CEQR No. 15DCP117K

Dear Mr. Weisbrod:

Brooklyn Legal Services Corporation A represents the Broadway Triangle Community Coalition (“BTCC” or the “Coalition”). BTCC is an unincorporated coalition of community-based organizations and individuals living and working in the Broadway Triangle neighborhood of Brooklyn, or in the surrounding neighborhoods of Williamsburg, Bushwick and Bedford-Stuyvesant. This testimony is submitted on behalf of the Coalition and in opposition to the proposed rezoning of the Pfizer sites that continues to proceed with no community input.

The Coalition is deeply concerned about the history of segregation that has divided their communities and the repeated rezoning actions which have led to massive displacement of Latino and Black residents from their neighborhoods. The Coalition is deeply concerned, too, about the proposed rezoning of the Pfizer site that would serve only to accelerate gentrification and displacement in the Broadway Triangle while doing nothing to address the area’s history of segregation.

Unfortunately, neither the November 9 Scoping Meeting nor the City’s environmental review process as a whole permits the Coalition’s objections to be meaningfully heard. The City has consistently refused to consider the effect of proposed rezonings upon issues of segregation and fair housing, in spite of its mandate to “affirmatively further fair housing” under the fair housing laws. Its consideration of gentrification and displacement is so limited as to render it meaningfully nonexistent. And there is no element of the process that considers a developer’s history of working with—or against—the surrounding community.

For these reasons, which are more fully explained below, the Coalition opposes any efforts by the City or the developer to move forward with this rezoning application—at least until such time as there has been an opportunity for *meaningful* community participation in

*building communities, ensuring opportunity, achieving justice*

planning a future for the Pfizer site which would work to ameliorate rather than accelerate residential segregation and displacement.

*I. Recent History of Segregation and Displacement Around the Broadway Triangle*

For at least the last half-century, the Broadway Triangle has been the locus of extensive segregation. To its north and east is the historically Latino community of Williamsburg and Bushwick; to its west is the Hasidic community of South Williamsburg; and south is the largely African-American community of Bedford Stuyvesant. Taken all together, the area would seem to be the picture of diversity and inclusion, but a walk through these neighborhoods reveals stark geographical boundaries keeping the communities distinct. So stark is the segregation that while Bedford-Stuyvesant is majority-Black, it is separated only by Flushing Avenue from Williamsburg where African Americans represent less than 5% of the population.

In the 1970's and 1980's, the discrimination and segregation within the communities was made clear in extensive federal litigation challenging the overt racial quotas employed at many of the area's subsidized affordable housing developments. Court proceedings in this case revealed that certain housing developments, with the knowledge and participation of the City, made a practice of renting 75% of apartments to Hasidic families, 20% to Latino families, and 5% to African-American families, with additional preferences for families recommended by the United Jewish Organizations of Williamsburg, a politically powerful community organization representing the interests of much of the Hasidic community in South Williamsburg.<sup>1</sup> These quotas—in addition to being overtly discriminatory—favored white residents to a great degree, and for years white families were overrepresented in the area's affordable and public housing developments compared to their share of the neighborhood population. The work to obtain and enforce injunctions against these and related practices continued well into the 21<sup>st</sup> century, as has the inequitable distribution of affordable and public housing apartments in the neighborhood.<sup>2</sup>

More recently—and critically related to the proposed rezoning of the Pfizer site—in 2009 the Bloomberg administration pushed through the City Council a rezoning of the Broadway Triangle area that was again condemned by community members as discriminatory and likely to continue historical patterns of segregation. The Coalition brought a lawsuit challenging the rezoning, and in 2011 the state supreme court confirmed that the City's plan “[would] not only not foster integration of the neighborhood, but [would] perpetuate segregation in the Broadway Triangle.”<sup>3</sup> Five years later, the problems created by this rezoning are still not solved. While the City has resisted working with the Coalition to meaningfully address these problems, it has nevertheless allowed extensive new development under the rezoning to proceed, effectively “locking in” the terms of the rezoning across the physical landscape of the Broadway Triangle.

