

East New York Rezoning Proposal

Chapter 25: Response to Comments on the DEIS¹

A. INTRODUCTION

This chapter summarizes and responds to all substantive oral and written comments on the Draft Environmental Impact Statement (DEIS) for the East New York Rezoning Proposal received during the DEIS public comment period. These consist of comments made at the Public Hearing held by the New York City Planning Commission (CPC) and written comments submitted to the New York City Department of City Planning (DCP). The public hearing on the DEIS was held concurrently with the Proposed Actions' Uniform Land Use Review Procedure (ULURP) draft application on Wednesday, January 6th, 2016 at Brooklyn Borough Hall. The comment period for the DEIS remained open through Tuesday, January 19th, 2016.

Section B lists the elected officials, community boards, organizations, and individuals who provided comments relevant to the DEIS. The organization and/or individual that commented are identified for each comment in the following section (Section C). These summaries convey the substance of the comments but may not necessarily quote the comments verbatim. Comments are organized by subject matter and generally parallel the chapter structure of the DEIS. Where more than one commenter expressed a similar view, the comments have been grouped and addressed together. Written comments on the DEIS are included in Appendix J.

B. LIST OF ELECTED OFFICIALS, ORGANIZATIONS, AND INDIVIDUALS WHO COMMENTED ON THE DEIS

Elected Officials

1. Scott M. Stringer, New York City Comptroller (written statement – dated December 2, 2015)
2. Brian Cook, Office of the Comptroller (oral testimony at the January 6, 2016 public hearing and undated written statement)
3. Brooklyn Borough President Eric L. Adams (written statement – dated January 6, 2015)
4. Brooklyn Community Board 5 (written comment – dated November 30, 2015)
5. Brooklyn Community Board 16 (written comment – no date provided)
6. Diana Reyna, Deputy Brooklyn Borough President (oral testimony at the January 6, 2016 public hearing and written statement dated January 6, 2016)
7. Evelyn Cruz, speaking on behalf of Congresswoman Velazquez (oral testimony at the January 6, 2016 public hearing)

Organizations and Interested Public

8. Coalition for Community Advancement (written comment – dated December 2015)
9. Ibrahim Abdul-Matin, New York City Department of Environmental Protection (oral testimony at the January 6, 2016 public hearing)

¹This chapter is new to the FEIS.

10. Ana Aguirre, Executive Director, United Community Centers in East New York; Coalition for Community Advancement (oral testimony [provided by Jenna Garcia on her behalf] at the January 6, 2016 public hearing and undated written statement)
11. Rene Arlain, Coalition for Community Advancement (oral testimony at the January 6, 2016 public hearing and undated written statement)
12. Sabine Aronowsky, South Brooklyn Accountable Development Initiative, Fifth Avenue Committee (written statement – dated January 6, 2016)
13. Steven Banks, Commissioner, New York City Human Resources Administration (oral testimony at the January 6, 2016 public hearing and written statement dated January 6, 2016)
14. Angela Battaglia (oral testimony at the January 6, 2016 public hearing)
15. Vicki Been, Commissioner, New York City Department of Housing Preservation and Development (oral testimony at the January 6, 2016 public hearing)
16. Gregg Bishop, Commissioner, New York City Department of Small Business Services (oral testimony at the January 6, 2016 public hearing and written statement dated January 6, 2016)
17. Michael Blaise Backer, New York City Department of Small Business Services (oral testimony at the January 6, 2016 public hearing)
18. Lorna Blake, New York Communities for Change, Real Affordability for All (written statement – no date provided)
19. Bishop Raymond Blanchette (oral testimony at the January 6, 2016 public hearing)
20. Shawnte Bowdoin, New York Community Cares Services (oral testimony at the January 6, 2016 public hearing)
21. Kyle Bragg, 32BJ (oral testimony at the January 6, 2016 public hearing)
22. Keith Bray, Brooklyn Borough Commissioner, New York City Department of Transportation (oral testimony at the January 6, 2016 public hearing)
23. Joseph Brown III (oral testimony [provided by female speaker on his behalf] at the January 6, 2016 public hearing and undated written statement provided by the Coalition for Community Advancement)
24. Montell Brown, Local 79, 100 Black Construction Workers (oral testimony at the January 6, 2016 public hearing)
25. Jamel Burgess, Coalition for Community Advancement (oral testimony at the January 6, 2016 public hearing and undated written statement)
26. Manuel Burgos (oral testimony at the January 6, 2016 public hearing)
27. Perian Carson, New York City Department of Cultural Affairs (oral testimony at the January 6, 2016 public hearing)
28. Aida Castillo, Cypress Hills Local Development Corporation (oral testimony at the January 6, 2016 public hearing and undated written statement provided by the Coalition for Community Advancement)
29. Enrique Colon, Outreach Coordinator, Community Actions for Safe Apartments/New Settlement apartments; Bronx Coalition for a Community Vision (oral testimony [provided by female speaker on his behalf] at the January 6, 2016 public hearing and written statement dated January 6, 2016)
30. Paula Crespo, Senior Planner, Pratt Center for Community Development (oral testimony at the January 6, 2016 public hearing and written statement dated January 6, 2016)
31. Sarita Daftary-Steel, Board Member, United Community Center (written comment – dated January 6, 2016)
32. Kim Darga, Assistant Commissioner of the Development Division of Preservation Finance, New York City Department of Housing Preservation and Development (oral testimony at the January 6, 2016 public hearing and written statement dated January 6, 2016)
33. Njomza Dubovci, Hotel Trades Council (oral testimony at the January 6, 2016 public hearing)
34. Martin Dunn, President, Dunn Development Corp. (oral testimony at the January 6, 2016 public hearing and written statement dated January 6, 2016)
35. Maria Julia Echart, Coalition for Community Advancement (oral testimony at the January 6, 2016 public hearing and undated written statement)
36. Roy Frias (oral testimony [provided by Rebecca Crimmins on his behalf] at the January 6, 2016 public hearing and undated written statement provided by the Coalition for Community Advancement)
37. Jonathan Furlong (oral testimony [provided by Kayla Rivera on his behalf] at the January 6, 2016 public hearing and undated written statement provided by the Coalition for Community Advancement)
38. Edgar Gonzalez (oral testimony at the January 6, 2016 public hearing)

39. Barry Gottehrer, President, Manor Properties Group LLC (written comment – dated October 7, 2015)
40. Catherine Green, Founder and Executive Director, Arts East New York (oral testimony at the January 6, 2016 public hearing)
41. David Haase, Director of Station Planning, Metropolitan Transportation Authority (oral testimony at the January 6, 2016 public hearing and written statement dated January 6, 2016)
42. Daniel Hernandez, Deputy Commissioner, New York City Department of Housing Preservation and Development (oral testimony at the January 6, 2016 public hearing)
43. Claire Hilger, Senior Vice President for Real Estate of Catholic Charities Brooklyn and Queens, Director of Catholic Charities Progress of Peoples Development Corporation (written statement – dated January 6, 2016)
44. Aaron Koffman, Hudson Companies (oral testimony at the January 6, 2016 public hearing)
45. Shai Lauros, Director of Community Development, Cypress Hills Local Development Corporation (oral testimony at the January 6, 2016 public hearing)
46. Jackie Mallon, First Deputy Commissioner, New York City Department of Small Business Services (oral testimony at the January 6, 2016 public hearing and written statement dated January 6, 2016)
47. Meredith Marshall (oral testimony at the January 6, 2016 public hearing)
48. Humberto Martinez, Project Manager, Cypress Hills Local Development Corporation (oral testimony at the January 6, 2016 public hearing)
49. Rose Martinez, Morgan Stanley/Association for Neighborhood and Housing Development Community Development Fellow, Cypress Hills Local Development Corporation; Coalition for Community Advancement (oral testimony at the January 6, 2016 public hearing and undated written statement)
50. Reverend Edward Mason (oral testimony at the January 6, 2016 public hearing)
51. Maria Masonnet, New York Communities for Change, Real Affordability for All (written statement – no date provided)
52. Valerie Mast, Coalition for Community Advancement (oral testimony at the January 6, 2016 public hearing and undated written statement)
53. Cara McAteer, Phipps Houses (oral testimony at the January 6, 2016 public hearing)
54. Alexis Mena (oral testimony [provided by Brother Paul Muhammed on her behalf] at the January 6, 2016 public hearing)
55. Adam Meyers (oral testimony at the January 6, 2016 public hearing)
56. Mark Miley, New York Communities for Change, Real Affordability for All (written statement – no date provided)
57. Brother Paul Muhamad (written statement – no date provided)
58. Vito Mustaciuolo, New York City Department of Housing Preservation and Development (oral testimony at the January 6, 2016 public hearing)
59. Michelle Neugebauer, Executive Directors of the Cypress Hills Local Development Corporation (oral testimony at the January 6, 2016 public hearing and undated written statement provided by the Coalition for Community Advancement)
60. Lou Oliva, Deputy General Counsel, Metropolitan Transportation Authority (oral testimony at the January 6, 2016 public hearing and written statement dated January 6, 2016)
61. Andrew A. Ortiz, South Brooklyn Legal Services (written statement – dated January 6, 2016)
62. Jerome F. Page, General Counsel, Metropolitan Transportation Authority (written comment – dated December 7, 2015)
63. Rachel Rivera, New York Communities for Change, Real Affordability for All (oral testimony [provided by male speaker on her behalf] at the January 6, 2016 public hearing and undated written statement)
64. Natisha Romain, Coalition for Community Advancement (written statement – no date provided)
65. Ted Rose, Hotel Trades Council (oral testimony at the January 6, 2016 public hearing)
66. Rick Russo, Senior Vice President and Chief Operating Officer, Brooklyn Chamber of Commerce (oral testimony at the January 6, 2016 public hearing and written statement dated January 6, 2016)
67. Robert Santiago, Executive Director, Highland Park Local Development Corporation; Coalition for Community Advancement (oral testimony at the January 6, 2016 public hearing and undated written statement)
68. Patrick Saunders, New York Communities for Change, Real Affordability for All (written statement – no date provided)

69. Martiza Silva-Farrell, Real Affordability for All (oral testimony at the January 6, 2016 public hearing)
70. Mitchell Silver, Commissioner, New York City Department of Parks and Recreation (oral testimony at the January 6, 2016 public hearing)
71. Bernie Smith, Local 79, President of 100 Black Construction Workers (oral testimony at the January 6, 2016 public hearing)
72. Stephen Smith (oral testimony at the January 6, 2016 public hearing)
73. Captain Timothy Smith, FDNY (oral testimony at the January 6, 2016 public hearing)
74. Dolores Stallworth, New York Communities for Change, Real Affordability for All (oral testimony at the January 6, 2016 public hearing and undated written statement)
75. Donna Stone, Linden Plaza Tenant Council, Coalition for Community Advancement (undated written statement provided by the Coalition for Community Advancement)
76. Zulmilena Then, Founder, Preserving East New York (oral testimony at the January 6, 2016 public hearing and written statements dated January 6, 2016 and January 19, 2016)
77. Tupper Thomas, Executive Director, New Yorkers for Parks (written statement – dated January 6, 2016)
78. Maria Torres-Springer, President, New York City Economic Development Corporation (oral testimony at the January 6, 2016 public hearing and written statement dated January 6, 2016)
79. Emily Van Ingen, Director of Programs, Cypress Hills Local Development Corporation; Coalition for Community Advancement (oral testimony at the January 6, 2016 public hearing and undated written statement)
80. Adrien A. Weibgen, Urban Justice Center Community Development Project, Coalition for Community Advancement (oral testimony at the January 6, 2016 public hearing and undated written statement)
81. Adam Weinstein, President and Chief Executive Officer, Phipps Houses (oral testimony at the January 6, 2016 public hearing)
82. Philip M. Wesley II (oral testimony [provided by Pastor James on his behalf] at the January 6, 2016 public hearing)
83. Jonathan Westin, Director of New York Communities for Change, Member of Real Affordability for All (oral testimony at the January 6, 2016 public hearing)
84. Christopher Widelo, Associate State Director of AARP (oral testimony at the January 6, 2016 public hearing)
85. Bill Wilkins, Local Development Corporation of East New York, Coalition for Community Advancement (oral testimony at the January 6, 2016 public hearing and undated written statement)

C. COMMENTS AND RESPONSES

Chapter 1: Project Description

Comment 1.1: The R7D zoning proposed along Eastern Parkway should be replaced with R6A zoning, which would allow for new development while keeping in context with the neighborhood. Given that the DEIS only identifies one potential development site in this area, it is appropriate to eliminate a few potential affordable housing units in order to respect this recommendation and maintain the surrounding context (3, 5).

Response 1.1: As described in Chapter 8, “Urban Design and Visual Resources,” the proposed R7D would be in context with the surrounding area. Eastern Parkway Extension is a 110-foot wide corridor. These blocks are in close proximity to a major transit hub, Broadway Junction, making this an appropriate location for new medium-density housing and commercial development. The Lower Density Alternative considers zoning a portion of this area to R6B. Side Streets in Ocean Hill have been proposed as R5B and R6B contextual residential zoning districts to match the existing character.

Comment 1.2: The City should abandon its one-size-fits all approach to rezoning and instead create a more targeted plan that upzones, or adds density, on a more limited basis. The City should focus on

upzoning development sites that have been identified in advance by HPD and developers to ensure that the City can increase the number of units that the community can afford (1, 2).

Response 1.2: The East New York Community Plan is the result of an extensive community planning process, which began in 2011 with a grant from the federal Sustainable Communities Partnership. Over the course of the past several years, the City has worked closely with community members, local leaders, and elected officials to craft a comprehensive community plan for East New York that not only contemplates the first update to the area’s zoning regulations since 1961 but also puts forward strategies to promote local economic opportunity, develop important community and educational resources, enhance the area’s open space and recreational opportunities, build transportation infrastructure, and preserve and expand housing affordability. More recently, in September and October 2014, DCP and other City agencies held listening sessions with community residents to identify local needs, challenges, and opportunities. In November and December 2014, the agencies reported back what was heard at the initial outreach sessions, along with tools and strategies that may be used to address these issues. In July 2015, the agencies and local elected officials co-hosted a public open house where a further refined set of strategies was shared for public review and comment. The Proposed Actions are a result of this extensive outreach process and reflect a careful and holistic community plan for the 190 blocks proposed for rezoning. The Proposed Actions will facilitate growth in a manner that is predictable and based on a larger community-wide consensus, rather than in a way that is piecemeal and approved or disapproved on a site-by-site basis, which would likely not include such an extensive outreach process and consideration of broader community development and infrastructure needs. It is also expected to expedite the pace of new affordable housing development in the neighborhood. A site-by-site approach to rezoning adds substantial cost, time, and uncertainty to the development process, both for community residents and developers, and may limit the amount of affordable housing that can be constructed in the near term to meet the intense demand. Furthermore, an integral part of the East New York Community Plan is concurrent commitments to infrastructure investments, such as a new school, improvements to local parks, as well as service improvements, including a local Workforce1 Center and merchant capacity building and business assistance that incremental rezonings would not be able to justify.

Comment 1.3: The affordable housing income levels should be targeted to the local community rather than a citywide standard. A more customized benchmark that more adequately reflects a community’s median income levels should be created. The Proposed Actions fail to establish the precise amount of housing that will be available at the local AMI level of \$34,520, equivalent to 40 percent AMI. The current MIH proposal does not guarantee housing for households making less than 60 percent of AMI (1, 2, 8, 14, 18, 25, 29, 36, 37, 45, 51, 56, 61, 63, 74, 79).

Response 1.3: As described in Chapter 1, “Project Description” and Chapter 3, “Socioeconomic Conditions” of the FEIS, HPD has committed that during the term of the Housing New York plan (through 2024), any project in East New York that receives City subsidy will be 100% affordable at a range of incomes, from less than \$23,350 (30% of AMI) up to \$69,930 (90% of AMI) for a three-person household. Projects will be required to serve the following incomes in specific proportions, as follows:

- 10% of units will serve families earning up to 30% of AMI
- 15% of units will serve families earning up to 40% of AMI
- 15% of units will serve families earning up to 50% of AMI
- 40-60% of units will serve families earning up to 60% of AMI
- Up to 20% of units may be set aside for families earning up to 90% of AMI

The percentage of units at these income bands may vary from project to project to provide flexibility for deeper affordability. HPD will also consider proposals that set aside 30% of all units for formerly homeless households.

Public sites that are being redeveloped will be subject to even deeper affordability requirements than those described above. HPD controls six clusters of public sites in the East New York rezoning area and CD5 that could generate approximately 300 units of affordable housing. On these sites, HPD will require developers to provide even deeper affordability at the following minimum levels:

- 15% of units will serve families earning up to 30% of AMI
- 20% of units will serve families earning up to 40% of AMI
- 15% of units will serve families earning up to 50% of AMI
- 35-55% of units will serve families earning up to 60% of AMI
- Up to 20% of units may be set aside for families earning up to 90% of AMI

There are three clusters of one-to four-family homeownership sites (NIHOP sites) that will be made affordable to moderate-income households earning 80 percent of AMI and above.

These commitments to housing affordability, as well as strategies to preserve existing affordable housing, bringing additional housing into rent regulation, and protecting tenants against displacement through information and legal assistance, were developed specifically in response to concerns raised by local East New York residents and in response to the unique conditions of the East New York housing market and detailed in the *East New York Housing Plan* by HPD.

Additionally, as described in Chapter 1, “Project Description,” Chapter 2, “Land Use, Zoning and Public Policy,” and Chapter 3, “Socioeconomic Conditions,” of the FEIS, the Mandatory Inclusionary Housing program in East New York, which is part of the Proposed Actions, will require that 25 percent of the residential floor area be provided as housing affordable to households at an average of 60 percent of the Income Index (“AMI”), with no unit targeted at a level exceeding 130 percent of AMI. By establishing requirements that incorporate averaging of incomes, the proposal allows a degree of flexibility for individual developments to address neighborhood needs, as it is designed to work in concert with other subsidies and housing programs, such as HPD’s ELLA program and the federal Section 8 program, which would make units available to very low income residents. Creating a new program for each neighborhood or benchmarking affordability to a metric other than AMIs established by HUD would pose legal risk to the program under exactions doctrine and make it more difficult for the program to reach lower income levels in conjunction with other federal, state, and city programs.

Comment 1.4: The Proposed Actions should include the adoption of an HPD subsidy plan that reflects the community’s needs, including the need for housing at 15 percent AMI (8, 25).

Response 1.4: See response to comment 1.3 above. As described, HPD will consider proposals that set aside 30% of all units for formerly homeless households. The agency will also consider proposals for the development of housing for individuals and/or families with special needs.

HPD has also made a commitment to create and preserve 10,000 units of senior housing across the city serving elderly individuals earning low and extremely low incomes. More senior housing options mean more opportunities for long-time residents to stay close to their families and friends as they age. Together with changes proposed under the City Planning Department’s Zoning for Quality and Affordability proposal, the East New York Community Plan would make it easier to build affordable senior housing and care facilities.

Comment 1.5: The City should plan for the creation of at least 5,000 units of deeply affordable housing (8, 23, 25, 51, 59, 79).

Response 1.5: Comment noted. While the new Mandatory Inclusionary Housing (MIH) program sets a minimum affordability requirement that promotes economic diversity while also supporting feasible development, the actual amount of affordable housing created will be determined by

the interaction among housing subsidy programs, the local housing market, zoning requirements, and broader economic conditions.

The City owns a limited number of development sites within the rezoning area, and because it depends on owners of private property to come forward with development proposals, HPD cannot commit to specific counts of units to be developed over the long term – even though it is the City’s desire to construct and preserve as much affordable housing in the neighborhood as possible. Therefore, while it is possible that more than 50 percent of the housing units would be affordable, for environmental analysis purposes, it is estimated that about half of the overall projected dwelling units would be affordable to lower income households. Overall, as stated in the EIS, it is estimated that about half of the projected dwelling units for the Reasonable Worst-Case Development Scenario (RWCDs) would be affordable to lower income households. The environmental review assumes, as stated in the Final Scope of Work (FSOW), that 50 percent of all units created, in the aggregate, will be affordable to low-income households.

In the East New York Housing Plan, HPD has committed to start the construction of over 1,200 units of deeply affordable housing within two years after the rezoning is approved. These are projects on public sites that the City controls, as well as on the former Chloe Foods site, where the developer has coordinated closely with HPD and has agreed to expedite the construction of over 1,000 units of affordable housing (100% affordable, with no market-rate housing) on this site alone using the ELLA program described in Response 1.3.

Comment 1.6: The housing preservation strategies proposed by the City are inadequate. The Proposed Actions should include housing preservation strategies, including strategies to protect rent-regulated tenants (including adopting a Certification of No Harassment requirement in the zoning text) and unregulated tenants (including tax credits to make it more affordable for small homeowners to keep low-income tenants and the legalization of basement units in exchange for affordability guarantees for such units). Alternately, in lieu of a tax credit, which would require approval at the State level, the City could offer a rebate (1, 2, 5, 8, 23, 37, 43, 45, 59, 68, 80).

Response 1.6: HPD currently oversees a variety of housing preservation strategies in the rezoning area, which will continue in the future. The strategies include a range of programs that provide assistance to owners of privately-owned properties (typically a subsidy loan and/or tax exemption) in exchange for the building owner entering into a regulatory agreement with HPD that imposes rent and income limitations for the duration of the benefits.

HPD’s Enforcement division operates three offices in Brooklyn, including one in East New York, which houses both the Code Enforcement Division and the Neighborhood Preservation Division. HPD conducts targeted outreach to owners of properties with expiring restrictions, responds to complaints of tenant harassment, issues code violations, engages in litigation with property owners where necessary, and conducts emergency building repairs. HPD actively monitors buildings through the Alternative Enforcement Program targeting local stressed buildings citywide, issuing orders, enforcing fees, and conducting repairs. The Tenant Harassment Protection Task Force inspects properties to prevent illegal construction work in the buildings. HPD also works to identify opportunities to preserve the affordability of unregulated buildings, recently launching the Green Housing Preservation Program, which targets smaller multi-family properties and provides no- and low-interest loans to enable owners to undertake building improvements in order to reduce operating costs. Other HPD efforts include outreach through Neighborhood Preservation Consultants, hosting Landlord Resource Fairs and Neighborhood Preservation HelpDesks, increasing awareness of its small home repair programs, and offering down payment assistance for low-income homebuyers, among other things.

In addition, free legal services are available to all low-income tenants in East New York facing harassment; these services can be accessed by calling 311. The administration also created a

Tenant Support Unit that goes door-to-door and engages directly with tenants, reports housing quality issues, assists with harassment cases, and provides information regarding available resources.

A variety of resources are also available to people who are struggling with housing costs. For tenants unable to pay their rent and are at risk of homelessness, the following emergency resources can be accessed by calling the Human Resources Administration (HRA) at 718-557-1399:

- “One Shot” one-time emergency grants
- Rental Arrears Grants
- Homeless Prevention Fund
- Free Legal Representation to prevent eviction
- Home Energy Assistance Program (HEAP) for help with heating costs

Longer term rental assistance for families with extremely low incomes can be accessed by calling 212-232-0560. Programs include:

- LINC: To help move homeless individuals and families from shelters operated by the Department of Homeless Services (DHS)
- CITYFEPS and SEPS: To help eligible families with children or adults without children who are at risk of entering shelter or in-shelter
- HPD Section 8: Federal rental assistance for eligible low-income families
- HUD-VASH Section 8: To help eligible low-income veterans alongside case management and supportive services
- HRA’s HOME Tenant-Based Rental Assistance Program: For families and pregnant women in shelter and chronic street homeless individuals who receive social security benefits

Homeowners at risk of foreclosure can access financial counseling and other assistance by calling the Center for New York City Neighborhoods at 1-855-HOME-456.

Low-income seniors or disabled individuals living in rent stabilized housing can qualify for tax exemptions (SCRIE/DRIE) through the Department of Finance (DOF) by calling 311. Low-income seniors or disabled individuals who own their home may also qualify for DOF tax exemptions (SCHE/DHE).

Comment 1.7: The Proposed Actions should create and adopt within the rezoning area a “deep affordability” MIH option that requires developers to set aside 30 percent of new construction as housing permanently affordable at 30 percent AMI. These affordability levels should be outlined in the zoning text (8, 45, 59).

Response 1.7: Refer to Responses 1.3 and 1.5. Testimony provided at the DEIS hearing and analysis provided by HPD establish that rents for units reserved for households at 30 percent AMI are insufficient to support the basic operating expenses for such units, necessitating immediate and permanent operating subsidies. Such subsidies are limited and cannot be committed on a permitted basis through the zoning text.

Comment 1.8: The Proposed Actions should establish a Special District that ensures that residents get the vital community facilities (e.g., schools, community centers, senior centers) that the neighborhood needs as the population increases (8, 23, 30, 59).

Response 1.8: The \$1 billion Neighborhood Development Fund was established by the City to ensure that the projects necessary to accommodate growth or catalyze development in neighborhoods in which

the City is planning to permit greater development densities. The fund would provide a dedicated means for delivering planned or promised capital investments and would ensure that community infrastructure improvements proposed in East New York, including open space, would be fully funded. The new school that is part of the Proposed Actions has been included in the Department of Education's Proposed Five-Year Capital Plan Amendment for FY2015-2019 released in January 2016.

A special district requiring an authorization or certification of adequate community facilities would add considerable time and cost to development, delay the production of housing, especially affordable housing, and would not guarantee that funding is available for these facilities.

Comment 1.9: The Proposed Actions should generate economic opportunities for community residents by supporting small businesses, preserving the manufacturing sector within and outside of the IBZ, attracting high road retailers to parcels being up-zoned, and devising strong local hiring mechanisms (8, 23, 43, 59, 71).

Response 1.9: The Proposed Actions would map commercial zoning districts along major corridors and transit and retail nodes to add substantial commercial development capacity throughout the rezoning area. Together with added population in the new housing and a requirement for non-residential uses at the ground floors of new buildings along the retail corridors, the Proposed Actions would result in a strengthening of existing businesses along the area's traditional retail corridors as well as offer opportunities for additional businesses in the area.

The Proposed Actions would not alter zoning in the IBZ, and the current zoning designations in the IBZ would allow for existing industrial uses in the area to continue to operate. In addition, the NYCEDC is currently undertaking a study of the IBZ to help IBZ businesses grow and stay in East New York, strengthen the IBZ, and expand job access. There is an underutilized approximately 30,000 sf City-owned building in the IBZ (on Pitkin Avenue) that the NYCEDC will be improving and operating, so as to increase the supply of modern industrial space. Increasing the supply of industrial space and offering below-market rents (as the property is City-owned) will allow businesses to stay in the area.

The proposed Enhanced Commercial (EC) districts being mapped as part of the Proposed Actions along Atlantic Avenue, Pitkin Avenue, Pennsylvania Avenue, and Fulton Street would require that all ground floor uses fronting on these corridors (or within 30 feet) be non-residential, such as retail establishments, offices, and community facilities. The proposed EC districts would ensure that new developments would have active ground floor uses and by increasing the supply of retail space, would relieve rental pressures on existing small businesses.

In addition, the NYCSBS recently launched Neighborhood 360 East New York and is undertaking a commercial district needs assessment of the rezoning area's primary corridors. As part of the East New York Community Plan, SBS will launch a FastTrac GrowthVenture course to provide small retail businesses with the knowledge and skills to grow their businesses in East New York, host commercial leasing workshops in East New York, and open a Workforce1 Satellite Center in East New York to connect local residents with jobs.

Comment 1.10: To ensure ongoing oversight and accountability around all elements of the rezoning, we ask that the City: (1) establish an Office of Neighborhood Development charged with ensuring the effective and timely implementation of the rezoning plan and related mitigation strategies; (2) establish a Neighborhood Cabinet to serve as an empowered advisory board; (3) ensure meaningful and ongoing opportunities for community engagement; (4) create a set of financing tools and incentives to encourage private developers to work with community-based organizations to meet local needs and priorities; and (5) create an Evaluation Tool that tracks demographic data and is based on

equity, health, and well-being and sustainability indicators to ensure ongoing accountability and to measure impact through implementation. We need accountability throughout the 15-year lifetime of the East New York Community Plan (2, 3, 8, 59).

Response 1.10: Comment noted. The City is publicly committed to implement the provisions of the East New York Community Plan including building a new 1,000-seat school, subsidizing new housing under the affordability terms described in response to Comment 1.3, improving parks and open spaces and investing in the Industrial Business Zone. Furthermore, HPD has committed to provide periodic updates on its commitments in East New York.

Comment 1.11: We are glad that a new MIH policy would improve upon the existing VIH program by making the construction of affordable housing a requirement. We are supportive of MIH (7, 8, 45).

Response 1.11: Comment noted.

Comment 1.12: The Proposed Actions need to specify the amount of housing that will be built at various affordability levels, as well as the long term affordability status. Without this information the No-Action and With-Action conditions cannot be sufficiently compared (8).

Response 1.12: See response to comment 1.5 above.

Comment 1.13: The City needs additional anti-displacement strategies for both regulated and unregulated tenants. If the Proposed Actions incorporated anti-displacement strategies, better addressed the need for deep affordability, and strategically leveraged public sites and HPD subsidies to create more housing (and more deeply affordable housing), we believe that MIH could be a powerful tool to ensure permanent affordability in East New York and Cypress Hills, as well as other low-income communities (7, 8, 11, 80).

Response 1.13: As outlined in Response 1.6, HPD currently undertakes, and will continue to undertake, a variety of housing preservation, anti-displacement, and anti-harassment strategies. It is the City's belief that increasing the supply of housing, including a significant number of affordable housing units, will help to reduce the pressure in the housing market that is driving rent increases, and is a key strategy to prevent displacement.

As described in Chapter 1, "Project Description," and Chapter 3, "Socioeconomic Conditions," of the FEIS, East New York has not experienced market-rate multifamily construction in recent years. For the immediate future, it is anticipated that new multifamily development will resemble recent multifamily development in the broader area, which has generally utilized public subsidy and been affordable to low-income households. Under existing market conditions, housing cannot be built on larger sites in medium- to high-density districts without public subsidies, given current construction, land, and operating costs, and HPD anticipates that this condition will continue in the near-term. In conjunction with the proposed rezoning, HPD has committed that 100 percent of the units developed using HPD's subsidies would be designated affordable at the levels described in Response 1.3.

The affordability requirements of MIH provide a baseline for affordable housing development; under Option 1, 25 percent of the residential floor area would be affordable to households at an average of 60 percent AMI, with no unit targeted at a level exceeding 130 percent AMI. By requiring developers to construct, at a minimum, 25 percent of their residential floor area as affordable, additional HPD resources would be freed up for use as subsidies to facilitate the construction of additional affordable housing, including affordable units for extremely-low income households.

Comment 1.14: We need a 30-year tax credit for long-term East New York homeowners and businesses to ease the property tax burden resulting from the proposed rezoning (4).

Response 1.14: Increases in property taxes are not considered under CEQR. Property tax rates are set by the state, thus lowering property taxes for long-term homeowners is not within the purview of the City. Increases in the assessed value of 1-3 family homes (Class 1 properties) are capped at 6% from the year before or 20% over five years. Because of these caps, it often takes many years for the assessed values of a home to catch up with increases in market value.

The City is addressing other ways to support struggling homeowners, including expanding the Home Water Assistance Program, streamlining and expanding the Small Home Repair Loan programs offered by HPD, and supporting outreach and anti-foreclosure programs. The expansion of the Home Water Assistance Program offered by DEP provided a \$116 credit annually to an additional 46,500 low-income senior and disabled homeowners who receive Department of Finance property tax exemptions.

Comment 1.15: 100 percent of the residential units developed on the Dinsmore-Chestnut and NIHOP sites, as well as the former Chloe Foods site (projected development sites 66 and 67), should be guaranteed as permanently affordable, through mechanisms such as a Land Disposition Agreement (LDA), Regulatory Agreement, funding agreement, or other equivalent measure (3, 6).

Response 1.15: The City seeks to maximize affordability on all City-owned sites appropriate for housing development. HPD has committed that any project receiving City subsidy will be required to be 100 percent affordable at the income levels described in Response 1.3. In addition, in their testimony at the CPC public hearing, the current owners of the former Chloe Foods site indicated their intent to provide over 1,000 units of affordable housing. These would be permanently affordable low income housing units that would be for low and very low income households. The owners anticipate that the income levels would be consistent with those described in the response to Comment 1.3.

Comment 1.16: HPD should provide commitments in writing regarding: (1) the status of its expansion of a series of financing and tax incentive programs and include in its menu of tax incentives and workouts such products that would be eligible for residential real estate tax credits; (2) lists and outreach regarding government-assisted housing, the affordability requirements of which are expiring; (3) code violation data collections; (4) the convening of the advocates and practitioners for best practice to enhance efforts to protect tenants from displacement; (5) resources to enable such legal clinics to occur with regularity; (6) ongoing funding to local CBDO for anti-eviction work, eviction prevention services, and housing quality enhancements; (7) resources to be directed to HPD's Tenant Harassment Prevention Task Force; (8) legal representation in housing court; and (9) resources to provide educational and outreach resources to CBDOs and faith-based organizations to help with housing lottery readiness and lottery awareness regarding the future Livonia Commons, NYCHA Van Dyke Houses campus development, 888 Fountain Avenue, and subsequent MIH development. HPD should also commit to provide quarterly updates of each status report to CBs 5 and 16 and affected local elected officials (3, 6).

Response 1.16: Information about HPD's financing programs is available at nyc.gov/hpd.

(1) HPD is tracking each of these properties and conducting outreach to owners with expiring regulatory agreements to let them know about financial incentives to preserve affordability. In the case that an owner does not extend affordability, HPD works closely to ensure local community organizations are aware, tenants are protected, and pursue other means to extend affordability. HPD has concerns that sharing lists of properties with which it is conducting outreach may jeopardize those negotiations.

(2) This information is already publicly available at nyc.gov/hpd

- (3) HPD is continuing to consult with practitioners, organizers, lawyers, and other community groups to brainstorm anti-displacement and tenant protection strategies city-wide.
- (4) Legal Aid and Legal Services already have offices in the neighborhood where tenants can walk in. Tenants facing harassment can call 311 for more information or directly call Legal Services and Legal Aid.
- (5) HPD is releasing a reconfigured RFP starting July 2016 to fund Neighborhood Preservation Consultant contracts up to \$21,000 per Community District to work with HPD to conduct anti-eviction work and housing quality and preservation outreach.
- (6) The Task Force is not run by HPD, though the agency is closely involved.
- (7) The City has already committed \$36 million to support free legal services in housing court for tenants facing harassment.
- (8) HPD has a Housing Ambassadors program that can train and provide support for community groups to help people prepare for housing lottery applications. Two groups, CUFFH and MHANY, are Ambassadors covering Brooklyn, and HPD is looking for other interested groups. HPD is also conducting Tenant Resource Fairs to educate tenants about their rights and financial and other resources. Finally, HPD is making improvements to its marketing process to make it easier for individuals to qualify and apply for affordable housing.

Comment 1.17: DCP should undertake a rezoning study in consultation with CBs 5 and 16 and local elected officials to evaluate the proposed R5B and R6B districts and the surrounding R4 and R5 districts in order to better match the allowable zoning with both the predominant building type and built floor area (3).

Response 1.17: The Proposed Actions are the product of years of consultation and are proposed in response to the community objectives identified through engagement with Community Boards 5 and 16, local elected officials and community residents and stakeholders during the Sustainable Communities East New York process and subsequent East New York Community Plan outreach and workshop events held in the fall, winter and summer of 2014/2015. The proposed R5B and R6B districts both match the existing built character while facilitating the goals and objectives of the Proposed Actions.

As described in Chapter 1, "Project Description" and Chapter 8, "Urban Design," the planning framework for the residential core in the proposed rezoning is to preserve the existing character while allowing for contextual infill development and for homeowners to undertake modest enlargements. The majority of the rezoning area is currently zoned R5, which allows all residential housing types at a maximum FAR of 1.25 and in some cases at a FAR of 1.65 when utilizing the R5 infill provisions. This causes, and has caused in many neighborhoods across the city, an unpredictable built form, with a plethora of different housing types at various built FARs. The proposed R5B reflects the character of the neighborhood and would allow new development or enlargements to match the existing context. The rezoning proposal includes changing areas of existing R5 zoning to an R6B district between Atlantic and Liberty Avenues where the residential character is less intact. The proposed R6B districts are located north of Liberty Avenue, which is more mixed use in character and consists of underutilized lots that could be redeveloped with lower-density residential buildings. The R6B districts, which are located between Atlantic Avenue and Liberty Avenue, balance the goal of providing opportunities for new development on underutilized properties while seeking to protect the low-rise, townhome and multi-family walkup character.

A downzoning of the residential core would make many existing residences “non-complying” with zoning and would limit the ability of some homeowners to make minor alterations and additions to their houses.

Comment 1.18: HPD should provide a written commitment to codify that the 50 percent preference for community residents would be inclusive of former CB 5 and 16 residents displaced since certification of the Proposed Actions into ULURP (3, 6, 63).

Response 1.18: Comment noted.

Comment 1.19: The Zoning Resolution should be amended to allow for exceptions to the 30 percent of income threshold so that households who are burdened, though paying the same or more rent than what the housing lottery offers, would be eligible to live in newly-produced quality affordable housing accommodations. In order to establish AMI equivalent affordable housing eligibility as a qualifier for those rent-burdened households that would be able to pay the same or have a reduction in their rent through the leasing of MIH lottery units, amendments should be made to ZR 23-154(d)(3) (i), (ii), and (iii) of the Inclusionary Housing; ZR 23-91 General definitions; ZR 23-912 Definitions applying to rental affordable housing; and ZR 23-961(a)(1) and (c)(2) Additional requirements for rental affordable housing (3, 6).

Response 1.19: The MIH program does not propose to institute an alternate system of eligibility and verification for affordable units created within the project area. As noted in Chapter 2, “Land Use, Zoning, and Public Policy,” the program proposes to create affordable housing for households at a range of incomes.

Comment 1.20: In order to establish a requirement setting at least 15 percent of the MIH units at rents affordable to households earning no more than 40 percent AMI and its rent-burdened equivalent of the ENY Plan MIH lottery units, ZR 23-154(d)(3)(i)(ii) should note such obligation (3, 6).

Response 1.20: Comment noted. The MIH program does not propose to reserve a set percentage of units at 40 percent AMI as originally stated in the DEIS; this has been corrected in the FEIS.

Additionally, as described in Chapter 1, “Project Description,” Chapter 2, “Land Use, Zoning and Public Policy,” and Chapter 3, “Socioeconomic Conditions,” of the FEIS, the Mandatory Inclusionary Housing program in East New York, which is part of the Proposed Actions, will require that 25 percent of the residential floor area be provided as housing affordable to households at an average of 60 percent of the Income Index (“AMI”), with no unit targeted at a level exceeding 130 percent of AMI. By establishing requirements that incorporate averaging of incomes, the proposal allows a degree of flexibility for individual developments to address neighborhood needs, and it is designed to work in concert with other housing programs such as HPD subsidies and the federal Section 8 program, which would create units affordable to very low income residents. Creating a new program for each neighborhood or benchmarking affordability to a metric other than AMIs established by HUD would pose legal risk to the program under exactions doctrine and make it more difficult for the program to reach lower income levels in conjunction with other federal, state, and city programs.

Comment 1.21: In order to have MIH withstand constitutional challenges, it must have great public purpose. Though, in doing so, the proposed MIH rezoning creates more development opportunity for the blocks proposed for R8A, as compared to those proposed for R6A or R7A; property owners rezoning from R5 would not similarly benefit financially from the Proposed Actions that is intended to leverage affordable housing as a public benefit. As such, significant upzonings should be yielding more affordable housing, including at deeper levels of affordability, than rezonings that provide lesser density increases. As rectifying this inequality cannot be achieved through MIH, it could be advanced in a manner than blends MIH with a Voluntary Inclusionary Housing (VIH) special bulk permit. Specifically, the proposed R8A along Atlantic Avenue between Bradford Street and

Montauk Avenue should be changed to R7A, and DCP should provide a written commitment to establish a zoning text amendment to permit a VIH bonus permitting R8A bulk and FAR, provided that, of the additional 2.6 FAR, 30 percent is affordable to no less than 50 percent AMI average rent (3, 6).

