CHAPTER 26: RESPONSE TO COMMENTS ON THE DEIS

A. INTRODUCTION

This chapter summarizes and responses to all substantive oral and written comments on the Draft Environmental Impact Statement (DEIS) for the Bay Street Corridor and Related Actions 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, February 27, 2019 at 120 Broadway. The comment period for the DEIS remained open through Monday, March 11, 2019.

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 N.

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

ELECTED OFFICIALS

1. Debi Rose, New York City Council Member, 49th District; written comments provided on March 11, 2019.

ORGANIZATIONS AND INTERESTED PUBLIC

2. Fiona Akins, New York City Department of Parks and Recreation (DPR); oral statement at the public hearing.
3. Stephen Albonesi, The Municipal Art Society of New York (MAS); oral statement at the public hearing.
4. Deacon Bernice Alleyne, Housing Dignity Coalition and St. Philips Baptist Church; oral statement and written testimony provided at the public hearing.
5. Nicholas Antonelli, 32BJ; oral statement and written testimony provided at public hearing.
6. Michael Arvanites, City University of New York (CUNY) Trustee; oral statement at public hearing.
7. Pastor Faith Baba, Housing Dignity Coalition; oral statement at the public hearing.
8. Michael Blaise Backer, New York City Department of Small Business Services (SBS); oral statement and written testimony provided at public hearing.
9. Debra Barone, Housing Dignity Coalition; oral statement and written testimony provided at public hearing.
10. Reverend Dr. Kathlyn Barrett-Layne, Staten Island Council of Churches and Housing Dignity Coalition; oral statement at the public hearing.

11. Victor H Benadavia, Housing Dignity Coalition, and Project Hospitality; oral statement at the public hearing.
12. Deacon Mary Bourne, Housing Dignity Coalition and First Central Baptist Church; oral statement and written testimony provided at public hearing.
13. Priscilla Briggs, Housing Dignity Coalition; oral statement and written testimony provided at public hearing.
14. Taneequa Briggs, Housing Dignity Coalition; oral statement and written testimony provided at public hearing.
15. Tom Cocola, New York City Department of Transportation (DOT), Staten Island; oral statement at public hearing.
16. Theo Dorian, St. George Civic Association; oral statement at the public hearing.
17. Terrell Estesen, New York City Department of Environmental Protection (DEP); oral statement at the public hearing.
18. Aron Feldman; written comments submitted February 28, 2019.
19. Kevin Fullington, BFC Partners; oral statement at the public hearing.
20. Ivan Garcia, Make the Road and Housing Dignity Coalition; oral statement and written testimony provided at public hearing.
21. Pastor Janet Jones, Pastor Faith Togba, Deacon Mary Bourne, Deacon Bernice Alleyne, and Ivan Garcia, Staten Island Housing Dignity Coalition; written comments provided at public hearing.
22. Rev. Janet Jones, Staten Island Housing Dignity Coalition and pastor of the Rossville AME Zion Church; oral statement and written testimony provided at public hearing.
23. Steven Joseph, Lyons Pool Lap Swimmers; oral statement at the public hearing and written statement provided on February 27, 2019.
24. Cecilia Kushner, New York City Economic Development Corporation (EDC); oral statement at public hearing.
25. Jose Lopez, Make the Road New York and Housing Dignity Coalition; oral statement and written testimony provided at public hearing.
26. Saul Lopez, Make the Road New York and Housing Dignity Coalition; oral statement and written testimony provided at public hearing.
27. Susan Master, Let's Rebuild Cromwell and Staten Island Community Board (CB) 1, Youth Committee; oral statement at public hearing.
28. The Municipal Art Society of New York (MAS); written comments provided on March 11, 2019.
29. Deborah Poleshuck, Peace Action of Staten Island and SiaraPB; oral statement and written testimony provided at public hearing.
30. James Prendamano; oral statement at the public hearing.
31. Leticia Remauro, Staten Island, Downtown Alliance; oral statement and written testimony provided at public hearing.
32. Reverend Faith Togba, senior pastor of Bethel Worship Center; written comments provided at public hearing.
33. Deacon Betty Tucker, Housing Dignity Coalition and First Central Baptist Church; oral statement and written testimony provided at public hearing.
34. Michael Sandler, New York City Department of Housing, Preservation and Development (HPD); oral statement and written testimony provided at public hearing.
35. Dahlia Simpson, Housing Dignity Coalition; oral statement at the public hearing.
36. Perris Straugher, HPD; oral statement at public hearing.
37. Rose Uscianowski; oral statement at the public hearing.
38. Kelly Vilar, Let's Rebuild Cromwell Community Coalition and State Island Urban Center; oral statement at the public hearing and written comments submitted February 27, 2019.