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<sup>1</sup> *Williamsburg Fair Housing Committee v. New York City Housing Authority*, 493 F.Supp. 1225, 1229-31 (S.D.N.Y. 1980);

<sup>2</sup> See *Williamsburg Fair Housing Committee v. New York City Housing Authority* at 73 F.R.D. 381 (S.D.N.Y. 1976); *Id.* at 450 F. Supp. 602 (S.D.N.Y. 1978); *Id.* at 2005 WL 736146 (S.D.N.Y. Mar. 31, 2005); *Id.* at 2005 WL 2175998 (S.D.N.Y. Sept. 9, 2005); *Id.* at 2007 WL 486610 (S.D.N.Y. Feb. 14, 2007); *Ungar v. New York City Housing Authority*, 2009 WL 125236 (S.D.N.Y. 2009), *aff'd* 2010 US App LEXIS 1666 (2d Cir. 2010).

<sup>3</sup> *BTCC v. Bloomberg*, 941 N.Y.S.2d 831, 839 (Sup. Ct. N.Y. C'ty 2011).

The neighborhood's segregation—in addition to being problematic *per se*—has had the added consequence that patterns of gentrification and displacement have had outsized negative impacts on communities of color. In 2005, the City Council approved a rezoning of the Greenpoint-Williamsburg waterfront, greatly accelerating the gentrification of the neighborhoods. As formerly industrial properties were rebuilt as luxury residential towers, residential and commercial rents have sky-rocketed throughout Williamsburg, and thousands of long-term residents have been displaced. Because of the patterns of segregation in the area, the burden of this displacement has fallen largely on Latino families in Williamsburg and Bushwick. Philip DePaolo and Sylvia Morse describe the scope of the phenomenon in their recent and appropriately-titled “Williamsburg: Zoning Out Latinos”:

Between 2000 and 2013, the population of the Greenpoint-Williamsburg rezoning area grew by 18 percent, compared to a 2 percent growth rate for Brooklyn and 3 percent citywide. This growth was not uniform; Latino residents were displaced while the newcomers were mostly white. The white population in the rezoning area increased by 44 percent, compared to a 2 percent decline citywide. The Hispanic/Latino population declined by 27 percent, compared to a 10 percent increase citywide.<sup>4</sup>

Surely these trends have only continued since 2013. Due in large part to city actions and policies, the history of people of color around the Broadway Triangle has been one of segregation and displacement. The City cannot facilitate further developments that might perpetuate or accelerate these trends.

## II. *The City Refuses to Consider the History of and Impacts upon Segregation in its Review of Zoning Applications*

The Coalition's greatest concern is that the extensive segregation that has been afflicting the Broadway Triangle and surrounding neighborhoods for decades be brought to an end. Any rezoning application that is proposed or considered by the City, including the present one, must take into account this history and work to address it. Unfortunately, the City has made clear its position that issues of segregation and discrimination are not an appropriate factor in its environmental review, and for this reason the Coalition demands that this process be brought to an end.

The fact of the City's refusal to consider historic trends of segregation and discrimination in its environmental review process has been widely recognized:

The city has never seriously looked at the potential discriminatory impact of its rezonings. Since it does not recognize displacement as a major contributor to segregation and racial disparities, it does not track and measure displacement resulting from its own actions... Unless we know what happens when people are displaced, how can the city's planners make informed decisions? How can they

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<sup>4</sup> Philip DePaolo & Sylvia Morse, *Williamsburg: Zoning Out Latinos*, in *ZONED OUT! RACE, DISPLACEMENT AND CITY PLANNING IN NEW YORK CITY* (Tom Angotti & Silvia Morse, Eds. 2016).

know whether a rezoning as a disparate impact on people of different races, ethnicities and income, as many residents suspect?<sup>5</sup>