Response 1.21: The current proposal would satisfy the goals and objectives of Proposed Actions, as described in Chapter 1, "Project Description," to generate significant amounts of affordable housing along critical corridors near transit while also making development predictable. An approach, as outlined above, would lower the potential amount of affordable housing along a transit-rich, wide-corridor, which would be contrary to the Proposed Actions goals and objectives.

Comment 1.22: Without a mechanism for the preservation of affordable units, the proposed MIH program misses out on an opportunity to prevent displacement of area residents. To make applicable the VIH program's preservation option to the proposed MIH so that more tools are available to keep residents permanently in their apartments according to rent-regulated protection, the following sections of the Zoning Resolution of the City of New York should be amended: ZR 23-91 General definitions; ZR 23-94(a) Methods of Providing Affordable Housing; and ZR 23-961(d)(3)(1) Additional Requirements for rental affordable housing (3).

Response 1.22: The MIH program will allow funds collected through the payment in lieu option to be used for preservation of affordable units. Additionally, the program is one part of a broader Housing Plan that includes significant preservation and anti-displacement measures. See response to Comment 1.6.

Comment 1.23: For buildings in excess of 25 units seeking modifications of MIH program requirements through the BSA, the following should be required: (1) that there be a demonstration that the City is not prepared to provide enhanced subsidies; (2) that qualifying households be further defined to include a rent-burdened AMI equivalent; (3) that the BSA be precluded from converting the 60 percent AMI average income rental basis-restricted housing to not exceed 90 percent AMI, with maximum eligibility remaining at no more than 130 percent AMI and its rent-burdened equivalent; (4) that market rate floor and its commercial equivalent be limited to 75 percent of the as-of-right permitted FAR; (5) that, as a condition of precluding any provision of MIH housing, the BSA would be mandated to reduce the allowable height in recognition of the reduction of provided floor area based on providing market rate only floor area; and (6) that a reasonable return shall consider what was a reasonable return of the property prior to the effective date of the public scoping notice for the preparation of the EIS, adjusted by the Consumer Price Index (3).

Response 1.23: Comment noted. [The MIH program, as modified by the City Planning Commission and approved on February 3, 2016, established additional structure to the process by which the BSA evaluates alternative MIH requirements and would make HPD a party to all actions under the BSA special permit. In the event that the program makes it impossible for certain owners to earn a reasonable economic return, BSA must have the power up to and including complete waiver of MIH requirements to protect the program from takings challenges.

Comment 1.24: There are many small lots in the rezoning area that would eventually become desirable for redevelopment; such sites could be developed with between 7,200 and 11,200 sf, enough of an increase that they should not be exempted from the proposed affordable housing obligation. Given the 25 percent MIH affordability standard under Option One, it would be appropriate to extend applicability of the payment in lieu of option to developments with at least four units. To modify MIH's payment in lieu of option from 11 units to four units, ZR 23-154(d)(4)(i) should be amended (3).

Response 1.24: Comment noted. Small developments and small builders often have limited ability to provide units or incorporate large additional fees into total development costs. The proposed threshold is intended to be inclusive of substantial developments while ensuring the continued feasibility of a range of smaller building types.

Comment 1.25: Rent-burdened households, which typically represent those households applying to the City's affordable housing lotteries, are more likely to require family-sized units. As such, the minimum threshold for family-sized units should be that no less than 50 percent of the affordable housing units contain two or more bedrooms and 75 percent of the affordable housing units contain one or more bedrooms for all non-independent residences for seniors and non-supportive housing. To memorialize this requirement, ZR 23-96 Requirements for Generating Sites or MIH Sites (c)(1) should be amended; and HPD should provide a written commitment that the future developers of the Dinsmore-Chestnut Urban Renewal site and former Chloe Foods site (projected development sites 66 and 67) would be required to meet these minimum unit distributions through LDAs, regulatory agreements, or funding agreements (3, 6).

Response 1.25: The suggested bedroom mix regulations are already incorporated into the MIH proposal. HPD's new construction financing programs require that at least 85% of subsidized units contain one or more bedrooms. In addition, at least 15% of units are required to contain at least three bedrooms.

Comment 1.26: The proposed maximum height of buildings in R7A and R7D districts should be restricted to nine stories and 11 stories, respectively, to be consistent with the ZQA recommendations of the Brooklyn Borough Board, which were adopted December 1, 2015 (3).

Response 1.26: The proposed heights in R7A and R7D districts of ten stories and 12 stories, respectively, would allow for well-designed ground floor space for commercial and community facility uses without sacrificing the quality and quantity of residential units. The additional height would also allow buildings to be better articulated with features like an outer court which is practically infeasible under the existing rules or a lower overall height scenario.

Comment 1.27: FRESH zoning does not guarantee a replacement supermarket, as there is no mandate to retain an existing supermarket, should such property be pursued for valuable development right. Therefore, rezoning that place food stores at added risk of being shut down warrant close scrutiny. In the rezoning area, there are two supermarkets on lots that are significantly underdeveloped when compared to the proposed zoning and, thus, have the potential to be redeveloped. To better guarantee that redevelopment of supermarket sites would include a FRESH Food Store, the zoning text of both the FAR and FRESH section should be amended as a corrective action to amend ZR 32-23(a). The amendment should stat that, on the effective date of the propose rezoning, existing supermarkets located on sites with maximum development standards of R6A and R7A (or their commercial equivalents) shall require the development be constructed pursuant to ZR 63-00 Special Regulations Applying to FRESH Food Stores; the replacement supermarket would be required to contain no less than the existing food market's zoning floor area on the effective date of the proposed rezoning. Otherwise, any developments on said sites would be subject to R5B regulations (if located in an R6A MIH zone) or R6A regulations (if located in an R7A MIH zone) (3, 6).

Response 1.27: As described above, the Proposed Actions would map commercial zoning districts along major corridors and transit and retail nodes to add substantial commercial development capacity throughout the rezoning area. Together with the existing FRESH food store incentive program, added population in the new housing and a requirement for non-residential uses at the ground floors of new buildings along the retail corridors, there would be numerous opportunities to provide additional, new food stores to the area, mandating a specific commercial use and, if such use is not provided, reducing the overall development potential on a site or sites would inhibit redevelopment and the objectives of the East New York Community Plan.

Comment 1.28: The proposed C4-4L, C4-4D, and C4-5D zoning districts permit retail stores of all types without a restriction on size. In order to preclude large stores from operating as-of-right in these locations, the Proposed Actions should include a zoning text amendment to restrict the size of as-of-right retail developments to no more than 80,000 sf in C4-4L, C4-4D, and C4-5D districts established pursuant to the Proposed Actions (3).

Response 1.28: C4-4L, C4-4D, and C4-5D are commercial districts designed to accommodate a mix of local and regional commercial uses as well as office, residential and community facility uses. Therefore, such a restriction on the size of retail stores would not be appropriate. Additionally, it should be noted that given the size and orientation of most of the sites within these proposed commercial districts, no retail uses over 65,000 sq ft have been projected as part of the RWCDs. Development sites within the rezoning area are not large enough to economically support retail stores of such a large size. The closest stores of such size are located at the Gateway Mall in the southern portion of CD 5 where these stores are located within single story buildings with a large parking field. Such retail store types are unlikely to be developed within the rezoning area.

Comment 1.29: I have concerns with leaving the streetwall setback height under the proposed C4-4L zoning districts, to developer discretion, especially since there are so many potential sites that might be developed along Fulton Street over time. To minimize noise, vibration, light, and air impacts of developing adjacent to elevated train structures, the Proposed Actions should include a zoning text amendment to revise the streetwall provisions along the elevated train tracks of Broadway and Fulton Street. Specifically, the zoning text amendment should require a minimum one-story streetwall; that a setback above 30 feet shall not be required where such windows are not the primary window openings for habitable spaces (such as bedrooms and living rooms); that setbacks of 20 feet from the street line above 30 feet shall not be discretionary actions for sections of window-walls where windows are the primary windows for habitable spaces; and residential developments set back starting at or below 30 feet shall obtain two additional floors allowable through rezoning (3).

Response 1.29: Along an elevated train structure, C4-4L regulations require all developments and enlargements to setback at least five feet from a front lot line at the street level and an additional 15 feet after a base height, on both wide and narrow streets. Zoning for Quality and Affordability text amendment (N160049ZRY) which is currently under review by City Council is proposing to lower the maximum base height from 30 feet, which typically result in a three-story base, to two stories. This change will make it easier to locate all dwelling units to be located farther away from an elevated structure. Additionally, as described in Chapter 16, "Noise," this rezoning action would apply an (e) designation on development sites along elevated train structures, which will require all future developments to comply with 35 to 40 dBA windows wall attenuation requirement.

Comment 1.30: To minimize business displacement due to excessive available development rights, the zoning districts proposed along Fulton Street should be modified as follows: (1) in lieu of R6A, the portion of Fulton Street east of Bradford Street should be rezoned to R5B and/or R6B; and (2) in lieu of C4-4L, the portion of Fulton Street west of Bradford Street should be rezoned to R5B, R6B, or R6A (3, 6).

Response 1.30: Comment noted. Rezoning Fulton Street to R6B or a lower density district would cause many existing buildings to exceed the allowable floor area of this district, and thus be in non-compliance with the proposed zoning. Additionally, this would also not allow significant new development of affordable housing, as the allowable residential FAR would be reduced from 3.6 (with inclusionary housing) to 2.2 (with inclusionary housing) or less. The proposed Enhanced Commercial District on Fulton Street would require that all new development include non-residential ground floor space, thus increasing the amount of available space for businesses and community facilities along this corridor. Increased supply of ground floor non-residential space could reduce the pressure on commercial rent.

Comment 1.31: While conventional consideration might not warrant a continuation of manufacturing use groups, considering several other streets are being earmarked for retail expansion and enhancement, there does not seem to be a need to limit sections of Liberty Avenue to just another retail corridors. In addition, industrial uses would likely retain presence at various block fronts along sections of this corridor. There is an opportunity to build on the efforts of local groups to transform this section of

Liberty Avenue to an artisanal haven, including food and beverage production. The Proposed Actions should be modified to promote the Liberty Avenue section of the proposed MX district as a corridor for artisans and artisanal establishments through zoning changes that mirror the Special Enhanced Commercial District (SECD), with use, size, and location restrictions (3).

Response 1.31: Liberty Avenue today is a mixed-use corridor and mapped with a variety of zoning districts (R5, R5/C1-3, R5/C2-3 and M1-1). Aside from many residential buildings and community facilities, active manufacturing businesses on Liberty Avenue include a packaging manufacturer and distributor, small metal works, and a custom furniture shop. Other light industrial uses include wholesale and distribution warehouses, auto repair shops, tow lots, open vehicle storage and junk yards. A concentration of manufacturing businesses is found in the M1-1 district, the western boundary of which is located two blocks from the East New York Industrial Business Zone (IBZ). These businesses would be included in the proposed Liberty Avenue MX zoning district, which encompasses this existing M1-1 district and increases the M boundary by including an additional 25 lots, which are zoned either R5 or C8-2 today. The proposed MX district would allow the promotion of artisans and artisanal establishments but would also allow for new residential development to occur and generate affordable housing. Zoning changes similar to the Enhanced Commercial District that would mandate manufacturing uses on the ground floor of buildings are out of scope of this proposal.

Maxwell's Bakery is located to the north of Liberty Avenue and is currently in a C8-2 district. It will be included in a new MX district along Atlantic Avenue. No food or beverage production businesses are located along Liberty Avenue today; however, the proposed Liberty Avenue MX district would allow existing manufacturing businesses to grow and new manufacturing businesses, including those that specialize in food and beverage production, to locate in the district.

Comment 1.32: The Proposed Actions should be modified to preserve existing industrial conforming uses, appropriately restrict non-industrial uses, and promote appropriate urban agriculture uses in the East New York IBZ's M1-4 and M3-2 zoning districts (3, 6).

Response 1.32: The East New York Industrial Business Zone is outside the proposed rezoning boundaries and no zoning changes are being considered for this area at this time. The NYC Economic Development Corporation is conducting a study of the IBZ that will identify strategies to strengthen the IBZ by supporting existing and attracting new businesses, investing in City-owned property, and improving the infrastructure and public realm of the area. Additionally, the Proposed Actions include mapping of MX districts where a mix of uses is appropriate, as described in Chapter 1, "Project Description" and Chapter 8 "Urban Design," and to allow for existing high performance industrial uses to remain and potentially expand their businesses.

Comment 1.33: HPD should provide a written commitment of its intent to ensure that small businesses and community facilities are integrated into the lower floors of projected development sites 66 and 67, as well as any site where HPD would be providing substantial funding (3, 6).

Response 1.33: Phipps Houses, the owner of projected development site 67, has stated that they will create retail and community facility space on the ground floor of their development. HPD will seek to promote the creation of retail and/or community facility space at the ground floor of new development on the City-owned site at Dinsmore-Chestnut (part of projected development site 66). HPD has committed to facilitating a public workshop to understand community needs and desires at the Dinsmore-Chestnut site to inform the development of that site.

Comment 1.34: To address the office space demands of Downtown Brooklyn, improve public access to civic services within the rezoning area, and stimulate the private sector to provide supportive retail, the Broadway Junction area should be promoted for City-tenanted office development. For consistency with the intent to facilitate an office hub at Broadway Junction, the area north of Atlantic Avenue

and east of Havens Place, which is proposed to be rezoned to C4-5D, should retain its existing M1-2 zoning. In addition, DCP, in partnership with the EDC, should commit to developing a series of land use actions in this area, including rezoning the existing M1-1 and M1-2 blocks, changes to the City map, commercial use restrictions, and acquisition actions, as needed (3, 6).

Response 1.34: C4-5D commercial districts allow office and commercial uses, as well as residential uses. This zoning district will allow diverse uses adjacent to a major transit hub and bring new activity to the area which currently lacks significant commercial activity. Retaining M1 zoning would not facilitate the same amount of office development. The East New York Sustainable Communities document noted that while the current zoning limited development potential and recommended a study be undertaken to promote the Broadway Junction area as a major destination, the extraordinary constraints around the elevated train structures and major infrastructure pieces require additional study. Therefore, this particular part of the Broadway Junction area is outside of the East New York land use actions and a subsequent study would need to be undertaken with any distinct discretionary actions undergoing their own CEQR review.

Comment 1.35: A community center development site should be identified and earmarked as part of the Proposed Actions and the City administration should provide a written commitment regarding the status of its Capital Budget commitment for the development of a community center within the Dinsmore-Chestnut URA (3, 8).

Response 1.35: The East New York Community Plan described in the EIS is a coordinated set of strategies for housing, jobs, economic development, and community resources. This rezoning proposal concerns changes to the land use regulations to support the goals of this Community Plan. The broader Plan also identifies strategies for providing for new and improved community infrastructure including schools and open space. Under the RWCDs, the Dinsmore-Chestnut URA site (projected development site 66) would include 53,134 sf of community facility use, in addition to a 1,000 seat PS/IS school. Community facility uses are also anticipated on projected development sites 46 and 67 under the RWCDs for the Proposed Actions.

Comment 1.36: To address implementation, the Administration should commit to the establishment of a post-approval follow-up body consisting of the appropriate agencies, CBs 5 and 16, local elected officials, CBDOs, and representative community organizations, as recognized by the affected City Council members. The post-approval follow-up body should hold regular meeting occurring no less than quarterly and monitor the tracking of all commitments, timing of deliverables, budget financing, and operational logistics (3, 6).

Response 1.36: See response to comment 1.10.

Comment 1.37: The Administration should commit to the City Council to have DCP certify between one and three years applications to amend the zoning map and text in order for the CPC and City Council to adopt the Brooklyn Borough President's recommendations on 120294 ZMK and 120295 ZRK, which are technically beyond the scope of review (3, 6).

Response 1.37: Comment noted.

Comment 1.38: School and subsidized child care construction must be incentivized as part of the mixed-use development projects facilitated by the Proposed Actions (8).

Response 1.38: The new school that is part of the Proposed Actions has been included in the Department of Education's Proposed Five-Year Capital Plan Amendment for FY2015-2019 released in January 2016. As described in Chapter 20, "Mitigation", the Administration for Children's Services will monitor the demand and need for additional publicly funded day care services in the area. In addition, HPD will work with SBS and other agencies to understand local needs for day care and other community facilities and make appropriate referrals to developers receiving City subsidy.

To support local capacity to meet the need for additional day care slots while providing economic opportunity for area residents, SBS will also sponsor programs in East New York to help day care operators establish and grow their businesses.

Comment 1.39: The Proposed Actions should encourage and incentivize grocery store development by requiring full-service grocery stores as part of City-owned mixed-use development sites and going beyond the FRESH program with subsidies and additional incentives to ensure grocery store development on private sites (8).

Response 1.39: HPD has committed to facilitating a public workshop to understand community needs and desires at the Dinsmore-Chestnut site to inform the development of that site. Part of the discussion at the workshop will be focused on community priorities for ground floor community and/or retail space. The existing FRESH food store zoning incentive would continue to promote the inclusion of food stores on the ground floors of new development. The Proposed Actions would add sufficient development potential to allow the FRESH zoning provisions to be utilized in a meaningful way.

Comment 1.40: CEQR grants the City discretion to determine the analysis period for its actions in a manner that forecloses conversation about impacts beyond that period. For the Proposed Actions, even a 15-year period seems inadequate with the City is making decisions today that will continue to impact the landscape of East New York for generations to come. For example, while development projects that receive 421(a) tax breaks and HPD subsidies will be built within this 15-year period, these units will not be permanently affordable, and as buildings exit their regulatory agreements, the neighborhood will experience a massive loss of affordability (8, 37).

Response 1.40: The CEQR Technical Manual defines the build year for analysis as “...the year when the project would be substantially operational, since this is when the full effects of the project would occur. For some generic actions or small area rezonings, where the build-out depends on market conditions and other variables, the build year cannot be determined with precision. A build year ten (10) years in the future is generally considered reasonable for these projects as it captures a typical cycle of market conditions and generally represents the outer timeframe within which predictions of future development may usually be made without speculation; however, generic actions that would facilitate large-scale development over a significant geographic area may sometimes warrant build years beyond a ten-year horizon.”

Because current housing market conditions in the East New York rezoning area are such that it may take longer for the full extent of development to occur under the Proposed Actions, a fifteen-year build year was selected for the time frame of the environmental analyses. This is consistent with the CEQR Technical Manual guidelines cited above, as any precise predictions beyond a 15-year timeframe would be highly speculative.

Comment 1.41: The City Planning Commission must consider the fact that any plan they implement is affected by the historic injustices the neighborhood suffered (e.g., redlining, restrictive covenants, and blockbusting) and consider how to address it. All of the improvements the City has promised—improve transit service, park upgrades, new schools—should not be offered as a condition of forcing upon East New York the primary responsibility of delivering the 200,000 affordable units promised by Mayor de Blasio; these improvements should be made because East New York deserves them and has been neglected for decades (31).

Response 1.41: Preserving, protecting and developing affordable housing was one of the major universal goals expressed by all community residents and stakeholders in East New York as a necessity. The East New York Community Plan is a coordinated neighborhood plan to address a wide range of community needs for affordable housing, economic development, and improved community services. To address the needs of existing residents and future residents as a result of the Proposed Actions, the Plan includes strategies in four categories: Housing, Economic

Development, Community Resources, and Land Use. These strategies are described in greater detail in Chapter 1, “Project Description.”

Comment 1.42: The DEIS assumes that 50 percent of the units on each development site (for a total of over 3,447 DU) would be designated affordable, but HPD has only made a commitment for 1,200 affordable units (600 available for the community). However we still do not know which programs will be used, the specific sites for the subsidy, or even which developers are committed to the subsidies. Beyond the Dinsmore-Chestnut and NIHOP sites, there are no known public sites in HPD’s portfolio in proximity to the rezoning area that have not already been advanced with other affordability considerations based on financing. Assuming 50 percent affordability is a fairly unprecedented approach and it is questionable whether this actually represents the RWCDs (2, 3, 37).

Response 1.42: See response to Comment 1.5. As noted in the FSOW and the DEIS, while the new MIH program sets a minimum affordability requirement that promotes economic diversity while supporting feasible development, the actual amount of affordable housing created will be determined by the interaction among housing subsidy programs, the local housing market, zoning requirements, and broader economic conditions; including a recent commitment by the City (through HPD) to subsidize 1,200 affordable dwelling units in the first two years of the East New York Community Plan. As stated in the FSOW and DEIS, it is estimated that about half of the projected dwelling units for the RWCDs would be affordable to lower income households. The environmental review assumes, as stated in the FSOW, that 50 percent of all units created, in the aggregate, will be affordable to low-income households. HPD has made a commitment that projects receiving City subsidy will be 100% affordable.

Comment 1.43: The Proposed Actions should adopt the Coalition’s recommendations where possible (2).

Response 1.43: Comment noted. As described in Chapter 21, “Alternatives,” the land use component of the Coalition’s recommendations were analyzed as the *Coalition Alternative*. The benefits expected to result from the Proposed Actions—including promoting affordable housing development by increasing residential density and establishing Mandatory Inclusionary Housing, encouraging economic development by mapping new commercial districts and increasing density in a highly transit accessible area of the City, creating pedestrian-friendly streets through active ground floor retail uses, and introducing new community resources—would not be realized under the Coalition Alternative, and, therefore, the Coalition Alternative would fall short of the objectives of the Proposed Actions.

Comment 1.44: It is important that the City work to not only achieve the needed mitigations and plan revisions, but do so in an enforceable way (2).

Response 1.44: Comment noted.

Comment 1.45: The Proposed Actions should create deeper levels of affordability and incorporate anti-harassment strategies through the creation of a Special District or a City-wide text change (2, 3, 83).

Response 1.45: See responses to comments 1.3 and 1.6.

Comment 1.46: Tax abatement programs, school construction commitments, and other proposals may require multiple bodies to approve and review. However, City agencies can begin their review of these changes now, which will allow bodies such as the City Council to fully evaluate the programs concurrently with the zoning proposal (2).

Response 1.46: Comment noted. The new school that is part of the Proposed Actions has been included in the Department of Education’s Proposed Five-Year Capital Plan Amendment for FY2015-2019 released in January 2016 and under review by City Council. The Proposed Actions distinguish themselves from previous neighborhood rezonings through their use of the Neighborhood Development Fund established by the City. This \$1 billion fund is designed to deliver projects

necessary to accommodate growth or catalyze development in neighborhoods in which the City is planning to permit greater development densities. The fund would provide a dedicated means for delivering planned or promised capital investments and would ensure that community infrastructure improvements proposed in East New York, improved streets open space, would be fully funded.

Comment 1.47: The Proposed Actions should increase the portion of deeply affordable units at 30 percent AMI from ten percent of units (outlined in the City's current plans) to 20 percent of units; make ten percent of units at 40 percent AMI; and 50 percent of units at 60 percent AMI. In addition, to ensure that East New York/Cypress Hills remains accessible to low-income people for generations to come, HPD's regulatory agreements should require that these 5,000 units be this affordable for a period of 60 years (25).

Response 1.47: See response to comment 1.3 regarding affordability levels for new housing. HPD's regulatory agreements typically span 30 to 50 years depending on the project. The agency structures its loans in a manner that incentivizes owners to refinance with HPD and extend the term of affordability or face costly balloon payments at the end of the regulatory period. On publicly owned sites, there is additional opportunity to incentivize the provision of affordable housing with even longer periods of affordability.

Comment 1.48: We support the City's rezoning plan for East New York (14, 16, 26, 32, 33, 34, 39, 43, 47, 53, 65, 66, 70, 72, 78, 81, 84).

Response 1.48: Comment noted.

Comment 1.49: Affordable housing should be for households earning between 30 percent and 50 percent of AMI and less. We support the efforts of the Association for Neighborhood Housing and Development (ANHD) to require at least 50 percent affordability in rezoning for Mandatory Inclusionary housing. One way to achieve more deeply affordable housing is to give preference to non-profit affordable housing developers over for-profit affordable housing developers (12).

Response 1.49: See response to comment 1.3. HPD considers all proposals to develop or preserve affordable housing, whether from for-profit or non-profit organizations

Comment 1.50: We need to be realistic about the percentages of affordable units and the AMI levels that are required as part of the rezoning. We want this rezoning to result in the development of lots of new affordable housing and not be so cost prohibitive that no development happens or only very little development happens. There are regressive operating costs that must be considered (heating, staffing, insurance etc.) that make it infeasible to construct an affordable housing development that is entirely aimed at households at 30 percent AMI; many of these 30 percent AMI households receive welfare shelter allowance. Affordable housing is needed by existing East New York residents at a wide range of AMI levels – including units at 30 percent AMI, 40 percent AMI, 50 percent AMI, 60 percent AMI, and above 60 percent AMI. The affordable apartments at Livonia Commons received 5,555 applications from CB 5 residents, which means that one in eight renter households from East New York applied; the income levels of those applicants were well distributed across all of the AMI levels (34, 44, 81).

Response 1.50: Comment noted. See response to comment 1.3.

Comment 1.51: The affordable housing created by the rezoning and the City's related preservation efforts may not address every housing need in East New York, but it is a far better option than doing nothing. Voting down the rezoning will not prevent gentrification from affecting East New York. But what it will mean, is that when gentrifiers do arrive, who can pay more to purchase or rent properties than existing local residents can, there will be no new affordable housing options that enable them to stay in the community (34).

Response 1.51: Comment noted.

Comment 1.52: We are concerned that residential development as a result of the proposed rezoning will threaten existing manufacturing businesses. These existing businesses should be protected from rising rental costs and the threat of being converted to residential development. Protections should be created in the proposed mixed-use (MX) districts to protect existing manufacturing, especially at the ground level (5, 85).

Response 1.52: See responses to comments 2.6 through 2.8.

Comment 1.53: SBS is committed to working with local economic development corporations to support East New York's commercial corridors to ensure they have the resources they need to thrive and succeed. SBS recently launched Neighborhood 360 East New York and is undertaking a commercial district needs assessment of the rezoning area's primary corridors. As part of the East New York Community Plan, SBS will launch a FastTrac GrowthVenture course to provide small retail businesses with the knowledge and skills to grow their businesses in East New York, host commercial leasing workshops in East New York, organize Small Business First educational events in East New York, and open a Workforce1 Satellite Center in East New York (16, 17, 46).

Response 1.53: Comment noted.

Comment 1.54: It is important that all affordable housing units that are achieved through the East New York Community Plan be permanent. There are no mandates in place to ensure that, if a developer chooses to provide more than 25 percent of the units as affordable units, these units would remain permanently affordable. I am concerned that the standard regulatory agreement between HPD and developers is only 30 to 50 years, and not "affordable forever" (3).

Response 1.54: See response to comment 1.47.

Comment 1.55: We conducted an analysis of potential soft sites utilizing the existing built FAR, as compared to the proposed allowable FAR, which concludes that, by not downzoning, the Proposed Actions leave a lot of the neighborhood vulnerable to displacement. One means to reduce the number of potential development sites is to reduce the amount of permitted zoning floor area in these areas or changing the zoning designation to a zone that requires detached or semi-detached housing types (3).

Response 1.55: See response to comment 1.17. Not all sites built to 50% or less of the permitted FAR are considered "soft sites." As presented in Chapter 1, "Project Description," all lots within the rezoning area were analyzed as part of the RWCDs process in order to determine their likelihood for redevelopment. The identification of projected and potential development sites was based on multiple criteria, including the density permitted under the proposed zoning district, the size of the lot, and the existing utilization of the lot. Certain lots that met these criteria were excluded based on the following conditions, which make them unlikely to be redeveloped as a result of the proposed rezoning: lots where construction activity is occurring or was recently completed; sites of schools, municipal libraries, large medical centers, and houses of worship; multi-unit buildings; certain large commercial structures; lots whose location or highly irregular shape would preclude or greatly limit future development; and sites used for public transportation and/or utilities. In addition, sites smaller than 7,500 sf already occupied by existing residential development, sites with multiple commercial and residential tenants, sites occupied by active businesses, and sites occupied by unique services or prominent/successful neighborhood businesses were determined less likely to be developed. Based on these criteria, a total of 186 development sites were identified as likely (81 sites) or potential (105 sites) for development within the next 15 years.

Lots within the R5B proposed districts would not be induced to redevelop by a negligible increase in FAR for most or a decrease in FAR for lots within blocks where the R5-infill provisions may be utilized. Certain sites within the R6B were identified as development sites since the proposal

would increase the maximum permitted FAR to 2.0 (or 2.2 with inclusionary housing) and allow residential where currently no residential is allowed. Conversely, a downzoning of the residential core would make many existing residences “non-complying” with zoning and would limit the ability of some homeowners to make minor alterations and additions to their houses.

Comment 1.56: Due to the ongoing housing market trends, there is potential for direct, as well as indirect, displacement for residents of both CDs 5 and 16, as a result of the Proposed Actions. For community residents to truly benefit from the City’s ambitious housing plan, appropriate steps should be undertaken to make sure that CD 5 and 16 residents are able to qualify for housing opportunities as they arise. Without adequate awareness and housing lottery readiness, such opportunities would be underutilized (3).

Response 1.56: In her testimony at the public hearing, HPD’s commissioner described the actions HPD is taking to make the process more accessible and more successful for a wider range of people, working with people directly in the neighborhood.

Half of all units of any new affordable housing go to community residents. And recently through the NYC Housing Connect, HPD’s online lottery system, every single community seat in all of the lotteries is now filled. HPD has also taken a number of steps to assist community residents in applying for these lotteries. For example, HPD is working to provide counselors and housing ambassadors who can work with people in the community to document their income, to get the documents that they need together so that they can put their best application forward. HPD is also providing financial empowerment counselors to help people repair credit; and it has standardized the criteria that can be applied. One of the most significant and recent changes to HPD’s marketing guidelines is that developers will be prohibited from disqualifying an applicant based solely on his or her credit score.

Comment 1.57: HPD sites in various stages of being developed for affordable housing along Livonia Avenue, as well as the 888 Fountain Avenue development and the residential units on projected development sites 66 and 67, should be considered as a relocation resource for those CD 5 and CD 16 residents at risk of displacement (3).

Response 1.57: Comment noted. Units developed at these locations will be subject to HPD’s Marketing Guidelines.

Comment 1.58: The new owner of Arlington Village has expressed interest of subsequently seeking a modification to the proposed zoning as a means to provide more affordable housing. There might be opportunities to respectfully increase the permitted density on the site by widening the depth of the proposed zoning along the site’s Atlantic Avenue frontage. Consideration should be given to providing additional density only on the section of the north-south street that does not abut neighboring properties. However, such consideration should not be entertained without providing certainty for the existing tenants to remain in place. Should the site be considered for further rezoning, there might also be additional opportunities to leverage affordable housing, targeting the residents living in unregulated housing units who are most at risk of displacement (3).

Response 1.58: Comment noted.

Comment 1.59: HPD expressed intent to require developers using HPD subsidy to create housing at deep affordability levels. The one anticipated site is the former Chloe Food site (projected development site 67), which is waiting to be developed by Phipps Houses. The DEIS assumes the Chloe Food site and the Dinsmore-Chestnut site (projected development sites 66 and 67) as one site and projects the development of 1,054 housing units overall. Therefore, it is difficult to project the exact number of deeply subsidized units that would be produced by each site (3).

Response 1.59: As presented in Table 1-2 of Chapter 1, under the RWCDs for the Proposed Actions, development on projected development site 66 would include 720 DU and projected development site 67

would include 1,054 DU, for a combined total of 1,774 DU. The sites are not assumed to be combined, but two separate projected development sites. HPD has indicated that both sites would be developed with 100 percent affordable housing.

The Dinsmore-Chestnut site will be required meet the following minimum affordability requirements:

- 15% of units will serve families earning up to 30% of AMI
- 20% of units will serve families earning up to 40% of AMI
- 15% of units will serve families earning up to 50% of AMI
- 35-55% of units will serve families earning up to 60% of AMI
- Up to 20% of units may be set aside for families earning up to 90% of AMI

Phipps Houses controls site 67 and has stated that they intend to develop at least 1,000 units of housing using the ELLA program, which would meet the following minimum affordability requirements:

- 10% of units will serve families earning up to 30% of AMI
- 15% of units will serve families earning up to 40% of AMI
- 15% of units will serve families earning up to 50% of AMI
- 40-60% of units will serve families earning up to 60% of AMI
- Up to 20% of units may be set aside for families earning up to 90% of AMI

Comment 1.60: It is not necessary to propose uniform height and density along the Atlantic Avenue and Pitkin Avenue proposed R7A and R8A corridors, as each block has different proximity to transit stations and north-south bus routes (3).

Response 1.60: Comment noted. The zoning districts proposed take into account proximity to transit as well as street width and existing land use patterns. Atlantic Avenue is a wide corridor of 120 feet with largely low-density auto-oriented uses today. Pitkin Avenue is also a wide street with a width of 80 feet. New developments are projected to be distributed along these corridors and will vary in height and bulk according to unique site conditions.

Comment 1.61: To be consistent with modern practices, especially given the extensive community facility FAR of 6.5 in M1-4 districts, there should be consideration to: (1) redefine agricultural uses to also include enclosed uses; (2) modify rooftop greenhouses as a permitted obstruction in M3-2 districts, pursuant to ZR 75-01(b). The East New York IBZ's M3-2 districts should also permit additional floor area for community facility use limited to urban farming use (3).

Response 1.61: Comment noted. Amending the definition of agricultural uses and allowable permitted obstructions would require a citywide text amendment to the Zoning Resolution and is outside the scope of this proposal. Further, the East New York Industrial Business Zone is outside the proposed rezoning boundaries and is not being considered for zoning changes at this time.

Comment 1.62: Saying that the Proposed Actions is a one-size-fits-all approach ignores the years of engagement with the community and the fine-grained look at the rezoning area and its needs. The way to get more housing built and to keep costs down is to provide certainty, and if everything has to be done as a one-off, there is no certainty; developers will choose to develop elsewhere, investors will invest elsewhere, and HPD's costs would go up (15).

Response 1.62: Comment noted.

Comment 1.63: Our analysis suggests that for the next few years, a hundred percent of housing built in the rezoning area will be affordable, because in order to build new construction in East New York with construction and land prices and operating costs being what they are, the market does not support completely unsubsidized development; even with land prices at \$0, the area does not support the

cost of new construction. We expect that in these first few years everything is going to be 100 percent affordable, with a portion of the units for very low incomes and the rest in the 60 percent AMI range. Eventually, the market will catch up and we can expect to see market-rate development with 25 percent of the units permanently affordable through MIH (15, 34, 44).

Response 1.63: Comment noted.

Comment 1.64: What is very different about the East New York Community Plan, which was not the case of past City rezonings, is the Neighborhood Development Fund. We know that there are funds in place to go ahead and make sure that the improvements that go along with the rezoning are actually realized (70).

Response 1.64: Comment noted.

Comment 1.65: Too often, communities have been promised great things by private developers and City officials, only to realize that pledges made at zoning hearings, promises made to Council Members, and agreements worked out by the City are not secure guarantees of the communities actually receiving these benefits. For this reason, the Proposed Actions should be modified to enshrine more commitments within the zoning text itself (59).

Response 1.65: The Proposed Actions distinguish themselves from previous neighborhood rezonings through their use of the Neighborhood Development Fund established by the City. This \$1 billion fund is designed to deliver projects necessary to accommodate growth or catalyze development in neighborhoods in which the City is planning to permit greater development densities. The fund would provide a dedicated means for delivering planned or promised capital investments and would ensure that community infrastructure improvements proposed in East New York, improved streets open space, would be fully funded.

Comment 1.66: The rezoning process should be slowed down or replaced with a more modest up-zoning. If it is HPD's goal to create some 3,500 units of housing in the area, it's not clear to me why the City is proposing a rezoning that is projected to result in double that number of units (80).

Response 1.66: The 3,500 units cited in the RWCDs are projected to be affordable units. As described in Chapter 3, "Socioeconomic Conditions," significant new development capacity is required to relieve the intense market pressure that is driving rental increases in the area. However, this intense market pressure is also expected to result in the construction of a significant number of regulated affordable housing units.

Comment 1.67: As the market in East New York becomes stronger, HPD's subsidies will be less desirable; the subsidies are only desirable so long as it's not financially feasible to develop without them. The City hasn't hazarded a guess as to when developers will stop being interested in receiving HPD subsidies. This would be extremely important information to have as it has implication on the number of affordable housing units created in the rezoning area in the future (80).

Response 1.67: See response to comment 1.5. East New York has not experienced market-rate multifamily construction in recent years. For the immediate future, as both HPD and numerous affordable housing developers testified at the CPC hearing, it is anticipated that new multifamily development will resemble recent multifamily development in the broader area, which has generally utilized public subsidy and been affordable to low-income households. Moreover, during the term of the Mayor's Housing Plan. HPD will require that all projects it finances in East New York are 100 percent affordable. While it is possible that by the time of the analysis year (2030), changes in the housing market and government subsidies may result in non-subsidized multifamily development occurring, the proposed MIH program as discussed above will ensure that at least 25 percent of new housing is affordable. The actual amount of affordable housing created from the East New York Rezoning will be determined by the interaction among housing subsidy programs, the local housing market, zoning requirements, and broader

economic conditions; including a commitment by the City (through HPD) to subsidize 1,200 affordable dwelling units in the first two years of the East New York Community Plan.

Comment 1.68: Without higher permitted residential density and lower parking requirements, Pitkin, Liberty, and Atlantic Avenues will not attract the quality retail services and community facility spaces that the neighborhood is seeking. Quality retail will bring sustainable jobs, so the density is needed to accomplish this (26, 34, 81).

Response 1.68: Comment noted. Along with the proposed Enhanced Commercial District that requires non-residential uses of the ground floors of the these key corridors, the proposed zoning districts along Pitkin, Liberty and Atlantic Avenues were chosen in order to create opportunities for new residential development with significant amounts of affordable housing; to encourage mixed-use development on key corridors; and to revitalize these major thoroughfares through new economic development.

Comment 1.69: Before land speculation even began, it was difficult to purchase land on Liberty, Atlantic, and Pitkin for new developments, as many sites are occupied by one-story “taxpayers” and the permitted density is so low that, even at affordable land prices, it didn’t make sense financially (34).

Response 1.69: Comment noted.

Comment 1.70: Subsidies should target neighborhood-based affordability so current residents can enjoy the quality retail shops facilitated by the rezoning, and not just newcomers benefit (26).

Response 1.70: See response to Comment 1.3.

Comment 1.71: The Proposed Actions makes sure that workers and older residents can continue to live in the City, requiring developers to build affordable housing and providing subsidies to bring down the cost of housing (33, 65, 84).

Response 1.71: Comment noted.

Comment 1.72: The Proposed Actions will transform a distressed area into a thriving neighborhood with street life and job opportunities for the local community (14, 66).

Response 1.72: Comment noted.

Comment 1.73: If the levels of affordability of the units developed under the Proposed Actions matched those of the residents at risk of being displaced, these residents would be able to remain in the community, and the additional density would not diminish quality of life, but, rather, would be a benefit (45).

Response 1.73: The affordability requirements of MIH provide a baseline for affordable housing development; under Option 1, 25 percent of the residential floor area would be affordable to households at an average of 60 percent AMI, with no unit targeted at a level exceeding 130 percent AMI. In addition, HPD has committed that 100 percent of the units developed using HPD’s subsidies would be affordable at levels described in response 1.3. As presented in Chapter 3, “Socioeconomic Conditions,” the Proposed Actions would not result in a significant adverse impact on residential displacement. The additional housing facilitated by the Proposed Actions—including a substantial number of affordable units—would increase supply, thereby relieving the market pressures on existing residents that are expected to continue regardless of the Proposed Actions.

Comment 1.74: This administration is repeating the same missteps of previous administrations in their approach to the East New York rezoning and other rezonings writ large; they are repeating it by not building housing that actually meets the needs of the community (83).