39. Kelly Vilar and Nicholas Zvegintzov, Let's Rebuild Cromwell Community Coalition; written comments provided at public hearing.
40. Chris Walters, Housing Dignity Coalition and Association for Neighborhood and Housing Development (ANHD); oral statement and written testimony provided at public hearing.

C. COMMENTS AND RESPONSES ON THE DEIS

CHAPTER 1: PROJECT DESCRIPTION

Comment 1.1: The current plan ignores Staten Islanders with the greatest, most urgent need and highest rent burdens. The proposed plan needs to be equitable and meet the needs of all families, including low-income families. (7, 9, 10, 13, 21, 22, 32)

The rezoning is not a good plan for tenants who really need affordable housing. (12)

Response 1.1: Refer to Comments 1.19, 1.20, 1.23, and 2.3. The Proposed Actions would generate new opportunities for housing, including affordable housing for a broad spectrum of residents, as well as establish Mandatory Inclusionary Housing (MIH) in the Bay Street Corridor and Canal Street Corridor Project Areas. With the mapping of MIH areas, the production of affordable housing would be a condition of residential development in the Bay Street Corridor and Canal Street Corridor Project Areas and is expected to help preserve affordable housing in the area and increase the universe of rent stabilized housing, which would not occur in absence of the Proposed Actions. There would be no expiration to the affordability requirement of housing units created through MIH, making them a long-term stable reservoir of affordable housing in the area, a key policy to meet the *Housing New York* goal of fostering diverse livable communities. On City-owned sites, the City is pursuing opportunities to create additional affordable housing and reach deep affordability levels.

The provision of permanently-affordable units through the MIH program will serve as a baseline of affordability for years to come. It is anticipated that through a combination of private and public sites, the City's proposed MIH program, and the availability of financing by HPD, a considerable amount of new residential units that are expected to be developed within the Project Area in the future with the Proposed Actions over the next 12 years would be either permanently affordable under MIH and/or subject to regulatory agreements if financed by HPD. This would ensure that a substantial amount of protected affordable units would be provided in the Project Area as a result of the Proposed Actions, which would provide additional housing options for the low- and moderate-income renters and would help ensure that the Study Area would continue to serve diverse housing needs for a range of housing income levels. The provision of affordable housing through MIH in Stapleton, Tompkinsville and St. George would not occur absent the rezoning.

Comment 1.2: All publicly owned sites should be redeveloped with 100 percent affordable housing. This would generate hundreds of new units affordable to a wide range of families, including the district's lowest income earners. (21, 25, 40)

Only development of affordable housing should be considered on City-owned properties that are part of this application. These City-owned sites should be redeveloped under the terms of programs such as Extremely Low and Low-Income Affordability (ELLA) to reach lower levels of affordability. (1)

Response 1.2: The Proposed Actions seek to create new affordable housing beyond the requirements of the Mandatory Inclusionary Housing program on City-owned sites. For example, the A-Application introduced by HPD identifies City Disposition Site 2 for a 100% affordable development, including units that are dedicated to affordable housing for seniors (75% of units are assumed to be affordable for CEQR analysis purposes, which assumes affordability at or below 80% AMI). HPD intends to conduct additional public outreach regarding programming, amenities, and affordability levels prior to finalizing the disposition of the property, and has stated it will prioritize the redevelopment of this site to generate housing for a wide range of incomes, including lower incomes and seniors. Additionally, the development of future phases of the Stapleton Waterfront will include significant amounts of permanently affordable housing. City agencies continue to work towards advancing those projects, and the determination about affordability levels will be made as those conversations advance.

