A. INTRODUCTION

This chapter summarizes and responds to all substantive comments on the Draft Scope of Work (Draft Scope) for the Rheingold Rezoning made during the public review period. For the Draft Scope, these consist of oral comments and/or written comments received during the public scoping meeting held by the New York City Planning Commission (CPC) on September 10, 2012. Written comments on the Draft Scope were accepted through the public comment period, which ended September 24, 2012.

Section B lists the elected officials, community boards, government agencies, organizations, or individuals who commented on the Draft Scope. The organization and/or individual that commented are identified after each comment. 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 Draft Scope. Where relevant and appropriate these edits have been incorporated into the Draft Environmental Impact Statement ("DEIS").

Where more than one commenter expressed a similar view, the comments have been grouped and addressed together.

B. LIST OF ELECTED OFFICIALS, ORGANIZATIONS AND INDIVIDUALS THAT COMMENTED ON THE DRAFT SCOPE

1. Brooklyn Borough President Marty Markowitz, written comments dated September 18, 2012, and oral comments delivered by Kevin Parris on September 10, 2012 (Markowitz)

Comments were accepted on the Draft Scope of Work document for the Rheingold Rezoning project during a period commencing with the public scoping hearing held at the New York City Department of City Planning on September 10, 2012, and extending until September 24, 2012. A Final Scope of Work was issued on May 31, 2013, incorporating some of the comments received on the draft scope.

This section lists and responds to comments on the Draft Scope of Work. The comments include written comments received through the close of the comment period. Written testimony was submitted from the Brooklyn Borough President Marty Markowitz on September 14, 2012. There were no other comments on the Draft Scope of Work submitted during the comment period. No comments were made during the public hearing. The comments are organized by subject area, following the organization of the Draft Scope of Work.

1. Land Use, Zoning and Public Policy

Comment 1: *Block 3137 contains a C-Town supermarket of approximately 6,000 square feet on Lot 56. According to Table 1: Projected and Potential Development Sites, Block 3137 is listed as Projected Development Site 8, therefore it is a possibility that the C-Town may cease operating at some point if the proposed Rheingold Development Rezoning is adopted. In December 2009, the City enacted Special Regulations applying to FRESH food stores as a means of promoting and protecting public health, safety, and general welfare. These regulations were made applicable to Community District 4 (CD 4) as a means to encourage FRESH food stores to locate in locations that are easily accessible to nearby residents given the inadequacy of such stores being located in Bushwick. Therefore, the second subtask should reference the City's FRESH food store public policy, the fifth subtask should include a discussion of the City's FRESH food store public policy, the eight subtask should include a discussion of the Proposed Action's potential effect on the City's FRESH food store public policy and the ninth subtask should disclose mitigation measures that might address potential effect on the City's FRESH food policy (Markowitz).*

Response: **The Scope of Work has been updated to include the FRESH program in the discussion of public policies that apply to the rezoning area and study area.**

2. Socioeconomic Conditions

Comment 2: *Block 3137 contains a C-Town supermarket of approximately 6,000 square feet on Lot 56. According to Table 1: Projected and Potential Development Sites, Block 3137 is listed as Projected Development Site 8, therefore it is a possibility that the C-Town may cease operating at some point if the proposed Rheingold Development Rezoning is adopted. Given that the City enacted Special Regulations applying to FRESH food stores as a means of prompting and protecting public health, safety and general welfare, and that CD 4 is one of the areas in which these regulations are meant to promote and protect public health, safety and general welfare, an analysis should be undertaken to access potential impact according to the projected development for loss of the C-Town store, particularly in light of the projected addition of 3,174 new residents. Such analysis should identify all supermarkets in reasonable proximity that might serve as a consumer resource for all residents in the market catchment area of the C-Town and then assess the adequacy of the nearby food stores to serve area residents (Markowitz).*

Response: **As noted in the Draft Scope, the Socioeconomic analysis will take into consideration the Proposed Action's potential affect on direct and/or indirect business displacement, including specific industries. While not specifically noted in the Scope of Work, the Socioeconomic Conditions chapter in the Draft EIS includes an analysis of direct and indirect business displacement and discussion of the potential displacement of the C-Town supermarket on Projected Development Site 8.**

3. Transportation

Comment 3: *The list for manual counts should include the intersection of Flushing Avenue and Noll Street. This is because of the traffic network described in Appendix 3, Transportation Planning Factors Memorandum prepared by Philip Habib and Associates, dated July*

24, 2012, which notes that Noll Street would be opened to the street network between Stanwix Street to Evergreen Avenue as a westbound through street according to Figure 2, which depicts the future street network. This is likely to result in a new traffic pattern that would divert some portion of westbound Flushing Avenue traffic to travel along Noll Street to head then southbound along Stanwix Street (a new direction of travel according to Figure 2) to southbound Bushwick Avenue, as opposed to continuing westbound along Flushing Avenue to Bushwick Avenue. Such information would assist is reallocation of traffic at some of the other intersection that will be analyzed for projected conditions (Markowitz).