Response 1.74: See responses to Comments 1.2 and 1.3.

Comment 1.75: The Mayor recently announced a \$15/hour minimum wage for all City workers. At this wage, these workers would not be able to afford to live in the affordable housing being developed under the Proposed Actions (83).

Response 1.75: HPD has committed that at least 10% of the affordable units financed with City subsidy will be affordable to families earning 30% of AMI or less, which is equivalent to \$15,232 for a single person or \$23,350 for a three-person family. These units would be affordable to a single person earning \$15 per hour. A household with two earners who each make \$15 per hour (\$30 per hour total) would likely be able to afford units in the 50-60% of AMI range, which are also provided for in HPD's East New York Housing Plan.

Comment 1.76: At least 50 percent of the units built in East New York should be connected to the median income of the neighborhood (69, 79, 83).

Response 1.76: Households in East New York earn a range of incomes, and HPD has made affordability commitments that respond to these needs. See response to comment 1.3 for more detail.

Comment 1.77: Without the rezoning, we will not be able to develop affordable housing on the site we purchased (projected development site 67), and development would be limited to uses that are not useful to the community (53, 81).

Response 1.77: Comment noted.

Comment 1.78: I support MIH because we need a plan for accountability for how development will be engaged and conducted in East New York that preserves affordability and creates decent housing stock for a community that desperately needs it. We cannot embrace blight in an effort to assuage fears; we must embrace a plan of action that allows working families to be fearless and not live in conditions that are substandard or be priced out of their communities entirely. The only way to assuage fear is to empower stakeholders (18).

Response 1.78: Comment noted.

Comment 1.79: We need a real commitment of 100 percent permanent affordable housing at levels appropriate to the community with diverse neighborhood-specific income tiers (7).

Response 1.79: HPD has committed that any project receiving City subsidy will be required to be 100 percent affordable at the income levels described in Response 1.3.

Comment 1.80: Recently constructed one- to four-family homes are a unique housing type in that they represent one of the few instances of market-rate development aimed at middle income New Yorkers without subsidies and without regulated rents. Despite not being regulated, they generally offer cheaper rents than pre-war buildings and generally get cheaper as they age. These housing types are generally included in areas that are downzoned to compensate for upzoning targeted areas in area-wide rezonings—such is the case with the Proposed Actions. I ask that the R5 districts that are proposed for downzoning to R5B be changed to R6B to allow space for this type of small-scale development to continue to grow (72).

Response 1.80: The planning framework for the residential core in the proposed rezoning is to preserve the existing character while allowing for contextual infill development and for homeowners to undertake modest enlargements. The proposed R5B reflects the character of the neighborhood and would allow new development or enlargements to match the existing context. Where appropriate, the rezoning proposal includes changing areas of existing R5 zoning to an R6B district where the character is less intact. The proposed R6B districts are located north of Liberty Avenue, which is more mixed use in character and consists of underutilized lots that could be redeveloped with lower-density residential buildings. The R6B districts, which are located between Atlantic Avenue and Liberty Avenue, balance the goal of providing opportunities for

new development on underutilized properties while seeking to protect the low-rise, townhome and multi-family walkup character.

Comment 1.81: Under the Proposed Actions, myself and my neighbors will be fighting over the few affordable units that are developed. We need real affordability, not a giveaway to developers (74).

Response 1.81: HPD has committed that any project receiving City subsidy will be required to be 100 percent affordable at the income levels described in Response 1.3.

Comment 1.82: The proposed EC districts are a positive component of the Proposed Actions and will introduce new services and facilitate retail continuity (17).

Response 1.82: Comment noted.

Comment 1.83: Arlington Village (projected development site 46) should be excluded from the rezoning plan. Its residents should be left alone and the existing building should be renovated as all low-income housing (38).

Response 1.83: Arlington Village is today zoned as R5, a low-density district that permits 1.25 residential FAR. The 310,000 square foot, privately-owned site is developed with 210 apartments in two-story buildings. Under the current zoning, about 180 additional housing units could be developed as of right, with no requirement for affordable housing. The proposed zoning would map the site with medium-density contextual residential districts and a requirement that any new residential development or enlargement include at least 25 percent affordable housing. HPD has committed that any new development seeking subsidy would be required to be 100 percent affordable and thus, should the owner of Arlington Village seek HPD subsidy for any enlargement or redevelopment, all new housing would be subsidized and affordable at the income levels described in response to Comment 1.3. Absent the Proposed Actions, the owner could enlarge or redevelop without affordable housing.

Comment 1.84: There is currently a mismatch between the cost of purchasing land in the rezoning area and what you are permitted to develop under existing zoning. The Proposed Actions will enable for-profit and non-profit developers to more easily construct affordable and senior housing (47).

Response 1.84: Comment noted.

Comment 1.85: Units at 60 to 100 percent AMI should not be left out of the conversation, as they are key to supporting the anticipated retail development (44).

Response 1.85: HPD has committed that any project receiving City subsidy will be required to be 100 percent affordable at the income levels described in Response 1.3, which allow for a tier of units affordable to households earning up to 90 percent of AMI.

Pursuant to MIH Option 1, which is proposed for East New York, 25 percent of the units developed in the rezoning area would be designated affordable at an average AMI of 60 percent, allowing for a mix of AMI levels above 60 percent AMI (up to 130 percent AMI) and below 60 percent AMI. No affordable units developed in accordance with MIH Option 1 would be targeted to households earning over 130 percent of AMI.

Chapter 2: Land Use, Zoning, and Public Policy

Comment 2.1: We are concerned that many smaller, low-density side streets are proposed to be rezoned in higher densities. This goes against contextual planning and will lead to higher densities where it is not appropriate. R7D, in particular, is very out of context on Eastern Parkway, where buildings are low-rise. Higher densities would be more appropriate on a large thoroughfare, such as Atlantic Avenue (5).

Response 2.1: As presented in Chapter 2, under existing conditions, many of the residential side streets of the rezoning area are currently zoned R5. R5 districts have a maximum residential FAR of 1.25 (or 1.65 in predominantly built-up areas utilizing the R5 infill provisions). In the future With-Action condition, existing R5 districts in the rezoning area would primarily be rezoned to R5B contextual districts, which have a maximum residential FAR of 1.35, with select existing R5 districts along, or in proximity to the neighborhood’s east-west corridors rezoned to R6A, R6B, and R7A contextual districts. No non-contextual districts would be mapped on the residential side streets of the rezoning area. The only R7D district that would be mapped under the Proposed Actions would replace an existing M1-1 district on two blocks along Eastern Parkway Extension between Mother Gaston Boulevard and Sackman Street. M1 districts do not have height limits, while new structures in R7D districts are required to meet the Quality Housing bulk regulations and line up with adjacent structures to maintain the street wall, and limit building heights to 125 feet.

Comment 2.2: The land use chapter needs to include a more detailed analysis of Housing New York. The Housing New York public policy analysis needs to address the Proposed Actions’ consistency with the policy’s housing preservation goals; not just its goals of creating new affordable housing. The assessment of the Proposed Actions’ consistency with the policy’s preservation goals must account for both regulated and unregulated affordable housing. We do not believe that the Proposed Actions significantly advances the preservation goal of Housing New York (8).

Response 2.2: Comment noted. The Housing New York public policy assessment has been updated for the FEIS to address the Proposed Actions’ consistency with Housing New York’s preservation goal. As noted in Chapter 2, the Proposed Actions are not expected to result in significant adverse impacts on the preservation goals of this public policy. It should also be noted that, independent of the Proposed Actions, HPD has various initiatives that are intended to further the preservation goals of Housing New York, as discussed in Response 1.6.

Comment 2.3: The Housing New York public policy analysis needs to address the Proposed Actions’ consistency with the policy’s equity goals. Equitable development, in general, shares an acknowledgement that inequality results from systematic problems and must likewise be addressed through systematic solutions that place the interests of marginalized and historically excluded communities at the forefront of the process. The Proposed Actions fail to advance the equity goals of Housing New York and will undermine efforts to make New York an equitable City where all people can grow and thrive. Equitable development means ensuring that residents can have more opportunities for advancement; equity does not mean adopting a plan that invites economic diversity via gentrification and massive development. We do not see how questions of equity can fall outside of the scope of CEQR (8, 57).

Response 2.3: As described in Chapter 2, “Land Use, Zoning, and Public Policy”, OneNYC is the City’s comprehensive plan for a sustainable, resilient, equitable city for all New Yorkers. The analysis found that the Proposed Actions are consistent with the goals of OneNYC as they will help create and preserve affordable housing and support the development of vibrant neighborhoods. Additionally, the broader East New York Community Plan will make streets safer, improve local parks, and provide access to job training services, also key goals of OneNYC. The intensive involvement of a broad range of City agencies to listen, consider and respond to concerns of East New York residents and the significant infrastructure commitments made by the City before and during the planning and public review processes go above and beyond the requirements of CEQR analysis and mitigation to respond to the needs of local residents and support equitable development.

Comment 2.4: The land use chapter needs to include a more detailed analysis of MIH public policies. While the Proposed Actions may advance one goal of MIH—increasing “neighborhood economic diversity”—the current proposal does not sufficiently advance the core purpose of MIH of creating greater opportunities for low-income people (8).

Response 2.4: Comment noted. Providing affordable housing is an important component of creating greater opportunities for low-income people, and MIH is only one part of the comprehensive neighborhood plan supported by the East New York Rezoning.

Comment 2.5: The DEIS wrongly reasons that manufacturing businesses “can largely be located elsewhere in the City” and that the proposed MX zoning districts will “facilitate” their retention and growth of existing industrial businesses. The statement in the DEIS that MX zoning allows existing industrial businesses to continue operations and/or expand and allows for new industrial businesses to set up shop is overly simplistic. While industrial uses are permitted as-of-right, this statement does not account for real estate economics that place industrial uses at a disadvantage in MX districts. The EIS should consider the limitations of MX zoning for retaining and expanding industrial businesses over time due to its tendency to facilitate market pressures that are likely to cause eventual conversion to majority residential/commercial districts. The FEIS should explore this issue and look for other zoning tools which could help achieve genuine, balanced mixed-use zoning districts. The City should establish an industrial relocation fund to assist displaced companies to relocate in the East New York IBZ (3, 8, 85).

Response 2.5: Over half of lots in existing M1-1 districts today contain residential uses. Further, of the approximately 55 businesses located in M1-1 districts today, approximately 50% are local retail and services, 30% auto-related, 10% manufacturing businesses and 9% wholesale/distribution/warehouse uses. The proposed MX districts on Atlantic Avenue, Liberty Avenue, and Fulton Street largely reflect this existing mixed-use character of these areas and would allow each of these uses to continue and expand as conforming uses. On Liberty Avenue, which has the greatest concentration of active manufacturing businesses today, many businesses are located on 2,500 square foot lots that are not projected for future development. The increase in floor area associated with the proposed MX district would allow for these businesses to expand, but would not incentivize redevelopment for residential use due to the small lot size of many of these sites and environmental designations associated with these sites.

Comment 2.6: The DEIS does not include a discussion of the physical and operational compatibility issues of the proposed residential uses in proximity to local industrial uses. The changing land uses of the rezoning area will bring new residential development in direct proximity to existing industrial businesses (which in some cases will become legal, non-conforming uses in newly created residential zoning districts). If residents complain about noise, traffic, loading/unloading, or other aspects necessary to business operation, this may discourage owners from continuing to operate in the area. The EIS should closely evaluate locations of existing industrial businesses within the rezoning area in relation to projected development sites and incorporate strategies to mitigate any potential conflicts of uses. This could be done by retaining contiguous stretches of C8- or M-zoned land that currently house active businesses (8).

Response 2.6: As presented in Chapter 2, only 2.8 percent of the lots (141 lots) and six percent of the total building area in the rezoning area are comprised of industrial/manufacturing uses. Almost all of the existing industrial uses in the rezoning area are located directly adjacent to existing residential or mixed commercial/residential buildings under exiting conditions. Under the RWCDs for the Proposed Actions, no existing industrial lots would experience new directly adjacent residential/community facility development; all of the existing industrial lots are either already currently abutted by residential uses or would also experience adjacent residential/community facility construction in the future without the Proposed Actions. As such, the Proposed Actions are not anticipated to introduce or exacerbate these compatibility issues.

Comment 2.7: It is implausible that the DEIS concludes that despite the elimination of all industrial zoning districts in the rezoning area, there will be no significant adverse impact on industrial businesses. It states that the rezoning would “follow” the trend of the decrease of manufacturing firms across the City. This reasoning does not acknowledge the role that local land use policy plays in perpetuating this trend (85).

Response 2.7: The Proposed Actions would not result in the elimination of all industrial zoning districts in the rezoning area. As presented in Chapter 2, while some existing M1-1, M1-2. And M2-4 manufacturing districts would be rezoned to residential districts, particularly in the Ocean Hill subarea, as noted in Response 2.6, above, almost all of the existing industrial uses in the rezoning area are located adjacent to existing residential uses, and many of these areas are characterized by long-standing residential blocks. In addition, the proposed mixed-use districts would allow better accommodation of a variety of uses throughout these areas, including office, retail, and other commercial anchors, residential uses, and semi- and light-industrial uses that meet necessary environmental safeguards. Manufacturing areas would be maintained, through the use of MX districts, in areas with substantial amounts of industrial uses, including portions of the Ocean Hill subarea along Fulton Street; portions of the East New York subarea along Liberty and Atlantic Avenues; and portions of the Cypress Hills subarea along Atlantic Avenue and Dinsmore Place (encompassing the Dinsmore-Chestnut URA), thereby maintaining the existing industrial uses in these areas as conforming land uses, while also permitting other industrial businesses to expand in these areas.

It should also be noted that, as part of the East New York Community Plan and Mayor de Blasio's Industrial Action Plan, a number of initiatives will be implemented to further protect existing industrial uses and promote the expansion of key industrial areas of East New York (refer to Response 2.8).

Comment 2.8: We would support and welcome the opportunity to take advantage of incentives for nonprofit developers to develop and preserve manufacturing spaces and jobs and to ensure the property remains available for manufacturing use. We believe there should be multiple mechanisms to preserve and develop manufacturing uses in East New York. (12).

Response 2.8: As part of Mayor de Blasio's Industrial Action Plan, which was announced in November 2015, three major goals were identified: (1) protect and strengthen core industrial areas; (2) invest in the long-term development of industrial and manufacturing businesses; and (3) preparing New Yorkers for the industrial and manufacturing jobs in the future. Key strategies to develop and preserve manufacturing spaces applicable to East New York include limiting hotel and personal storage uses in core industrial areas, strengthening core industrial areas, creating an industrial and manufacturing development fund to spur the creation of new industrial and manufacturing space, expanding the City's Brownfield Jumpstart Program, and relaunching the Industrial Business Solutions Providers Network.

In addition, the NYCEDC is currently undertaking a study of the East New York IBZ to help IBZ businesses grow and stay in East New York, strengthen the IBZ, and expand job access. There is an underutilized City-owned building in the IBZ that the NYCEDC will be improving, so as to increase the supply of modern industrial space.

Comment 2.9: The East New York IBZ is an important cluster of well-paying, accessible jobs for local residents. The NYCEDC is committed to helping these businesses grow and stay in East New York for decades to come and recognizes the opportunity to strengthen the IBZ and expand job access alongside residential growth in East New York, Cypress Hills, and Ocean Hill. The East New York IBZ is not being altered or rezoned as part of the East New York Community Plan and the NYCEDC will be building off of the IBZ's strengths to grow existing jobs in the community and attractive new innovative companies that offer real career pathways (78).

Response 2.9: Comment noted.

Comment 2.10: In November, Mayor de Blasio announced an Industrial Action Plan for the City, outlining ways to protect and grow industrial spaces. The Plan also includes specific measures to protect and preserve IBZs from the pressures of the marketplace in order to retain these spaces for industrial function.

These tools will be brought to bear in the East New York IBZ, as they build upon other investments the NYCEDC has made there (78).

Response 2.10: Comment noted.

Comment 2.11: Protection of existing manufacturing within the IBZ could become more challenging with the adoption of the Proposed Actions. The vast majority of the IBZ is located in an M1-4 district, where medical facilities, hotels, banquet halls, and houses of worship are permitted as-of-right. The added population from residential growth facilitated by the Proposed Actions could significantly encourage the marketplace to provide medical facilities and houses of worship in the IBZ as an affordable means to be near the residents. There is an opportunity to place use restrictions that support the IBZ (3).

Response 2.11: As noted in Response 2.8, Mayor de Blasio released the Industrial Action Plan for the City in November 2015. To achieve the Plan’s goal of protecting and strengthening core industrial areas, the City will enact new safeguards against the influx of hotels and mini-storage facilities to preserve opportunities for industrial and manufacturing businesses. Specifically, the Administration will work with the City Council to create a new special permit that will be required for any hotel development in MI districts within IBZs.

Comment 2.12: The DEIS states that the Proposed Actions would only result in the loss of approximately 27,000 sf of industrial land in the rezoning area. The Borden Factory at 2840 Atlantic Avenue, combined with the Blue Ridge Farms/Chloe Foods site and the Dinsmore-Chestnut site comprise over 200,000 sf of M1 land (85).

Response 2.12: Under existing conditions, there are 54,276 sf of industrial uses on the 81 projected development sites. While other projected development sites are zoned M1 (such as projected development site 67/the Chloe Foods site), these sites are currently vacant and/or occupied by other uses. In total, under the RWCDs, there is expected to be a total of 98,851 sf of industrial uses on the projected development sites, 44,575 sf more than under existing conditions. The net decrease of 27,025 sf of industrial uses resulting from the Proposed Actions reflects the incremental loss of industrial uses compared to No-Action conditions.

Comment 2.13: If a site has been inactive and not used for manufacturing, then I would be okay with a “best use” being developed, rather than the site remaining vacant, but if the site has been active for manufacturing, it needs to remain as an active manufacturing use (85).

Response 2.13: Comment noted. As presented in Chapter 2, the RWCDs associated with the Proposed Actions is expected to result in an incremental decrease of 27,025 of active industrial uses, compared to the No-Action condition. Inactive/vacant industrially-zoned sites are not considered active industrial uses.

Chapter 3: Socioeconomic Conditions

Comment 3.1: We are concerned that the rezoning text does not address the ability for current businesses and community organizations to maintain affordability and withstand the changing housing market due to new market-rate construction. Such assistance should include financing the creation of lower cost rental space for local small businesses; multi-year robust support for strengthening local businesses, focused on training and business planning, including topics such as purchasing properties, meeting increased and differing demands for services, and preparing businesses for change; assistance to local businesses to support buying, preserving, and/or repairing mixed-use properties; and discounted rentals, technical assistance, and tax breaks for owners of mixed-use buildings who maintain long-time businesses and community organizations (4, 5, 43).

Response 3.1: SBS will offer a suite of services tailored to the needs of local businesses in East New York including commercial lease support and FastTrac Growth Venture business courses to help East

New York business owners grow their businesses. The new Neighborhood 360° program will identify, develop, and launch customizable, place-based commercial revitalization programs and services. They have partnered with local CBOs in East New York to conduct a commercial district needs assessment. The findings of this study will inform a broad menu of commercial revitalization services and resources which could include: merchant organizing, retail business attraction and retention strategies, streetscape and public space planning, district marketing, and local organization capacity building opportunities. In addition, SBS will work together with Small Business Administration (SBA) on their 504 Loan Program which, can be used by local businesses for the purchase of land including existing buildings.

Comment 3.2: We need a City commitment to save the East New York manufacturing and provide a relocation fund for industrial businesses that need to relocate. The EDC and SBS should provide written commitments of their intent to provide technical and financial resources to relocate appropriate rezoning area businesses to the IBZ (3, 4).

Response 3.2: Comment noted.

Comment 3.3: We are concerned that the market-rate housing will threaten existing low-income residents out of their homes, and believe that an Anti-Harassment Program (such as that which currently exists in Greenpoint/Williamsburg in Brooklyn and Hell's Kitchen/Clinton in Manhattan) that would require a permit from HPD prior to altering, demolishing, or changing any sound development should be implemented as part of the Proposed Actions and include, but not be limited to the "certification of no harassment." Such a strategy, while not solving the entire problem, would be a significant added protection for the 3,000 rent stabilized tenants in the community. In addition, any such strategy should be implemented at a City-wide level and/or included in every neighborhood rezoning going forward (1, 2, 3, 5, 80).

Response 3.3: See response to Comments 1.6 and 1.45

Comment 3.4: The Proposed Actions will not result in a loss for low-income tenants. None of the middle income tenants will be moving in at the expense of low-income tenants. As in Harlem, the development of new housing will replace vacant, run-down buildings or vacant lots, and no one will be displaced. When multi-family projects are renovated, units are typically renovated one unit at a time and tenants move out voluntarily and are not chased out (39).

Response 3.4: Comment noted.

Comment 3.5: The Proposed Actions could inadvertently displace tens of thousands of families in East New York, the vast majority of whom will be unable to afford the relatively small number of new units that will be built. The Proposed Actions will increase the total number of housing units in the East New York rezoning area by 51 percent, which will inevitably serve to drive up rents and add new pressures on the current housing market place, without enough new, affordable units to sufficiently mitigate the impact on the community. The scale of the development here should be considered; the Greenpoint-Williamsburg rezoning only identified 800 units at risk of displacement, whereas the Proposed Actions identified 21,000 (1, 2, 25, 80).

Response 3.5: The Proposed Actions are anticipated to introduce a net increase of 6,492 dwelling units, including 3,538 affordable units, which would increase the supply of New York City housing to meet escalating demand. As described in Chapter 3 of the FEIS, the Proposed Actions are expected to increase the residential population and housing stock in the primary study area by approximately 52 percent and by roughly 10 percent in the overall ½-mile secondary as compared to the No-Action condition.

The Proposed Actions aim to ensure new development is concentrated along the commercial corridors of Atlantic, Pitkin and Fulton and Liberty Avenues, and the Proposed Actions require that new development set aside at least 25 percent of the units as permanently affordable

housing in accordance with MIH Option 1. In addition, HPD has committed that the first housing units that the City subsidizes in East New York will all be 100 percent affordable and will be affordable under the terms of HPD's extremely low-income program that requires ten percent of the housing be targeted to households at 30 percent of AMI, and 15 percent at 40 percent of AMI.

In accordance with *CEQR Technical Manual* guidelines, the detailed analysis of the potential for an indirect residential displacement impact in the FEIS estimates that the primary study area contains approximately 5,172 units (approximately 12,635 residents) that, based on residents' current income levels and because the units are not currently rent-regulated according to available data, could be at risk of indirect displacement if their rents were to increase, and approximately 16,616 units (approximately 36,631 residents) in the secondary study area, that, for the same reasons, could be at risk of indirect displacement if their rents were to increase. Given real estate market trends experienced in surrounding neighborhoods, the limited housing stock, and overall demand for housing, it is likely that rents in the study area would increase significantly without the Proposed Actions. The socioeconomic characteristics of the population living in the study area is already changing and is likely to continue to change over the next 15 years under the No-Action condition by 2030. Low-income households are already experiencing rent pressures and the current average asking rents are not affordable to many of existing residents in the primary and secondary study areas. Given current market trends, it is very likely that demand for housing in the study area would continue to escalate in the future with or without the Proposed Actions, and that rents within the study area would significantly increase in the future without the Proposed Actions. Irrespective of the Proposed Actions, low-income residents living in unprotected rental units would likely experience indirect residential displacement pressures. The 3,538 new affordable housing units created as a result of the Proposed Actions would significantly expand housing options available to low- and moderate-income residents in the study area, protecting some of them against any indirect displacement pressure in the future with or without the Proposed Actions. This protected affordable housing could serve some of the low- income households currently in unprotected rental units, which can be expected to occupy affordable housing units projected to be developed under the Proposed Actions.

Comment 3.6: The East New York neighborhood, which is currently home to many apartments that are affordable to a wide variety of income levels, lacks the protections afforded by widespread stabilization, with the number of rent stabilized units in the 37th Council District (which includes part of East New York and the surrounding communities) decreasing by more than 14 percent over the past seven years. There are 21,788 unprotected units that are home to nearly 50,000 low-income residents that would be particularly vulnerable to upward pressures in the rental market (1, 2, 11).

Response 3.6: HPD currently oversees a variety of housing preservation strategies in the rezoning area, which will continue in the future. The strategies include a range of programs that provide assistance to owners of privately-owned properties (typically a subsidy loan and/or tax exemption) in exchange for the building owner entering into a regulatory agreement with HPD that imposes rent and income limitations for the duration of the benefits. See response to Comment 1.6.

Comment 3.7: To afford the affordable units that would be created in new buildings under the Proposed Actions, a family would have to earn \$46,620 a year, and would have to earn upwards of \$83,484 a year to afford a market-rate unit—more than double the current AMI. 84 percent of East New York residents and the surrounding communities will be unable to afford the proposed market-rate units and 55 percent will be unable to afford the proposed affordable units under the Proposed Actions. Without changes to the anticipated distribution and income tiers, there will not be an adequate supply of truly affordable units to address households at risk of displacement (1, 2, 3, 37, 83). The Coalition believes that the City's proposed affordability levels for HPD-subsidized projects do not

match the local needs, and therefore, as a result, the DEIS has overstated the extent to which new construction will serve to mitigate potential displacement of community residents. (8)

Response 3.7: As described in Chapter 1, “Project Description,” HPD anticipates that through a combination of public land, private sites, the City’s new Mandatory Inclusionary Housing policy, and the availability of HPD financing, over half of all new residential units that are developed within the rezoning area will be affordable.

HPD has committed that during the term of the Housing New York plan (through 2024), any project that receives City subsidy will be 100% affordable at a range of incomes, from less than \$23,350 (30% of AMI) up to \$69,930 (90% of AMI) for a three-person household. Projects will be required to serve the following incomes in specific proportions, as follows:

- 10% of units will serve families earning up to 30% of AMI
- 15% of units will serve families earning up to 40% of AMI
- 15% of units will serve families earning up to 50% of AMI
- 40-60% of units will serve families earning up to 60% of AMI
- Up to 20% of units may be set aside for families earning up to 90% of AMI

The percentage of units at these income bands may vary from project to project to provide flexibility for deeper affordability. HPD will also consider proposals that set aside 30% of all units for formerly homeless households.

Public sites that are being redeveloped will be subject to even deeper affordability requirements than those described above. HPD controls six clusters of public sites in the East New York rezoning area and Community District 5 that could generate approximately 300 units of affordable housing. On these sites, HPD will require developers to provide even deeper affordability at the following minimum levels:

- 15% of units will serve families earning up to 30% of AMI
- 20% of units will serve families earning up to 40% of AMI
- 15% of units will serve families earning up to 50% of AMI
- 35-55% of units will serve families earning up to 60% of AMI
- Up to 20% of units may be set aside for families earning up to 90% of AMI

There are three clusters of one-to four-family homeownership sites (NIHOP sites) that will be made affordable to moderate-income households earning 80 percent of AMI and above. See responses to Comments 1.73, 3.60 and 3.83.

Pursuant to the Mandatory Inclusionary Housing proposal, at a minimum, 25 percent of the total floor area in any new development must be affordable housing targeted to households with income bands averaging 60 percent of AMI (or a maximum of \$46,620 for a three-person family), with no unit targeted at a level exceeding 130% of AMI.

Comment 3.8: The DEIS overstates the number of affordable units likely to be generated by the Proposed Actions, relying too heavily on the use of HPD subsidies that are voluntary and do not offer permanent affordability. (8) The DEIS overstates the number of affordable units that would be produced under the Proposed Actions. The 3,447 projected affordable units includes units created through MIH and a series of additional, unspecified subsidies, which are separate and apart from the Proposed Actions. If the new subsidies fail to adequately incentivize developers to build additional affordable housing and the City must rely on MIH alone, as few as 1,896 affordable units could be produced, with only half (948) set aside for residents of the local community (1, 2, 3, 25).

Response 3.8: Refer to responses to Comments 1.3, 1.5, 1.13 1.15, 1.73 and 3.7.

Comment 3.9: As other neighborhoods throughout the City have become increasingly affordable, East New York and Cypress Hills have become increasingly important havens for low-income residents, immigrants, and people of color, with minority groups increasing in prevalence in the neighborhoods in recent years (2, 8).

Response 3.9: Comment noted.

Comment 3.10: We do not share the City's view that the transformation of East New York and Cypress Hills from a welcoming working class enclave to a community that is unaffordable to the vast majority of current residents is inevitable. The DEIS does not address the fact that the rezoning will create a greater risk of displacement by inviting huge amounts of new housing (8, 80).

Response 3.10: In accordance with CEQR Technical Manual guidelines, the indirect residential displacement assessment attempts to determine whether any factors would emerge that would affect the underlying economic base of the study area, including an assessment of underlying market and land use trends. As described in Chapter 3, "Socioeconomic Conditions" of the EIS, given the trends experienced in the neighborhoods surrounding the secondary study area, and the increased interest and limited housing stock of the study area, it is likely that rents within the study area would significantly increase in the future without the Proposed Actions by 2030. Demand for housing in the study area is expected to continue to increase given its relative affordability compared to the surrounding areas and its relatively convenient location and proximity to transit. Current real estate data show a trend towards higher property values and household incomes. According to conversations with local brokers, currently one-bedrooms rent for about \$1,100 per month, two-bedrooms up to \$1,400 (with most at \$1,250) and three-bedrooms about \$1,700 in East New York. Assuming that the average renter spends approximately 30 percent of his or her income on rent, renters of a one-bedroom apartment would be projected to earn approximately \$44,000 and renters of a two-bedroom upwards of \$56,000. Based on upward trends in income and real estate values near the secondary study area and the limited stock of available apartments, it is likely that low-income renter households living in rent-unprotected units would continue to experience indirect residential displacement pressures in the No-Action condition and could potentially move out of the area and therefore decrease in proportion to other households. See Response to Comment 3.5.

Comment 3.11: The socioeconomic conditions analysis significantly underestimated the likely displacement effects of the Proposed Actions and analysis fails to openly acknowledge displacement pressures that are caused by increases in land values and real estate taxes. The DEIS should identify potential indirect displacement impacts resulting from the Proposed Actions (8, 25).

Response 3.11: Pursuant to CEQR Technical Manual guidelines, the EIS includes detailed indirect residential and indirect business/institutional displacement assessments to determine if the Proposed Actions would have the potential to markedly increase property values and rents throughout the study area making it difficult for renters living in apartments not protected by rent stabilization, rent control, or other government regulation, and for some categories of businesses/institutions to remain in the area.

Comment 3.12: The EIS must identify and conduct greater and more thorough research assessing the long-term effects of neighborhood rezonings on long-time low-income residents, rather than simply assuming that the findings from studies of low-income residents relocated to wealthy areas are applicable in this drastically different context (8).

Response 3.12: It is outside the Scope of the EIS to conduct extensive research assessing the long-term effects of neighborhood rezonings on long-time low-income residents.

Comment 3.13: I am concerned that the proposed upzoning of Arlington Village could result in higher risk for displacement of the site's existing long-term residents. The developer of Arlington Village (projected development site 46) should provide proof of a binding mechanism of ensuring that the

site's existing residents would be seamlessly accommodated in the redevelopment at comparable rents; absent this commitment, the site should be excluded from the rezoning (3).

Response 3.13: As described in Chapter 3 of the EIS, Arlington Village comprises projected development site 46, which includes two rectangular blocks bounded by Atlantic Avenue, Liberty Avenue, Berriman Street, and Montauk Avenue with Atkins Avenue extending through the middle. Site 46 is occupied by a collection of low-rise walkup multiunit buildings, many of which are in significant disrepair, sealed, and uninhabitable. According to DCP, Site 46 currently contains approximately 42 occupied residential units. In the future with or without the Proposed Actions, the 42 existing residential dwelling units on Site 46 are expected to be replaced with more dense residential use. The owner of Site 46 has indicated that it will be redeveloped based on current zoning, or if the proposed rezoning is adopted, based on the site's new zoning. Irrespective of the Proposed Actions, it is the stated intent of the property owner to relocate any of the existing residents as the need arises within other buildings on the site during the redevelopment of the property.

Comment 3.14: To allow people to connect directly with the appropriate government agencies, adequate resources should be provided for City agencies to open remote sites for legal technical assistance and intake services, mirrored after the current Neighborhood Preservation HelpDesk initiative (3).

Response 3.14: Comment noted.

Comment 3.15: The City Council and Mayor should adopt Intro 214 or any other measure that would guarantee the right to counsel for low-income New Yorkers who face losing their homes in legal proceedings (3).

Response 3.15: Comment noted.

Comment 3.16: I am concerned about the potential for commercial displacement along Fulton Street, where the DEIS assumes 22 sites could possibly be redeveloped and there are multiple additional properties that have the potential to be redeveloped subsequent to the adoption of the Proposed Actions. Such potential redevelopment could directly displace many existing businesses, and additional businesses might be displaced due to ongoing market forces that have nothing to do with upzoning, where more substantial increases can result in displacement simply by the inability to afford such a jump in rent. Such sentiment might become more widespread as more affluent households are introduced to the area, and there is also the risk of commercial buildings or mixed-use buildings being sold to a developer for gut rehabilitation, ultimately resulting in displacement. To preclude commercial displacement, the Independent Budget Office should analyze business real estate tax exemptions and/or forgiveness on City collections, subject to lien sales, for landlords willing to index lease renewals to specified limited percentage (3, 6).

Response 3.16: As shown in Figures 1-6a and 1-6c, the EIS assumes that 13 projected development sites and two potential development sites could be redeveloped along Fulton Street as part of the RWCDs in the future with the Proposed Actions. In accordance with the *CEQR Technical Manual*, the EIS identifies the business establishments/institutions that would be subject to potential direct displacement in the future with the Proposed Actions based on existing conditions and the businesses currently located on projected development sites. The redevelopment of the 13 projected development sites along Fulton Street could directly displace 30 firms and one institution (total of 31 establishments), employing an estimated 172 workers. Such potential direct displacement would occur over an approximate 15-year period on a site-by-site basis. The 31 establishments that could be directly displaced conduct a variety of business activities, including automotive-related services, retail, food service, construction, professional and technical services, health care and social assistance services, and personal services (laundromats, drycleaner, etc.). Given that the businesses that could be directly displaced by the Proposed Actions do not provide products or services essential to the local economy that would no longer be available to local residents and businesses due to the difficulty of relocating, nor are they the subject of regulations or publicly adopted plans to preserve, enhance, or protect them, the direct business displacement assessment determined that the Proposed Actions

would not result in significant adverse direct business displacement impacts. Under the RWCDs, it is anticipated that approximately 93,402 sf of retail, 28,900 sf of restaurant, and 76,774 sf of office would be constructed on the 22 projected development sites with frontage on Fulton Street as compared to the No-Action condition.

The EIS also includes an indirect business displacement analysis that identifies and characterizes conditions and trends in employment and businesses within both the primary and ½-mile secondary study areas. According to the *CEQR Technical Manual*, indirect business/institutional displacement may result from an action that would markedly increase property values and thus increase rents throughout the study area, making it difficult for some categories of businesses to remain in the area leading to changes to land use or population patterns or community character. Pursuant to CEQR guidelines, the indirect displacement assessment determined that the Proposed Actions would not result in any significant adverse indirect business impacts, and are not expected to indirectly displace a substantial number of residents or workers.

Additionally, the proposed Enhanced Commercial (EC) districts being mapped as part of the Proposed Actions along Atlantic Avenue, Pitkin Avenue, Pennsylvania Avenue, and Fulton Street would require that all ground floor uses fronting on these corridors (or within 30 feet) be non-residential, such as retail establishments, offices, and community facilities. The proposed EC districts would ensure that new developments would have active ground floor uses and by increasing the supply of retail space, would relieve rental pressures on existing small businesses. See response to Comment 1.30.

Comment 3.17: The New York City Department of Small Business Services (SBS) should provide a written commitment of its intent on delivering programs to help residents grow businesses, such as (a) launching an East New York-focused FasTrac Growth Venture Course; (b) providing education, assistance, and tools to help businesses with leases; (c) initiating efforts to make the retail market more transparent; (d) targeting support provided by WNYC to help women operate and grow a business; and (e) targeting its “Small Business First” program to help businesses in the neighborhood navigate government regulations (3, 6).

Response 3.17: To provide technical support to small businesses in East New York, SBS will launch a FastTrac Growth Venture multi-session business course to help approximately 25 businesses access capital, access growth opportunities, build sales strategies and adapt to changing markets. Courses will begin on March 8th, 2016. SBS also offers a suite of free business services through our network of seven NYC Business Solutions Centers, where we offer pro-bono legal services to help small business owners negotiate and review leases. In a greater effort to target these efforts, SBS will be partnering with the Brooklyn Public Library and Local CBO’s to conduct commercial lease support workshops in the East New York community. In addition, through Small Business First, we are working across agencies to improve the City’s regulatory environment to reduce the burden on small businesses.

Comment 3.18: The CEQR analysis paints an unrealistic picture of displacement because, in keeping with general CEQR practice, the assessment of indirect displacement assumes that the mechanisms for such displacement are legal. In actuality, the sudden change in home values following a rezoning puts many longtime residents at risk of displacement through numerous illegal tactics. Because the City completely ignores these realities, it effectively forecloses conversations about much of the displacement that is likely to occur and makes it virtually impossible to consider, much less adopt, mitigation strategies to prevent illegal displacement tactics (8).

Response 3.18: Comment noted. See response to Comments 1.6 and 3.5.

Comment 3.19: Even though CEQR requires a rigorous analysis of displacement impacts, there are few data sources that permit the City to effectively assess displacement; there is not adequate existing data on where residents move to/from, and, as a result, the City simply does not know what happens to people

after they leave a neighborhood. This creates a lopsided view of the effects of any City land use action (8).

Response 3.19: Chapter 3 of the EIS includes a preliminary assessments of direct business displacement and adverse effects on specific industries and detailed assessments of indirect residential and indirect business displacement, which were prepared in accordance with *CEQR Technical Manual* guidelines and methodologies.

Comment 3.20: We believe that *CEQR* requires the City to disclose the impacts of the Proposed Actions on certain vulnerable demographic groups—including people of color. We do not believe that *CEQR* precludes such an analysis and believe that the Fair Housing Act demands it. An analysis of potential perpetuation of residential segregation under a proposed rezoning falls squarely within the proper scope of the City’s obligations. 98 percent of the people in East New York are black and we want to know the scope of what will happen to black home ownership as a result of the Proposed Actions; it’s illegal under the Constitution. As a recipient of federal housing funds, under HUD regulations the City’s strategies and actions must affirmatively further fair housing (8, 54, 55).

Response 3.20: Pursuant to *CEQR Technical Manual* guidelines, the EIS includes a detailed analysis of indirect residential displacement that examines whether the Proposed Actions and associated RWDCS are expected to introduce or accelerate socioeconomic trends that may potentially displace renters living in units not protected by rent stabilization, or other government regulations restricting rents, whose incomes are too low to afford increases in rents regardless of race or ethnicity. The analysis of the effects of the Proposed Actions did not find that there would be significant adverse indirect residential displacement impacts. See response to Comment 3.5. The City is not required, pursuant to federal, state, or local law or regulation, to include an assessment of the Proposed Actions’ compliance with federal fair housing laws and regulations in the EIS. 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.

Comment 3.21: *CEQR* does not provide a space where the City can consider the human impacts of displacement—not simply the number and type of people displaced, but the many individual experiences of displacement and disruption rapid neighborhood change can cause. We are concerned that the City’s actions, however well-intentioned, may in time prove to be as painful and costly as the City’s land use decisions during urban renewal (8).