Comment 1.3: The proposed zoning text amendments should only map the Mandatory Inclusionary Housing (MIH) Options that provide the deepest affordability along Bay Street, including: MIH Option 1, which sets aside 25 percent of all new residential units for families earning an average of $56,340; and MIH Option 3, which sets aside 20 percent of all new residential units for families earning an average of $37,560. (21, 25, 40)

The proposed rezoning needs to provide the deepest levels of housing affordability to match neighborhood demographics of the Bay Street Corridor. (38, 39)

The CPC should reject MIH Options 2 and 4 for the proposed rezoning. (22, 40)

The deepest level of affordability under MIH, which would require that 20 percent of the residential floor area be affordable to households earning 40 percent of Area Median Income (AMI), should be applied to the rezoning area to ensure that a significant portion of new affordable housing will be within reach of current residents. (28)

Response 1.3: Refer to Comments 1.19 and 1.23. Throughout consultation, various opinions were stated on the appropriate MIH options for the rezoning. While data suggests that there is need across various income bands, especially the lowest incomes, MIH Option 4 was developed to support moderate markets such as Bay Street, to ensure that development could accommodate affordable housing without subsidy in the nearer term and until market conditions improve. All four options have been included in response to both the need of the current community and the current market conditions, and to allow further public discussion through the ULURP process.

Comment 1.4: The plan should include significant investment in local job training and apprenticeship programs with a guarantee that 50 percent of all new jobs be set-aside for local residents living within Staten Island CB 1. (21, 22)

Response 1.4: Comment noted. Job training and apprenticeship programs are outside of the scope of CEQR analysis.

Comment 1.5: The proposed rezoning plan should be rejected as it would not provide the community with dignified affordable housing (4)

Response 1.5: See Responses 1.1, 1.3, 1.23, and 2.3. The Proposed Actions would expand the supply of affordable housing in the Project Area by requiring permanent affordable housing through MIH in an area where housing is not permitted today. The Proposed Actions are intended to keep rents affordable to residents of the North Shore so that they can remain in the community. Deeper levels of affordability would be provided through City subsidy programs

Comment 1.6: MIH Option 4 would be impossible for low-income tenants to pay. (29)

Response 1.6: The Proposed Actions seek to allow for all 4 MIH options to be made available in the proposed rezoning areas, including options that provide deeper levels of affordability. Individual property owners will determine which option to apply as they develop their properties, and would have the option to seek subsidy to provide a greater amount and range of affordability.

Comment 1.7: The proposed rezoning would not accommodate the growing need for apartments for seniors. The proposed rezoning totally ignores the need of affordable housing, not only for senior citizens, but for all families with limited incomes living on the North Shore of Staten Island. (33)

Response 1.7: Refer to Comments 1.19 and 1.21 and Responses 1.1 and 1.3. Since the issuance of the DEIS, HPD has prepared and filed an amended disposition and UDAAP designation application (ULURP No. C190179(A) HAR) for City Disposition Site 2 (Jersey Street Garage). In response the community feedback on the application, the disposition terms of City Disposition Site 2 would increase residential use, including affordable housing and the provision of Affordable Independent Residences for Seniors (AIRS), as well as modify the amount of community facility, commercial and parking.

Comment 1.8: If the City rezones a manufacturing area to provide housing, it should provide housing that helps families with a range of incomes, including families that earn less than $37,000 per year and are severely rent-burdened. (14)

Response 1.8: See Responses 1.1 and 1.3, and Comment 1.19.

Comment 1.9: The proposed rezoning should be rejected as it does not put in place any protections for current residents. (26)

Response 1.9: HPD currently oversees a variety of housing preservation strategies in the Project Area, which will continue. Refer to Comment 16 which describes HPD's tools and policies to keep North Shore tenants safely in their homes, and the ways in which HPD is supporting low- and moderate- income homeowners in the Project Area. Additionally, the Proposed Action will facilitate the creation of many rent-regulated housing units, providing greater protection, in a Community District where few exist today.