Response: **Consistent with CEQR guidelines and in consultation with the lead agency and DOT, the intersections being analyzed are those that are expected to have an increase of 50 or more peak hour vehicle trips due to the Proposed Action. The traffic study area was selected to include intersections most likely to be used by concentrations of project-generated and diverted vehicles traveling to and from the rezoning area. The completion of the network will cause a redistribution of traffic. Typically, to be conservative, the redistribution occurs close to or at the new streets. As such, the redistribution occurs at the Bushwick Avenue/Stanwix Street intersection where these left-turns are diverted. Further, as detailed in the Transportation Planning Factors Memorandum, based on the vehicle assignment, it was determined that four of the five intersections would experience a net increase in demand of 50 vehicles or greater during the weekday AM, midday, PM, or Saturday midday peak periods. The fifth intersection was added as there was a measurable increase in northbound Bushwick Avenue traffic at Forrest Street even though the overall intersection increment was less than 50 vehicles during any peak hour.**

Comment 4: *Figures 4 and 5 indicate traffic flow along Noll Street, including turning movements on to Stanwix Street, that are in contradiction with Figure 3, which depicts future street network. It would seem that these figures need to be identical (Markowitz).*

Response: **Figures 4 and 5 in the Transportation Planning Factors Memorandum depict different information. Figure 4 in the Transportation Planning Factors Memorandum shows the existing traffic volumes that would be diverted as a result of the proposed street network. Figure 5 shows the net project increment traffic volumes that would occur as a result of the Proposed Action. The net project increment traffic volumes are the result of combining the proposed development generated vehicle trips with the diverted vehicle trips.**

Comment.5: *The assumptions made in the transit section on Table 3, Projected Generated Subway Trips (by Station), as contained in Appendix 3, Transportation Planning Factors Memorandum prepared by Philip Habib and Associates, date July 24, 2012, seem overly optimistic given the distance of certain train stations to the development sites. Access to the Morgan Avenue Station from Sites 1 and 2 requires a walk of between 1,800 and 2,500 feet, where as the walk to the Flushing Avenue Station is between 1,500 and 2,100 feet. Given that Flushing Avenue provides for both Lower Manhattan and Midtown Manhattan service without transfer, there are few trips that seem to justify walking a further distance to a train station. Therefore, the split of as much as 42 percent of the residents walking to the Morgan Avenue Station seem grossly inflated. Depending on assumed journey assignments to work/destination assignment consideration, these figures should be re-evaluated. The same consideration should be*

given for Sites 3, 4, and 5, where given the distance, practically all trips should be assumed being from the Myrtle Avenue Station in lieu of Morgan Avenue and Flushing Avenue stations. Such a redistribution of passengers would determine whether, in addition to the Myrtle Avenue Station, an analysis should be performed at the Flushing Avenue Station if the threshold exceeds 200 hourly project-generated trips (Markowitz).

Response: **Comment noted. The assumptions were made in consultation with the lead agency and DOT. While the walk to Morgan Avenue L train station is slightly further from the Flushing Avenue J, M station for Sites 1 and 2, it is estimated that 42% of the demand from Sites 1 and 2 would utilize the Morgan Avenue L station as the L train provides direct service to Williamsburg in Brooklyn and cross town service along 14th Street between 1st Avenue and 8th Avenue in Manhattan. The L train also provides direct transfers to several different lines in Manhattan including the 4, 5, 6; N, R, Q; F, M; 1, 2, 3; and A, C, E.**

As detailed in the Transportation Planning Factors Memorandum, 80% of the subway trips generated by projected development sites 3, 4, and 5 would utilize the Myrtle Avenue J, M, & Z station, which would constitute a vast majority of the demand. As further shown in the Transportation Planning Factors Memorandum, only 10% of the subway trips generated by Sites 3, 4, and 5 would utilize the Morgan Avenue L station and 10% would utilize the Flushing Avenue J, M station.