Response 3.21: Comment noted. *CEQR Technical Manual* guidelines and methodologies do not consider individual experience, the data used is intended to quantify human impacts of displacement. Nonetheless, the East New York Community Plan includes numerous measures, initiatives and policies by HPD, HRA and other City agencies to allow residents of East New York to remain and prosper in their community. These initiatives include preserving existing affordable housing through renewed regulatory agreements, bringing additional low-cost housing into rent-regulation through financing incentives such as the Green Housing Preservation Program, outreach by the Tenant Support Unit to advise tenants of their rights and a legal defense fund to protect tenants against illegal landlord behaviors that cause displacement. As a last resort, displaced residents would have an opportunity to seek any of the new affordable housing made possible and required through the zoning changes along the area’s major corridors. Without the Plan and its concurrent land use actions to require affordable and City agency commitments to preserve housing and protect tenants, displacement of low-income residents would occur and accelerate due to rising market forces, as is occurring in other nearby neighborhoods.

Comment 3.22: The announcement of the East New York rezoning has led to significant land speculation and house flipping that are making it harder for people to afford to move to East New York and forcing existing low-income residents out. The sales prices of industrial buildings have also spiked (6, 25, 31, 48, 52, 59, 61).

Response 3.22: Comment noted. See response to Comments 3.57 and 3.84.

Comment 3.23: The City's proposals that envision a more economically diverse community fail to recognize the awful fact that the housing policies we have pursued and continue to pursue in the U.S. do not encourage mixed-income communities that can be maintained over time. Without extensive provisions for deep and permanent affordability, communities exist as mixed-income only during the transition between richer people replacing poorer people, which tends to overlap with whiter people replacing browner people (31).

Response 3.23: See response to Comments 1.6 and 3.7. The affordable housing created under MIH would be mandatory and a condition of residential development in the proposed rezoning area. It would also be permanent, ensuring a long-term, stable reservoir of affordable housing.

Comment 3.24: The Proposed Actions must be revised to better balance the proposed density with affordable housing to prevent a significant adverse indirect residential displacement impact (2).

Response 3.24: The potential for indirect residential displacement impacts as a consequence of the Proposed Actions was analyzed in detail in accordance with the methodologies of the *CEQR Technical Manual* in Chapter 3, "Socioeconomic Conditions," and was found not to be significant and adverse. See response to Comment 3.7. As discussed in the response to Comment 1.13, it is the City's belief that increasing the supply of housing, including a significant number of affordable housing units, is the best means of preventing displacement.

Comment 3.25: The DEIS inconsistently applies the law of supply and demand. It acknowledges that industrial rents are rising and vacancy rates are falling, but it doesn't acknowledge that reducing the supply of industrial land (via the rezoning) will exacerbate the challenge of rising industrial rents (85).

Response 3.25: As described in Chapter 3 of the EIS, industrial uses are largely found beyond the rezoning area's boundaries. The few small pockets of manufacturing zoning in the rezoning area do not support many active industrial uses, and there is a trend towards a conversion of the area's manufacturing uses to other uses, including the conversion of industrial lofts on Atlantic Avenue to warehousing/self-storage uses. These areas contain a number of vacant and underutilized properties, including vehicle storage uses. Recent construction within the industrial zoning districts has primarily been limited to fast food establishments and community facilities, such as schools. The potentially vulnerable businesses in manufacturing zoned areas would not meet the criteria for a significant adverse displacement impact according to CEQR; i.e., collectively, they are not of substantial economic value to the City; they can largely be relocated elsewhere in the City; they are not subject to regulations or publicly adopted plans to preserve, enhance, or protect them. Therefore, while the Proposed Actions could lead to some indirect business displacement within the above-identified manufacturing zoned districts, this impact would not be considered significant or adverse pursuant to CEQR. The Proposed Actions would also establish mixed-use zoning districts in areas that have a concentration of industrial/manufacturing businesses, permitting a variety of uses throughout these areas such as retail, office, and other commercial anchors, residential uses, and certain semi- and light-industrial uses.

The Proposed Actions would not alter zoning within the East New York IBZ, which includes more than 300 structures on its 58 manufacturing zoned blocks (see response to Comment 1.9). According to 2014 PLUTO data, existing buildings within the IBZ include more than 1.3 million square feet of industrial space. More than 13 acres of the East New York IBZ are zoned M3-2 for heavy manufacturing, approximately 68 acres are zoned M1-4 and about 23 acres area zoned M1-1 for light manufacturing. The East New York IBZ has industrial rental rates of approximately \$12 per square foot, and is generally priced lower than the average for Brooklyn. It characterized as an emerging market and tertiary to more established industrial areas such as Flatlands/Fairfield, Southwest Brooklyn, Greenpoint/Williamsburg, and the Brooklyn Navy Yard. As part of the East New York Community Plan, substantial investments would be made to

strengthen and grow the East New York IBZ, including opening a Workforce1 Satellite Center in East New York/Brownsville, and improving an existing City-owned building in the IBZ (on Pitkin Avenue), so as to increase the supply of modern industrial space.

Comment 3.26: Protecting affordable units in East New York for families and seniors and protecting tenants in small buildings is critical as the rezoning plan moves forward. The Administration is committed to protecting tenants from displacement, preserving affordable housing, stabilizing neighborhoods, and averting homelessness, including investing substantially in HRA's legal services program. The Administration's investment in HRA's legal services to protect against harassment and unnecessary evictions is the largest initiative of its kind in the nation, enough to provide more than 113,000 New Yorkers each year with legal services, which has the benefit of protecting affordable housing stock. In East New York, HRA is currently serving 65 buildings in the CD through their legal services program, representing 566 apartments (13).

Response 3.26: Comment noted.

Comment 3.27: In 2015, the Administration significantly expanded its anti-eviction tenant protection plan and created a new anti-harassment program for rezoning areas (like East New York). The program is focused on ensuring that more than 13,000 of the City's low-income residents can stay in the neighborhoods they build as those areas grow dense and see considerable investment in the coming years. (3, 13).

Response 3.27: Comment noted.

Comment 3.28: HRA has a presence in East New York at the following NYCHA residences: Boulevard, Brownsville, and Van Dyke Houses. As part of the Mayor's Action Plan for Neighborhood Safety, HRA launched an outreach initiative to assist NYCHA residents in and around these developments with information about benefits eligibility. HRA Outreach Specialists provide support, information, and referrals to development and community residents who have questions about open cases or are seeking temporary assistance; the Outreach Team helps keep residents of East New York in their homes (13).

Response 3.28: Comment noted.

Comment 3.29: HRA's Brownsville Jobs-Plus program provides comprehensive employment services and wraparound support for residents of NYCHA's Van Dyke and Brownsville Houses, including job-readiness, career exploration, job preparation workshops, referral to education and training opportunities, job placement/retention, and career advancement (13).

Response 3.29: Comment noted.

Comment 3.30: HRA's programs and services address many of the concerns that community members have raised in response to the East New York rezoning proposal (13).

Response 3.30: Comment noted.

Comment 3.31: Much of the work that HPD has been doing, and will continue to do, to preserve the existing housing stock in the rezoning area will address the stated community concerns about potential displacement. A large proportion of the housing stock in East New York is already protected affordable housing regulated by government agencies. HPD has preservation programs specifically designed to preserve this housing. HPD is also working to identify opportunities to preserve the affordability of unregulated buildings, including expanding eligibility in existing finance programs and launching a new Green Housing Preservation Program so that more properties can be assisted (3, 15, 32, 42, 58).

Response 3.31: Comment noted.

Comment 3.32: The East New York Community Plan, if approved, will decrease pressure on the existing stock by allowing more development to meet the needs for housing in the area. In addition, by requiring at least 25 percent of all new construction buildings to be affordable, the Proposed Actions will free up HPD resources for preservation of the existing housing stock and to meet the needs of the poorest families. Increasing the supply of housing, and increasing the supply of affordable housing, is also the best way to prevent displacement, which is caused by rents going up (15, 32, 42, 58).

Response 3.32: Comment noted.

Comment 3.33: The Proposed Actions would create new rental pressures on existing residents as thousands of higher income residents are introduced into the area; even with nominal upzonings (e.g., to R5B and R6B), residents in unregulated small homes are at risk, as many of the lots on the rezoning area's side streets, which are proposed to be rezoned to contextual districts, are currently underbuilt. The DEIS does not analyze potential displacement that would result from these upzoning to R6B, as well as the sites that would not be gaining additional floor area or that are outside the boundaries of the rezoning area (3).

Response 3.33: In accordance with the CEQR Technical Manual guidelines, the EIS includes an initial assessment of direct residential displacement on the 81 projected development sites identified as part of the RWCDs, and a detailed indirect residential displacement assessment that considers two study areas including a primary study area (coterminous with the area to be rezoned) and the secondary study area (i.e., the approximate ½-mile area around the primary study area). The analysis of the effects of the Proposed Actions on direct and indirect residential displacement did not find that there would be significant adverse impacts. The Proposed Actions would introduce a substantial amount of affordable housing and would require, at a minimum 25 percent, of the residential floor area to be provided as housing affordable to households at an average of 60 percent of the Income Index ("AMI"), with no unit targeted at a level exceeding 130% of AMI. The Proposed Actions' contributions to rent pressures in the study areas would be limited by the supply of market-rate and affordable housing resulting from the Proposed Actions, which could serve to offset existing housing demand and rent pressures. See responses to Comments 3.7 and 3.23.

Comment 3.34: The development of more expensive residences are often perceived as making the surrounding area more attractive to those with more disposable income than those within the existing community. Such occupancy of the higher cost rentals are viewed as factors in encouraging landlords to raise rents of unregulated units to rates supported by the market. The resulting displacement of a building's tenants and loss of the neighborhood's affordable housing stock are both of equal importance for affordable housing advocates (3).

Response 3.34: Comment noted. See responses to Comments 1.6, 1.13, 3.7, and 3.33.

Comment 3.35: Even standard rent increases approved by the Rent Guidelines Board could be enough of a burden to eventually lead to an inability to maintain the payment of rent. Major Capital Improvements lead to much more substantial increases, which can result in displacements simply by the inability to afford such a jump in the rent, and there is always the risk of a residential building being sold to a developer for gut rehabilitation, where units are vacated in accordance with the DHCR Operation Bulletin (3).

Response 3.35: Comment noted.

Comment 3.36: Based on an analysis of potential soft sites, we identified many soft sites in areas proposed to be rezoned to R6B or R5B that are at risk of potential displacement, only nine are likely rent stabilized buildings. The R4 and R5 districts surrounding the rezoning area also contain a number of soft sites at risk of displacement (3).

Response 3.36: According to the CEQR Technical Manual, soft sites are sites where a specific development is not currently proposed or being planned, but may be reasonably expected to occur by the

projected build year. A generic action, such as an area-wide zoning change like the East New York rezoning proposal, has a wide application and requires the development of a RWCDs that captures the upper range of potential development that is expected to occur in the future with the proposed action. As described in the response to Comment 1.55, the identification of projected and potential development sites was based on multiple criteria, including the density permitted under the proposed zoning district, the size of the lot, and the existing utilization of the lot. Certain lots that met these criteria were excluded based on the following conditions, which make them unlikely to be redeveloped as a result of the proposed rezoning: lots where construction activity is occurring or was recently completed; sites of schools, municipal libraries, large medical centers, and houses of worship; multi-unit buildings; certain large commercial structures; lots whose location or highly irregular shape would preclude or greatly limit future development; and sites used for public transportation and/or utilities. In addition, sites smaller than 7,500 sf occupied by existing residential development, sites with multiple commercial and residential tenants, sites occupied by active businesses, and sites occupied by unique services or prominent/successful neighborhood businesses were determined less likely to be developed. Based on these criteria, a total of 186 development sites were identified as likely (81 sites) or potential (105 sites) for development within the next 15 years. In accordance with *CEQR Technical Manual* methodologies, Chapter 3 of the DEIS includes assessments of direct residential and direct business displacement from the 81 identified projected development sites, and assessments of indirect residential and indirect business displacement that considers two study areas including a primary study area (i.e., the area to be rezoned) and the secondary study area (i.e., the approximate ½-mile area around the primary study area).

Comment 3.37: Anti-harassment measures of ZR Sections 23-90 and 93-90, as well as the Tenant Protection Act (TPA) should be reviewed to determine the best means of protecting tenants of the rezoning area from harassment that may arise from the adoption of the Proposed Actions. However, while implementation of tenant protection measures can be a deterrent to displacement, it is still possible that developers may decide that it would be more profitable to demolish one or more new buildings (3).

Response 3.37: See response to Comment 1.45.

Comment 3.38: Rent stabilized units are still at risk of potential harassment or preferential rents being retracted, which could result in a 40 percent or more rent increase (3).

Response 3.38: See responses to Comments 1.6 and 3.3.

Comment 3.39: I am concerned with regard to the risk for displacement and the limited opportunity to depend on the private sector through MIH-designated area development to achieve housing affordable to those most in need. This should be addressed through providing as many opportunities to create additional affordable housing resources for very-low income households at-risk for displacement or to allow those displaced to return to these communities (3).

Response 3.39: While the new Mandatory Inclusionary Housing (MIH) program sets a minimum affordability requirement that promotes economic diversity while supporting feasible development, the actual amount of affordable housing created will be determined by the interaction among housing subsidy programs, the local housing market, zoning requirements, and broader economic conditions; including a recent commitment by the City (through HPD) to subsidize 1,200 affordable dwelling units in the first two years of the East New York Community Plan. HPD analysis indicates that for the next few years, 100 percent of residential units created would be affordable, as the market cannot support complete unsubsidized development due to high construction costs, land costs, and operational costs. See response to Comment 3.7.

Comment 3.40: New Yorkers at the 50 percent AMI level and below are by far the population most in need of affordable housing, as this population is often significantly rent burdened (3).

Response 3.40: Comment noted.

Comment 3.41: I am concerned that existing industrial uses in the proposed MX districts are at risk of being converted to retail uses. The proposed MX district in the Dinsmore-Chestnut URA might also have an impact in terms of promoting or retail industrial uses (3).

Response 3.41: See response to Comment 2.7. Under the Proposed Actions, the Dinsmore-Chestnut URA would be rezoned from an existing M1-1 to M1-4/R8A zoning district. While the manufacturing use currently designated for the Dinsmore-Chestnut URA would continue to be allowed as-of-right in the future with the Proposed Actions, HPD is proposing an amendment to the URP to conform the URP's land use restrictions to the M1-4/R8A zoning proposed for the URA to allow residential, community facility, commercial, light manufacturing, and other uses permitted under the proposed rezoning. The proposed amendment would update the URP's general provisions. Additionally, disposition approval of the URA would allow development pursuant to and in accordance with the amended URP. Under the RWCDs, it is anticipated that a 1,030,914 sf development would be constructed on the Dinsmore- Chestnut URA site (projected development site 66), including 457,075 sf of development consisting of approximately 306 residential units (including 153 affordable DUs), a 1,000-seat PS/IS school, and 17,600 sf of local retail uses. In total, With-Action development on projected development site 66 (the Dinsmore-Chestnut URA site) would represent a net increment of 949,739 sf of development over the No-Action condition.

Comment 3.42: Between 2000 and 2010, East New York's population increased by 11 percent, faster than Brooklyn and the City as a whole. As the population grows, the increased demand for housing is putting pressure on the area's housing supply. We must create new affordable housing if we are going to relieve the heavy demand that is driving up East New York rents (15, 42).

Response 3.42: Comment noted.

Comment 3.43: Between 2000 and 2013 (before the announcement of the rezoning), median home values in East New York increased significantly, with rents increasing at a rate faster than in Brooklyn as a whole. Currently, many East New York residents are rent burdened (15, 79).

Response 3.43: Comment noted.

Comment 3.44: The statistic that 50,000 East New York residents are going to be displaced as a result of the Proposed Actions is not true; the DEIS actually states that there are already 50,000 people at risk of displacement in the area because they live in small unregulated units and rents are increasing under existing conditions. The Proposed Actions are not a trigger for displacement, but rather a preventative measure (15).

Response 3.44: Comment noted.

Comment 3.45: Harassment is an issue in rent regulated housing. So much of the housing stock in East New York is not rent regulated, and so there, the emphasis has to be on anti-displacement, as opposed to just anti-harassment (15).

Response 3.45: Comment noted.

Comment 3.46: There is an underutilized City-owned building in the IBZ (on Pitkin Avenue) that the NYCEDC will be improving, so as to increase the supply of modern industrial space. Increasing the supply of industrial space and offering below-market rents (as the property is City-owned) will allow businesses to stay in the area (78).

Response 3.46: Comment noted.

Comment 3.47: Legal services alone are not enough to break the profit motive that will drive landlords to harass rent stabilized tenants in the community, as the punishment are not severe enough and they don't work for tenants that do not have the right to lease renewal. In addition, HPD subsidies will not hold tenants in unregulated apartments and small homes (37, 80).

Response 3.47: Tenants experiencing landlord harassment or building quality issues should call 311 immediately and/or consult with a legal services provider. The East New York Community Plan commits the City to immediate and proactive tools to protect residents from landlords that engage in harassment or are not making repairs to their buildings

- Free legal services are now available to all low-income tenants in East New York facing harassment.
- The City formed the first ever task force dedicated to investigating and bringing enforcement actions – including criminal charges – against landlords who harass tenants.
- City Hall and HRA created a Tenant Support Unit that engages directly with tenants, reports housing quality issues, assists with harassment cases, and provides information regarding available resources.
- HPD is operating a mobile van that is out in the neighborhood several times a week with staff to provide information about housing resources and to take complaints about building quality or landlord issues.
- In partnership with local elected officials and community groups, HPD is continuing to host Tenant Resource Fairs in communities where residents can come and consult with legal service providers, HPD code enforcement officials, and others to obtain information about available resources, submit applications for affordable housing, and report buildings issues.
- The City is partnering with the State's Tenant Protection unit for heightened compliance efforts in East New York to ensure that rent stabilized tenants are not being charged unlawful rents.

Finally, HPD is coordinating with the New York City Commission on Human Rights to investigate discrimination by realtors and landlords.

Comment 3.48: We need to be developing a database of anyone that is displaced. If anyone is displaced, they need to have an opportunity to come into one of the new units that is being created (85).

Response 3.48: Comment noted. This is outside of the scope CEQR.

Comment 3.49: The vacancy rate of the IBZ that is often cited is a misnomer. Often, there will be signs on the outside of a building saying that the building is vacant, but, in actuality, there are tenants inside. My best guess is that the actual vacancy rate in the IBZ is around ten or 12 percent (85).

Response 3.49: Comment noted.

Comment 3.50: I don't want the benefits of the Proposed Actions at the expense of the neighbors I live with already. There is room for everyone, which is exactly what increased density facilitates (26).

Response 3.50: Comment noted.

Comment 3.51: Absent the Proposed Actions, market-rate housing will be developed in the rezoning area, with little or no home of affordable housing; without the rezoning, gentrification will take place (14).

Response 3.51: Comment noted.

Comment 3.52: The DEIS states that, as the Proposed Actions would result in the construction of affordable housing, there would be no significant adverse impact on residential displacement. However, this is not the test of significance; the test of significance is whether an action would increase the risk of

displacement, not whether it will create new market pressures. We believe that the Proposed Actions would increase the risk of displacement and that a significant adverse impact should be disclosed (2).

Response 3.52: Pursuant to CEQR, an analysis was conducted to determine whether the Proposed Actions would introduce or accelerate a socioeconomic trend that may potentially displace an existing low-income population. The analysis looked at whether there are renters living in units not protected by rent stabilization, rent control, or other government regulations restricting rents, whose incomes are too low to afford increases in rents. The analysis of indirect residential displacement did not find that there would be significant adverse impacts as the result of the Proposed Actions.

Comment 3.53: The DEIS socioeconomic conditions assessment is founded on the premise that increasing the supply of housing will relieve market pressures and thereby drive down housing prices. When you look at what has actually happened in the City since 2000, while housing is being constructed at an unprecedented rate, we are not seeing a corresponding level of decrease in the affordability across neighborhoods (2).

Response 3.53: See responses to Comments 1.13, 3.5, and 3.23.

Comment 3.54: If only 25 percent of the units that are constructed are affordable, which is actually the RWCDs, 75 percent of the people that would move into the rezoning area would be of a greater wealth than 84 percent of the people that currently live there. There is no way that this does not trip a significant impact threshold if we look at the history of DEISs that have been approved by the City (2).

Response 3.54: See responses to Comments 1.5 and 1.13.

Comment 3.55: With the rezoning, landlords will find ways to increase their revenue by displacing tenants that have lived within this community for years (23).

Response 3.55: Comment noted. Pursuant to CEQR Technical Manual guidelines, Chapter 3 of the EIS, includes assessments of direct and indirect residential displacement. In addition, as stated in Comment 3.23, the City is committed to protecting tenants from displacement, preserving affordable housing, stabilizing neighborhoods, and averting homelessness, including investing substantially in HRA's legal services program. The City has invested in HRA's legal services to protect against harassment and unnecessary evictions is the largest initiative of its kind in the nation, enough to provide more than 113,000 New Yorkers each year with legal services, which has the benefit of protecting existing tenants. See response to Comment 1.6.

Comment 3.56: The assessment of direct displacement does not efficiently account for the direct displacement that is likely to be caused by the actions of private landowners who may seek to renovate or redevelop their site after the rezoning is approved. The EIS should include a more detailed analysis of direct displacement from the Proposed Actions (8, 48).

Response 3.56: According to the CEQR Technical Manual, direct displacement is the involuntary displacement of residents or businesses from a site or sites directly affected by a proposed action. For a project covering a large geographic area, such as an area-wide rezoning, the precise location and type of development is not be known because it is not possible to determine with certainty the future projects of private property owners, whose displacement decisions are tied to the terms of private contracts and lease terms between tenants and landlords existing at the time of redevelopment. Generally, for area-wide rezonings that create a broad range of development opportunities, new development is expected to occur on select, rather than all, sites within the rezoning area. Therefore, a reasonable worst-case development scenario (RWCDs) is analyzed to illustrate a conservative assessment of the potential effects of the proposed action on projected development sites considered more likely to be redeveloped, and examines whether existing businesses and residents on those sites may be displaced (see response to Comment

1.55). Consistent with CEQR Technical Manual methodologies, Chapter 3 of the EIS includes assessments of direct residential and direct business displacement from the 81 identified projected development sites.

Comment 3.57: During the period from 18 months prior to the Mayor's May 2014 announcement of the East New York rezoning and housing plan to 18 months after the announcement, average sales prices for multi-family walk-ups, industrial, and vacant properties increased substantially more than the average sales prices in CD 5 as a whole (49).

Response 3.57: Comment noted. Market trends occurring in East New York are generally consistent with trends experienced in the larger borough and in surrounding neighborhoods. Chapter 3 of the EIS details that although the median and average sales prices of homes in Brownsville/Ocean Hill, Cypress Hills, and East New York/Spring Creek are lower than Brooklyn as a whole, home sale prices between 2014 and 2015 experienced greater increases as compared to the borough. These increases are reflective of the considerable increases in home sale prices experienced in the nearby neighborhoods of Bedford Stuyvesant, Bushwick/Wyckoff Heights, and Crown Heights. Conversations with local real estate brokers further indicated that the residential market in East New York had been relatively stable until about 2012-2013, when home sales prices started to steadily rise. See response to Comment 3.84.

Comment 3.58: Residents of unregulated units are currently dealing with harassment from speculators seeking returns from their investments (49, 63).

Response 3.58: Comment noted. See response to Comment 1.6, and responses to Comments 3.26 and 3.27.

Comment 3.59: There are market-rate housing developments already being developed in the rezoning area (45).

Response 3.59: Comment noted.

Comment 3.60: I oppose the Proposed Actions, as they will gentrify the neighborhood, as we have seen occur in previous rezonings. New development, regardless of the levels of MIH, has led to gentrification. All that we ask for, is that the people that live in East New York today can continue to call East New York home (50, 83). Poor people are being forced out of their apartments. Leave East New York and Brownsville alone so that we can maintain our rent payments according to our budgets (20). The rent this plan is calling for will bring gentrification to our neighborhood. We need to prioritize maintaining and preserving the existing affordable housing that exists and we want to ensure, first and foremost, that the people who live in this community now can stay in their homes (36).

Response 3.60: The Proposed Actions are expected to introduce a substantial amount of affordable housing-which would increase supply, thereby relieving market pressures on existing residents that are expected to continue in the future without the Proposed Actions. As described in the response to Comment 1.73, the affordability requirements of MIH would provide a baseline for affordable housing development, HPD has committed that any project receiving City subsidy will be required to be 100 percent affordable at the income levels described in Response 1.3. As presented in Chapter 3, "Socioeconomic Conditions," the Proposed Actions would not result in a significant adverse impact on residential development. See response to Comments 1.5, 1.13, 1.15, 3.5, 3.7, 3.10 and 3.23.

Comment 3.61: Much of the discussion around the Proposed Actions is about remedies to incorporate into the rezoning to address a future affordable housing crisis that will be inflicted on the people of East New York because of gentrification resulting from the rezoning. The people that we are seeking to protect in these conversations currently live in housing in East New York that they can afford. Let's let them remain and not do something that will jeopardize their future in the community (50).

Response 3.61: See response to Comments 1.5, 1.13, 3.7, and 3.23.

Comment 3.62: HPD is very involved in preservation work in East New York today, including both reactive activities (responding to complaints) and proactive activities. We have not, in these efforts, seen any indication that harassment is particularly being engage in within East New York, but will continue to be vigilant regarding the uptake in reports (58).

Response 3.62: Comment noted.

Comment 3.63: There is a need to not only preserve the community's housing, but also to preserve the life of our creative community. With the rise of property values, artists and local culture would lose any opportunities and resources available for affordable space and working collaboration. We fear that artists will be pushed out of the neighborhood. We appreciate the efforts of the Department of Cultural Affairs, but we would like to see more (40).

Response 3.63: Comment noted.

Comment 3.64: The prevalence of house flipping creates a ripple effect in the community and impacts property taxes, including the property taxes of local homeowners (7).

Response 3.64: Comment noted.

Comment 3.65: East New York has many long-term small businesses that have been here for 20 or 30 years—fabricators, manufacturers, the culinary industry—that need to be able to stay in the community (7).

Response 3.65: All existing businesses may remain in operation, regardless of whether they conform to the proposed zoning. The Department of Small Business Services will offer targeted assistance to local business owners including commercial lease support and business training courses, to help them sustain and grow their businesses.

Comment 3.66: We need a strategy to fund legal services to help those facing being displaced from their homes (7).

Response 3.66: Refer to Comment 3.26. The City is committed to protecting tenants from displacement, preserving affordable housing, stabilizing neighborhoods, and averting homelessness, including investing substantially in HRA's legal services program. The City's investment in HRA's legal services to protect against harassment and unnecessary evictions is the largest initiative of its kind in the nation, enough to provide more than 113,000 New Yorkers each year with legal services, which has the benefit of protecting affordable housing stock. In East New York, HRA is currently serving 65 buildings in the Community District through their legal services program, representing 566 apartments.

Comment 3.67: The housing stock in East New York and Cypress Hills is primarily small homes accounting for approximately 3,300 residential units. At three persons per DU, 10,000 people live in that vulnerable housing type. The rezoning puts low-income renters at greater risk of losing their property to skyrocketing rents and owners at risk of losing their homes due to increased pressures from scammers and speculators (11).

Response 3.67: The detailed indirect residential displacement analysis included in Chapter 3, "Socioeconomic Conditions" was conducted in accordance with CEQR Technical Manual guidelines. Pursuant to CEQR, the objective of the indirect residential displacement analysis is to determine whether the Proposed Actions may introduce or accelerate a socioeconomic trend that may potentially displace a low-income population now living in rent- unprotected units. That is, the analysis looks at whether there are renters living in units not protected by rent stabilization, rent control, or other government regulations restricting rents, whose incomes are too low to afford increases in rents. The analysis of indirect residential displacement did not find that there would be significant adverse impacts. See response to Comment 3.7.

Comment 3.68: Because the median income of residents in East New York is only \$34,000—which is significantly lower than the City-wide average—local homeowners are more vulnerable to housing market changes. A large number of homeowners are distressed homeowners dealing with foreclosure lawsuits, so the owners and renters that live in these buildings are under considerable pressure (11).

Response 3.68: Comment noted.

Comment 3.69: The DEIS states that the Proposed Actions will result in the direct displacement of 88 businesses employing 584 people, which does not constitute a significant adverse impact. The DEIS also states that the rezoning intends to increase the amount of retail space for local businesses, and directly displaced businesses will be able to find spaces in the new developments. We question these statements, as we doubt that the newly constructed retail spaces, without significant public subsidies, could match what small businesses are currently paying in those corridors (67).

Response 3.69: In most cases, direct displacement would not constitute a significant adverse socioeconomic impact under CEQR guidelines. The potential for direct business displacement impacts as a consequence of the Proposed Actions was analyzed in accordance with the methodologies of the CEQR Technical Manual in Chapter 3, “Socioeconomic Conditions,” and was found not to be significant and adverse. The Proposed Actions and associated RWCDs would not result in the direct displacement of any business that provides products or services essential to the local economy that would no longer be available in its trade area, nor would it result in the displacement of any business that is the subject of regulations in publicly adopted plans to preserve, enhance or otherwise protect it. It is the intent of the Proposed Actions to expand development opportunities. By 2030, the RWCDs associated with the Proposed Actions would introduce a net increase of approximately 513,390 sf of commercial space on the projected development sites, resulting in an approximately 19 percent increase in commercial space in the primary study area as compared to No-Action conditions. The Proposed Actions would require in certain areas along established retail shopping corridors that only non-residential space such as stores or community facilities be provided on ground floors of new buildings, ensuring that the area would have a robust supply of retail and community facility space. The addition of this new retail and community facility space would serve to increase the overall supply of such space in the study area and, thus, help limit rent pressures on existing business and community facility occupants.

Comment 3.70: There is \$44 million in unmet retail needs in the East New York community today (17).

Response 3.70: Comment noted.

Comment 3.71: Expanding retail opportunity along the rezoning area’s corridors will potential help to retain existing retailers (17).

Response 3.71: Comment noted.

Comment 3.72: The existing remaining tenants of Arlington Village (approximately 40 families) are already feeling the pressure to move out; the owner is asking tenants to move within the building to open up opportunities to begin demolition and construction on portions of the site. The existing building should be fixed up, rather than constructing a new building, to protect the building’s remaining tenants (38).

Response 3.72: See response to Comment 3.13

Comment 3.73: As noble as the stated aims of the Proposed Actions are, the rezoning will not actually improve housing affordability without substantial improvement to the quantity of affordable units and the depth of affordability demanded of developers and the ongoing vigilance of government actors in enforcing our housing laws (55).

Response 3.73: Comment noted. See response to Comment 1.3 and 20.38.

Comment 3.74: The City should assess the effects of past rezonings, including those of Greenpoint-Williamsburg and of North and South Park Slope, to determine whether the assumptions that underlie the assessment of the direct displacement likely to occur from this rezoning are sound. DCP should exercise its discretion to conduct a more detailed analysis of direct displacement resulting from the Proposed Actions. The City conduct rigorous analyses of past rezonings to develop its understanding of what neighborhood rezonings of the magnitude proposed for East New York really mean to low-income New Yorkers. (8, 75).

Response 3.74: Comment noted. The assessments of direct and indirect residential displacement were prepared pursuant to the *CEQR Technical Manual* guidelines. It is outside the Scope of the EIS to study the impact of rezonings on displacement in other areas, such as Park Slope and Williamsburg, in order to develop its understanding of what the proposed rezoning will really mean to low-income East New Yorkers.

Comment 3.75: The DEIS analyzes the implications of the Proposed Actions on socioeconomic conditions within the rezoning area and the ¼-mile area around it. This is not sufficient. The City should study the potential negative impact on at least the surrounding ½-mile (75).

Response 3.75: In accordance with the *CEQR Technical Manual* guidelines, the EIS includes a detailed indirect residential and indirect business displacement assessments that consider two study areas including a primary study area (i.e., the area to be rezoned) and the secondary study area (i.e., the approximate ½-mile area around the primary study area).

Comment 3.76: Market pressures caused by the proposed rezoning will increase the need for affordable housing in the community. (8)

Response 3.76: See responses to Comments 1.13, 1.73, 3.5, 3.7, and 3.33.

Comment 3.77: It is appreciated that DCP elected to use a half-mile study area for its consideration of socioeconomic impacts, as the Proposed Actions are likely to have far-reaching effects. (8)

Response 3.77: Comment noted.

Comment 3.78: The City's analysis of business displacement and the impact of the Proposed Actions on specific industries is also flawed and inadequate. (8)

Response 3.78: The analysis of the effects of the Proposed Actions on direct business displacement and effect on specific industries was carried in accordance with the methodologies of the *CEQR Technical Manual* and did not find that there would be significant adverse impacts.

Comment 3.79: The City's conservative RWCDs relies on certain assumptions that undergird the City's analysis - for instance, the assumption that church sites and properties smaller than 7,500 sf and occupied by existing residential development are unlikely to be redeveloped, and therefore excluded from the City's count of "soft sites" in the area. These assumptions paint an inaccurately mild picture of the direct displacement that is likely to occur due to the proposed actions. (8)

Response 3.79: See responses to Comments 1.55 and 3.65. The RWCDs was determined pursuant to *CEQR Technical Manual* guidelines and is based on standard criteria and methodologies along with observed and projected development patterns within the rezoning area. In accordance with *CEQR Technical Manual*, long-standing institutional uses with no known development plans (such as church sites) and buildings with six or more units constructed before 1974 are typically excluded from development scenarios. Residential buildings with six or more units constructed before 1974 are likely to be rent-stabilized and difficult to legally demolish due to tenant re-location requirements. The size of the development site is also considered. According to the *CEQR Technical Manual*, lots must be large enough to be considered "soft." Generally, lots with

a small lot size are not considered likely to be redeveloped, even if currently built to substantially less than the maximum allowable FAR. The RWCDs for the Proposed Actions does identify a few development sites that include properties owned by faith-based institutions, and includes assemblages of lots smaller than 5,000 sf that are in common ownership or at least one of the lots, or a combination of the lots, meets the soft criteria, and ownership of the assemblage is shared by no more than two distinct owners.

Comment 3.80: The significant amount of unregulated housing in the community creates a substantial risk and warrants more a detailed direct residential displacement analysis be provided in the DEIS. This detailed analysis should examine the prevailing trends in vacancies and rental and sale prices in the area to identify the extent to which displaced residents might be able to relocate within the area and whether the project will result in a significant change in the neighborhood's socioeconomic character. (8)

Response 3.80: See responses to Comments 1.55, 3.56, and 3.79. For area-wide rezonings, the precise location and type of development may not be known because it is not possible to determine with certainty the future projects of private property owners, whose development decisions are tied to the terms of private contracts and lease terms between tenants and landlords existing at the time of redevelopment. Consistent with *CEQR Technical Manual Methodologies*, the EIS direct residential displacement analysis considers the 81 projected development sites, identified as part of the RWCDs, which are considered likely to be redeveloped as a result of the Proposed Actions, and examines whether existing businesses and residents on those sites may be involuntarily physically displaced from the projected development sites. The RWCDs was developed in accordance with the guidelines of the *CEQR Technical Manual*, Chapter 2, "Establishing an Analysis Framework."

Comment 3.81: Given that the 50 percent community preference for new affordable housing is currently the subject of a legal challenge, the DEIS should provide an analysis of the extent to which new affordable housing would be available to ENY/CH residents in absence of that community presence. (8)

Response 3.81: Comment noted.

Comment 3.82: The creation of new affordable housing will do little, if anything, to offset the displacement of existing residents, and any assertion that it does fundamentally misunderstands the nature of displacement. (8)

Response 3.82: See response to Comments 1.6 and 1.13.

Comment 3.83: The new affordable units would only be able to mitigate potential indirect residential displacement, if the affordable units are offered at income levels affordable to existing ENY/CH residents. (8)

Response 3.83: As presented in Chapter 3, "Socioeconomic Conditions," the Proposed Actions would not result in a significant adverse direct or indirect residential displacement impact. The additional housing facilitated by the Proposed Actions—including a substantial number of affordable units—would increase supply, thereby relieving market pressures on existing residents that are expected to continue in the future without the Proposed Actions. See responses to Comments 1.3, 1.5, and 1.73.

Comment 3.84: The DEIS analysis of the No-Action condition is flawed and inadequate as it fails to account for the effect of the rezoning announcement on local market conditions. The DEIS does not explore any relationship between the sudden increase in home sale prices beginning in 2012-13 and the extensive, federally-funded, high-profile planning effort that took place in the study area between 2011 and 2013: Sustainable Communities East New York, which identified opportunity for the development of mixed-income housing and envisioned Broadway Junction as a regional destination with commercial and institutional uses. (8)

Response 3.84: Consistent with *CEQR Technical Manual* methodologies, the EIS includes an indirect residential displacement analysis that examines whether the Proposed Actions may introduce a trend or accelerate a trend of socioeconomic conditions that may potentially displace a population of renters living in units not protected by regulations restricting rents. As the impacts of the Proposed Actions are assessed in relation to the future No-Action, the EIS analysis described the trends affecting rents and the anticipated displacement that could arise in the future without the Proposed Actions by 2030, including identifying other projects, developments proposed, approved or under construction in the area, and based on recent and current trends in the area, assessment of future trends and conditions, as well as consideration of economic trends in the City. Based on rolling sales data for residential buildings compiled by the New York City Department of Finance, between 2010 and 2012, the price per square foot for residential buildings decreased by approximately 20 percent in East New York from roughly \$171 in 2010 to approximately \$136 in 2012. Between 2012 and 2015, the price per square foot for residential buildings increased considerably in East New York, by roughly 56 percent, to approximately \$213, which is consistent with price increases experienced in the overall borough (44 percent) and surrounding neighborhoods of Ocean Hill (65 percent), Bushwick (105 percent), Bedford Stuyvesant (82 percent), and Crown Heights (67 percent). This is consistent with market trends described in the EIS for both existing and No-Action conditions.

Comment 3.85: The DEIS should include a more detailed and rigorous assessment of the likely level of [indirect residential] displacement under the No-Action condition, and if the impacts of the Proposed Actions are determined to be significant relative to the No-Action condition, that the City adopt the additional mitigation strategies. (8)

Response 3.85: In accordance with *CEQR Technical Manual* guidelines, the Chapter 3, “Socioeconomic Conditions” of the EIS attempts to project existing conditions for the project’s build year of 2030 and identify the trends affecting rents and displacement that may be in effect in the future without the proposed actions. The analysis identifies other projects and development proposed, approved or under construction in the area, describes several future investments in affordable housing in the rezoning area and secondary study area, and describes anticipated population changes, as well as considers economic trends within the surrounding area, borough and greater City. The detailed analysis of indirect residential displacement examines a primary study area, which roughly encompasses the rezoning area, and a ½-mile secondary study area, adjusted to census tract boundaries, which was divided into six subareas that generally approximate the six neighborhoods included within the ½-mile radius. In addition, in accordance with *CEQR Technical Manual* guidelines, the detailed analysis considers an area within a ½-mile radius of the secondary study area to examine real estate market trends and ascertain whether the surrounding area has experienced a readily observable trend toward increasing rents and the likely effect of the Proposed Actions on such trends.

As discussed in the responses to comments 3.5 and 3.10, displacement pressures currently exist in East New York. It is the City’s belief that increasing the supply of housing, including a significant number of affordable housing units, will help to reduce the pressure in the housing market that is driving rent increases, and is a key strategy to prevent displacement. In addition, HPD currently oversees a variety of housing preservation strategies in the rezoning area, which will continue in the future (refer to responses to comments 1.6 and 3.6). Accordingly, no significant adverse indirect residential impact is projected to occur as a result of the Proposed Actions.

Comment 3.86: CEQR requires the DEIS to assess whether the Proposed Actions could accelerate displacement trends as compared to the No-Action condition, and therefore, the DEIS should include an assessment of the extent to which the With-Action condition may accelerate indirect residential displacement relative to the No-Action condition. If the Proposed Actions are determined to

significantly accelerate displacement pressures, the DEIS should disclose, analyze, and adopt additional mitigation strategies to stem the displacement effect. (8)

Response 3.86: The City has committed resources to preventing displacement of tenants including a legal fund to provide free representation to tenants experiencing harassment or eviction and the creation of a Tenant Support Unit to conduct outreach to tenants to inform them of their rights and make referrals to legal services when appropriate.