Comment 1.10: The proposed rezoning will only speed up the displacement of tenants who have no tenant protections. A responsible rezoning for the area needs to be truly affordable and as close to a 50/50 deal (i.e., 50 percent affordable and 50 percent market-rate) as possible. (20, 25)

Response 1.10: See Responses to 1.1 and 1.3. The Proposed Actions would expand the supply of affordable housing in the Project Area and are not expected to result in significant adverse impacts related to residential displacement. The proposed action will create new housing opportunities for residents with the lowest incomes. It is intended to provide housing for a mix of incomes consistent with City policies for diverse economically integrated communities.

Comment 1.11: The Staten Island Downtown Alliance supports the Bay Street Neighborhood Rezoning Plan as it will increase density along the Bay Street corridor, which is the best way to retain and attract businesses and provide needed housing for the area. We also support the adoption of MIH Option 2 because it will provide approximately 2,500 units of permanently affordable housing for tenants at varying income levels, including at the deepest affordability levels. (31)

Response 1.11: Comment noted. It should be noted that, as described in the Chapter 1, "Project Description" of the FEIS, the Proposed Actions are anticipated to introduce approximately 1,830 dwelling units associated with the rezoning actions, 100 units on City-owned properties, and 630 units at Stapleton Waterfront Phase III, for a total of 2,560 dwelling units. A substantial portion of these units are expected to be affordable pursuant to the Mandatory Inclusionary Housing (MIH) program. In addition, the A-Text Alternative, which reflects a modified UDAAP application submitted by HPD, would increase to approximately 220 units on City-owned properties.

Comment 1.12: By creating vertical rental housing for all income levels within a public transportation corridor, the City can retain a diverse demographic, boost the local economy, and turn unused City-owned parcels into income producing, tax paying properties. (31)

Response 1.12: Comment noted.

Comment 1.13: Per the MIH framework, the City projects that 30 percent of the 1,592 new housing units would be accessible to families with an annual income of $75,120 per year. Therefore, the prescribed "affordable" units created through MIH are not actually affordable to 58 percent of North Shore families that earn below $50,000 per year. (11, 25)

Response 1.13: See Responses 1.1 and 1.3. MIH is identified as a strategy to substantially increase the supply of affordable housing for a range of households through zoning. The provision of affordable housing through MIH in the Project Area would not occur absent the rezoning. Chapter 3, "Socioeconomic Conditions" of the EIS concludes that there is no potential for significant adverse impacts associated with direct or indirect residential displacement. The proposed MIH income bands have been selected to provide for a range of families and households consistent with the needs of the entire North Shore community for affordable housing.

Comment 1.14: The three City Disposition Sites should be utilized to develop projects that the community identifies and should not be sold to private developers. (25)

Response 1.14: While the Proposed Actions analyzes the disposition of city-owned land, the terms of disposition have yet to be identified. A priority of the community and the primary object of the Proposed Actions is to facilitate the creation of housing, including affordable housing, as well as job creation to support current and future residents. The Proposed Actions seek to utilize the disposition of city-owned property to achieve a greater number of affordable housing units than the MIH program would require of private development as well as foster additional job creation. At this time, EDC intends on maintaining ownership of 55 Stuyvesant Street and, in certain cases, arranging long-term leases with developer-partners to develop the properties to achieve the goals and objectives of the rezoning. HPD would dispose of the redeveloped Jersey Street Garage to an affordable housing developer, subject to an agreement for long-term affordability and deed restriction which would ensure long-term City oversight over the affordability of the property.