Indeed, these concerns have been voiced by community groups with respect to recent rezonings, and the concerns have been dismissed. The Coalition for Community Advancement, a community coalition pushing for fairness with respect to the recent East New York rezoning, submitted extensive commentary urging the City, in light of that neighborhood's historical patterns of segregation, to consider the disparate impacts of its rezoning upon people of color. In spite of arguments that such a review was required, both under Chapter Three of the *CEQR Technical Manual* and under Section 808(e)(5) of the federal Fair Housing Act, the City responded that “[it] is not required, pursuant to federal, state or local law or regulation, to include an assessment of the [rezoning’s] compliance with federal fair housing laws and regulations” in its environmental impact statement.<sup>6</sup>

In spite of the City’s refusal to consider these issues, BTCC continues to believe that such an analysis is critical and legally required. The United States Supreme Court recently affirmed that “zoning laws and other housing restrictions that function unfairly to exclude minorities from certain neighborhoods without any sufficient justification” are among the unlawful practices that the federal Fair Housing Act is meant to address.<sup>7</sup> Under the FHA, recipients of federal housing funds like the City of New York are required to “[take] meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities.”<sup>8</sup> Under the city regulations governing environmental review, the City is required to consider the impacts of the rezoning upon “vulnerable population[s].”<sup>9</sup> These requirements cannot be satisfied if the City continues its pattern of redrawing the City’s rezoning without any overt consideration of the impacts the new zoning map might have upon historical patterns of segregation.

Until the City recognizes the necessity of such an analysis, the Coalition cannot allow further rezonings like this to perpetuate the segregation in these neighborhoods and impose disparate negative impacts upon local communities of color.

### *III. The City’s Procedures for Considering the Impact of Gentrification and Indirect Displacement are Inadequate*

Beyond their disparate impacts upon particular racial and ethnic groups, rezonings have been problematic—around the Broadway Triangle and throughout the city—for the gentrification and massive indirect displacement that they provoke. As noted above, the displacement that results from rezonings and the consequential market-rate development that results have not been sufficiently studied, but the data that is available is troubling. A recent study out of the Institute

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<sup>5</sup> Tom Angotti, *Land Use and Zoning Matter, in ZONED OUT! RACE, DISPLACEMENT AND CITY PLANNING IN NEW YORK CITY* (Tom Angotti & Silvia Morse, Eds. 2016).

<sup>6</sup> NYC Department of City Planning, *East New York – Final Environmental Impact Statement* (February 12, 2016)

<sup>7</sup> *Tex. Dep’t of Housing and Comm. Aff. v. Inclusive Communities Project, Inc.*, 135 S.Ct. 2507, 2521-22 (2015).

<sup>8</sup> 42 C.F.R. § 5.152

<sup>9</sup> *CEQR Technical Manual*. Ch. 3: Socioeconomic Conditions

of Governmental Studies at the University of California, Berkeley, recently evaluated the impact of new, unsubsidized development upon the surrounding, and its data suggested that “over time, the construction of market-rate housing [can] have a catalytic effect on a neighborhood, increasing its attractiveness to upper-income residents.”<sup>10</sup> The Coalition has witnessed these impacts first-hand in the years following the Greenpoint-Williamsburg Waterfront Rezoning and the 2009 rezoning of the Broadway Triangle.

While the *CEQR Technical Manual* requires the City to evaluate the risk of indirect displacement which would result from a rezoning, its procedures and methodology are woefully inadequate. Proposed luxury developments which would increase the neighborhood’s population by less than 5% need not include a detailed analysis of indirect residential displacement. Proposed developments being built in an area already overwhelmed by rising rents and gentrification do not require an analysis either, nor do proposed developments within areas which have not yet faced rising rents. A detailed analysis is only required for certain “Goldilocks” developments—large developments in markets which are neither “too hot” nor “too cold.” Even in those cases where detailed analyses are required, they are inadequate—excluding from consideration rent regulated apartments deemed to be safe in spite of widespread patterns of tenant harassment which can displace even regulated tenants.