As described in the response to Comment 1.13, it is the City's belief that increasing the supply of housing, including a significant number of affordable housing units, is a crucial means of preventing displacement. See responses to Comments 3.7, 3.13, 3.20, and 3.67.

Comment 3.87: The City's analysis of indirect residential displacement does not sufficiently address several vulnerable populations, including displacement from small homes, vulnerable home owners, residents of halfway houses, shelters, and three quarter homes in ENY/CH. (8)

Response 3.87: The *CEQR Technical Manual* defines a vulnerable population as low-income tenants who reside in privately held unprotected housing units (i.e., units unprotected by rent control, rent stabilization or other government regulations restricting rents) and have incomes or poverty status that indicate that they may not be able to support substantial rent increases. An indirect displacement is to determine whether the proposed action 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.

Comment 3.88: DCP should identify rezonings of small homes neighborhoods comparable to ENY/CH and analyze and disclose the true impact of multi-family construction on rental units in small homes. This analysis will help determine if creation of larger mixed-use residential buildings in an area currently populated by smaller residential buildings could potentially create two distinct markets for housing, with the result that the Proposed Actions would be "less likely to have any effect on market conditions in smaller buildings, and that new multi-family housing could "relieve the indirect residential displacement pressure that unregulated units in small residential buildings would experience" absent the rezoning. (8)

Response 3.88: Comment noted. This is outside the Scope of the EIS.

Comment 3.89: Although the DEIS acknowledges that, Eastern Brooklyn has some of the City's highest rates of foreclosure, it does not include any substantive analysis of the impact of the Proposed Actions on foreclosure rates, despite the fact that Comment 18.2 on the Draft Scope of Work expressly requested that the City "assess the Proposed Actions' impact on foreclosure rates, property tax increases, and how those impacts will change ENY/CH's neighborhood character." (8)

Response 3.89: The analysis of the effects of the Proposed Actions on indirect residential displacement was carried out in accordance with the methodologies of the *CEQR Technical Manual*.

Comment 3.90: The FEIS should analyze and clearly disclose the needs of shelter, halfway house, and three quarter house residents as part of its analysis of both the current neighborhood need for affordable housing and the likely extent of indirect residential displacement. We believe that the City will find that the risk of displacement of such residents is significant, as the City leases, but does not own most of the halfway houses and shelters it operates in ENY/CH, and the private owners of such facilities and of three quarter houses may well be inclined to convert their operations to ordinary market-rate housing as market rents in the community rise. (8)

Response 3.90: Comment noted.

Comment 3.91: The FEIS must disclose HPD data about the number of Section 8 voucher holders within the primary and secondary areas and analyze and disclose the potential displacement of such voucher holders.

The City should also analyze and disclose additional mitigation strategies to combat such displacement, including the possible expansion of Section 8 vouchers – both in terms of the number of vouchers available, and the amount of rent each voucher pays. (8)

Response 3.91: The scope of the CEQR analysis for indirect residential displacement did not take into account households with Section 8 vouchers. Accordingly, any low-income household in an unregulated unit, regardless of whether they hold a Section 8 voucher, would be included in the estimate of the existing population that is at risk of indirect displacement.

Comment 3.92: The Coalition requests that DCP look to the effects of past rezonings to determine the speed at which housing markets shifted in comparable neighborhoods following rezonings, and the point at which interest in HPD subsidies began to decline. We believe that the housing market may change significantly not in 15 years, the study period of the DEIS, but within 10 or fewer years – a hypothesis the City can and should explore by examining development patterns in other areas after comparable rezonings. (8)

Response 3.92: Comment noted.

Comment 3.93: The DEIS fails to analyze the effect of changing market conditions on developers' willingness to take HPD subsidies, which are voluntary in nature and expire, over the entire 15-year study period. The DEIS should not assume static market conditions over the 15-year study period but should instead grapple with evolving market realities that will follow a rezoning. (8)

Response 3.93: See response to Comment 3.85.

Comment 3.94: The FEIS should analyze and disclose the income levels of the households that stand to be indirectly displaced, which are likely to be Extremely and Very Low Income households, and compare these figures to the amount of affordable housing expected to be made available at those income levels under the East New York Community Plan, in order to more accurately assess the extent to which new construction may mitigate displacement of residents. When considering the extent to which additional affordable housing might house the displaced population, the City should consider scenarios both with and without the 50% community preference, as the policy is currently being challenged in court and may no longer be in place by the time new affordable housing is constructed. (8)

Response 3.94: Comment noted.

Comment 3.95: The DEIS does not consider the impacts of the loss of automotive jobs due to direct displacement on the local economy and fails to acknowledge that land use changes in other parts of the City are also resulting in the elimination of significant concentrations of automotive-related businesses, such as Willets Point and Jerome Avenue rezoning. (8)

Response 3.95: The assessments of direct business displacement and the Proposed Actions' effect on specific industries were prepared pursuant to the CEQR Technical Manual guidelines. It is outside the Scope of the EIS to study the impact of the elimination of significant concentrations of automotive-related businesses, in areas such as Willets Point and in the proposed Jerome Avenue rezoning area.

Comment 3.96: The DEIS findings that the directly displaced businesses vary in type and size is inaccurate and contradicts the findings of a 2013 study prepared by the Cypress Hills Local Development Corporation, which determined that approximately 36 percent of all industrial and light manufacturing firms in a study area almost co-terminus with the East New York rezoning were automotive-related business establishments. (8)

Response 3.96: Consistent with CEQR Technical Manual methodologies, the DEIS direct business/institutional displacement analysis considers the 81 projected development sites identified as part of the RWCDs, which are considered likely to be redeveloped as a result of the Proposed Actions, and

examines whether existing businesses/institutions on those sites may be involuntarily physically displaced from the projected development site. As described in Chapter 3, “Socioeconomic Condition,” the Proposed Actions could potentially directly displace 88 businesses and institutions that provide jobs for an estimated 584 employees, accounting for approximately 13 percent of the total employment (4,415 workers) in the rezoning area and approximately four percent of employment (16,306 workers) in the approximate ½-mile secondary study area. Such potential direct displacement is expected to occur over an approximate 15-year period on a site-by-site basis. These 88 businesses/institutions that could be directly displaced conduct a variety of business activities, including automotive and transportation-related services, manufacturing, retail, wholesale, accommodation and food service, construction, professional and technical services, health care and social assistance services, fitness-related uses, and personal services (laundromats, drycleaner, masseuse etc.).

Comment 3.97: The DEIS failed to study the feasibility of relocating displaced businesses in or near the neighborhood. (8)

Response 3.97: The assessment of direct business displacement was prepared to *CEQR Technical Manual* guidelines. The Proposed Actions and associated RWCDs would result in a net increase in residential, commercial, and community facility uses distributed throughout the 190-block rezoning area when compared to conditions in the future without the Proposed Actions. This includes a net increase of approximately 513,390 sf of commercial space in the rezoning area on 81 projected development sites. As part of the East New York Community Plan, the Department of Small Business Services would be offering business assistance programs targeted to the needs of this community and conducting a commercial district needs assessment to identify ways to strengthen existing businesses and commercial corridors. It is expected that some businesses that would be directly displaced would be able to relocate to new spaces in the study area. DCP to expand.

Comment 3.98: The DEIS assertion that in many cases displaced businesses would be able to relocate to new retail space being created in the study area is faulty, as business displacement could occur prior to the availability of new commercial space. (8)

Response 3.98: As described in Chapter 3 of the FEIS, it is possible that the Proposed Actions and associated RWCDs could result in the potential direct displacement of 86 businesses and two institutions (total of 88 establishments) on 42 of the 81 projected development sites. Such potential direct displacement would occur over an approximate 15-year period on a site-by-site basis and would be subject to lease terms and agreements between private firms and property owners existing at the time of redevelopment in the With-Action condition. The Proposed Actions would result in the development of approximately 228,687 sf of office, 930,752 sf of retail, 64,550 sf of restaurant, and 60,000 sf of supermarket by 2030. By the end of 2018, portions of 9 of the 81 projected development sites (including Sites 1, 5, 9, 21, 28, 47, 58, part of 67, and 81) are expected to be completed and are anticipated to introduce an approximately 79,317 sf of retail, 30,000 sf of supermarket, and 16,072 sf office space, which could be available for businesses displaced in later years.

Comment 3.99: The DEIS inadequately discloses the economic activities that would be created (including providing details about the actual timeframe, sectors, wage levels, and workers required skills/degrees) by the proposed action and failed to describe how DCP intends to execute a plan that would enable residents to participate in the growth and prosperity of East New York. (8)

Response 3.99: The rezoning proposal and EIS concerns only the changes to the land use regulations to support the goals of the East New York Community Plan. Area-wide rezonings create a broad range of development opportunities, and the precise location and type of every development is not typically known, as it is not possible to determine with certainty the future projects of private property owners and identify particular businesses or sectors that would be constructed or

operate on projected development sites. The East New York Community Plan identifies strategies for job training and business development.

The wage levels and workers required skills/degrees are outside the scope of CEQR.

Comment 3.100: The DEIS did not create an inventory of all local businesses in the rezoning area and neglected to disclose all businesses that may be affected as a result of future development on sites not currently projected as development sites or that may be subject to indirect displacement as a result of increased rental or ownership prices. (8)

Response 3.100: Consistent with CEQR Technical Manual guidelines, the indirect business displacement analysis included an economic profile of both the primary and secondary study areas, which included the number and type of businesses by economic sector, as well as employment levels (i.e., number of jobs) in each sector.

Comment 3.101: The DEIS should include an inventory of all existing industrial businesses (including the number of firms, number of jobs, and wage levels of those jobs) in any area where the proposed zoning changes would result in an manufacturing district to a residential or MX zoning district to identify which firms would be vulnerable to displacement. (8)

Response 3.101: There are approximately 523 properties (2.5 million square feet) currently zoned M1-1 or M1-2 that would be rezoned to either a residential, commercial, or special mixed-use (MX) zoning district in the future with the Proposed Actions. More than 20 percent of the land area (533,947 sf) or 103 properties, within the existing M1 zones consists of vacant property. Only about 17 percent of the building area (392,957 sf) within the M1 districts is classified as industrial space, of which approximately 160,515 sf is vacant, partially demolished, and comprises a portion of projected development site 67. In addition, about 15 percent of the building area (358,487 sf) in the M1 districts is classified as warehousing space. Since 2000, there has been little new construction in the M1 districts, and any new development has primarily consisted of community facility (school) and commercial (retail, office, and self-storage) uses. These M1 districts support a wide variety of land uses with nearly 54 percent of the properties (282 lots comprising 616,771 sf) in the M1 zones supporting residential use. Field surveys identified 24 manufacturing/industrial businesses, which consisted of metal fabricators, iron works/welding, woodworking, cabinet making, paper and box manufacturing, custom furniture, and mattress manufacturing, several of which occupy portions of the 81 projected development sites that were analyzed for direct displacement impacts. Pursuant to CEQR Technical Manual guidelines, the remainder of industrial firms, which do not occupy projected development sites, were analyzed for indirect displacement impacts.

Comment 3.102: The DEIS's conclusion that there will be no significant adverse impacts on local businesses is understated and based on an inadequate analysis. Mitigation strategies need to be developed and should include: (1) setting aside spaces in new mixed-use developments at current commercial rental levels for neighborhood small businesses and start-up entrepreneurs; (2) coordination between the City's housing and small business agencies do not located new retail in direct competition with existing small businesses; (3) the Good Neighborhood Tax credit; and (4) attraction of high road retailers (offering living wages and full-time hours) to destination retail locations. (8)

Response 3.102: The Socioeconomic Conditions Chapter of the EIS was prepared in accordance with CEQR Technical Manual guidelines, and included a preliminary assessment of direct business/institutional displacement, an assessment of the Proposed Actions' potential for adverse effects on specific industries, and a detailed indirect business/institutional displacement assessment. The EIS analysis concluded that the Proposed Actions would not result in any significant adverse impacts to the five socioeconomic areas of concern, including direct residential displacement, direct business/ institutional displacement, indirect residential

displacement, indirect business/institutional displacement, and adverse effects on specific industries.

Comment 3.103: MX zoning puts manufacturing businesses and future industrial development at risk, as these zoning districts disproportionately favor residential and/or commercial development. (8)

Response 3.103: Special Mixed-use (MX) districts have been proposed for approximately 23 full or partial blocks in the rezoning area. These districts generally conform to the presence of existing industrial businesses and typically replace M1-1 and M1-2 districts. Within existing manufacturing districts, very few industrial businesses have been established or expanded in recent years. New uses have included self-storage facilities and fast food restaurants. Many of these manufacturing districts are currently home to a mix of uses; for example in the proposed MX district along Liberty Avenue, residential, community facility and industrial uses all currently coexist. Special mixed-use (MX) zoning provides a framework that allows existing industrial businesses to continue operating and to expand. In addition, new industrial businesses could expand. In addition, new industrial businesses could be established, as well as new commercial and retail businesses, community facilities and residences. The MX district regulations allow for the coexistence of these uses while minimizing potential conflicts. See responses to Comments 1.56 and 2.7.

Comment 3.104: The DEIS fails to analyze the implications of introducing C4-4D and C4-4L zoning districts proposed for each of the four corners of the East New York rezoning area, which are designed to foster regional commercial centers and would likely introduce destination retail. (8)

Response 3.104: As described in the FEIS, the Proposed Actions and associated RWCDs are expected to introduce up to approximately 681,436 sf of retail uses as compared to the No-Action conditions. This new retail space would not be concentrated on a single site but would be distributed throughout the rezoning area on 61 of the 81 projected development sites in the approximately 0.75 square mile rezoning area. The retail uses projected by the RWCDs are expected to consist primarily of local-serving retail. As noted in Response to Comment 1.28, no destination retail was assumed in the RWCDs as the sites within the rezoning area are both limited by their size and orientation to adequately accommodate big box retailers floor plates and their associated parking. These commercial districts seek to facilitate the goals and objectives of the Proposed Actions by allowing for greater use flexibility on sites in and around key corridors and transit hubs. These commercial districts will foster a more diverse set of uses including community facility and office that will help support the existing community and anticipated increase in retail and residential uses.

Comment 3.105: The DEIS should analyze the impact of the proposed action on small or family-owned businesses and their potential to be displaced. (8)

Response 3.105: This is outside the scope of CEQR. The *CEQR Technical Manual* does not require the socioeconomic analysis to ascertain whether or not businesses are family-owned. In accordance with *CEQR Technical Manual* guidelines, the DEIS included an analysis of direct business and institutional displacement, which estimated the number employees and number and types of businesses/institutions that would be potentially directly displaced from the 81 projected development sites identified as likely locations for redevelopment as a result of the Proposed Actions. As described in Chapter 3 of the DEIS, the Proposed Actions would not result in a significant adverse direct business impact the potential direct business/institutional displacement would be limited to 88 businesses and institutions, employing an estimated 584 workers located on 42 of the 81 identified projected development sites. These 88 businesses/institutions that could be directly displaced conduct a variety of business activities, including automotive and transportation-related services, manufacturing, retail, wholesale, accommodation and food service, construction, professional and technical services, health care

and social assistance services, fitness-related uses, and personal services (laundromats, drycleaner, masseuse etc.).

The DEIS also included an indirect business displacement analysis to determine if the Proposed Actions would result indirect business displacement by markedly increasing property values and thus increase rents throughout the study area, making difficult for some categories of business to remain in the area leading to leading to changes to land use or population patterns or community character. Pursuant to the *CEQR Technical Manual*, such displacement can be of concern, when an action would introduce trends that would make it more difficult for nearby existing businesses that provide products or services essential to the local economy or that are targeted to be preserved in their current locations under adopted public plans to remain in the area. A proposed action could introduce such a trend by causing a marked increase in rents and property values in the area (such as by stimulating the demand for more lucrative land uses and thus redevelopment or by increasing the demand for new commercial or retail services with which the existing businesses cannot compete). Additionally, it could directly displace businesses or residents who serve as suppliers or the customer base for nearby businesses, affecting their viability or altering the desirability of their existing location. Finally, it could create enough new retail space to draw substantial sales from existing businesses (i.e., a market saturation impact).

As described in Chapter 3 of the DEIS, the Proposed Actions would encourage compatible land uses that are expected to strengthen existing commercial and industrial areas and provide direction and flexibility for growth in areas with long-term potential. The types of uses to be introduced include a mix of housing, retail, office, community facilities, and light industrial uses, which would be distributed throughout the 190-block rezoning area on 81 projected development sites. The Proposed Action would not introduce new uses or economic activities to the study area that could change existing economic trends, and the Proposed Actions would not add to the concentration of a particular sector of the local economy enough to alter or accelerate an ongoing trend to alter existing economic patterns. The Proposed Actions include increases in permitted density along selected corridors to expand opportunities for housing, including significant amounts of protected affordable housing, as well as mapping commercial overlays along streets where existing ground-floor retail uses exist, in order to provide support for existing retail uses and encourage the growth of local-scale commercial activity to support anticipated residential development in the area.

Comment 3.106: The CEQR Technical Manual states that study sites are analyzed to illustrate a conservative assessment of the potential effects of the proposed project on sites likely to be redeveloped. However, rezonings have often triggered dramatic market shifts, displacement, and other consequences far exceeding the City's initial expectations. Significant increases in both land values and potential tax revenues will continue to unlock tremendous land value and lead to unprecedented displacement pressures in East New York (8, 12).

Response 3.106: The Socioeconomic Conditions Chapter of the EIS was prepared in accordance with *CEQR Technical Manual* guidelines, and included a preliminary assessment of direct business/institutional displacement, an assessment of the Proposed Actions' potential for adverse effects on specific industries, and a detailed indirect residential and indirect business/institutional displacement assessments.

Chapter 4: Community Facilities and Services

Public Schools

Comment 4.1: The schools analysis does not account for the presence of charter schools, even though such schools occupy a large and growing share of existing school buildings in East New York and Cypress

Hills. The seats taken by charter schools should be deducted from local school capacity estimates (8).

Response 4.1: In accordance with *CEQR Technical Manual* guidelines, charter schools, including charter schools housed in DOE buildings, are not included in the impact analysis. Charter school enrollments are based on lotteries or other admissions criteria, generally with preferences made for students living within the school districts in which they are located, and not within smaller areas such as sub-districts. The names of existing charter schools in the study area are identified in the FEIS, per *CEQR Technical Manual* guidelines. The capacity of existing schools that are included in the quantitative analysis reflect the school organization's capacity (rather than the school building's capacity), so as not to inaccurately overestimate the school's capacity or include space allocated to other organizations or uses that are co-located with the school organization.

Comment 4.2: The EIS should document what legally enforceable safeguards and financing commitments will be put in place by the City to assure the projected 1,000-seat PS/IS school at projected development site 66 will in fact be added to CSD 19, Sub-district 1 capacity. The SCA should provide a written commitment of its intent and timeline to initiate the site selection process and for there to be a Capital Budget commitment for the school (3, 8, 59, 64)

Response 4.2: The new school that is part of the Proposed Actions, currently planned to be located on the city-owned Dinsmore-Chestnut site on Atlantic Avenue (projected development site 66), has been included in the Department of Education's Proposed Five-Year Capital Plan for FY2015-2019, as reflected in the January 2016 amendment thereto, which includes funding for the planned 1,000-seat PS/IS for CSD 19 (DSF0000822081), with a projected date of completion for August 2020.

Comment 4.3: The capacity and space needs of the 13 charter schools serving PS students and six charter schools serving IS students that are located in the schools study area appear to be ever increasing. If these charter schools will remain in DOE school buildings in the future, their space implication needs to be factored into the planning of available space to accommodate the increased demand of public schools seats resulting from the Proposed Actions (8, 64).

Response 4.3: As indicated in Response 4.1, the capacity of existing schools that are included in the quantitative analysis reflect the school organization's capacity (rather than the school building's capacity), so as not to inaccurately overestimate the school's capacity or include space allocated to other organizations or uses that are co-located with the school organization. The DOE continues to monitor the changing needs of existing school facilities. Should the space needs of existing charter schools in the study area increase in the future, these needs would be addressed by the DOE. The Proposed Actions would not result in any direct implications on the space needs of charter schools. The Proposed Actions would increase capacity within CSD 19, Sub-district 1 by 1,000 seats through the construction of a PS/IS school on projected development site 66, further accommodating the growing needs of the sub-district, within which the majority of the RWCDs's increased school demands would be located.

Comment 4.4: The EIS does not address or account for the space needs of neighborhood anchors located in the study area schools (e.g., Beacon, school-based health clinics, etc.) in the analysis's space calculations. The EIS should study the space implications of these resources in the planning of additional space for increased school seats (8, 64, 79).

Response 4.4: The DOE continues to monitor the changing needs of existing school facilities, including neighborhood anchors, such as Beacon and school-based health clinics. The Proposed Actions would not result in any direct implications on the space needs of these facilities, and the Proposed Actions would result in the incremental development of 457,870 sf of community facility space under the RWCDs, which could be occupied by a variety of uses, including the aforementioned neighborhood anchors.

Comment 4.5: The DEIS includes transportable classrooms in the existing conditions utilization rate calculations. The EIS should not treat the transportable classroom seats as permanent and should adjust utilization rates in the existing and future conditions sections to reflect this (8, 64).

Response 4.5: As presented in Tables 4-3 and 4-4 of Chapter 4, transportable classroom enrollment is included in the existing conditions assessment; transportable classroom capacity is not included in the analysis. Transportable classroom capacity is excluded from future conditions assessments, in accordance with CEQR Technical Manual methodology. This provides for a more conservative analysis.

Comment 4.6: Though not explicitly required pursuant to CEQR Technical Manual methodology, the qualitative schools analysis should take into consideration the existing use of sub-standard school spaces (i.e., temporary classrooms) and any future use of sub-standard school spaces introduced by the Proposed Actions (3, 8).

Response 4.6: The future conditions assessment conservatively assumes that transportable classrooms would not be utilized. The With-Action utilization rates presented in Chapter 4 reflect this approach and therefore, are not based on the future utilization of these facilities.

Comment 4.7: The CEQR rate used to determine the number of school-aged children generated by projects is outdated (relying on 15-year old data) and does not differentiate between different neighborhoods within a given borough. Because of these shortcomings, the CEQR analysis is likely to underestimate the impacts of new development on local schools (8).

Response 4.7: The 2014 CEQR Technical Manual student generation rates for Brooklyn assume 0.29 elementary school students, 0.12 intermediate school students, and 0.14 high school students per unit. These 2008 rates are used by the SCA for their capital planning. These student generation rates were used in accordance with CEQR methodology.

Comment 4.8: Several schools in the area accommodate students in Transportable Classroom Units (TCUs). However, these units are not counted in the DEIS schools impact analysis. Therefore, many of the schools have a "target Capacity" that does not include TCUs and is significantly lower than the "Actual Enrollment," which includes those temporary units (3).

Response 4.8: See Response 4.5. Including transportable school capacity in the analysis would overestimate the (permanent) capacity of study area schools, thereby minimizing the impacts of the Proposed Actions. The approach of including transportable school enrollment in the analysis, while excluding transportable school capacity is the most conservative approach.

Comment 4.9: Taking into consideration the existing available 810 elementary seats, plus the proposed 682 seats (on projected development site 66), and accounting for the 1,830 elementary students projected under the RWCDs for the Proposed Actions, there might still be a shortfall of 338 elementary school seats; intermediate school utilization is not expected to exceed capacity. However, the estimates for school seats do not take into consideration existing school seats within TCUs. It is clear that there is great potential for the Proposed Actions to result in a shortfall in both elementary and intermediate school seats. (3).

Response 4.9: As presented in Table 4-3 of Chapter 4, "Community Facilities and Services," based on 2014-2015 school enrollment data, there are currently 1,330 available PS seats in CSD 19, Sub-district 2, 583 available PS seats in CSD 21, Sub-district 2, and 752 available PS seats in CSD 21, Subdistrict 2; elementary schools in CSD 19, Sub-district 1 are currently over capacity. In terms of IS seats, CSD 19, Sub-districts 1 and 2 and CSD 23, Sub-districts 1 and 2 currently have 762, 921, 994, and 696 available seats, respectively (refer to Table 4-4 of Chapter 4). In the future without the Proposed Actions, accounting for anticipated school capacity and enrollment changes, CSD 23, Sub-districts 1 and 2 will continue to operate with available PS and IS seats; CSD 19, Sub-district 1

elementary schools will be over capacity and CSD 19, Sub-district 2 intermediate schools will be over capacity.

In the 2030 future with the Proposed Actions, CSD 23, Sub-districts 1 and 2 would continue to operate below capacity, while CSD 19, Sub-district 2 PS and IS schools as well as CSD 19, Sub-district 1 PS schools would operate above capacity. These utilization estimates do not include capacity from existing TCUs for conservative analysis purposes (see Responses 4.6 and 4.8). See Response 20.4 with respect to mitigation.

Comment 4.10: While I applaud the City's efforts to alleviate projected school capacity needs, the additional 1,000 seats might not sufficiently provide for the population growth anticipated under the Proposed Actions; schools in the northern portion of East New York are already overcrowded. Two new school buildings should be constructed and the existing school overcrowding issues should be addressed (3, 59, 79).

Response 4.10: With construction of the projected development site 66 1,000 seat PS/IS school, no significant adverse school impacts would occur in SD 19, Sub-district 1 (which comprises the northern portion of the East New York rezoning area). While CSD 19, Sub-district 1 elementary schools would operate over capacity (128.1 percent utilization), the Proposed Actions would only increase the sub-district's PS utilization rate by 0.3 percentage points, which is less than the *CEQR Technical Manual* five percent impact threshold. CSD 19, Sub-district 1 intermediate schools would operate below capacity (86.1 percent utilization) in the future with the Proposed Actions, with 185 available seats (refer to Table 4-11 of Chapter 4).

As disclosed in the DEIS, in the 2030 With-Action condition the proposed new school would not be sufficient to fully mitigate the schools impact identified in CSD 19, subdistrict 2. However, as discussed in Chapter 20, "Mitigation," and as reflected in a letter submitted by DOE to DCP included in Appendix C of this FEIS, the new school would be supplemented through administrative actions that the DOE would undertake to mitigate the shortfall in school seats, such as adjusting catchment areas and/or reorganizing grade levels within schools. DOE would continue to monitor trends in demand for school seats in the area. The DOE responses to identified demand could take place in stages and include administrative actions and/or enlargement of existing schools, followed by the later construction or lease of new school facilities at an appropriate time and in coordination with the School Construction Authority. In general, the Proposed Actions would allow for the development of community facility space, including new school facilities, within the project area. It should also be noted that any new school facility would be subject to its own site selection and environmental reviews.

Libraries

Comment 4.11: The rationale used in the EIS to determine that there will be no significant adverse library impacts is not only contradictory, but also has no backing or CEQR precedent and, therefore, should be dismissed. The EIS states that, while the Cypress Hills and Arlington Branches will both experience increases in catchment area populations of over five percent, no significant adverse impacts will result as many of the projected residents of the branches' catchment areas will be able to access other library branches located within a ¾-mile. The Arlington and Cypress Hills catchment areas only overlap with each other and the New Lots Branch and therefore the conclusion of the EIS is unrealistic and an unmitigated significant adverse libraries impact would result. Nowhere in the CEQR Technical Manual does it state that overlapping catchment areas ameliorates or mitigates significant adverse libraries impacts (8).

Response 4.11: The libraries analysis presented in Chapter 4 of this EIS was conducted in accordance with *CEQR Technical Manual* methodology and was reviewed and approved by the Brooklyn Public Library (BPL) who agreed with the analysis's conclusion of no significant adverse impacts (refer to Appendix C, "Agency Correspondence"). It should also be noted that, while portions of the

Cypress Hills and Arlington Branch catchment areas do overlap, as shown in Figure 4-6 of Chapter 4, the catchment area of the Arlington Branch overlaps with all of the study area library catchment areas; and the Cypress Hills Branch catchment area overlaps with both the Arlington and New Lots catchment areas. Therefore, residents of the Cypress Hills and Arlington Branch catchment areas could choose to utilize other area libraries that are expected to experience minimal (less than 2.5 percent) increases in their catchment area populations.

Comment 4.12: Regarding the Arlington Branch, which is expected to experience the greatest increase in demand in the future with the Proposed Actions, the EIS does not take into account physical barriers, such as crossing Atlantic Avenue, into its analysis of residents accessing different libraries, and is therefore, being unrealistic in stating that the additional catchment area population of this branch could also visit other nearby libraries (8).

Response 4.12: As outlined in the *CEQR Technical Manual*, a library catchment area is typically defined as a ¼-mile radius, which is the distance that one might expect to travel for such services; if no library branch exists within a ¼-mile radius of a project site, the study area is extended to include the nearest library branch. Six libraries are located within a ¼-mile radius of one or more of the projected development sites, including the Arlington Branch, which is located at 193 Arlington Avenue and is the closest library for 56 of the 81 projected development sites. While some of these projected development sites are located to the south of Atlantic Avenue, and, therefore, residents of these sites would have to cross Atlantic Avenue to access the Arlington Branch, there are existing pedestrian crossings along roadways in proximity to the library. Specifically, there are striped pedestrian crossings at Warwick Street (a half a block west of the Arlington Branch) and Elton Street (two blocks east of the Arlington Branch).

It should also be noted that, as discussed in greater detail in Chapter 13, “Transportation,” a number of pedestrian safety improvements would be implemented along Atlantic Avenue in the future. Specifically, in the future without the Proposed Actions, DOT is proposing a capital project on Atlantic Avenue between Georgia Avenue and Conduit Boulevard as part of the Mayor de Blasio’s Vision Zero Great Streets initiative. The safety project aims to reduce crashes by working with the community and DDC to develop a design that includes a raised, planted, center median; pedestrian safety islands; left turn bays; turn restrictions; curb extensions; midblock crossings; and an upgraded markings plan. In addition, as part of the East New York Community Plan, DOT is proposing a series of neckdowns (sidewalk extensions) to improve pedestrian safety; neckdowns are proposed at both Elton and Warwick Streets, in addition to eight other Atlantic Avenue intersections.

Comment 4.13: The EIS focuses the libraries analysis on the libraries’ holdings-to-population ratios as the only measure of analysis used in determining a library’s utility and completely disregards the services libraries provide in terms of community space and educational access (8).

Response 4.13: The FEIS libraries analysis was conducted in accordance with *CEQR Technical Manual* methodology, which uses “holdings” per resident as a quantitative gauge of available resources in the applicable branch libraries. The libraries analysis was reviewed by the BPL, who agreed with the conclusion that the Proposed Actions would not result in significant adverse impacts on public libraries (refer to February 3, 2016 BPL letter provided in Appendix C).

Comment 4.14: While the Brownsville Branch’s catchment area population is only expected to increase by 1.7 percent in the future with the Proposed Actions, the library’s renovation has been a budget line item since 2009; if the library is to adequately serve the increased population resulting from the Proposed Actions, renovations required to serve the existing population must be taken immediately (8).

Response 4.14: As outlined in the 2014 *CEQR Technical Manual*, if a proposed project would increase the 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. As the Proposed Actions would not increase the Brownsville Branch's catchment area population by five percent or more, no significant adverse impact will result. The comment regarding the status and budget of the Brownsville Branch's planned renovations is outside the scope of CEQR.

Comment 4.15: The EIS should review library catchment areas in relation to the proposed development sites so as to better understand where the heaviest concentrations of new populations would be (and within which census tracts) (8).

Response 4.15: As described in Chapter 4, the catchment area populations in the future with the Proposed Actions was estimated by adding the anticipated population that would result from the Proposed Actions; the anticipated residents introduced by each projected development site were assigned to each library within a ¼-mile radius of the site. As several of the developments are located within more than one catchment area, in such instances, the residents were assigned to the most proximate library, which residents from the development would be expected to frequent the most often. Using this methodology, the analysis reflects the varied concentrations of anticipated residential development facilitated by the Proposed Actions, with the greatest number of incremental DU anticipated within the Arlington Branch catchment area.

Comment 4.16: The DEIS did not address comments from the Coalition regarding the upgrade of existing area library branches or the need for a central library or other type of research center to serve the area's growing population. There is a serious need for flexible community spaces for recreation and educational uses that upgraded library facilities could provide (8).

Response 4.16: The Proposed Actions would result in the incremental development of 457,870 sf of community facility under the RWCDs, which could be occupied by a variety of uses, including the aforementioned neighborhood anchors. An assessment of the need for a central library, research center, or flexible community space for recreation and educational uses is outside the scope of CEQR. It should be noted that the East New York Community Plan described in the EIS is a coordinated set of strategies for housing, jobs, economic development and community resources. This rezoning proposal concerns changes to the land use regulations to support the goals of this Community Plan. The broader Plan also identifies strategies for providing for new and improved community infrastructure including community facilities and open space.

Child Care Facilities

Comment 4.17: The child care analysis does not acknowledge the existing waitlist for child care centers in determining the extent to which the Proposed Actions may burden such centers (8).

Response 4.17: The FEIS child care existing conditions data was provided by the ACS in June 2015 and represents the most current available data. As presented in Table 4-19 of Chapter 4, while some existing child care facilities in the study area are currently operating over capacity, in the aggregate, there is ample available existing capacity. In accordance with *CEQR Technical Manual* methodology, the child care analysis assesses the implications of the Proposed Actions on the overall utilization of area child care facilities within two miles of the rezoning area, rather than focusing on specific sites. In addition, several factors may limit the number of children in need of publicly funded child care slots in ACS-contracted child care facilities. For example, families in the study area could make use of alternatives. There are slots at homes licensed to provide family child care that families of eligible children could elect to use instead of publicly funded group child care centers. Parents of eligible children with ACS vouchers could access private child care centers in the study area. Lastly, parents of eligible children are not restricted to enrolling their children in child care facilities in a specific geographic area. Parents of eligible children with ACS vouchers can make use of public and private child care providers beyond the study area.

Police, Fire, and Health Care Services

Comment 4.18: While, pursuant to the CEQR Technical Manual, an assessment of potential indirect impacts to fire protection as a result of the Proposed Actions is not warranted, we request that the FEIS include such an assessment, as the CEQR analysis threshold is an unreasonably high and seemingly impossible criterion for any rezoning proposal to meet, given the built-up nature of New York City. We believe that the size of the Proposed Actions merits at least some level of assessment in the FEIS (8, 10).

Response 4.18: Captain Timothy Smith of the FDNY testified at the January 6th, 2016 public hearing on the DEIS and indicated that the FDNY believes that they have adequate resources to provide services to the increased population generated by the Proposed Actions. He also indicated that the new construction resulting as a result of the proposed rezoning in the area would provide more than adequate fire protection, because they're compartmentalized units, and under the new fire code there would be better fire protection than under existing conditions.

Comment 4.19: We are concerned about fire houses in the rezoning area. Since Engine 236 and Engine 332/Ladder 175 are located directly adjacent to proposed development sites, we ask that the EIS assess how development of these sites could potentially physically impact or inhibit access to these facilities (8, 10, 79).

Response 4.19: Engine 236 is located at 998 Liberty Avenue, with abutting uses including an auto-repair facility (on Liberty Avenue) and residential uses (along Euclid Avenue). Under the RWCDs, the existing auto repair facility which currently occupies projected development site 74 (adjacent to Engine 236) would be replaced with a new mixed-use residential and commercial development comprising 3,500 sf of local retail, 21 DU, and nine parking spaces. As under existing conditions, Engine 236 would be located in a mixed-use area with active adjacent uses. The change of use on projected development site 74 would not encroach onto the Engine 236 lot or inhibit access to the facility.

Engine 332/Ladder 175 is located at 165 Bradford Street, with abutting uses including a junk yard, parking, residential uses, and mixed residential/commercial buildings, as well as a house of worship. Under the RWCDs, the existing junk yard (on projected development site 17) would be replaced with a mixed-use residential and commercial development comprising 9,000 sf of commercial retail, 27 DU, and seven parking spaces. These uses are consistent with the mix of uses that currently abut Engine 332/Ladder 175 and would also not encroach on, or inhibit access to, the facility.

Comment 4.20: We ask that the EIS assess what additional NYPD patrols, personnel, and facilities will be needed to serve the new residents and workers introduced by the Proposed Actions as the police precinct that the rezoning area is located in (the 75th Precinct) is one of the geographically largest in the City). Response times for emergencies in Highland Park should be assessed given the increased demand for emergency services generated by residents introduced in the future with the Proposed Actions. The scale of the Proposed Actions warrants at least some level of assessment. I am worried about crime prevention (8, 10, 79).

Response 4.20: In accordance with CEQR Technical Manual guidelines, an assessment of potential indirect impacts to police protection is warranted when a proposed project would create a sizeable new neighborhood where none existed before. The rezoning area is a developed area with an existing and well-established community that is served by existing police, fire, and health care services. As presented in Chapter 4, "Community Facilities and Services," the 75th Precinct currently serves approximately 183,328 residents, including the East New York/Cypress Hills portion of the rezoning area. Under the Proposed Actions, 17,860 incremental residents would be introduced in the 75th Precinct, and increase of less than ten percent over the existing population served by the Precinct. In addition, as stated in their letter of February 5th, 2016 (see Appendix C), the NYPD "is committed to continually monitoring local needs and increasing staffing and resources,

where appropriate and possible” in support of the East New York Community Plan. Therefore, the Proposed Actions would not create a neighborhood where none existed before and a detailed analysis of indirect effects on police protection is not warranted.

Comment 4.21: There is no local hospital in the rezoning area. The EIS should analyze and disclose the current and future capacity needs of health clinics located throughout the rezoning area, and the analysis must take into account the risk of the Medisys Health and East New York Diagnostic and Treatments Centers’ displacement. Such an assessment is needed to determine the capacity of these clinics to mitigate the public health impacts of the Proposed Actions (8, 79).

Response 4.21: In accordance with *CEQR Technical Manual* guidelines, an assessment of potential indirect impacts to health care facilities is warranted when a proposed project would create a sizeable new neighborhood where none existed before. The rezoning area is a developed area with an existing and well-established community that is served by existing police, fire, and health care services. Therefore, the Proposed Actions would not create a neighborhood where none existed before and a detailed analysis of indirect effects on health care facilities is not warranted.

As the Proposed Actions would not directly displace any existing community facilities (as defined in the *CEQR Technical Manual*), an analysis of direct effects is not required. The East New York Diagnostic Treatment Center (at 2094 Pitkin Avenue) is a City-owned site and is not a projected or potential development site. As projected development site 43, which is currently occupied by Medisys East New York (at 3080 Atlantic Avenue), is controlled by the organization or its parent organization, it is anticipated that the community facility organization or its parent organization would offer the space back to those community facility uses upon completion of the redevelopment and the Proposed Actions would not directly displace the facility (as defined in the *CEQR Technical Manual*).

As part of the East New York Community Plan, HHC has prioritized East New York as a priority neighborhood for new and expanded medical clinics.

Lastly, as presented in Chapter 17 of the FEIS, the Proposed Actions would not result in a public health impact.

Comment 4.22: The DEIS does not identify significant adverse impacts on police and emergency services despite an estimated 24,000 new residents and workers being generated from the rezoning. 24,000 new residents is quite a sizeable new neighborhood and warrants an assessment (10, 48).

Response 4.22: See Responses 4.20 and 4.21.

Comment 4.23: The FDNY feels that we have adequate resources to handle the rezoning. There are three existing fire houses in the rezoning area, and we wouldn’t need more as a result of the rezoning. If it ever became an issues, the FDNY is adequately prepared to provide services. In addition, new units constructed under the Proposed Actions would have comparatively better fire protection than what exists in the area today (73).

Response 4.23: Comment noted.

General

Comment 4.24: The community resources and facilities that exist in East New York today are at capacity and are not sufficient in number to meet the needs of the current population. We are concerned that the increase in population due to new residential developments will place a burden on the existing community facilities and resources. There is nothing in the rezoning plan that outlines a strategy or policy that will ensure that as these new residents come to the area, community facilities will be built to support them. More consideration should be given community facilities, such as youth and senior centers (5, 30).