Comment 1.15: The City-owned properties should not be used for private development. Stapleton Waterfront Phase III Sites A and B1 should be used for open sports fields. Building housing on the shoreline is irresponsible and conflicts with the City's public policy on resiliency post-Sandy. Additionally, the three City Disposition Sites have no relationship to the proposed rezoning and therefore, should be separated from the rezoning proposal and treated as individual parcels. (38, 39)

Response 1.15: The Proposed Actions consider a series of land use actions that encompass the St. George, Tompkinsville and Stapleton neighborhoods. In addition to the creation of housing on Stapleton Waterfront Phase III Sites A & B1, EDC in conjunction with the DPR have committed to build approximately 12 acres of publicly accessible waterfront open space, including open space and several sports courts. The project is fully funded and received approvals from both Community Board 1 and the Public Design Commission. About five acres are already constructed, with about seven additional acres that will begin construction next year. Stapleton Waterfront Phase III Sites A and B1 were approved for mixed-use (residential and commercial) development under a previous ULURP application, which was approved in 2006, and are intended to be developed through long-term ground leases, so the City will retain ownership. Regarding resiliency, please refer to Response 16. All development facilitated by the Proposed Actions will be built in accordance with Citywide flood resiliency regulations for buildings identified in the Zoning Resolution and Appendix G of the NYC Building Code.

Comment 1.16: The proposed rezoning proposal should be in concert and directed by a viable plan for economic and community development, such as the Maritime Education Recreation Culture corridor, aka MERC. MERC is a plan to create and enhance the North Shore waterfront as an enclave for Maritime uses for education, recreation and waterfront heritage cultural opportunities. (38, 39)

Response 1.16: The Proposed Actions, development at the Stapleton Waterfront, and the corresponding open space plan (that will include 12 acres of public accessible open space) facilitate the creation of educational, recreational and cultural uses along the waterfront. Following the issuance of the DEIS, an amended application was filed

which provided an exemption of floor area for the creation of a school within the Special Stapleton Waterfront District on subareas A or B1.

Comment 1.17: The proposed zoning text amendments related to the Stapleton Waterfront Phase III Sites should not be included as part of this project as these sites are not on the Bay Street or Canal Street corridors, nor are they City Disposition Sites. These two sites should be used for community value- parks, active recreation, and educational purposes. (39)

Response 1.17: See Responses 1.14, 1.15, 1.16. The Proposed Actions consider a series of land use actions that encompass the St. George, Tompkinsville and Stapleton neighborhoods. The zoning text amendments related to the Stapleton Waterfront Phase III Sites, which are adjacent to the Bay Street Corridor, make changes to the Special Stapleton Waterfront District (SSWD) in response to feedback about Urby, as well as to optimize future site planning. New Stapleton Waterfront (former Naval Homeport) provides a property resource that can – and should – be used for precisely the purposes suggested, as well as for affordable housing and economic development.

Comment 1.18: To address the rent burden of low income households, commitments need to be made to provide housing that is affordable at these incomes. Decisions about the most effective MIH options for Bay Street should be informed by this need. The "Workforce" MIH option is an inappropriate MIH option for the North Shore. (1)

Response 1.18: See Response 1.3 and Comment 1.19. The City Council or City Planning Commission (CPC) may apply an additional Workforce Option or a Deep Affordability Option in conjunction with MIH Options 1 and/or 2. The Workforce Option requires 30 percent of units be affordable at 115 percent AMI, with set-asides at two lower income levels. The Deep Affordability Option would require that 20 percent of the residential floor area be affordable to residents at 40 percent AMI. For all options, no units could be targeted to residents with incomes above 130 percent AMI. The provision of permanently affordable units through the abovementioned MIH options will serve as a baseline of affordability for years to come. The proposed MIH income bands have been selected to provide for a range of families and households consistent with the needs of the entire North Shore community for affordable housing.

Comment 1.19: The Bay Street rezoning will help to revitalize this corridor and help to address a serious gap in the housing market in this neighborhood of multifamily affordable housing. Most renters in the North Shore live in unregulated small, one- to four-family homes, which comprise 90 percent of the housing stock. The existing housing stock is very limited. Renters in this neighborhood describe months-long searches to find available apartments and a lack of quality housing options at affordable prices. There is a strong need for rental housing options in the area. The rezoning proposal would facilitate the development of new market-rate and permanently affordable rental apartments in a transit-rich section of Staten Island. (34)

Response 1.19: Comment noted.