The Coalition and its members have been fighting against widespread gentrification and displacement in and around the Broadway Triangle for more than a decade, and the proposed development will only accelerate the trend. For this reason, the Coalition objects to this application and demand that it be denied.

#### *IV. The Pfizer Site Must Be Addressed in Conjunction with the Broadway Triangle Rezoned Area as a Whole*

When the City pushed to rezone the Broadway Triangle in 2009, the Coalition and its members fiercely opposed the proposal as discriminatory and inadequate to meet the actual housing needs of the community. When, in spite of this opposition, the rezoning was approved, the Coalition challenged it in court, and in 2011 obtained a preliminary injunction on the basis that the rezoning plan “[would] not only not foster integration of the neighborhood, but [would] perpetuate segregation in the Broadway Triangle.” For five years, the City has declined to engage seriously with the Coalition’s efforts to negotiate a resolution of the litigation and a modification of the rezoning, but has nevertheless allowed private developers to proceed to change the face of the Broadway Triangle with new developments furthering segregation and displacement in the area. This pattern must end.

The Pfizer site represents a substantial portion of the undeveloped land remaining in the Broadway Triangle and is a critical component in any real plan to address segregated housing patterns and displacement in the area. To allow this land to be developed in isolation, without consideration of future changes or developments throughout the rest of the area, will undercut any effort to resolve the Coalition’s concerns, and cannot be permitted. To do so especially with

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<sup>10</sup> Miriam Zuk, Ph.D. & Karen Chapple, Ph.D. *Housing Production, Filtering, and Displacement* (May 2016)



a developer that has a track record of broken promises with these specific communities when it comes to rezonings and affordable housing.

The Coalition is not opposed to housing development. However, it will not stand idly by as bureaucratic city procedures shepherd the current proposal through the review process and further the displacement, gentrification and segregation in our communities. End this rezoning process and let's work together to determine how this land can be made to benefit the community, address its real problems, and contribute to the Mayor's stated goals to expand access to housing and significantly increase affordable housing in New York City.

Respectfully,

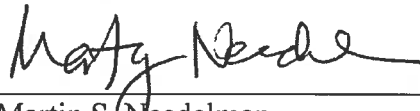
BROADWAY TRIANGLE COMMUNITY COALITION



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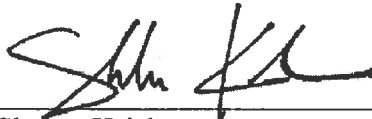
Juan Ramos  
*Chairman*

BROOKLYN LEGAL SERVICES CORPORATION A  
*Attorneys for the Broadway Triangle Community Coalition*



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Martin S. Needelman  
*Executive Director*



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Shekar Krishnan  
*Director, Group Representation Unit*

United Neighbors Organization UNO

November 9<sup>th</sup>, 2016

Testimony to City Planning Commission

Good Morning

My name is Luz Rosero, I am submitting my testimony on behalf of the United Neighbors Organization, UNO, in opposition of the rezoning of the former Pfizer parking lots.

UNO is a grass roots organization in North Brooklyn that fights against displacement and advocates for the creation of affordable housing. UNO is also member of the Broadway Triangle Community Coalition.

We ask City Planning and the City of New York not to move forward with the proposed rezoning of these lots.

The current proposed rezoning of two large, former Pfizer parking lots, now owned by the notorious Rabsky Group, infamous for not upholding prior agreements with the community that enabled other rezoning, that required desperately needed affordable housing units in the nearby Rheingold Brewery site, where Rabsky proceeded to only include the bare minimum of such units in order to merely meet the City's minimal requirements.

Our organization is concerned that the city is moving forward with this rezoning, while not finding a solution of the already segregated Broadway Triangle.

We oppose this rezoning.