Response 4.24: As stated in the *CEQR Technical Manual*, the community facilities (or resources) that may be addressed in environmental assessments include public schools, libraries, child care centers, health care facilities, fire protection, police protection, and/or “other community facilities.” The *CEQR Technical Manual* defines other community facilities as homeless shelters, jails, community centers, colleges and universities, or religious and cultural facilities. As stated in the *CEQR Technical Manual*, these “other community facilities” are analyzed only if the facility itself is the subject of the proposed project or would be physically displaced or altered by the project. As the Proposed Actions would not displace any of these other community facility uses, as defined in the *CEQR Technical Manual*, an analysis of other community facilities, including youth and senior centers is not required.

It should also be noted that the East New York Community Plan described in the EIS is a coordinated set of strategies for housing, jobs, economic development, and community resources. This rezoning proposal concerns changes to the land use regulations to support the goals of this Community Plan. The broader Plan also identifies strategies for providing for new and improved community infrastructure including community facilities and open space.

Comment 4.25: Given the scarcity of large developable sites and the need to provide comprehensive community services for current and future study area residents, the EIS must address how the Proposed Actions will proactively acquire sites for community facility development and the tools the City will use to acquire any sites necessary for said community facility development before significant development and associated increases in real estate value have taken effect in the area (8).

Response 4.25: This issue is outside the scope of CEQR. As noted above, the East New York Community Plan described in the EIS is a coordinated set of strategies for housing, jobs, economic development, and community resources. This rezoning proposal concerns changes to the land use regulations to support the goals of this Community Plan. The broader Plan also identifies strategies for providing for new and improved community infrastructure including community facilities and open space.

Comment 4.26: The community has expressed concern regarding the status of the Cypress Hills Fulton Street Neighborhood Senior Citizens Center lease. Without this facility, there might be a community impact. To facilitate the long-term status of the Cypress Hills Fulton Street Neighborhood Senior Citizens Center, DFTA and DCAS should provide a written commitment regarding the status of extending the organization’s lease (3).

Response 4.26: This issue is outside the scope of CEQR. As discussed in Response 4.24, the community facilities (or resources) that may be addressed in environmental assessments, in terms of indirect impacts, include public schools, libraries, child care centers, health care facilities, fire protection, and police protection. In addition, the Proposed Actions would not result in any direct impacts on the Cypress Hills Fulton Street Neighborhood Senior Citizens Center.

Comment 4.27: I am concerned that the influx of new residents to the area will negatively alter the need for schools, child care, senior and health care facilities, and safe spaces for youth within the community (23).

Response 4.27: The FEIS includes an assessment of the Proposed Actions’ potential for significant adverse impacts on community facilities. As presented in Chapter 4, the Proposed Actions are expected to result in significant adverse impacts on elementary and intermediate schools in CSD 19, Sub-district 1 as well as publicly funded child care centers; no impacts in the areas of libraries or police, health, and fire services are anticipated.

Chapter 5: Open Space

Comment 5.1: Currently, the only available open space resource in the Ocean Hill section of the rezoning area is Callahan-Kelly Playground. The park should be well-maintained as usage is likely to increase (5).

Response 5.1: Comment noted.

Comment 5.2: The EIS only included community gardens in the qualitative analysis. However, we believe that the community gardens in the study area meet the CEQR Technical Manual criteria for inclusion in the quantitative analysis (i.e., they are open to the public at designated hours on a regular basis). The community gardens in the study area are critical community and open space resources, and, as the study area is underserved by open space, the EIS must include these open space resources in both the quantitative and qualitative assessments (8).

Response 5.2: Gardens are recognized as important open space resources and are not being discounted. For conservative analysis purposes, community gardens in the open space study areas were not included in the quantitative analysis, but were discussed qualitatively. Including the community gardens in the quantitative analysis would increase the open space ratios for the study areas, and, thereby, minimize the significance of the Proposed Actions' open space impacts. Including gardens in the acreage would increase the open space ratio and make it appear that the neighborhood is better served by accessible open space than it really is. The EIS approach is therefore conservative.

Comment 5.3: In noting the substandard quality of many of the school playgrounds in the study area, the Coalition specifically named the basketball courts at I.S. 302 ("Sperandeo Brothers Playground") as being in a state of disrepair, but the EIS identified the playground's condition as "good" (8).

Response 5.3: The condition of Sperandeo Brothers Playground was identified as "good" based on site visits conducted in March and April of 2015. Based on the most recent DPR inspection data of Sperandeo Brothers Playground (July 2015), the condition of the open space resource has worsened, with both the overall condition and the cleanliness of the open space identified as "unacceptable." As such, Chapter 5, "Open Space" has been updated.

Comment 5.4: The Response to Comments on the DSOW indicated that DCP was the only group consulted in determining the appropriate timing for conducting open space field visits and, additionally, only conducted one field visit to passive open spaces. Though the EIS identifies significant adverse open space impacts, the usage and conditions data collected may be inaccurate without local consultation informing the field visits. The EIS must ensure that the usage data is accurate to fully measure the additional burden/demand that may be placed on existing facilities, further exacerbating the study area's open space deficiency (8).

Response 5.4: The appropriate timing for conducting open space field visits was determined in accordance with CEQR Technical Manual guidelines. Field surveys of the ¼-mile and ½-mile study area open space resources were conducted during peak hours of use and in good weather. Passively programmed open space were visited during peak weekday midday hours and actively programmed open space (or actively programmed portions of open spaces that have both passive and active open space resources) were visited during both weekday midday hours and peak weekend hours.

Comment 5.5: The field visits to Highland Park were only conducted in peak hours of use and in good weather; no field visits were conducted during the nighttime hours. The nighttime/off-peak field surveys are critical, as criminal activities, or the perceptions thereof, affect usage rates and need to be understood fully if the facility is to be considered a community asset/open space resource. The EIS must determine to what degree this barrier to access exists and how it can be mitigated (8).

Response 5.5: The CEQR Technical Manual recommends that field visits be conducted during peak hours of use and good weather. During nighttime hours, utilization is lower. As the CEQR open space assessment is focused on identifying the impacts of a project on the open space ratios (i.e., acres of open space per 1,000 residents/non-residents), assessing open spaces during their peak hours of use (when utilization is highest) is the most conservative approach. Furthermore, while existing issues with criminal activities affecting the park and its surroundings are important public safety and quality of life concerns that are not to be discounted, they would be more

appropriately addressed through enforcement as part of City's ongoing management activities rather than as mitigation related to environmental impacts occurring in the future.

Comment 5.6: The DEIS quantitative open space analysis includes the 13.68-acre Mount Hope Cemetery. Its inclusion is inappropriate, as access to this resource is extremely limited. The open space (1) has only one entrance, located at the intersection of Crescent Street and Jamaica Avenue; (2) is closed on weekends; (3) lacks the amenities needed to draw the majority of study area residents or workers to its distant location; and (4) there are strong religious and cultural reasons why many area residents, in particular many Latino and African American residents, do not perceive or use cemeteries as places of recreation. For these reasons, Mount Hope Cemetery, like the other cemeteries in the open space study areas, should only be included in the qualitative assessment (8).

Response 5.6: The CEQR Technical Manual indicates that “church yards with seating or cemeteries, if publicly accessible on a regular basis for passive recreation (strolling),” should be included as public open space. In accordance with this definition, Mt. Hope Cemetery was the only cemetery included in the quantitative open space impact assessment (for the residential study area only), as it includes seating; other cemeteries within the residential and non-residential open space study areas that do not have seating (e.g., The Evergreens Cemetery, Holy Trinity Cemetery, and Salem Field Cemetery) were not included in the quantitative impact assessment and were only discussed qualitatively. While Mount Hope Cemetery only includes one entrance (at Crescent Street and Jamaica Avenue), the entrance is located within the residential open space study area. Mt. Hope Cemetery is open on non-holiday Sundays in warm weather months (April 1 – October 31) between 9:30 am and 3:30 pm. Religious or cultural reasons are not considered reasons to exclude open space resources in accordance with CEQR Technical Manual guidelines.

Comment 5.7: DPR should provide a written commitment on the status of their intent to lead a community design process and re-envision a large asphalt ball field in City Line Park; to repair and revitalize the basketball and handball courts in Sperandeo Brothers Playground; and to install new, modern play equipment in Highland Park (3).

Response 5.7: In accordance with regular Department of Parks and Recreation (DPR) practice for its capital projects, the City Line Park project will be subject to a design process that engages the local community, including a public scoping workshop where local stakeholders help to establish the vision for the park and the types of recreational amenities that will be integrated into the renovated facilities. The park designs are also reviewed by the local Community Board as well as the Public Design Commission (PDC). The projected design phase for City Line Park is anticipated to take approximately 10-15 months, including community and PDC review. The community scoping session is currently slated for early Summer 2016. DPR is also fully committed to the improvements at Sperandeo Brothers Playground and Highland Park. DPR has already initiated the process for repair of the courts at Sperandeo Brothers Playground, with construction work anticipated to commence in Summer 2016. The proposed improvements to the Highland Park Lower Playground would also be subject to a community scoping and PDC review process as discussed above, with the community scoping workshop anticipated to occur in Spring 2016. For additional information, interested parties can look at DPR’s “Capital Projects Tracker” <http://www.nycgovparks.org/planning-and-building/capital-project-tracker>.

Comment 5.8: The current open space conditions in East New York are inadequate, as there currently exist only 0.69 acres of open space per 1,000 residents, compared to the 2.5 acres of open space per 1,000 residents recommended by the CEQR guidelines. An increase in residential density without an adequate corresponding increase in open space would significantly exacerbate this problem. The current rezoning plan does not include any provisions for new open space and would leave East New York with only 0.56 acres of open space per 1,000 residents (77).

Response 5.8: As presented in Chapter 5, “Open Space,” the Proposed Actions are expected to result in significant adverse indirect impacts on open space in the residential study area. As described in

Chapter 20, "Mitigation," to partially mitigate the identified significant adverse impact, new open space will be created through the Schoolyard to Playground program at existing schools and the new school to be constructed. While these measures would not fully mitigate the identified significant adverse open space impact, they would represent a partial mitigation measure and an improvement for area open space users.

Comment 5.9: The East New York Community Plan seeks to preserve and enhance our parkland and community gardens, to improve access to parks, and to work with local residents to create new recreational and open space amenities (70).

Response 5.9: Comment noted.

Comment 5.10 We need more green space to continue building community gardens. Not every parcel of land needs to be developed into a building. We ask that you preserve the land of the current community gardens and also help us to fund their maintenance (28).

Response 5.10: There are currently 14 community gardens within the rezoning area: Green Gems (at 143-151 Fountain Avenue), Upon This Rock Community Garden (at 2556 Pitkin Avenue), Shield of Faith (at 85 Montauk Avenue), Manley's Place (at 2539 Pitkin Avenue), Floral Vineyard (at 2377-2379 Pitkin Avenue), Cleveland Street Vegetable Garden (at 433-435 Cleveland Street), Warwick Block Association (at 650 Glenmore Avenue), Glenmore Hendrix Block Association (at 555 Glenmore Avenue), Clara's Garden (at 579 Glenmore Avenue), East End Community Garden (at 530-532 Glenmore Avenue), Herbal Garden (at 285 Schenck Avenue), Concerned Residents of Barbey Street (at 362 Barbey Street), Garden Party (at 316-318 Jerome Street/624 Glenmore Avenue), and Oriental Party (at 369-371 Barbey Street/326-328 Jerome Street). None of the lots currently occupied by community gardens are identified as projected or potential development sites under the RWCDs for the Proposed Actions.

Chapter 6: Shadows

No comments.

Chapter 7: Historic and Cultural Resources

Comment 7.1: There are many unprotected and potentially vulnerable landmark-worthy buildings interspersed throughout the rezoning area. There appears to be insufficient dialogue between the City and the Landmarks Preservation Commission (LPC), and we urge you to consider preserving landmark worthy buildings (33 according to Preserving East New York) located within the rezoning area (76).

Response 7.1: LPC reviewed the list of additional potential eligible historic resources provided by Preserving East New York (PENY) between the DEIS and FEIS and identified three additional resources, which have been incorporated into the historic resources impact analysis accordingly. Specifically, the LPC determined that the William H. Maxwell School, Ninth Tabernacle, and New Lots Town Hall buildings are all eligible for listing on the S/NR (refer to LPC's determination letter dated January 28, 2016, provided in Appendix C). Subsequent to issuance of the DEIS, the LPC also determined that the Prince Hall Temple, identified as S/NR-eligible in the DEIS, is also eligible for designation as a NYCL, as reflected in Chapter 7 of this FEIS.

Comment 7.2: Projected development site 37 contains the S/NR and NYCL-eligible Empire State Dairy Building, which could be demolished in the future with the Proposed Actions, depending on how the site is redeveloped. As such, the DEIS disclosed the potential for a significant adverse direct impact on this historic resource. As the City's analysis suggests that all of the FAR on the site could be realized, even if the building were preserved, we feel that a landmark designation would be an important way of protecting this valuable architectural resource (8).

Response 7.2: Comment noted. As discussed in the Mitigation chapter of the FEIS, LPC has been in contact with the property owner(s) of the S/NR- and NYCL-eligible Empire State Dairy Building with the intent of potentially designating the property as a NYCL. However, as this process is ongoing, designation of the building by LPC is not certain at this time. **Comment 7.3:** In addition to the resources included in the DEIS, we believe that the following resources should be included as eligible historic resources: the Victorian houses at 130 and 132 Pennsylvania Avenue, the Cornerstone Seventh-day Adventist Church (formerly known as Homestead Bank) at 138 Pennsylvania Avenue, the Beaux-Arts house at 164 Pennsylvania Avenue, William H. Maxwell High School at 147 Pennsylvania Avenue, the apartment buildings at 214-222 Pennsylvania Avenue, Grace Baptist Parsonage at 223 New Jersey Avenue, the Fisher Building at 249 Pennsylvania Avenue, the mixed residential and commercial building at 2764 Atlantic Avenue, Borden's Dairy Factory at 2840 Atlantic Avenue, St. Michael's Convent at 235 Jerome Street, St. Michael's Friary at 282 Warwick Street, St. Michael's Boy's School at 306 Warwick Street, St. Michael's School at 625 Liberty Avenue, Con Edison (formerly known as Union Gas) at 2940 Atlantic Avenue, St. Rita's Roman Catholic School at 260 Shepherd Avenue, Arlington Village at 3100 Atlantic Avenue, the warehouse/storage facility at 22 Milford Avenue, Second St. James Church of Christ (formerly known as Ahavas Achim B'nai Abraham) at 94 Logan Avenue, Ninth Tabernacle (formerly known as Talmud Torah Atereth Israel) at 85 Fountain Avenue, Milford Tile (formerly known as a Brooklyn Post Office) at 946 Glenmore Avenue, Garden of Eden Baptist Church at 71 Pennsylvania Avenue, Glorious Church of God (formerly known as Christ Evangelical Reformed Church) at 2729 Fulton Street, the apartments (formerly known as New Lots Town Hall) at 109 Bradford Street, Vienna Flats at 282 Atlantic Avenue, the apartment buildings at 237 and 239 Cleveland Street, and the mixed residential and commercial building at 211 Richmond Street (76).

Response 7.3: Refer to Response 7.1.

Chapter 8: Urban Design and Visual Resources

Comment 8.1: *While we acknowledge that development on the projected and potential developments sites have the potential to improve the pedestrian character of the neighborhood, the EIS should take into account that the study area currently lacks certain other types of useable public space that contribute to successful urban design, such as plazas, small gathering spaces, and market spaces. The development facilitated by the Proposed Actions will only increase the need for this type of useable public space and the EIS should analyze and disclose the impacts of the Proposed Actions on these useable public spaces (8).*

Response 8.1: The *CEQR Technical Manual* defines urban design as the totality of components that may affect a pedestrian's experience of public space. The following elements play an important role in that experience: streets, buildings, visual resources, open space, natural features, and wind. Open space, for the purpose of urban design, includes public and private areas such as parks, yards, cemeteries, parking lots, and privately owned public spaces. An assessment of each of the components that make up a pedestrian's experience of public space, as defined in the *CEQR Technical Manual*, was provided in the EIS. An assessment of the Proposed Actions' impacts on open space resources is provided in Chapter 5, "Open Space," and identifies the potential for a significant adverse indirect open space impact warranting mitigation.

Chapter 9: Hazardous Materials

Comment 9.1: *The Cypress Hills LDC conducted a Step 2 BOA in 2012 and identified several sites for redevelopment that are not included as projected or potential development sites under the RWCDs for the Proposed Actions. The City should allocate (E) designations to those sites (8).*

Response 9.1: (E) designations can be applied only to potential or projected development sites. As explained in the Project Description Chapter of the DEIS, the Reasonable Worst Case Development Scenario (RWCD) was formulated utilizing standard methodologies contained in the *CEQR Technical Manual*. Please see the Reasonable Worst Case Development Scenario subsection in the Project Description Chapter for an in- depth explanation for how potential and projected sites were chosen.

Chapter 10: Water and Sewer Infrastructure

Comment 10.1: The water and sewer infrastructure analysis provided in the DEIS is not sufficient to understand whether the Proposed Actions will create a significant adverse impact (8).

Response 10.1: Chapter 10, “Water and Sewer Infrastructure” was conducted in accordance with *CEQR Technical Manual* methodology and determined that the Proposed Actions would not result in significant adverse impacts. As outlined in the 2014 *CEQR Technical Manual*, CEQR review is a conceptual and predictive look into the future and, therefore, the conclusions made under CEQR should not be construed as conclusive with regard to the need for sewer drainage analysis, planning, and permits in the future. The sewer connection permitting process and CEQR process are separate. A DEP sewer connection permit is issued based on the availability of the affected sewer system at the time of the building permit process, not on the capacity of the sewer system analyzed during the environmental review, which is conducted much earlier than the building permit process.

Comment 10.2: Flooding from sewer backups is already a major concern throughout the rezoning area. The EIS should include an assessment of the condition of sewer pipes and catch basins within the area. This assessment is within the scope of CEQR and is warranted given the massive amount of projected development in the area (8).

Response 10.2: See Response 10.1.

Comment 10.3: Since the rezoning area is within the Jamaica Bay Watershed, special consideration must be given to how the City plans to mitigate any additional pollutant runoff that might be caused by the Proposed Actions. In addition, CEQR states that any project within the Jamaica Bay Watershed that will increase the amount of impervious pavement by two percent over existing conditions should undergo further analysis by DEP. (8).

Response 10.3: The East New York infrastructure analysis, including the DEP matrix, were reviewed and approved by DEP in preparation of the EIS. It should be noted that the stormwater detention requirements mandated by DEP are substantially higher for new buildings than for those being replaced.

Comment 10.4: To address street flooding, DEP should commit in writing to investigate known locations for flooding in the IBZ by undertaking assessments of sewers and catch basins where flooding is frequent and fund, as warranted, the rebuilding of sewers and catch basin and incorporating bioswales (3).

Response 10.4: The City has set aside funds for NYC DEP to conduct the necessary drainage studies to identify where sewers, catch basins, and other infrastructure require improvement to reduce combined sewer overflows and/or street flooding. As part of the City’s Green Infrastructure Program, which is a multiagency effort led by NYC DEP, sustainable green infrastructure practices, including bioswales, are being constructed on City owned property in several areas of the City. While no bioswales are presently located within the rezoning area itself, in the IBZ the City has installed 27 bioswales with another 116 nearing completion. Furthermore, plans are underway to locate and construct bioswales within the rezoning area itself.

Comment 10.5: The rezoning area is already sewer-stressed and currently suffers flooding due to CSOs. An increase in the area's population without adequate stormwater storage capacity improvements throughout the drainage area in the future with the Proposed Actions would result in an increase of sanitary system waste. Such increases would not be adequately captured by the WWTP during extended periods of intense rainfall and there would be an increase in contamination of nearby water bodies connected to the outflow to the 26th Ward drainage area as a result (3).

Response 10.5: Connecting to the City's sewer system requires certification from DEP as part of the building permit process. New development sewer certification review ensures that sufficient capacity exists in both the sewer fronting the lot of the new development/alteration as well as in downstream sewers to accommodate additional discharges from new development. If adequate capacity is not available, infrastructure improvements, sewer extensions, or on-site detention/retention systems that offset increased sanitary or stormwater flows may be required before sewer connections can be approved. Further, as noted in Response 10.3, DEP reviewed and approved the water and sewer infrastructure analysis provided in the EIS.

Comment 10.6: DEP's Home Water Assistance Program provides a credit automatically to low-income homeowners who qualify for the federal Home Energy and Assistance Program (9).

Response 10.6: Comment noted.

Chapter 11: Solid Waste and Sanitation Services

Comment 11.1: The DEIS indicates that the Proposed Actions would only add a total of 11 DSNY truck loads and nine commercial carting truck loads per week. This number of trucks added is misleading as it does not take into account the number of truck routes that would need to be added in order to accommodate the increased amount of waste in the area. Waste needs to be picked up far more often than once a week for commercial businesses, and logistics of the DSNY routing system may require multiple truck routes to be added at different intervals in order to accommodate this increase in waste production, especially in areas where commercial/industrial zoning is being changed to residential. DCP should consult with DSNY and the Business Integrity Commission to estimate the number of additional truck routes that would be needed (8).

Response 11.1: Chapter 11, "Solid Waste and Sanitation Services" was conducted in accordance with the methodology presented in the 2014 CEQR Technical Manual. As outlined in the CEQR Technical Manual, if a proposed project would result in at least 50 tons of solid waste generated per week, it may be appropriate to assess whether additional trucks or other sanitation services would be required; the CEQR Technical Manual further identifies the typical capacity of DSNY collection trucks and recycling trucks, as well as the capacity of commercial carters. The number of additional trucks needed to accommodate the incremental solid waste generated in the future with the Proposed Actions was estimated using the typical vehicle capacity information presented in the 2014 CEQR Technical Manual.

Chapter 12: Energy

Comment 12.1: The finding of no significant adverse impact in regards to energy is based on an incomplete and inaccurate analysis of the area's energy system. The EIS analysis incorrectly assessed the energy systems in the area by focusing its analysis on energy generation capacity and energy consumption. To accurately evaluate the impacts of the Proposed Actions on the area's energy infrastructure and fulfill the requirements of the CEQR Technical Manual, the EIS must include an assessment of transmission capacity and peak demand, disclose the results, and, if the impact of the Proposed Actions on energy is greater than stated in the DEIS, analyze, disclose, and adopt additional mitigation strategies (8).

Response 12.1: Chapter 12, “Energy” was conducted in accordance with *CEQR Technical Manual* methodology. In accordance with *CEQR Technical Manual* methodology, the incremental annual energy consumption under the RWCDs for the Proposed Actions was estimated. An assessment of transmission capacity and peak demand is outside of the scope of CEQR, which focuses on “disclosing energy consumed by a proposed project,” in terms of “operational energy, or the amount of energy that would be consumed annually after the project is operational.”

Comment 12.2: The EIS must evaluate alternative on-site generation and localized distribution systems as the rezoning area is within a Con Edison distribution zone where the peak energy demand is expected to exceed consumption within one year. (8).

Response 12.2: This issue is outside the scope of CEQR.

Comment 12.3: The Con Edison BDQM RFI Q&A Section states that the challenge within the Brownsville Substations zone is demand capacity, the point of constraint being the sub-transmission service going into the substation. Brownsville Substations 1 and 2 (which serve the rezoning area) can only handle 763 MW of demand at any given time. The statement that the estimated annual consumption of the RWCDs only accounts for six percent of the City’s annual energy consumption has no bearing on whether or not the Brownsville Substations will be able to handle peak demand (8).

Response 12.3: As stated in Chapter 12, Con Edison routinely evaluates its electric transmission system and regularly updates their long-term plans to meet the forecasted demand on that system. Con Edison is utilizing alternatives such as the BQDM Program to help defer large investments such as substations. Based on that long range planning, Con Edison currently forecasts the need for a new substation by 2026. Development projected as a result of the Proposed Actions may potentially lead to utilizing additional alternatives or impacting the schedule for a new substation; however, development would occur on a site-by-site basis over time and Con Edison would have sufficient advance notice of such development to incorporate them in their long-term plans. Therefore, the Proposed Actions would not adversely affect the electric transmission system serving the area.

Comment 12.4: The EIS lumps all commercial uses together broadly and should adjust its energy demand calculations to reflect Con Edison’s network profile, as seen with in the BQDM RFI Document (8).

Response 12.4: As stated in the *CEQR Technical Manual*, if sufficient information regarding the project is not available to model its probable operational energy consumption or provide specific project energy consumption estimates, the lead agency, within its discretion, may determine it is most appropriate to use the standard reference tables presented in the *CEQR Technical Manual* to estimate energy. The *CEQR Technical Manual* further states that, the standard reference table is often used to estimate energy consumption on those sites not controlled by the applicant, as is often the case in an area-wide rezoning; in these instances, the lead agency could not calculate lot-by-lot building operation consumption through energy modeling or engineer estimates. Table 15-1 of the *CEQR Technical Manual*, “Average Annual Whole-Building Energy Use in New York City,” was therefore used to estimate annual energy consumption of the incremental development anticipated under the Proposed Actions. This table provides an average annual energy consumption rate for all commercial uses, rather than distinguishing between different commercial users.

While the *CEQR Technical Manual* does indicate that, for sites within a rezoning area that are controlled by the applicant, the annual projected energy consumption should be estimated using an energy modeling program, even those models intended for projects at their most preliminary design phases (such as the eQuest Schematic Design Wizard) require a level of detail beyond the information currently available for the one City-owned projected development site in the rezoning area (projected development site 66). Specifically, this model requires information on items such as the number of building floors, daylighting controls, building footprint type, and

construction parameters, which have not yet been determined for projected development site 66. Therefore, the *CEQR Technical Manual* energy consumption rates were used for this EIS.

Comment 12.5: The rezoning area is part of the Brooklyn/Queens Demand Management Zone, an area whose infrastructure has been identified by Con Edison as inadequate to support current energy demand. Con Edison has determined that the area will require a new substation within the next two years, as there are occasional brownouts, even today. Considering the significant amount of additional demand that will be generated in the future with the Proposed Actions, there is an immediate need for large-scale energy retrofits and upgrades of existing residential stock. Additionally, there is a need to mandate stringent requirements for energy efficient, green, and healthy construction in new developments (3, 19).

Response 12.5: As presented in Chapter 12, any new developments resulting from the Proposed Actions would be required to comply with the NYCECC, which governs performance requirements of heating, ventilation, and air conditioning systems, as well as the exterior building envelope of new buildings. In compliance with this code, new developments must meet standards for energy conservation, which include requirements relating to energy efficiency and combined thermal transmittance. HPD also recently announced the Green Housing Preservation Program, which targets smaller multi-family properties and provide no- and low-interest loans to enable owners to undertake building improvements in order to reduce operating costs. Also see response to Comment 12.3.

Chapter 13: Transportation

Comment 13.1: The DEIS should have adhered to the CEQR Technical Manual and included a detailed analysis of the impact of the Proposed Actions on the Broadway Junction station complex due to the number of customers that will transfer within the stations complex following the rezoning. Due to the convergence of three separate subway lines at Broadway Junction, there are far more customers transferring between lines within the complex than entering or exiting, with 80% of customers in the station transferring between lines. The DEIS did not include the analysis of transfer-related stair impacts at the Broadway Junction station complex. The EIS must include an accurate and complete assessment of transit conditions, including transfers (60, 62).

Response 13.1: As reflected in Chapter 13, “Transportation”, DCP applied widely used and vetted *CEQR Technical Manual* methodology and carefully considered whether a detailed analysis of the Broadway Junction station, including transfer flows within the station, was warranted. Because the projected trip assignments under the Proposed Actions resulted in fewer than 200 trips to the Broadway Junction station entrance, and thus would not exceed the *CEQR Technical Manual* threshold for conducting a detailed analysis of the station, DCP properly concluded that such analysis was not warranted. The FEIS does not, then, need to assess transfer flows (including station elements such as stairways, escalators and turnstiles) within the station because transfer flows are studied only as part of a detailed analysis. The DEIS included, and this FEIS includes, a detailed analysis of eight subway stations in the study area where the 200 trip threshold was exceeded (the Alabama Avenue, Cleveland Street, Norwood Avenue and Crescent Street stations served by J/Z trains operating on the Jamaica Line, and the Liberty Avenue, Van Siclen Avenue, Shepherd Avenue and Euclid Avenue stations served by A/C trains operating on the Fulton Street Line).

Comment 13.2: It is likely that impacts from transferring passengers—and the need for mitigation for such impacts—will result from other City rezoning proposals, and it is important that the CEQR analysis for such proposal also include both the transferring passenger impacts and identify the feasible measures and funding required to mitigate those impacts (41, 60, 62).

Response 13.2: Although, each of the City’s rezoning proposals are evaluated separately, the cumulative impacts of these rezonings taken as a whole are evaluated by including any potential effects of any earlier

rezonings into a “No-Action” condition. In addition, the DEIS includes the analysis of the peak load points on each transit system which includes the accumulative developments along the effected transit lines (line-haul subway and bus analysis). Any such potential impacts are analyzed and disclosed as appropriate in the DEIS.

Comment 13.3: Over 15 percent of the new subway trips generated by the rezoning will transfer at Broadway Junction, with over 450 new moves during peak hours (41, 60).

Response 13.3: Comment noted. As discussed in Response 13.1, the FEIS projects the number of subway passengers that are expected to use the Broadway Junction station to access the subway system from the street level to be below the initial CEQT TM screening threshold of 200 passenger trips per hour. Therefore, further analysis at the Broadway Junction station was not warranted.

Comment 13.4: Most station circulation elements at Broadway Junction are currently at – or a little over – guideline capacity. In 2030, with the anticipate growth under the RWCDS, in addition to background growth, circulation of station elements will degrade to LOS D, E, and one F. Stairs to each of the six platforms will experience severe crowding during one or both of the peak periods, the escalator core will have significant queues at both top and bottom during both peak periods, and the Proposed Actions would cause significant impacts at the two stairs serving the platforms and one of the stairs serving the J/Z platform (41).

Response 13.4: CEQR requires the assessment and mitigation of project-generated impacts – not existing impacts. That the stairways and platforms at the Broadway Junction station are currently congested is not a basis for identifying a significant adverse impact under CEQR.

As discussed in Responses 13.1, 13.2, and 13.3, the DEIS projects that the number of subway passengers expected to use the Broadway Junction station to access the subway system from the street level will be below the initial CEQT TM screening threshold of 200 passenger trips per hour. Therefore, further analysis was not warranted at station elements such as stairways, escalators and turnstiles.

Comment 13.5: NYCT has begun a master plan of circulation improvements at Broadway Junction. With these improvements, all circulation elements throughout the station complex would operate at LOS C or better at 2030 ridership levels. However, these improvements are dependent on City funding (and the competing priorities at other eligible stations), and the work to the AC platforms and escalator core would impact adjacent parkland. We urge the City to not only include an analysis of the Broadway Junction subway station in the FEIS, but that the City fund the necessary station improvements (41, 60).

Response 13.5: As discussed above in response to Comment 13.1, DCP applied long-standing *CEQR Technical Manual* methodology and carefully considered whether a detailed analysis of the Broadway Junction station, including transfer flows within the station, was warranted, and it properly concluded that such analysis was not warranted. Physical and operational improvements to study area subway stations to address existing conditions are the purview of the MTA and NYCT and are outside the scope of this EIS.

Comment 13.6: With all of the residents and the proposed school anticipated along Atlantic Avenue in the future with the Proposed Actions, DOT is implementing a series of traffic calming measures to make it easier for pedestrians to cross the roadway, including neck-downs and adding trees (22).

Response 13.6: Comment noted.

Comment 13.7: We are concerned that the transportation safety issues are focused only on Atlantic Avenue. While Atlantic Avenue is in need of safety improvements, a November 3, 2015 fatality of a woman crossing the street at Fulton and Sackman Streets demonstrates that other streets of Ocean Hill must be considered under the rezoning. DCP should work with DOT to evaluate Atlantic Avenue and other streets of Ocean Hill for safety improvements (5).

Response 13.7: Comment noted. As per CEQR Technical Manual guidelines, the vehicular and pedestrian safety evaluation in the FEIS focuses on documented high crash locations and locations in proximity to the proposed school. (A high crash location is defined as one where there were 48 or more reportable and non-reportable crashes or five or more pedestrian/cyclist-related crashes in any consecutive 12 months within the most recent three-year period for which data are available.) Also discussed and reflected in the traffic and pedestrian analyses are pedestrian safety measures associated with the capital project proposed by DOT for Atlantic Avenue as part of Mayor de Blasio's the Vision Zero Great Streets initiative. A broader evaluation of safety improvements to streets in Ocean Hill is outside the scope of CEQR.

Comment 13.8: The CEQR Technical Manual states that the addition of trucks by both DSNY and commercial carting services should be evaluated in other technical areas, including transportation. The DEIS did not include the impacts that increased sanitation services would cause on this analysis area. The consideration of additional sanitation trucks should also account for any additional truck routes that would need to be added (rather than simply the additional number of truck loads) (8).

Response 13.8: As shown in Table 13-10 in the FEIS, the travel demand forecast for the Proposed Actions includes the total numbers of truck trips that would be generated by each of the new land uses under the RWCDs. These totals reflect all trips by truck, including sanitation trucks, and are reflected in the Proposed Actions' vehicle trip assignments and traffic and pedestrian impact analyses.

Chapter 14: Air Quality

Comment 14.1: We are concerned about the implications of increased traffic volumes on Jackie Robinson Parkway on air quality conditions in adjacent Highland Park. The EIS must obtain air quality data from within Highland Park along Jackie Robinson Parkway where individual exposure to these noxious outputs is sustained for longer periods and include these impacts in the FEIS (8).

Response 14.1: The additional traffic that would occur on the Jackie Robinson Parkway with the Proposed Actions represents a very minor increase compared to the future without the Proposed Actions. For example, based on the DEIS traffic analysis, traffic entering and exiting the Jackie Robinson Parkway at the intersection of Pennsylvania Avenue and East New York Avenue is estimated to increase by less than 3 percent in the AM peak period. In addition, the predicted increase in vehicles at this intersection is below CEQR Technical Manual threshold for conducting a mobile source analysis. This increase is not therefore predicted to result in a significant adverse air quality impact, and would not significantly affect areas within Highland Park adjacent to the parkway.

Comment 14.2: The CEQR Technical Manual guidelines must be revised to include a measure of analysis that reflects the increased risk of exposure to particulates sustained by athletes or other recreational users in New York City parks, for whom the hazards caused by air pollution are increased (8).

Response 14.2: The air quality analysis presented in the DEIS considered the potential for impacts of fine particulate matter (PM₁₀ and PM_{2.5}) from stationary and mobile sources with the Proposed Actions. The analysis concluded that there would be no significant adverse air quality impacts due to the Proposed Actions.

Comment 14.3: The CEQR Technical Manual states that the addition of trucks by both DSNY and commercial carting services should be evaluated in other technical areas, including air quality. The DEIS did not include the impacts that increased sanitation services would cause on this analysis area. The consideration of additional sanitation trucks should also account for any additional truck routes that would need to be added (rather than simply the additional number of truck loads) (8).

Response 14.3: The DEIS transportation analysis considered the potential impacts due to increased truck traffic with the Proposed Actions. Truck trip generation rates and temporal distributions were estimated based on data from the *CEQR Technical Manual*. These estimates include all types of trucks, including sanitation vehicles. Therefore, the air quality analysis did account for the effects of additional solid waste collection vehicles.

Comment 14.4: The findings of no significant adverse impacts related to air quality is not satisfactory. The assessment is missing several key areas of study that must be included in order to accurately evaluate the impacts of the Proposed Actions (8).

Response 14.4: The stationary source air quality analysis was conducted for each of the development sites, and for select groups or “clusters” of sites. As presented in the DEIS, at certain locations, an (E) designation was proposed that specify various restrictions, such as type of fuel to be used, the distance that the vent stack on the building roof must be from its lot line(s), etc., to avoid a predicted significant adverse air quality impact. Therefore, the air quality analysis addressed the potential for significant adverse impact, as per the *CEQR Technical Manual*.

Comment 14.5: The mobile source air quality analysis does not include assessments of any locations south of Liberty Avenue, despite the fact that, in the comments on the DSOW, it was requested that an analysis be conducted on Pitkin Avenue. As the EIS identifies significant adverse impacts at the intersection of Pennsylvania and Pitkin Avenues, the EIS must analyze and disclose air quality at this intersections, particularly given the location of a major health care provider—East New York Diagnostic & Treatment Center—at that intersection (8).

Response 14.5: As discussed in the DEIS Air Quality Chapter, intersections were selected for analysis based on the number of project-generated vehicles and the level of congestion with the Proposed Actions. While there are certain intersections along Pitkin Avenue that are predicted to exceed the *CEQR Technical Manual* thresholds for conducting a mobile source analysis, the number of project-generated vehicles are well below the intersections that were selected for analysis. The DEIS air quality analysis concluded that no significant adverse air quality impacts would occur (with the exception of mobile source impacts at the intersection of Atlantic Avenue and Logan Street, which was found to be fully mitigated with traffic mitigation measures); therefore, the same conclusions would apply at locations where lower levels of project-generated vehicles are expected, such as along Pitkin Avenue.

Comment 14.6: The CEQR Technical Manual states that three to four receptor sites should be chosen to study mobile air quality impacts. However, this number of sites is insufficient given the physical size of the rezoning area and the potential number of additional vehicle trips per day. The EIS only studied intersections in Clusters 1 and 5 (as defined in Chapter 13, “Transportation”). While those areas will experience some of the highest amount of development, the impacts of increased traffic at those sites will ripple throughout the neighborhood and must be examined (8).

Response 14.6: As discussed in the DEIS Air Quality Chapter, intersections were selected for analysis based on the number of project-generated vehicles and the level of congestion with the Proposed Actions. At other intersections, while the number of project-generated vehicles may exceed the *CEQR Technical Manual* thresholds for conducting a mobile source analysis, no significant adverse air quality impacts are expected.

Comment 14.7: The EIS makes no mention of any analysis done at schools, community facilities, parks, or open spaces. The City must take steps to understand the cumulative impact of stationary, mobile, and industrial pollutants on air quality at existing facilities in the area (8).

Response 14.7: The DEIS conducted a comprehensive analysis of air quality impacts to the Proposed Actions. Air quality impacts were assessed from each of the proposed development sites, including from groups or “clusters” of heat and hot water sources with similar stack heights, to address the cumulative impacts of multiple sources. A quantified assessment of the potential impacts on air quality from traffic generated by the Proposed Actions was also performed. These analyses were performed at locations where the greatest potential for impacts would occur, regardless of the type of land use. Since the DEIS air quality analysis concluded that no unmitigated significant adverse air quality impacts would occur, significant adverse air quality impacts at schools, community facilities, and other sensitive locations are not expected with the Proposed Actions.

Chapter 15: Greenhouse Gas Emissions and Climate Change

Comment 15.1: To facilitate using the building’s roof for any combination of solar, blue, green, and/or white roof improvements and to advance DEP green-water/stormwater strategies, HPD should commit in writing to encourage developers to incorporate such measures (3).

Response 15.1: HPD recently announced the Green Housing Preservation Program, which targets smaller multi-family properties and provides no- and low-interest loans to enable owners to undertake green building improvements in order to reduce operating costs.

Comment 15.2: The finding of no significant adverse impact in regards to greenhouse gas emissions is incomplete and requires further analysis. The estimates of GHG emissions provided in the DEIS are based on Table 18-3 of the CEQR Technical Manual and fail to accurately represent the RWCDs by not accounting for the marginal emission rates that may result from the Proposed Actions (8).