Comment 1.20: The implementation of MIH in the rezoning area will facilitate the construction of up to approximately 450 permanently affordable homes on privately-owned sites. HPD is working with agency partners to advance affordable housing development on City-owned sites, including the Jersey Street Sanitation Garage and the future phases of the

New Stapleton Waterfront. HPD financing programs also support the creation of deeply affordably rental housing. Whenever HPD funds housing development, HPD will require more apartments for those making less than $25,770 and up to $42,950 for a three-person family. HPD also requires at least a ten percent set aside for homeless families in nearly every project. Additionally, whenever HPD funds a project in the Bay Street rezoning area, HPD will require an additional 15 percent of apartments to be permanently affordable. (34)

Response 1.20: Comment noted.

Comment 1.21: HPD is seeking to designate an Urban Development Action Area (UDAA) and Project (UDAAP) approval to facilitate the redevelopment of the Jersey Street Garage (Block 34, Lot 1), which currently accommodates a New York City Department of Sanitation's (DSNY) garage, with a 100 percent affordable housing development. It is anticipated that the existing DSNY garage would be relocated by or before 2023. Based on community feedback at the CB 1 hearing for deeper affordability, more housing, and the need for senior housing, HPD has submitted a revised ULURP application that would enable the Jersey Street Garage to be redeveloped with approximately 223 affordable housing units, including 90 Affordable Independent Residences for Seniors (AIRS), and approximately 14,000 sf of commercial/community facility space. Under the site's existing R5 zoning, providing AIRS at the site permits higher floor area ratio (FAR) to be developed at the site, and also allows for additional building height. Therefore, it is expected that the Jersey Street Garage site would accommodate five-story buildings instead of the previously assumed four-story buildings with the introduction of AIRS. HPD envisions issuing an RFP for the Jersey Street Garage following the approval of the Proposed Actions at the City Council. (36).

Response 1.21: Comment noted. The revised development program for City Disposition Site 2 was reflected in Technical Memorandum 001, issued on February 12, 2019, which provided a revised assessment of the Proposed Actions based on DCP's amended zoning text application and HPD's amended disposition and UDAAP designation application (collectively the "A-Text Application"). In addition, the revised program for City Disposition Site 2 is reflected as part of the A-Text Alternative included in Chapter 22, "Alternatives," of the FEIS.

Comment 1.22: The proposed development program for the Jersey Street Garage, which includes both AIRS and affordable family housing units under the amended application, is envisioned to provide HPD flexibility and ensure that the site could meet the diverse needs of a wide variety of prospective tenants. Prior to issuing any RFP for the site, HPD will engage the community and initiate a public outreach process to determine the appropriate number of new housing units for the site and type of housing units as well as levels of affordability. (36)

Response 1.22: Comment noted.

Comment 1.23: The proposed zoning text amendment would map all four MIH Options. HPD has heard from the public that the area has a wide range of affordability needs and there is a gap in rental housing across Staten Island in general. (34)

Response 1.23: Comment noted.

Comment 1.24: The proposed rezoning would promote job growth in a transit accessible, mixed-use neighborhood as it would allow commercial uses on the second floor and permit a broader diversity of commercial uses beyond just local retail, including office and new industry (such as tech). As part of the Proposed Actions, EDC will be working on the reactivation of 55 Stuyvesant Place for job generating uses and to further support the modest but growing segment of the North Shore office market. The Proposed Actions also involve zoning text amendments to the Special Stapleton Waterfront District (SSWD) related to the Northern Sites (i.e., Sites A and B1), which are intended to facilitate better site design by allowing for greater flexibility including increased building heights and a more varied building form to allow for a transition between the waterfront and the Bay Street Corridor Project Area. Additionally, the proposed zoning text amendments would allow additional community facility development at Sites A or B1 for use as a school to address future needs generated by the proposed plan. Sites A and B1 are envisioned to be the next properties to be redeveloped along the Stapleton waterfront. (24)

Response 1.24: Comment noted.