Thank you



# Southside United H.D.F.C. – Los Sures®

*Developing and Preserving a Sustainable Community Since 1972*

Testimony of Los Sures HDFC to City Planning Commission at Pfizer Scoping Meeting 11/9/2016

Los Sures HDFC does not support the Pfizer Site development for various reasons. First, within the Development Site Criteria of the Draft Scope of Work for an EIS, it is stated that the Northern and Southern Blocks that they are proposing to rezone are “considered a known proposal likely to occur.” In fact, our organization and its members were not made aware of this proposal. This statement encapsulates the main reason why this development should not move forward. Our community, as a whole, was not considered during the initial phases of this scope-of-work. The organizations that are central stakeholders in this community, which includes Brooklyn Legal Services Corporation A, Churches United for Fair Housing, Los Sures HDFC, Lutheran Church of St. John the Evangelist, and United Neighborhood Organization, were blind-sided by this proposal.

Secondly, what is known about the Broadway Triangle (the area where this potential development might be erected) is that it has served as a place where developers and the city have attempted to promote housing segregation. This point is corroborated by the fact that a court issued injunction was placed on the development of city-owned sites because the City’s development plan, according to the judge, “would perpetuate segregation in the Broadway Triangle.” Rabsky’s Draft Scope of Work for an EIS raises alarm that the history of attempted housing segregation of the Latino and African American populations in the Triangle will continue. Rabsky estimated the project area to have a total of approximately 4,072 residents based on the usage of the average household size within a quarter-mile, which is 3.55 residents per household. This number does not reflect the average household size of CB1, which is 2.44 residents per household. This number, we believe, was used selfishly to show bias towards communities that tend to have more members in their families (i.e. the Hasidic community).

For these reasons, we believe that it is in the best interest of everyone; Rabsky, our community, and the City; to meet and work together to create a community-based development plan that meets the needs of **all** members of the community.

**LUTHERAN CHURCH OF ST. JOHN THE EVANGELIST**

195 MAUJER ST • BROOKLYN, NY • 11206

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November 21, 2016

To Whom It May Concern:

St. John the Evangelist Lutheran Church is a 172-year-old congregation of Williamsburg, Brooklyn, a beautiful, economically and culturally diverse neighborhood in which many of our families have been raised and raised families of their own, and which all of us have grown to love even as it is being erased. We are a spiritual anchor point to so many who are deeply distressed by years of watching their community and their way of life be yanked out from under them.

Others will no doubt make the point the process now unfolding on the former Pfizer site is a miscarriage of democracy—which is true. The attempts on the part of the City to side-step the democratic process by holding supposedly public meetings several miles from the affected community on a weekday morning while most families are busy with work and school is egregious and shameful. We cannot and will not endorse such actions.

What we at St. John want to emphasize, though, is our city Government's complete failure in its moral obligation to its people, and specifically to the neighborhood we love. **The only God-given role of government is to protect the defenseless, to give voice to the voiceless, to empower the weak, to champion justice and fairness. This current effort—which has for years prioritized the desires of exclusionary elements within our community and billionaire developers with poor track records; and seeks at every turn to marginalize the very community it ought to be strengthening—fails on all counts.**

*"Come to me, all you who are weary and burdened, and I will give you rest."  
Matthew 11:28*

**LUTHERAN CHURCH OF ST. JOHN THE EVANGELIST**

195 MAUJER ST • BROOKLYN, NY • 11206

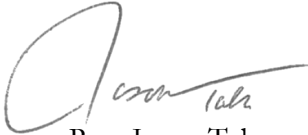
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And so—standing with our neighbors and in the sight of God—we call on the City of New York to finally do the job for which God has raised you up. The parcel of land under consideration in this matter represents one of the last, best opportunities to stop the bleeding in a community too long ravaged by unchecked greed and tacit complicity by city government. To achieve that, **we need truly affordable (low income) housing that will be available to all races and religious groups.**

We implore you: Stop handing our neighborhood over to developers. Stop pretending inconvenient meetings are democratic or useful. Come out of the dark, and stand on the side of justice before it's too late.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Taber". The signature is fluid and cursive, with a large initial "J" and a long horizontal stroke extending to the right.

Rev. Jason Taber

on behalf of the Members of St. John