Response 15.2: Chapter 15, “Greenhouse Gas Emissions and Climate Change” was conducted in accordance with CEQR Technical Manual methodology. As outlined in the 2014 CEQR Technical Manual, because GHG emissions impact the global climate, a project’s associated GHG emissions cannot be assessed for a potential discernible localized impact. For projects that would result in construction on sites that are not under the control of the applicant (such as a rezoning of multiple sites) and those where the project would result in development both on sites controlled by the applicant and sites not controlled by the applicant, the CEQR Technical Manual provides general guidance for assessing GHG emissions. Specifically, the CEQR Technical Manual indicates that in quantifying (calculated using Table 18-3 of the CEQR Technical Manual), disclosing, and discussing the GHG emissions resulting from this type of project, the lead agency should qualitatively discuss the benefits or drawbacks of the project in relation to the achievement of the City’s GHG reduction goal through encouragement of mixed-use, sustainable transportation-oriented development and/or GHG emissions avoided in the City as a result of the project.

Marginal emission rates are less straightforward to define and measure and are typically defined as slight changes to the load profile of a building that might change the emissions intensity of the grid by reducing the need for some generation. An estimate of marginal emission rates that may result from the Proposed Actions is outside the scope of CEQR.

Comment 15.3: The increase in energy demand resulting from the Proposed Actions could lead to using the more expensive (higher emission) generators. Specifically, approximately 2/3 of the local generation plants are over 40 years old and equipped with technology that has lower efficiency and thus higher GHG emissions than modern facilities. As 80 percent of forecasted peak demand has to be supplied by capacity located within the City, and the Proposed Actions would be expected to increase peak demand, it would increase the operating hours of the local peak generators (8).

Response 15.3: This issue is outside the scope of CEQR. As outlined in the *CEQR Technical Manual*, the focus of a GHG emissions assessment is not to ascribe environmental significance to a specific level of GHG emissions, but instead to consider GHG emission sources and practicable means to reduce their output in the context of the project's location, consistent with the City's GHG reduction goal.

Comment 15.4: The GHG emissions analysis should account for the potential impact of the Proposed Actions during severe weather events, as dual fuel generators typically shift to liquid fuel in response to increased natural gas demand, resulting in a direct impact on carbon emissions (8).

Response 15.4: This issue is outside of the scope of CEQR.

Comment 15.5: Use of the 2014 Inventory of New York City Greenhouse Gas Emissions could be a more appropriate methodology, as it would account for the polar vortex—a severe weather event—that occurred during that year (8).

Response 15.5: Table 18-5 of the *CEQR Technical Manual* was utilized to estimate operational GHG emissions resulting from the Proposed Actions. Table 18-5 provides the carbon intensity (GHG emissions per gsf of floor area, based on all energy sources used) for different building types in New York City. Table 18-5 is based on the City's Inventory of New York City Greenhouse Gas Emissions: September 2009, which reflects energy sources for each building sector in 2008. As presented in the 2014 Inventory of New York City Greenhouse Gas Emissions, since 2005, New Yorkers have reduced their GHG emissions by 19 percent, largely through a transition to natural gas for electricity generation and cleaner fuels for heating buildings. As such, use of the 2014 Inventory of New York City Greenhouse Gas Emissions (the most recently released report, covering 2013) would likely indicate a substantially lower GHG emissions estimate for the Proposed Actions than the estimate presented in Chapter 15 of this FEIS.

Comment 15.6: Information gathered in the analysis of potential marginal emission rates for the Proposed Actions could inform the State as it undertakes the Reforming for Energy Vision proceedings and the New York State Energy Research and Development Authority (NYSERDA) and Public Service Commission (PSC) as they shape Distributed Energy Resource (DER) programs and incentives (8).

Response 15.6: Comment noted.

Comment 15.7: The City should share the GHG analysis with the NYISO in an attempt to change market rules to facilitate faster implementation of newer and more energy efficient generators. Doing so could significantly increase the adoption of distributed generation technologies while reducing the GHG emissions of the Proposed Actions (8).

Response 15.7: Comment noted.

Chapter 16: Noise

Comment 16.1: We are concerned about the implications of increased traffic volumes on Jackie Robinson Parkway on noise levels in adjacent Highland Park. The EIS must obtain noise data from within Highland Park along Jackie Robinson Parkway where individual exposure to increased traffic-generated noise levels is sustained for longer periods and include these impacts in the FEIS (8).

Response 16.1: Based on the traffic analysis, there would not be the potential for a doubling of Noise PCEs along the Jackie Robinson Parkway which would result in a significant adverse noise impact. Any areas that experience traffic increases along the Jackie Robinson Parkway that do not result in a doubling of Noise PCEs would experience noise level increases that would be imperceptible.

Comment 16.2: The *CEQR Technical Manual* states that the addition of trucks by both DSNY and commercial carting services should be evaluated in other technical areas, including noise. The DEIS did not include the

impacts that increased sanitation services would cause on this analysis area. The consideration of additional sanitation trucks should also account for any additional truck routes that would need to be added (rather than simply the additional number of truck loads) (8).

Response 16.2: As shown in Table 13-10 in the FEIS, the travel demand for the Proposed Actions includes the total number of truck trips that would be generated by each of the new land uses under the RWCDs. These totals reflect all trips by trucks, including sanitation trucks, and are reflected in the Proposed Actions' vehicle trip assignments and the noise analysis.

Chapter 17: Public Health

Comment 17.1: The EIS must measure air and noise quality within Highland Park, along Jackie Robinson Parkway, and evaluate the impacts the Proposed Actions will have on public health in the rezoning area (8).

Response 17.1: See responses to Comment 14.1 and 16.1.

Comment 17.2: East New York has the ninth highest rate of child hospitalization rates due to asthma, and a great number of its adults also have asthma. Mobile source air quality emissions from action-generated traffic could further burden an already impacted environmental justice community (8).

Response 17.2: As presented in Air Quality Chapter of the DEIS, a mobile source analysis was performed to evaluate the potential for mobile source air quality impacts with the Proposed Actions. The DEIS air quality analysis concluded that no unmitigated significant adverse air quality impacts would occur.

Comment 17.3: The CEQR Technical Manual states that in unusual circumstances, a project may have potential public health consequences that may not be related to the issues already addressed in other technical analysis areas in CEQR reviews, and that the lead agency may, therefore, determine that a public health assessment is warranted. The decision to conduct a full public health assessment should not be solely dependent on other areas of the CEQR analysis. Given that East New York and Cypress Hills residents suffer from a higher vulnerability to health issues such as heart disease, obesity, diabetes, and high blood pressure, as compared to the rest of New York City, the FEIS must include a full public health assessment, with a focus on potential exacerbation of existing health conditions caused by the effects of the Proposed Actions (e.g., construction, increased traffic, and psychological impacts caused by displacement). (8).

Response 17.3: The DEIS examined the potential public health effects due to unmitigated impacts from mobile source-generated noise and construction-generated noise. Other potential areas were to be not significant, in some cases with application of mitigation measures (e.g., mobile source air quality).

Chapter 18: Neighborhood Character

Comment 18.1: The DEIS concludes that the defining features of the primary study area's constituent neighborhoods would not be affected by the Proposed Actions. We disagree with this conclusion as the DEIS wrongfully concludes that the Proposed Actions would not result in any significant adverse impacts in the areas of land use, zoning, and public policy; socioeconomic conditions; and urban design and visual resources. Furthermore, the identified significant adverse impacts in the areas of open space, historic and cultural resources, shadows, transportation, and noise may in fact alter the defining features of the study area. As a result the EIS must include a more rigorous neighborhood assessment with regards to these technical areas (8).

Response 18.1: As presented in Chapters 2, 3, and 8 of the FEIS, the Proposed Actions would not result in significant adverse impacts in the areas of land use, zoning, and public policy; socioeconomic conditions; or urban design and visual resources. While the Proposed Actions would result in

significant adverse impacts in the areas of open space, historic and cultural resources, shadows, transportation, and noise, these impacts do not, in and of themselves, represent a significant adverse impact on neighborhood character. As stated in the *CEQR Technical Manual*, generic actions may be assessed with somewhat less detail than an assessment of site-specific projects.

The *CEQR Technical Manual* also states that the key elements that define neighborhood character, and their relationships to one another, forms the basis of determining impact significance; in general, the more uniform and consistent the existing neighborhood context, the more sensitive it is to change. A neighborhood that has a more varied context is typically able to tolerate greater change without experiencing significant impacts. As presented in Chapter 18, the East New York study area is characterized by multiple varied neighborhoods (e.g., Cypress Hills, East New York, Ocean Hill, Broadway Junction) with varied defining characteristics. As the Proposed Actions do not have the potential to significantly affect defining features of East New York, a more detailed analysis is not warranted.

Comment 18.2: The DEIS does an inadequate job describing the neighborhood character study area and its defining features. A mere physical description of the study area does not truly exemplify its neighborhood character; many of its defining features do not relate to its physical attributes, but, rather, to the people who live there and the opportunities that the neighborhood provides to those residents, and we disagree with the CEQR Technical Manual's focus on the physical characteristics of neighborhood character. The true importance of the East New York/Cypress Hills neighborhood is that it has long been a neighborhood of opportunity—a place that welcomes immigrants and gives residents a leg up to climb the economic ladder. As a result, the Proposed Actions should be measures with respect to their impacts on both the physical and non-physical defining features of the study area (8).

Response 18.2: Chapter 18, “Neighborhood Character” was conducted in accordance with 2014 *CEQR Technical Manual* methodology, which states that “In a neighborhood character assessment under CEQR, one considers how elements of the environment combine to create the context and feeling of a neighborhood and how a project may affect that context and feeling.” The *CEQR Technical Manual* indicates that neighborhood character is an amalgam of various elements that give neighborhoods their distinct “personality,” which include a neighborhood’s land use, urban design, visual resources, historic resources, socioeconomics, traffic, and/or noise, which are often considered in a CEQR assessment.

Comment 18.3: The DEIS's neighborhood character assessment does not include a discussion of how residential encroachment may impact local industrial uses, particularly how physical and operational compatibility issues will affect their operation (8).

Response 18.3: Refer to Response 2.6. While the Proposed Actions would result in new residential development in the vicinity of industrial and auto-related uses, these areas are already characterized by a mix of residential and industrial uses, or by residential blocks in close proximity to industrial areas. Under the RWCDs for the Proposed Actions, no existing industrial lots would experience new directly adjacent residential/community facility development; all of the existing industrial lots are either already currently abutted by residential uses or would also experience adjacent residential/community facility construction in the future without the Proposed Actions.

Comment 18.4: The CEQR guidelines are inadequate to address the effects of an action on neighborhood character. While the CEQR Technical Manual states that neighborhood character is an amalgam of various elements that give neighborhoods their district personality, New York City residents define their neighborhoods by many elements not expressly stated in the narrow and generic CEQR list, including, critically, the types of people who live in their neighborhood (8).

Response 18.4: Comment noted. Chapter 18, “Neighborhood Character” was conducted in accordance with 2014 CEQR Technical Manual methodology.

Comment 18.5: Residential side streets are not being rezoned to allow for greater density, thereby ensuring that the existing low-scale character of the neighborhood is preserved and that the rezoning will provide no incentive for owners to change the nature of the housing (15).

Response 18.5: Comment noted.

Comment 18.6: The historic buildings in the area are part of what makes East New York, East New York and Cypress Hills, Cypress Hills (76).

Response 18.6: As discussed in Chapter 18, while the East New York subarea includes multiple historic resources, due to the varied and non-homogenous character of the building stock and uses in the surrounding area, these historic buildings are not a defining feature of the subarea’s neighborhood character. While the Proposed Actions would result in significant adverse impacts on historic resources, the disclosed historic resources impact would not alter the overall character of the neighborhood.

Chapter 19: Construction

Comment 19.1: The DEIS concludes that construction of the Proposed Actions would not result in significant adverse impacts on Engine 236 and Engine 332/Ladder 175, which are located adjacent to projected development sites. We believe that there would be a serious impact that would threaten the safety of all of us (10).

Response 19.1: As presented in Chapter 19, “Construction,” it is anticipated that construction staging would most likely occur on the projected development sites themselves and may in some cases, extend within the curb and travel lanes and sidewalks of public streets adjacent to the construction site. Each construction site would be surrounded by construction fencing and barriers as required by DOB, which would limit the effects of construction on nearby facilities. While it is anticipated that some sidewalks immediately adjacent to construction sites would be closed to accommodate heavy loading areas for at least several months of the construction period for each site, detailed Maintenance and Protection of Traffic (MPT) plans for each construction site must be submitted for approval to the DOT Office of Construction Mitigation and Coordination (OCMC), the entity that insures critical arteries are not interrupted, especially in peak travel periods. With adherence to these New York City requirements, construction of development anticipated under the RWCDs would be reviewed by NYCDOT, in coordination with FDNY, and would not restrict access to or inhibit services provided by Engine 236 and Engine 332/Ladder 175.

Comment 19.2: The EIS should disclose the details of the non-designated historic resources located less than 90 feet from projected/potential development sites that could experience significant adverse construction-related impacts (8).

Response 19.2: As presented in Chapter 7, “Historic and Cultural Resources” and Chapter 19, “Construction,” development under the Proposed Actions— specifically, on projected development sites 7, 13, 35, 38, 39, 49, and 74 and potential development sites A3, A7, A8, A18, A40, A41, A50, A65, A70, A82, A86, A87, and A95—could result in inadvertent construction-related damage to nine NYCL- and/or S/NR-eligible historic resources, as they are located within 90 feet of one or more of the aforementioned projected and potential development sites. These nine eligible resources include Prince Hall Temple (S/NR-eligible), the Magistrates Court (S/NR- and NYCL-eligible), the Empire State Dairy Building (S/NR- and NYCL-eligible), St. Michael’s Roman Catholic Church (S/NR- and NYCL-eligible), Firehouse Engine 236 (S/NR-eligible), Our Lady of Loreto Roman Catholic Church (S/NR- and NYCL-eligible), 1431 Herkimer Street (S/NR- and NYCL-eligible),

Grace Baptist Church (S/NR- and NYCL- eligible), and the Church of the Blessed Sacrament (S/NR- and NYCL-eligible). Refer to Chapter 7, “Historic and Cultural Resources,” for more detailed descriptions, as well as photographs, of these historic resources.

Chapter 20: Mitigation

Community Facilities

Comment 20.1: *The mitigation strategy of funding additional child care seats is better than reducing the amount of affordable housing, but still may be insufficient to meet demand in the area without an understanding of waitlists at existing ACS sites. If those mitigation seats go to those currently on waitlists for ACS seats, then there may still be additional unmet demand for publicly funded child care seats (8).*

Response 20.1: As described in Chapter 4, “Community Facilities and Services” and Chapter 20, “Mitigation”, there are several factors that could limit the number of children in need of publicly funded child care slots in ACS-contracted child care facilities. Private day care facilities and day care centers outside of the study area are not accounted for in the CEQR analysis. Some of the increased child care demand would likely be offset by parents who choose to take their children to day care centers outside of the study area (e.g., closer to parent’s workplace). Additionally, the City’s new universal Pre-Kindergarten program has greatly expanded the number of free Pre-K seats available for 4-5 year olds, which seats are not accounted for in this analysis. Many families could choose to enroll their child in Pre-K rather than day care. As mitigation for the identified significant adverse impact, ACS will monitor the demand and need for additional publicly funded day care services in the area. In addition, HPD will work with SBS and other agencies to understand local needs for day care and other community facilities and make appropriate referrals to developers receiving City subsidy. To support local capacity to meet the need for additional day care slots while providing economic opportunity for area residents, SBS will also sponsor programs in East New York to help day care operators establish and grow their businesses. In the event that these measures are not sufficient to address a shortfall in publicly funded child care slots resulting from the Proposed Actions, an unavoidable significant adverse impact would result.

Comment 20.2: *The EIS should address the temporary significant adverse impact to CSD 19, Sub-district 1 elementary schools expected prior to the estimated completion date of the 1,000-seat PS/IS school proposed for projected development site 66 in the 2020-2021 academic year and identify a mitigation strategy in the event that the school is not completed by the 2020-2021 academic year (8, 64).*

Response 20.2: As described in Chapter 20, “Mitigation”, and as reflected in a letter from the DOE to DCP included in Appendix C of this FEIS, in coordination with the School Construction Authority (SCA) the DOE has committed to, among other things, construct a new approximately 1,000-seat public school as part of the Proposed Actions to serve Subdistrict 1 of CSD 19. Funding for the design and construction of the school has been allocated to this project, as reflected in the January 2016 Proposed Amendment to the Five-Year Capital Plan for Fiscal Years 2015-2019, which amendment is expected to be adopted later this year. A shortfall in elementary school seats is projected to occur in 2020(Q2) and would be a temporary impact that would be eliminated upon completion of the school in August 2020(Q3), and thus no mitigation is warranted.

Comment 20.3: *The EIS does not provide a timeline or firm commitment as to how and when the mitigation seats needed will be produced (8)*

Response 20.3: See Response to Comment 20.2 above.

Comment 20.4: Any mitigation measure to relieve congestion on schools in the study area should include plans to eliminate existing transportable seats by adding seats to existing facilities or through new construction (8).

Response 20.4: As presented in Response 4.6, the calculation of future school utilization rates assumes that transportable classrooms would not be utilized. As such, the identified number of additional school capacity needed to mitigate the identified CSD 19, Sub-district 2 PS and IS impact does not assume that TCUs would be used and represents the number of seats to mitigate the identified schools impacts if the existing TCU seats were eliminated. Please see the response to comment 20.2. Also note that in the DOE letter referenced therein, to mitigate this impact, DOE has committed to monitoring school enrollment in this area. If a need for additional capacity is identified, DOE will evaluate the appropriate timing and mix of measures to address increased school enrollment, which measures could include: a) restructuring or reprogramming of existing school space under DOE's control in order to make available more capacity in existing school buildings located within CSD 19, Sub-district 2; b) relocating administrative functions to another site, thereby freeing up space for classrooms; and/or c) creating additional capacity in the area by constructing a new school(s), building additional capacity at existing schools, or leasing additional school space constructed as part of projected development within CSD 19, Sub-district 2. In coordination with the SCA, if additional school construction is warranted, and if funding is available, it will be identified in the Five-Year Capital Plan that covers the period in which the capacity need would occur. Please also note that, in its letter, DOE expressed an overall commitment to removing TCUs, including removal of TCUs from the Sperandeo Brothers Playground.

Comment 20.5: The schools mitigation strategy of reducing the number of DU to be developed in CSD 19, Sub-district 2 to avoid the significant adverse impacts to elementary and intermediate schools in the sub-district may rectify the significant adverse impact of the Proposed Actions but severely undermines the goals of the Proposed Actions of producing affordable housing (8).

Response 20.5: DCP concurs and will not be pursuing this mitigation strategy.

Comment 20.6: The mitigation strategy for the identified CSD 19, Sub-district 2 elementary and intermediate school impacts should identify the site(s) needed for the expansion proposal and the enforceable City approvals and financing commitments that will be put in place to ensure that this mitigation is accomplished. The mitigation measure must identify, earmark, and include large development sites of over 50,000 sf in the DOE's Capital Plan for school construction as part of the Proposed Actions. Specific sites in the study area should include, but not be limited to, projected development sites 46, 66, and 67 (8, 64).

Response 20.6: As explained in Chapter 20, "Mitigation", the elementary and intermediate schools impact, which is projected to occur in year 2024, will fall beyond the DOE's current Five-Year Capital Plan for Fiscal Years 2015-2019, and would be considered in the context of planning for DOE's Five-Year Capital Plan for Fiscal Years 2020-2024, which, as of this FEIS, has not yet begun. As such, identifying sites or earmarking would be premature at this time. Please also see the responses to comments 20.2 and 20.4.

Comment 20.7: The FEIS should set forth specific City proposals with regard to the other mitigation strategies posed for greater capacity (e.g., restructuring or reprogramming existing school space, relocating administrative functions to other sites, constructing new schools, building additional capacity to existing school buildings, or leasing additional school space) (8).

Response 20.7: See response to comment 20.4.

Comment 20.8: An additional mitigation measure that should be added to the FEIS is the identification of public incentives for school construction as part of mixed-use development projects planned as part of the Proposed Actions (8).

Response 20.8: See response to comment 20.4.

Comment 20.9: The EIS should include mitigation to meet the community's needs for additional community space, job training programs, and educational services for youth. The mitigation strategy for the Proposed Actions should include creating and mapping a special area-wide zoning designation (e.g., Special District or a Growth Management Area) within the rezoning area to require set aside FAR for the provision of needed community facilities, services, and/or infrastructure within, or as an accessory to, new developments. This initiative should be supported by a payment in-lieu-of taxes (PILOT) fund and other funding mechanisms in order to permit the construction of much needed facilities, services, and infrastructure. The Proposed Actions should require CPC certification for new higher density residential developments to ensure that sufficient supporting community facilities, services, and infrastructure already exist or that the project provides an easement or restrictive declaration allowing for the allocation of space for these needs. In order not to penalize property owners when space is allocated for needed community facilities, it would not count in the calculation of permitted FAR (8, 30).

Response 20.9: As described in Chapter 1, "Project Description", the primary goals and objectives of the Proposed Actions are to create opportunities for new residential development with significant amounts of permanently affordable housing, encourage mixed-use development on key corridors, enhance and revitalize major thoroughfares through new economic development, and to protect neighborhood character of the residential core and ensure predictable future development. In general, the Proposed Actions would allow for the development of community facility space, including new school facilities and child care centers, within the project area. As stated in the *CEQR Technical Manual*, the community facilities (or resources) that may be addressed in environmental assessments (in terms of indirect impacts) include public schools, libraries, child care centers, health care facilities, fire protection, and police protection. Pursuant to 2014 *CEQR Technical Manual* methodology, other community facilities are only assessed if a proposed project would result in a direct impact on such a facility. As presented in Chapter 4, the Proposed Actions are expected to result in significant adverse indirect impacts in the areas of public schools and child care facilities. Mitigation measures to address these identified impacts were explored by the lead agency, DCP, in consultation with the SCA and DOE, and ACS, respectively. As presented in Chapter 20, "Mitigation", with respect to public schools, aside from the provision of a new school as part of the Proposed Actions, DOE has committed to monitoring school enrollment in Subdistrict 2 of CSD 19 to address the impact on elementary and intermediate schools. See also the response to Comment 20.4. With respect to publicly funded child care facilities and their possible siting within new mixed-use developments in the rezoning area, HPD will work with SBS and other agencies to understand local needs for day care and other community facilities and make appropriate referrals to developers who receive City subsidy in connection with affordable housing developments. ACS will also be monitoring the demand and need for additional publicly funded day care services in the area and will identify the appropriate measures to meet demand for additional slots.

Comment 20.10: We identified existing school sites to determine the extent of unused development rights and identified two sites within the rezoning area and five sites just outside the rezoning area. The SCA and DOE should evaluate the seven schools in proximity to the rezoning area and determine the appropriateness of constructing enlargements and identify their potential future capacity, should enlargements be feasibility (3).

Response 20.10: Comment noted. See response to comment to 20.4 and the measures DOE considers in evaluating increased school enrollment.

Comment 20.11: In addition to public sites, there should be consideration of creating additional school capacity within new developments. DCP should provide a written commitment of intent to undertake a study of sites identified as appropriate for additional school development, including potentially projected development sites 1, 2, 24, 37, 43, 46, and 81 and potential development sites A59, A26, A73, and

A28. The study should evaluate the appropriateness of developing a zoning text amendment to establish a community facility floor area for the sites applicable only to public schools. DOE and SCA should also provide a written commitment of intent to compile contact information from all of the property owners of the sites ultimately deemed appropriate for additional community facility floor area and provide quarterly updates to CBs 5 and 16 and local elected officials on the status of these properties, as well as its intent to include them in DOE's Capital Plan (3).

Response 20.11: As indicated in Chapter 20, "Mitigation", the Proposed Actions would allow for the development of community facility space, including new school facilities, within the project area. As noted in the response to comment 20.4, the measures DOE considers in evaluating increased school enrollment include the creation of additional capacity in the area by constructing a new school(s), building additional capacity at existing schools, or leasing additional school space constructed as part of projected development. The commitments DOE is making in connection with the Proposed Actions and the East New York Community Plan are set forth in their correspondence to DCP, included in Appendix C of this FEIS.

Comment 20.12: The ACS should provide a written commitment to monitor child care needs annually (including whether funding should be provided as part of a joint community center/public school/day care center at projected development site 66) and report its findings to CBs 5 and 16 and their local elected officials (3).

Response 20.12: As indicated in Chapter 20, "Mitigation", ACS will monitor the demand and need for additional publicly funded day care services in the area and will identify the appropriate measures to meet demand for additional slots. In general the Proposed Actions would allow for the development of community facility space, including child care facilities, within the project area. In connection with new mixed-use buildings in the rezoning area, HPD work with SBS and other agencies to understand local needs for child care facilities and make appropriate referrals to developers receiving city subsidy. In the event that the foregoing measures do not eliminate the projected shortfall in child care slots, the identified impact on publicly funded child care would remain unmitigated. See also response to comment 20.1.

Open Space

Comment 20.13: As mitigation for the identified significant adverse open space impact, the DEIS identified the expansion of the Schoolyards to Playgrounds program to make study area playgrounds accessible to the public after school hours. Given the significant adverse impacts to existing and already insufficient open space resources, the City must also identify all appropriate schoolyard sites within the rezoning area for improved public access and improved conditions and commit resources to these sites in the FEIS (8, 77).

Response 20.13: As outlined in Chapter 20 of the FEIS, the new school that will be developed as part of the Proposed Actions will include a publicly accessible schoolyard, adding .25 acres of public open space to the study area. In addition, the existing schoolyards and playground at P.S. 345 – Patrolman Robert Bolden –, which is directly south of projected development site 46, and P.S. 677 – East New York Elementary School of Excellence (formerly P.S. 72) – will be redeveloped and opened to the public during non-school weekday and weekend hours under the city's Schoolyards to Playground program to partially mitigate the identified significant adverse open space impact. These measures would close a significant 'walk gap' in the rezoning area by increasing the percentage of existing and future residents within walking distance to a park and would increase the amount of publicly accessible open space in the study area by 1.5 acres. In addition, the City is considering improvements to other open space resources in the study area, contingent upon the availability of funding. Because these measures would serve to only partially mitigate the identified open space impact, an unavoidable impact would result.

Comment 20.14: The DEIS identifies one open space mitigation measure as improving open spaces to increase their utility or capacity to meet identified open space needs in the study area. In doing so, the open space

mitigation should determine what mitigation measures could be implemented to improve perceptions of safety at Highland Park, which are an existing barrier to entry (8).

Response 20.14: See response to Comment 5.7.

Comment 20.15: The EIS must analyze, disclose, and potentially adopt a greater range of possible mitigation measures for the Proposed Impacts' projected significant adverse open space impact, including: (1) earmarking small, City-owned lots that are not conducive to affordable housing development or aggregation to be used for park, garden, urban farm, cultural or other community uses. For example, the New Infill Homeownership Opportunity Program (NIHOP) RFQ lists many small sites that would require excessive subsidy to build a limited amount of affordable housing. The City must consider preserving these sites and other City-owned sites that are currently being utilized and cared for by the community as community gardens and impromptu public spaces; (2) requiring developers of new housing to include open and green space amenities (like tenant gardens) on sites within the rezoning area; (3) upgrading and increasing access to existing school playgrounds; and (4) identifying appropriate sites and developing new essential community facilities and resources, including community gardens, public markets/farmers markets, and sites for urban agriculture (8).

Response 20.15: Chapter 20 presents the mitigation measures that were developed and refined between the DEIS and FEIS in coordination with DPR to partially mitigate the identified significant adverse open space impact. Specifically, new open space will be created through the Schoolyard to Playground program at existing schools and the new school to be constructed. Improvements to other open space resources in the study area could be implemented, contingent upon the availability of funding. The goal of these mitigation measures is to increase the amount of publicly accessible open space in the rezoning area.

Comment 20.16: DPR should provide a written commitment considering funding the remaining upgrades at Lyon's Playground and Callahan-Kelly Playground (including installing bathrooms) and installing synthetic turf field at Grace Playground; and the status of engaging with DOE for the expansion of the Schoolyards to Playgrounds program with P.S. 72 and P.S. 345 and with DOT for the establishment of a pedestrian plaza at Fulton Street and Norwood Avenue and a public space at Pitkin Avenue and Euclid Avenue. The DPR should also commit to undertaking the integration of more adult fitness equipment throughout the neighborhood, embarking on a graffiti removal initiative at Highland Park, and investigate the possibility of obtaining jurisdiction of one or more Conduit malls for conversion to active park use (3).

Response 20.16: See responses to comments 20.13 and 5.7.

Comment 20.17: The Administration should make a Capital Budget commitment of at least an additional \$20 million for park improvements (3).

Response 20.17: The \$1 billion Neighborhood Development Funds commits \$7 million in funding for improvements to rezoning area parks, including approximately \$5.2 million for improvements to City Line Park and \$1.7 million for improvements to Highland Park. These funded improvements are part of the East New York Community Fund.

Shadows

Comment 20.18: The DEIS identified potential mitigation measures for the identified significant adverse shadow impact on the Holy Trinity Russian Orthodox Church that would be explored between the DEIS, which included the use of artificial lighting to simulate the effect of sunlight on features such as stained glass windows. The FEIS should further develop the proposed mitigation strategy and include details about how the City will ensure the coordination and funding required to implement this mitigation measure (8).

Response 20.18: As noted in Chapter 20 of the FEIS, DCP, in coordination with LPC, determined that there are no feasible or practicable mitigation measures that could be implemented to mitigate the

referenced impact, and, thus, the Proposed Actions' significant adverse shadows impact on the Holy Trinity Russian Orthodox Church therefore remains unmitigated.

Historic and Cultural Resources

Comment 20.19: We are grateful that the City has indicated that it will explore the possibility of designating that S/NR- and NYCL-eligible Empire State Dairy Building as a NYCL between the DEIS and FEIS to mitigate the identified potential significant adverse direct (physical) impact, as this valuable site is already listed for sale as a mixed-use development and is thus already in immediate danger of being demolished (8).

Response 20.19: The possibility of potential designation of this resource was explored, in consultation with the LPC, between the DEIS and FEIS. As explained in Chapter 20 of the FEIS, LPC has been in contact with the property owner(s) of the Empire State Dairy Building with the intent of potentially designating the property as a NYCL. However, as this process is ongoing, designation of the building by LPC is not certain at this time. Absent LPC's designation of the Empire State Dairy Building, the implementation of measures such as photographically documenting the eligible structure in accordance with the standards of the Historic American Buildings Survey (HABS) could partially mitigate the identified significant adverse direct impact to this historic architectural resource. However, a mechanism to require such measures is not available. Accordingly, if the Empire State Dairy Building is not designated as a landmark, an unavoidable significant adverse impact on this historic resource would occur.

Transportation

Comment 20.20: NYCT's proposed 2015-2019 Capital Plan includes a limited pool of funds for improvements at selected stations, including Broadway Junction. However, the adequacy and availability of funds for such purposes will depend on the cost of the necessary Broadway Junction improvements and the competing priorities at other eligible stations. Therefore, it is not reasonable to assume that the funding in the NYCT's Capital Plan will be sufficient to pay for the mitigations necessary to address the impacts, and the City should commit to fully fund the necessary improvements to transit infrastructure so that the residents that rely on a functional subway station will not be left with unmitigated significant adverse impacts (62).

Response 20.20: See response to comment 13. 1. No significant impacts to subway stations resulting from the Proposed Actions were identified; therefore, no mitigation is warranted. Physical and operational improvements to study area subway stations to address existing congestion are the purview of the MTA and NYCT and are outside the scope of this EIS.

Comment 20.21: DOT should provide a written commitment regarding: (1) its status of funding, designing, and implementing the reconstruction of Atlantic Avenue; (2) assessing conditions for connecting the IBZ to the adjacent neighborhoods; (3) undertaking an evaluation of Atlantic Avenue for safety improvements, which should extend westward through CBs 2, 3, 8 and 16; (4) completing the redesign and redevelopment of the street network in front of the Broadway Junction subway complex; (5) describing the role it might play to improve the East New York LIRR station, such as wayfinding, signage, and crossing the Atlantic Avenue service road; and (6) its intent to expand bicycle infrastructure (3, 8).

Response 20.21: Comment noted. The issues raised in the comment are unrelated to the traffic and transit mitigation measures being proposed for project-related impacts, and are outside the scope of this EIS.

Comment 20.22: The following transit-related initiatives should be implemented: (1) restore service on the B12 bus routes; (2) add more buses to increase north-south service for routes that cross Atlantic Avenue; (3) analyze opportunities to expand Bus Rapid Transit (BRT); (4) implement free MetroCard transfers between the Livonia Avenue (L) Station and the Junius Street (3) Station; (5) identify

opportunities to reopen any inactive entrances/exits and whether there are opportunities to upgrade capacity through the installation of High Entrance/Exit Turnstile (HEET) fare control elements, including the reopening of presently closed Broadway Junction station access on Broadway and L train access on the south side of Atlantic Avenue; (6) increasing frequency for both the J/Z and A/C train services; (7) implementing Freedom Ticket, with service available at LIRR's East New York Station along the Atlantic Branch; (8) renovating and upgrading the East New York LIRR Station; and (9) invest in increased accessibility at key subway stations (3, 8).

Response 20.22: Comment noted. Physical and operational improvements to study area transit services beyond those identified as mitigation for significant impacts related to the Proposed Actions are the purview of the MTA and NYCDOT and are outside the scope of this EIS.

Comment 20.23: The EIS should explore ways to address the lack of parking spots, including, but not limited to, reducing alternate side parking to once a week, allowing parking in currently restricted spaces, and providing free parking near major transit hubs to encourage the use of public transportation (8).

Response 20.23: As discussed in Chapter 13 of the EIS, under the Proposed Actions there would be sufficient on-street parking capacity within a ¼-mile radius of the rezoning area during periods of peak parking demand to accommodate all new demand from projected development not otherwise accommodated by on-site parking, along with demand displaced from existing public parking facilities. As the Proposed Actions are not expected to result in significant adverse parking impacts based on *CEQR Technical Manual* criteria, changes to curbside parking regulations and the provision of free parking near major transit hubs are not warranted as project-related parking mitigation.

Comment 20.24: The number of north-south streets that cross Atlantic Avenue should be increased to improve connectivity and decrease congestion on residential side streets (8).

Response 20.24: The Proposed Actions' traffic mitigation plan includes a number of physical and operational improvements to reduce congestion at intersections along Atlantic Avenue. Additional improvements to Atlantic Avenue are planned by NYCDOT as part of Mayor de Blasio's Vision Zero Great Streets initiative. Further measures beyond those identified as mitigation for significant traffic impacts related to the Proposed Actions, such as increasing the number of north-south streets that cross Atlantic Avenue, are the purview of NYCDOT and are outside the scope of this EIS.

Comment 20.25: New Bike lanes should be created north of Pitkin Avenue and DOT and the New York City Department of Health (DOH) should launch a joint campaign to encourage bicycle use (8).

Response 20.25: Comment noted. The installation of new bicycle lanes and implementation of a campaign to encourage bicycle use are the purview of NYCDOT and are outside the scope of this EIS.

Construction

Comment 20.26: The EIS should explore the possibility of officially designating the identified non-designated historic resources located less than 90 feet from projected/potential development sites to protect these community resources before it is too late to do so (8).

Response 20.26: Comment noted. In the absence of site-specific approval, a mechanism would have to be developed to ensure implementation of and compliance with protection measures. As indicated in Chapter 20 of the FEIS, DCP, as lead agency, explored the viability of this and other mitigation measures between DEIS and FEIS and determined that there were no feasible and practical mitigation measures to fully mitigate the identified significant adverse construction- related impact on historic resources.

Comment 20.27: Since construction noise is a significant quality of life issues, we request that, if a significant adverse construction noise impact is identified, practical and viable noise-related mitigation measures be implemented (8).

Response 20.27: Due to the large number of developers and contractors who would be employed for the construction of the projected development sites, it would not be possible to enforce construction noise mitigation beyond satisfying the requirements of the NYC Noise Control Code.

Comment 20.28: The EIS should consider an additional potential mitigation measure for the identified construction-related historic resources impacts: the eligible resource located within 90 feet of one or more projected or potential development sites that would not be afforded protection under the DOB's TPPN #10/88 should be calendared for review by the LPC, as this will trigger a higher level of scrutiny when nearby construction occurs (8).

Response 20.28: See response to comment 20.26.

Other

Comment 20.29: We urge the City to analyze several additional mitigation strategies for displacement that would more adequately respond to local conditions, in particular the significant number of unregulated rental apartments in small homes throughout the neighborhood, which would not benefit from either the incorporation of anti-harassment clauses into the zoning text or anti-displacement legal services (8, 25, 59, 75).

Response 20.29: As presented in Chapter 3, the Proposed Actions would not result in significant adverse impacts on socioeconomic conditions. HPD implements a variety of housing preservation and anti-displacement strategies in the rezoning area (refer to Comment 1.6), which will continue in the future.

Comment 20.30: The EIS should adopt additional mitigation strategies to account for the increased need for useable public space, which is a key component of successful urban design. In particular, the EIS should identify and analyze potential locations for the insertion of public plazas and small gathering spaces and explore establishing incentives for the creation of such spaces in order to address the dire lack of useable public space in the rezoning area (8).

Response 20.30: See response to Comment 20.13.

Comment 20.31: If the more thorough energy analysis reveals greater effects than those anticipated in the DEIS, mitigation measures must be identified and analyzed. In particular, as peak demand is the chief issue in terms of a reliable energy network in the rezoning area, evaluated mitigation measures should include: (1) installing microgrids and distributed generation systems to ensure reliable energy transmission for residents; (2) mandating that all sites with (E) designations be equipped with solar PV generation systems to reduce peak energy demand within the rezoning area; and (3) supporting large-scale energy retrofits and upgrades of the existing residential stock (8).

Response 20.31: As presented in Chapter 12, "Energy," based on the energy impact analysis conducted in accordance with 2014 CEQR Technical Manual methodology, the Proposed Actions would not result in a significant adverse energy impact. Con Edison routinely evaluates its electric transmission system and regularly updates their long-term plans to meet the forecasted demand on that system. Con Edison is utilizing alternatives such as the BQDM Program to help defer large investments such as substations. Development projected as the result of the Proposed Actions may potentially lead to utilizing additional alternatives or impacting the schedule for a new substation; however, development would occur on a site-by-site basis over time and Con Edison would have sufficient advance notice of such development to incorporate them in their long-term plans. Therefore, the Proposed Actions would not adversely affect the electric transmission system serving the area.

It should also be noted that HPD recently announced their Green Housing Preservation Program, which targets smaller multi-family properties and provide no- and low-interest loans to enable owners to undertake energy efficiency and water conservation improvements. The rezoning area is also located within the Greenpoint-Greenway Strategic Zone, one of five such zones citywide in which special benefits are available to support the installation of solar panels for electricity as well as hot water.

Comment 20.32: If a more detailed public health assessment identifies the potential for significant adverse impacts, additional mitigation measures to help counteract such pact should be analyzed and adopted. The following mitigation and public health strategies for the Proposed Actions should be analyzed and adopted: (1) identify the potential size, type, and need of additional facilities triggered by the population increase resulting from the Proposed Actions and the potential locations of expanded facilities; (2) create an evaluation tool that tacks demographic data and is based on equity, health, well-being, and sustainability indicators; (3) adopt community facility zoning (such as a Special District or Growth Management Area) to ensure that facilities and services are sufficient to support new residents; and (4) acquire sites for community facility development, such as a health center; and (4) implement large-scale energy retrofits and upgrades of the existing residential stock (8, 30, 59).

Response 20.32: The Proposed Actions would not result in significant adverse public health impacts warranting mitigation (refer to Chapter 17 of this FEIS). As discussed in the Public Health Chapter of the DEIS, the predicted operational and construction-related noise impacts are not considered a significant adverse public health impact.

Comment 20.33: If a more detailed GHG assessment reveals greater impacts than those projected in the DEIS, the FEIS should identify, analyze, and adopt additional mitigation strategies. These could include: (a) the development of DER markets and programs to ensure maximum GHG reductions; (b) potential changes to market rules to facilitate faster implementation of newer and more energy efficient generators; (c) implementing large-scale energy retrofits and upgrades of the existing residential stock and stringent requirements for energy efficient, green, and healthy construction for all new developments; (d) designating the East New York/Cypress Hills neighborhoods as a Solar Empowerment Zone with a variety of incentive programs and new construction requirements; and/or (e) creating an evaluation tool that tracks sustainability indicators to ensure ongoing accountability and to measure impacts throughout implementation (8, 23).

Response 20.33: As presented in Chapter 15, “Greenhouse Gas Emissions and Climate Change,” the Proposed Actions would not result in significant adverse greenhouse gas impacts. As outlined in the CEQR Technical Manual, the focus of a GHG emissions assessment is not to ascribe environmental significance to a specific level of GHG emissions, but instead to consider GHG emission sources and practicable means to reduce their output in the context of the project’s location, consistent with the City’s GHG reduction goal. The Proposed Actions would be consistent with the applicable City’s emissions reduction goals of transit-oriented development and construction of new resource- and energy-efficient buildings.

Comment 20.34: The City should adopt a range of preservation and equity strategies to better advance the housing preservation and equity goals set forth in the Housing New York plan. These strategies will serve to mitigate the displacement and other negative impact that we believe the Proposed Actions would otherwise cause (8).

Response 20.34: See responses to Comments 1.6 and 1.13. HPD currently undertakes, and will continue to undertake, a variety of housing preservation, anti-displacement, and anti-harassment strategies. It is the City’s belief that increasing the supply of housing, including a significant number of affordable housing units, will help to reduce the pressure in the housing market that is driving rent increases and is a key strategy to prevent displacement.

Comment 20.35: To mitigate the impacts that we believe the Proposed Actions would have in the area of residential displacement, the following mitigation strategies should be identified, analyzed, and adopted in the FEIS: (1) pass citywide anti-harassment legislation or adopt zoning text based on the Special Clinton District, which requires owners of multiple-dwelling buildings to apply for a Certification of No Harassment from HPT prior to seeking a DOB permit to alter, demolish, or change the shape or layout of a building; (2) establish a Good Neighbor Tax Credit to encourage and enable the owners of small homes to retain unregulated low-income tenants; (3) expand education, housing counseling, and loan packaging services for low-income and senior homeowners and property owners in the foreclosure pipeline; (4) fund legal services and community organizing; (5) modify HPD subsidy levels to better match community needs, especially the need for housing below 50 percent AMI; (6) adopt an “deep affordability” MIH option to ensure that 30 percent of new housing is permanently affordable at 30 percent AMI; (7) fund and support a Homeownership Opportunity and Preservation Center with counseling services to help homeowners; and (8) create mandatory local hiring requirements for government subsidy programs (8, 11, 12, 52, 57, 59, 80).

Response 20.35: Comment noted. As presented in Chapter 3, “Socioeconomic Conditions,” the Proposed Actions would not result in significant adverse impacts on residential displacement. It should also be noted that, independent of the Proposed Actions, HPD implements various housing preservation initiatives (refer to Response 1.6) and that, in conjunction with the proposed rezoning, HPD has committed that any project receiving City subsidy will be required to be 100 percent affordable at the income levels described in response 1.3.. Citywide anti-harassment legislation, the establishment of a new tax credit, comprehensive homeowner services, and local hiring mandates are beyond the scope of this proposal or beyond the scope of the city’s power to regulate zoning and land use.

Comment 20.36: To mitigate the impacts that we believe the Proposed Actions would have in the area of business displacement, the following mitigation strategies should be identified, analyzed, and adopted in the FEIS: (1) establish a Good Neighbor Tax Credit for property owners who maintain commercial tenants at a currently affordable rent; (2) institute set asides of 25 percent of commercial space in new mixed-use, City-subsidized developments for small, independently-owned businesses at deeply affordable commercial rents; (3) expand anti-harassment legal services and organizing to include legal counsel for small businesses and merchant organizing; (4) fund renovation and rehabilitation of existing mixed-use buildings on Fulton Street and Atlantic, Liberty, and Pitkin Avenues that benefit the tenancy of long-time commercial tenants; (5) provide grants and low- and no-interest loans for storefront renovations and small business expansion; (6) develop a down payment assistance program for merchants to help them purchase their mixed-use buildings; (7) provide a special homeownership education program tailored to purchasing and maintaining mixed-use buildings and provide low-cost legal counsel on mixed-use leases; (8) fund capital improvements on the commercial corridors; (9) provide help for child care businesses and child care agencies to expand the number of child care centers and licensed care in the community; (10) attract high road retailers to destination retail locations within the community; and (11) coordinate between the City’s housing and small business agencies to not locate new retail in direct competition with existing small businesses (8, 59, 67).

Response 20.36: The Proposed Actions would not result in significant adverse impacts on business displacement (refer to Chapter 3). It should also be noted that, as part of the East New York Community Plan and Mayor de Blasio’s Industrial Action Plan, a number of initiatives will be implemented to further protect existing small businesses and industrial uses and promote the expansion of key industrial areas of East New York (refer to Responses 1.9 and 2.8).

Comment 20.37: To mitigate the impacts that we believe the Proposed Actions would have in the area of specific industries, the following mitigation strategies should be identified, analyzed, and adopted in the FEIS: (1) preserve existing industrial zoning (M1 and C8 districts) and eliminate all proposed MX districts; (2) increase the industrial capacity of the East New York IBZ and strengthen it by not allowing non-industrial uses as-of-right; (3) establish an industrial relocation fund to assist

displaced companies to reestablish in the East New York IBZ; and (4) establish coordination between the City's housing and small business agencies to avoid locating new retail in direct competition with existing small businesses (8, 85).

Response 20.37: As presented in Chapter 3, "Socioeconomic Conditions," the Proposed Actions would not result in significant adverse impacts on specific industries. As part of the East New York Community Plan and Mayor de Blasio's Industrial Action Plan, a series of measures are being implemented to support and expand industrial uses in the East New York IBZ and existing small businesses in the rezoning area (refer to Responses 1.9 and 2.8).

Comment 20.38: We urge the City to create and enforce rules/laws on realtors and mortgage brokers that harass East New York homeowners into selling their homes for below-market prices, by bringing criminal charges if fraud is committed and ensuring that the City Commission on Human Rights is investigating fair housing practices in the buy and selling of homes (52).

Response 20.38: While this concern is outside the scope of this EIS, the City will work with the NYC Commission on Human Rights' Law Enforcement Bureau to investigate possible discrimination by realtors and landlords in East New York and pursue appropriate administrative and legal action where necessary.

Comment 20.39: The Coalition proposes policies that would assist owners of small homes to support low and moderate income homeowners and to keep rents low for tenants: (1) retrofitting and basement conversion programs that require homeowners to sustain low income tenants; (2) creating a fund for capital upgrades for low-income homeowners to finance roof replacements and energy efficient measures to offset rising housing costs; (3) explore ways that the City can lower the rates for water and sewer bills for long-term, low-income owner-occupants of one to four-family homes; (4) extend the tax exemptions of homeowners who purchased subsidized homes through HPD in East New York; and (5) establish a moratorium on tax lien sales of one- to four-family homes (11, 52).

Response 20.39: See response to comment 1.14.

Comment 20.40: The Coalition calls for a "Flip Tax," among other anti-displacement strategies, that would be an Investor Purchaser Transfer Tax, which would increase the transfer tax on transfers to non-owner occupied/investor-purchased units. Additionally, the Coalition calls for the creation of an Investor Landlord Tax Classification, which would reclassify investment-purchases homes as Class 2 properties, to increase their property tax rates (8, 11, 48, 49).

Response 20.40: Tax policy is a City-wide issue regulated by the State and is outside the scope of this EIS.

Comment 20.41: I urge the City to incorporate into its plan Mitigation measures ensuring that residents' fair housing rights will be protected (55).

Response 20.41: See response to Comment 20.38.

Chapter 21: Alternatives

Comment 21.1: The EIS should include an alternative to the Proposed Actions that would incorporate anti-displacement strategies into the zoning text (8).

Response 21.1: The socioeconomic analysis did not identify any significant, adverse impacts with respect to displacement that would warrant such an alternative. As described in Chapter 3, "Socioeconomic Conditions," the East New York Community Plan includes strategies to protect residents from landlords that engage in harassment or other illegal behavior. These strategies include free legal services for low-income tenants, a Tenant Support Unit that provides information and legal referrals to tenants, and heightened compliance efforts at the State level to ensure that rent

stabilized tenants are not being charged unlawful rents. See responses to Comments 1.6 and 3.66 as well as Comments 3.26 and 3.27.

Comment 21.2: The EIS should analyze the impacts of a new “deep affordability” MIH Option that would require a significant share of new units (30 percent) at 30 percent AMI or below. We believe that this deep affordability option would better advance the overall affordability goals of the MIH program and better address the housing needs in the community (8).

Response 21.2: Comment noted. Testimony provided at the DEIS hearing and analysis provided by HPD establish that rents for units reserved for households at 30 percent AMI are insufficient to support the basic operating expenses for such units, necessitating immediate and permanent operating subsidies. Such subsidies are limited and cannot be committed on a permitted basis through the zoning text, thus it would not be appropriate to mandate such units through the proposed program.

Comment 21.3: To avoid the slippery slope of MX zoning, the EIS should explore alternatives that include other zoning tools for achieving genuine, balanced, mixed-use zoning districts (8).

Response 21.3: The DEIS did not identify any significant, adverse impacts that would warrant the need for such an alternative. The Reasonable Worst Case Development Scenario projected new mixed-use development in proposed MX districts but also anticipates that many existing industrial uses would remain active. Land use trends show a steady decline in industrial uses and only a few manufacturing uses remaining in the area despite manufacturing zoning. The FEIS considers an Alternative which retains existing manufacturing zoning districts. This Alternative created significantly less affordable housing than the Proposed Actions.

Comment 21.4: There appears to be an inconsistency in conclusions in the DEIS: the Alternatives chapter states that the adverse school impact of the Proposed Actions could be fully mitigated under the LDA. However, in the Community Facilities subsection, the EIS states that the Lower Density Alternative would result in significant adverse impacts to public schools. This inconsistency should be addressed in the FEIS (8).

Response 21.4: The Alternatives and Community Facilities chapters are consistent. Both the Proposed Actions and Lower Density Alternative would result in significant adverse impacts to public schools and both could be fully mitigated. As stated in Chapter 21, “Alternatives,” as under the Proposed Actions, the identified significant adverse school, transit, and pedestrian impacts could be fully mitigated under the Lower Density Alternative. The same mitigation needed to fully mitigate the identified significant adverse transit and pedestrian impacts under the Proposed Actions would also fully mitigate these impacts under the Lower Density Alternative. Since the Lower Density Alternative would result in less overall development and similar and/or reduced impacts, lesser mitigation as compared to the Proposed Actions would be needed to fully mitigate the significant adverse school impact under this alternative. This has been made more clear in the FEIS. As stated in Chapter 21, “Alternatives,” as under the Proposed Actions, the identified significant adverse school, transit, and pedestrian impacts could be fully mitigated under the Lower Density Alternative. The same mitigation needed to fully mitigate the identified significant adverse transit and pedestrian impacts under the Proposed Actions would also fully mitigate these impacts under the Lower Density Alternative. Since the Lower Density Alternative would result in less overall development and similar and/or reduced impacts, lesser mitigation, as compared to the Proposed Actions, would be needed to fully mitigate the significant adverse school impact under this alternative.

Comment 21.5: The EIS states that while there would be capacity issues in CSD 19, Subdistrict 1 (elementary schools) and CSD 19, Sub-district 2 (intermediate schools), the No-Action Alternative would not result in significant adverse schools impacts. This is despite the fact that the No-Action Alternative would not include the construction of a 1,000-seat PS/IS school (8).

Response 21.5: As referenced in Chapter 4, “Community Facilities,” the measure of a significant adverse impact on public schools is (1) an increase in utilization of five percentage points or more over the No-Action condition; and (2) a utilization rate of over 100 percent. As the No-Action Alternative would not result in an incremental increase in school utilization compared to the No-Action condition, the No-Action Alternative would not result in a significant adverse schools impact. However, CSD 19, Sub-district 1 elementary schools and CSD 19, Subdistrict 2 intermediate schools would still operate over capacity under the No-Action Alternative.

Comment 21.6: The No Unmitigated Significant Adverse Impacts indicated that, to avoid the significant adverse shadows impact on the Holy Trinity Russian Orthodox Church, the maximum building heights of three potential development sites would have to be reduced. We agree with the EIS’s assessment that an unmitigated shadow impact on the Holy Trinity Russian Orthodox Church for, at most, four days per year does not warrant modifying the City’s plan for the sites that would cause such impacts (8).

Response 21.6: Comment noted.

Comment 21.7: The DEIS included a No-Action Alternative, a No Unmitigated Significant Adverse Impacts Alternative, and A Lower Density Alternative. However, we feel strongly that the EIS should have identified and evaluated an alternative that more closely reflected the community’s goals while advancing the City’s stated goals of constructing affordable housing. This alternative should be based on the Coalition’s Alternate Plan and should include (1) an equivalent amount of density as the Proposed Actions, but with a greater share of deeply affordable housing for new construction and permanent affordability levels more closely aligned with those in the community; (2) preservation strategies for existing low-income residents and small businesses; (3) mechanisms to ensure improved community infrastructure, including the creation of a Special District that would tie residential construction to the creation of community facilities; (5) more public land dedicated as open space; and (6) the exclusion from the rezoning of large development sites (over 50,000 sf), where the owner is not pursuing affordable housing. We demand that the City identify and evaluate such an Alternative for the FEIS. Even if the City ultimately declines to select such an alternative in lieu of the Proposed Actions, the EIS’s failure to even identify and evaluate an alternative more closely aligned with the community’s goals forecloses the possibility of any meaningful discussion about the feasibility and consequences of the community’s ideas. Ultimately, though, we believe the City should adopt this alternative over the Proposed Actions (8).

Response 21.7: An analysis of the land use proposal presented in the Coalition’s Alternative Community Plan was included in the FEIS. While the Coalition Alternative would likely lessen and in certain cases eliminate the adverse impacts identified in the FEIS, it would not meet the goals and objectives of the Proposed Actions. Specifically, the Proposed Actions are a key component to facilitate the implementation of the East New York Community Plan, which includes promoting significant amounts of affordable housing development by increasing residential density and establishing Mandatory Inclusionary Housing throughout the area, encouraging economic development by mapping new commercial districts and increasing density in a highly transit accessible area of the City, creating pedestrian-friendly streets through active ground floor retail uses, and introducing new community resources. The Coalition Alternative, as described Chapter 21, “Alternatives,” would not be able to facilitate the implementation of the East New York Community Plan and deliver the benefits expected to result from the Proposed Actions.

Comment 21.8: The City should adopt the Alternate Plan developed by the Coalition for Community Advancement and not the Proposed Actions (8, 10, 11, 23, 25, 28, 31, 35, 36, 37, 55, 59, 67, 75, 79, 80, 85)

Response 21.8: Comment noted; see Response 21.7.

Comment 21.9: In the FEIS, the City should consider an alternate rezoning plan that excludes Arlington Village. It is currently owned by Bluestone Group, which is trying to sell the site to make a windfall profit in

exchange for market rate housing. The site is pivotal in the community as it has the potential for hundreds of affordable units and a large amount of community facility space. Such an exclusion could prevent further speculation and development of unaffordable units on a site where deeply and permanently affordable units and much needed community facilities can and must be built (35).

Response 21.9: See response to Comment 1.83.

Chapter 22: Unavoidable Adverse Impacts

Comment 22.1: The EIS states that there is a potential for the significant adverse impact on child care facilities to remain unmitigated. The City should adopt recommendations from previous studies undertaken by local organizations (such as the Cypress Hills LDC "Promise Neighborhood Plan") to avoid an unmitigated significant adverse impact (8).

Response 22.1: As stated in the DEIS, the lead agency did explore possible mitigation options, and has updated the FEIS to reflect additional work done between the DEIS and FEIS with respect to mitigation measures. Additionally, the FEIS incorporated an alternative based on the Coalition for Community Advancement's Alternate Plan.

Comment 22.2: We believe the FEIS should identify and analyzed the effects of additional mitigation strategies to reduce the impacts it has thus far characterized as "unavoidable" in the areas of community facilities, open space, shadows, historic and cultural resources, transportation, noise, and construction (8).

Response 22.2: As stated in the DEIS, the lead agency did explore possible mitigation alternatives to reduce those impacts it had determined were "unavoidable." The FEIS builds further upon this work by incorporating and exploring an alternative based on the Alternate Plan put forth by the Coalition for Community Advancement.

Chapter 23: Growth Inducing Impacts of the Proposed Actions

Comment 23.1: The EIS's analysis of the growth-inducing impacts of the Proposed Actions is incomplete, as it: (1) fails to disclose any standards guiding its determinations, concluding without explanation that a residential population increase of over 51 percent in the primary study area is not "substantial"; and (2) fails to disclose any analysis that may have led to its conclusion that a population increase of this size will not trigger additional development (8).

Response 23.1: Chapter 23, "Growth Inducing Impacts of the Proposed Actions," was conducted in accordance with 2014 CEQR Technical Manual guidelines. The CEQR Technical Manual states that "SEQRA specifies that the assessment of impacts focus on growth-inducing aspects of a project. These generally refer to 'secondary' impacts of a proposed project that triggers further development." For actions that add "substantial" new land uses, new residents, or new employment, additional development of a similar kind or of support uses could be induced (e.g., stores to serve new residential uses). For project that introduce or greatly expand capacity (e.g., sewers, central water supply), growth might also be induced.

The SEQRA Handbook provides five examples of actions that may include growth-related impacts: the extension of public utilities into an area not previously serviced by these facilities; the construction of a new prison in a rural community that may result in the development of support industries or residents to house prison staff; the construction of a new interchange on a limited access highway; the expansion of an existing sewage treatment plant; or the stocking of a species of game fish in a particular water body. The assessment in determining significance involves first considering the likelihood that a proposed action may induce further development,

identifying the types of activities and impacts that would result, and then determining whether any of them may have a significant environmental effect. The SEQRA handbook further states that growth in and of itself is not always negative; if the growth induced by a project is consistent with the applicable zoning/the comprehensive plan, it may be viewed as a positive impact that has been planned for and beneficial to the community.

The land use actions that make up the Proposed Actions are part of a larger East New York Community Plan, which is the result of extensive community outreach and is intended to bring benefits to the community by facilitating new development, improving pedestrian safety, increasing school capacity, fostering economic development, and improving public open space. While the RWCDs for the Proposed Actions anticipates the introduction of 19,296 incremental residents, a diverse range of additional uses are also anticipated on the projected development sites, including commercial, community facility, and industrial uses, and it is therefore not expected that the Proposed Actions' incremental residents would induce additional support services beyond those included in the RWCDs.

Comment 23.2: The FEIS must carefully analyze: (1) the existing housing markets in each of the surrounding neighborhoods; and (2) the secondary effects of past neighborhood rezonings with comparable projected population increases (8).

Response 23.2: The second point raised by the commenter is outside the scope of CEQR. As to the first point, the implications of the Proposed Actions on housing markets was assessed for both a primary and secondary (½-mile) study area in Chapter 3, "Socioeconomic Conditions," in accordance with *CEQR Technical Manual* methodology.

Comment 23.3: Although we agree with the DEIS's statement that the residential market in the area is well-established, the residential market for higher-income housing is currently almost non-existent. Therefore, the potential secondary impacts of the higher income population introduced by the Proposed Actions must be analyzed and disclosed. Because it is more financially feasible and attractive for developers to build market rate housing at higher rents, it is reasonable to conclude that a significant increase in higher income market-rate housing in the study area may lead to secondary impacts in neighboring communities, even though the existing residential development in East New York and Cypress Hills has not had such an effect (8).

Response 23.3: The potential for secondary (indirect) impacts on potentially vulnerable residents are assessed in Chapter 3, "Socioeconomic Conditions" of the FEIS. As presented in Chapter 3, the Proposed Actions are not expected to result in significant adverse impacts in the area of indirect residential displacement. See responses to Comments 3.7, 3.10, 3.20, 3.67 and 3.87

Comment 23.4: The EIS should thoroughly analyze the potential of the Proposed Actions to trigger additional development of "support uses (e.g., stores to serve new residential uses)." Although we agree with the DEIS's assertion that the study area already has a critical mass of non-residential uses, the EIS fails to disclose the potential impacts on support uses of residential development geared toward higher income populations. This is a major oversight, as the businesses currently in East New York and Cypress Hills primarily serve low-income populations, and such businesses have often closed as local income levels increase, as a result of rezonings or otherwise. We believe that the EIS has prematurely dismissed the possibility that the Proposed Actions will result in an influx of support uses radically different than those currently within the study area and surrounding community, particularly as the City's plan proposed a significant amount of new "destination retail" for the area (8).

Response 23.4: The potential effects of the Proposed Actions to trigger additional development of "support uses" were considered in Chapter 3, "Socioeconomic Conditions" of the EIS. While the RWCDs for the Proposed Actions anticipates the introduction of 19,296 incremental residents, approximately 50 percent of whom are expected to occupy market-rate units, the RWCDs for

the Proposed Actions also anticipates an estimated 681,436 sf of local retail, 20,000 sf of supermarket uses, and 91,400 sf of restaurant uses. It is anticipated that the varied retail needs of the residents introduced by the Proposed Actions would be met by existing and future retail uses in the rezoning area. In addition, as presented in Chapter 3, the Proposed Actions are not expected to result in significant adverse impacts in the area of indirect business displacement. It should also be noted that the SBS is working on several initiatives in East New York, including conducting a commercial district needs assessment of the rezoning area's primary corridors. As part of the East New York Community Plan, SBS will launch a FastTrac GrowthVenture course to provide small retail businesses with the knowledge and skills to growth their businesses in East New York, host commercial leasing workshops in East New York, organize Small Business First educational events in East New York, and open a Workforce1 Satellite Center in East New York to connect local residents with jobs.

Comment 23.5: The FEIS should carefully analyze and disclose: (1) the existing support uses in each of the surrounding neighborhoods and the extent to which their services are marketed toward people at the income levels the Proposed Actions would introduce; and (2) the secondary impacts of past rezoning of similar magnitude on support uses, including, but not limited to, local retail, with a particular focus on the extent to which support uses may have shifted not only in number, but also in type, including target demographics served (8).

Response 23.5: The second point raised by the commenter is outside of the scope of CEQR. In regards to the first issue raised of existing support uses in the surrounding neighborhoods, this was considered in Chapter 3, "Socioeconomic Conditions" of the FEIS as part of the establishing the existing conditions within the study area that consists of the rezoning area plus the surrounding area within approximately ½-mile radius.

Comment 23.6: We question the DEIS's assertion that the Proposed Actions will not introduce new economic activity that would alter existing economic patterns in the study area. The construction of multi-family housing and destination retail will be a major new economic activity in the area; it is foreseeable that the Proposed Actions will bring significant numbers of construction, retail, and other jobs to the community and it is critical that the EIS fully analyze and disclose the impacts of all such "new economic activity" (8).

Response 23.6: As presented in Chapter 23, the Proposed Actions could lead to additional growth in the City and State economies, primarily due to employment and fiscal effects during construction on the projected and/or potential development sites and operation of these developments after their completion. While the Proposed Actions will lead to additional employment in construction, retail, and other jobs, as stipulated in the SEQRA Handbook, growth in and of itself is not always negative; if the growth induced by a project is consistent with the applicable zoning/the comprehensive plan, it is viewed as a positive impact that has been planned for and beneficial to the community.

Chapter 24: Irreversible and Irretrievable Commitment of Resources

No comments.

General Comments

Comment G.1: The community does not want a storage facility on the corner of Pitkin and Pennsylvania Avenue (Block 3721, Lot 1) (4).

Response G.1: Block 3721, Lot 1 is identified as potential development site A73 under the RWCDs for the Proposed Actions. In light of reports that a company known as Treasure Island intends to develop a self-storage facility on this site, located at 255 Pennsylvania Avenue, the future No-Action

scenario projects that the site would be developed with a 95,200 sf self-storage facility, a use permitted by the existing C8-2 zoning district. The proposed zoning district for this site, C4-5D, would not permit self-storage uses. The potential development site's assumed With-Action uses include local retail, office, community facility, and residential uses. No storage uses are anticipated on any of the 81 projected development sites under the RWCDs for the Proposed Actions.

Comment G.2: The community would like to reclaim the Old Traffic Court Building at 127 Pennsylvania Avenue (Block 3687, Lot 1), which currently houses the CB 5 office, for community recreational uses (4).

Response G.2: Comment noted.

Comment G.3: The community would like for the City to acquire the LIRR sub-station building located at Atlantic and Snediker Avenues to be used as a Cultural Center for the residents of East New York and Brownsville. The City administration should provide a written commitment to investigate the acquisition of the former sub-station to facilitate its development as a community center (3, 4).

Response G.3: Comment noted.

Comment G.4: We would like a CUNY campus in the rezoning area to allow for long-term economic sustainability for all of East New York and neighboring communities. CUNY should provide a written comment on its intent to investigate the possibility of establishing an institute of higher learning (3, 4).

Response G.4: Comment noted. While the EIS includes an analysis of community facility needs such as schools, the need for institutions of higher learning is not considered under CEQR.

Comment G.5: We would like approximately \$20 million additional dollars of investment from the New York City Economic Development Corporation (EDC) for the East New York for Business Incubators in the IBZ and for Innovation Labs throughout CB 5. The Innovation Lab (a job placement and training center run in conjunction with the New York City College of Technology and local business organizations) would serve to: (1) train young people to do basic computer coding; (2) help locals start small cooperative businesses; and (3) help find jobs for adults (3, 4).

Response G.5: The NYC Economic Development Corporation has stated that they will be investing in a renovation of the City-owned industrial building located on Pitkin Avenue and Powell Street in the East New York IBZ. This will allow the building to better serve the needs of existing and future tenants. They also recently conducted a study to identify ways to support business and job growth in the IBZ which will be released in the spring and will recommend additional investments. The Department of Small Business Services will open a Workforce1 Career Center in the East New York/Brownsville area which will offer career training and job placement services to local residents.

Comment G.6: We need a City commitment to create good living wage jobs for East New York residents in construction, manufacturing, and other growth sectors. The retail jobs introduced by the Proposed Actions are not necessarily going to provide living wage or provide for upward mobility (4, 18, 36, 45, 63).

Response G.6: This issue is outside the scope of CEQR.

Comment G.7: We are concerned that the building technology and process of new development construction will exclude many community members, while benefitting people from outside of the community. The City should have a working relationship with local contractors and workers and employ local workers for the rezoning. The plan should link mandatory local hiring requirements to government subsidy programs, including housing and economic development subsidies (5, 26).

Response G.7: Comment noted. HireNYC requires that any project receiving \$2 million or more in subsidy from HPD, as well as any City contract for goods and services valued at \$1 million or more, post open

positions with the City's Workforce1 system and consider qualified candidates referred through this system. Additionally, HireNYC is required for any projects receiving IDA or BuildNYC benefits that are expected to produce 5 or more jobs in the first year of business operation and 10 or more permanent jobs over the first 3 years of business operation.

Comment G.8: The EIS fails to thoroughly analyze and disclose the full impacts of the Proposed Actions, ignoring the current unmet needs of existing residents and focusing solely on those the rezoning will bring (8).

Response G.8: The East New York Rezoning Proposal FEIS was prepared in accordance with 2014 CEQR Technical Manual methodology.

Comment G.9: To achieve additional opportunities to provide affordable housing for those at risk for displacement, already displaced, and of very low income, the City should provide a written framework of its intent to (1) transfer jurisdiction of the existing Grant Avenue Field municipal lot to HPD with the understanding that future affordable housing development on the site would incorporate public parking as part of its redevelopment; (2) transfer jurisdiction to HPD the section of the open space area along Amboy Street of the site considered for the Brownsville Juvenile Justice Center to allow HPD to issue an RFP for the lot's unused residential floor area; (3) for HPD to collaborate with NYCHA to explore the appropriate extent of opportunities to use the remaining development rights within the neighborhood's NYCHA campus and only proceed with sites after consultation with the community, CBs 5 and 16, and local elected officials; (4) provide financial capacity and technical support from appropriate government agencies to advance the development of neighborhood faith-based sites with available development rights; and (5) take the steps necessary to develop a mixed-use school/affordable housing building at the P.S. 178 annex (as part of a larger zoning lot) that provides the opportunity to maximize the available unused residential floor area with consideration for such development vision, including building bulk, income diversity, and the necessary number of classrooms, which should be in consultation with CB 16, the CSD 23 Community Education Council, and CSD 23 Superintendent, the Principal of P.S. 178, and local elected officials (3, 6).

Response G.9: The City is considering a variety of City-owned sites for potential housing development. HPD will continue to coordinate with other agencies, including DOT and NYCHA, to evaluate properties in their portfolios for housing development. DCP is currently working with a number of faith-based organizations on affordable housing developments in proximity to the East New York rezoning area.

Comment G.10: In 2015, DPR planted over 500 trees within a half mile of the rezoning area and DPR will continue to plant more trees in the area (70).

Response G.10: Comment noted.

Comment G.11: To promote locally-based business start-ups through affordable local business space: (1) EDC should provide a written commitment of its intent to pursue improvements to City-owned buildings, coordinate incentives from the IDAZ, and a status of its IBZ study; and (2) HPD should provide a written commitment to promote these initiatives at projected development sites 66 and 67 and other commercial zoned private sites seeking funding through LDAs or funding agreements (3, 6).

Response G.11: NYCEDC also assists businesses to access incentives through the NYC IDA to expand or relocate within New York City. See responses to Comments 1.33 and G.5.

Comment G.12: HPD should compel the Administrative Code and Local Law standards regarding MWBE and LBE participation through LDAs and Regulatory Agreements with the future developers of projected development sites 66 and 67, as well as future developers seeking substantial financing through HPD. HPD should also provide a written commitment of its intent to increase opportunities for MWBEs to participate in the development process, connect local residents to career training, and

provide for quarterly updates to CBs 5 and 16 and local elected officials to demonstrate its monitoring and performance (3, 6).

Response G.12: HPD is committed to promoting the participation of Minority- and Women-owned Business Enterprises (M/WBE) in the development and management of affordable housing subsidized under City-sponsored programs. Through the Building Opportunity Initiative, HPD seeks to:

- **Build the capacity of M/WBE developers through professional development, networking, and mentoring programs;**
- **Improve access to capital for M/WBE developers with low-cost financing options for site acquisition and predevelopment costs;**
- **Enhance the ability of M/WBE developers to compete more effectively for HPD support by providing targeted new construction and preservation opportunities and;**
- **Encourage affordable housing developers to employ M/WBE contractors and professional service firms.**

Through these efforts HPD hopes to address demonstrated disparities in M/WBE participation in affordable housing development, strengthen the affordable housing development industry, and further its mission of providing safe and affordable housing to all New Yorkers.

Comment G.13: The SBS should provide a written commitment of its intent to facilitate the development of the Workforce 1 Career Center and ongoing funding to area CBDs for job training and East New York Farms for agricultural activities. The written commitment should include the possibility to acquire and retrofit the LIRR substation, given the building's size and central location (3, 6).

Response G.13: SBS has committed to the development of a new Workforce Satellite center in the East New York Community. SBS is actively searching for locations for this Center and is anticipating a final location in spring 2016. SBS will continue to work closely with local CBOs to offer training programs and workforce services informed by the needs of the community.

Comment G.14: As a whole, the CEQR process amounts to little more than an exercise in disclosure. There is no single City agency in charge of promoting the use and understanding of the CEQR process, and the process is limited to narrow disclosure objectives, more geared towards protecting applicants against future lawsuits than stimulating awareness of potential impacts (8).

Response G.14: The CEQR process is primarily to provide the CPC and City Council the necessary information regarding the potential adverse environmental impacts as they determine if an action is: 1) consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and 2) the adverse environmental impacts will be minimized or avoided to the maximum extent practicable by the mitigation measures proposed in the FEIS. During scoping, the public along with agencies and other interested parties have the opportunity to help shape the EIS by raising relevant issues regarding the focus and appropriate methods of study. Upon the issuance of the Draft EIS, the public is afforded the opportunity to meaningfully comment on the potential for significant adverse impacts. The Final EIS then responds to comments received on the Draft EIS.

Comment G.15: Many, if not most, residents of East New York and Cypress Hills lack adequate information about the proposed rezoning, in part due to many access barriers that have characterized DCP's planning process, including inadequate translations, no provision of child care, and the lack of reasonable notice. If the City is truly interested in incorporating community feedback on its plans, we urge the City to stop the clock to permit meaningful consideration of the Proposed Actions' omissions and inaccuracies and a full analysis of the Alternate Plan the Coalition has developed (8).

Response G.15: The City was worked with elected officials, community boards, and local stakeholders to develop a Community Plan that addresses the challenges and needs identified by community members

in East New York and Ocean Hill. The planning process included more than twenty public meetings where residents could learn about the plan, provide input, and be involved in shaping the strategies included in the plan. Written materials at many public meetings were provided in both English and Spanish, as well as Bengali for select events in Cypress Hills, and Spanish-speaking staff or translators were present at all public events. All public events were publicized through mass emails and posting on DCP's website, as well as through other organizations, such as CHLDC, LDC of ENY, Community Boards 5 and 16, and the offices of local elected officials. Turnout at public events varied from around 40 to as many as 250 members of the public. The East New York Community Plan builds on a planning framework previously developed over a two-year period as part of Sustainable Communities East New York which involved over 40 public events, including some co-hosted with the Cypress Hills Local Development Corporation.

Comment G.17: CEQR is inherently flawed and is not a replacement for true community planning and meaningful community involvement. The boundaries of CEQR are limited and the process fails to assess many impacts that are of critical importance to local communities as they envision the future of their neighborhoods. These shortcomings are especially apparent when the CEQR process is applied to large, area-wide rezonings. The City should go above and beyond the guidelines of CEQR and exercise their discretion (when appropriate) to do a more in-depth analysis of issues and impacts that are of critical importance to the community (8, 48).

Response G.17: The Environmental Review of the East New York Community Plan was conducted according to the guidelines of the *CEQR Technical Manual*. While the subject of the environmental review was the proposed land use actions, many elements of the larger Community Plan were incorporated into the analysis, including the construction of a new school, planned streetscape improvements on Atlantic Avenue, planned improvements to local parks, programs to develop and preserve affordable housing, and support for local businesses. City agencies coordinated to conduct community outreach and develop the Plan, allowing for a broad approach to neighborhood planning in which growth is anticipated and planned for as part of a Plan rather than mitigated as a result of identified impacts.

Comment G.18: A critical shortcoming of CEQR is that EISs only examine development within a designated "study area," foreclosing analysis of further-away effects that may nonetheless have significant impacts on a community. This practice is particularly troubling in the case of area-wide rezonings, which are likely to have spillover effects far greater than individual site developments (8).

Response G.18: The study areas were defined based on the areas in which project impacts would be expected to occur, following conservative methodologies described in the *CEQR Technical Manual*.

Comment G.19: The CEQR analysis fails to fully analyze and disclose the cumulative impacts that proposed actions will have in conjunction with other projects pursued by the City and property owners (8).

Response G.19: Anticipated developments that would occur within the rezoning area and in the surrounding area in the future with or without the Proposed Actions were accounted for in the FEIS impact analyses in accordance with *CEQR Technical Manual* methodologies. A list of the No-Action developments, which includes developments that would not occur on projected development sites are listed in Table 2-4 of Chapter 2, "Land Use, Zoning, and Public Policy." These non-projected development site No-Action developments include two mixed-use affordable housing developments within the rezoning area, in addition to several larger mixed-use affordable housing developments anticipated within a ¼-mile to ½-mile of the rezoning area.

Comment G.20: Portions of the CEQR analysis invite incorrect conclusions about project impacts, in part because of reliance on outdated information and/or failure to differentiate between population patterns in different communities that would result in different impacts (8).

Response G.20: The FEIS was prepared in accordance with 2014 *CEQR Technical Manual* methodology.

Comment G.21: HPD's Green Housing Preservation Program loan should be funded at a borrowing rate of one percent to landlords willing to index lease renewal to RGB increases (3).

Response G.21: This issue is outside the scope of CEQR.

Comment G.22: Legal representation should be extended to tenants of neighborhoods surrounding the rezoning, as the anticipated neighborhood enhancements improve the overall area's quality of life (3).

Response G.22: Comment noted. The City recognizes that the effects of a rezoning may be broad; therefore the legal fund is available for all low-income tenants (at or below 200% of federal poverty level) in ZIP codes 11207, 11208, 11212 and 11233, which cover large portions of East New York and Brownsville.

Comment G.23: I would recommend that the MWBE certification process be streamlined and that extra staff be hired to review MWBE applications, to speed up the process (26).

Response G.23: This issue is outside the scope of CEQR.

Comment G.24: It is important that Workforce1 Satellite Center offer OSHA 10 training, at a minimum. Currently Workforce1 does not provide this training (26, 71).

Response G.24: Comment noted; the commenters' request has been conveyed to SBS.

Comment G.25: The City should conduct a more in-depth analysis of the potential impacts caused by the rezoning (48).

Response G.25: The impacts of the Proposed Actions were analyzed and disclosed in this FEIS in accordance with 2014 CEQR Technical Manual methodology.

Comment G.26: We welcome the efforts to provide workforce training and support small business though this plan, such as the opening of centers to connect residents with jobs and launching Workforce1 to provide training to business owners. We need to ensure that apprenticeship utilization is connected to these efforts so that real high-quality jobs for community residents are created (66, 69, 71).

Response G.26: Comment noted. The commenters' request has been conveyed to SBS.

Comment G.27: We need more union jobs. Anything that gets built should use union construction workers (24, 69).

Response G.27: This issue is outside the scope of CEQR.

Comment G.28: The Proposed Actions are a bold and important step, but are incomplete without a strong commitment of job creation; new apartment building developed as a result of the rezoning should create good quality service jobs that pay workers a prevailing wage. We need commitments from property owners to create good quality jobs on their sites (21).

Response G.28: This issue is outside the scope of CEQR.

Comment G.29: At the end of the day, the people's needs must be met (82).

Response G.29: Comment noted.

Comment G.31: SBS should be commended for working with community-based organizations in an effort to conduct a Community District Needs Assessment for the corridors affected by the rezoning (67).

Response G.31: Comment noted.

Comment G.32: The New York City Department of Cultural Affairs will be launching a new program in East New York, Cypress Hills, and Brownsville to build cultural capacity with local community events and connect residents to cultural opportunities in the community (27).

Response G.32: Comment noted.

Comment G.33: If the ELLA program is raising the bar, we need to raise the bar a lot higher (37).

Response G.33: HPD’s “Extremely Low and Low Income Affordability” (ELLA) Program was created in November 2014. The program requires 40% of the units in a project to be affordable to very low income households earning between 30% and 50% of Area Median Income (AMI), which doubles the percentage of the units targeted at those with very low incomes over what the City’s prior low-income rental program required.

Comment G.34: We demand that the City works with our community to create programs for skills that will build self-sustainable people. We demand a training and workforce development center, support for small businesses, and preservation of manufacturing jobs with living wages (36).

Response G.34: SBS and the NYCEDC are undertaking numerous initiatives to support existing small businesses, preserve manufacturing jobs, and connect East New York residents to jobs (refer to Response 1.9, G.7 and G.13).

Comment G.35: The SBS should provide a written commitment of its intent to work with local business partners in East New York to conduct a commercial district needs assessment and develop a menu of commercial revitalization services, potentially including merchant organizing, retail business attraction and retention strategies, streetscape and public space planning, and supplemental sanitation. This is an important strategy that should be implemented with ongoing interface as the rezoning area’s retail streets transition in order to enhance outcomes (3, 6).

Response G.35: SBS is currently undertaking a commercial district needs assessment of the rezoning area’s primary corridors. The Department of Small Business Services has been working together with its local community partners to conduct these assessments which are expected to be completed in spring 2016.