Comment 1.25: EDC is managing the design and construction of water and sewer infrastructure that will service the Stapleton Waterfront Phase III Sites. EDC has also been engaged for a long-time in the development of publicly accessible waterfront parks and open space in the North Shore and is working on the design and construction of two waterfront public open spaces that will provide the neighborhood with a total of two miles of publicly accessible waterfront open space. The New Stapleton Waterfront esplanade, which is funded with $200 million and currently in the design phase, will be located near Bay Street, and will extend for roughly 1.5 miles with a range of active recreational amenities. The project has received Public Design Commission (PDC) approval and CB1 approval. Construction on the New Stapleton Waterfront is expected to begin early next year in 2020. EDC has also been awarded Federal funding to repair and reactivate the Tompkinsville Waterfront Esplanade, which is currently being designed and is expected to provide a pedestrian and bikeway path. (24)

Response 1.25: Comment noted.

Comment 1.26: The proposed rezoning is intended to revitalize the Bay Street Corridor and bring new businesses, jobs and economic growth. Bay Street is an important gateway and vital corridor connecting the surrounding neighborhoods of St. George, Tompkinsville, and Stapleton, as well as providing a direct pathway to the Staten Island Ferry. DOT prioritizes safety and increasing the livability of New Yorkers. DOT has been implementing various capital improvements in the neighborhoods, including: reconfiguring the Bay Street and Victory Boulevard intersection with a left-turn bay to provide direct access to the ferry, optimizing traffic signal timing to relieve congestion, coordinating with NYPD to provide traffic agents, and updating traffic lights with smart signal technology. DOT has also been installing protected bike lanes on Bay Street, and new bike lanes on St. Paul's Avenue and Van Duzer Street. The proposed rezoning will transform the Bay Street Corridor into a thriving, vibrant, walkable, bikeable corridor. (15)

Response 1.26: Comment noted.

Comment 1.27: Although the North Shore area has a high storefront vacancy (approximately 21 percent in 2015/2016), there is also high leakage in the area (i.e., area residents are spending more than $300 million in goods and services elsewhere). Therefore, there is excess consumer demand for services and goods that is not currently being met, and a need for additional commercial spaces to serve local retail needs. According to the Neighborhood 360º Study for Downtown Staten Island, the physical environment of commercial structures is not adequate with approximately 45 percent of storefronts in poor condition as well as a number of storefronts having only an average condition. As such, there is likely a mismatch between the existing older commercial spaces and what new businesses are seeking in a potential commercial space. The Proposed Actions would provide flexibility and facilitate the development of a range of uses, including retail, other commercial, community facility, and non-profit facilities. The Proposed Actions are intended to help link the surrounding neighborhoods and provide continuity with active ground floor uses along the Bay Street Corridor. The new residents that the Proposed Actions would introduce would also generate retail demand in the area. (8)

Response 1.27: Comment noted.

Comment 1.28: The rezoning proposal will provide a critical mass of residential uses that is necessary to provide a range of affordability levels for housing. The affordable housing should serve a range of income levels. (30)

Response 1.28: Comment noted.

Comment 1.29: The Proposed Actions would facilitate the development of active ground floor uses along the Bay Street Corridor. The area's lack of continuous streetscape and massive gaps make it difficult for retail uses to survive and thrive and have likely contributed to the area's high storefront vacancy rate. The area also does not currently have the density or residents to support commercial uses. Need connectivity and new development to support retail uses (30)

Response 1.29: Comment noted.

Comment 1.30: I support the idea of a rezoning but not necessarily the plan that exists as it doesn't do enough to mitigate and plan for an additional 6,000 residents. There are currently three Stapleton Areas- Art/Creativity/Entrepreneurism/Vibrancy and Gated Remote Luxury Apartments with Empty Stores/Half-rented Office Spaces/Dilapidated Warehouses and Underutilized Public spaces in between. Stapleton is a tension between old and new divided by empty potential. (37)

Response 1.30: In accordance with *CEQR Technical Manual* guidance and methodologies, the EIS analyses consider future conditions with and without the Proposed Actions when assessing the potential for significant adverse impacts. As stated in Chapter 1, "Project Description," of the EIS, a RWCDS was developed for both the current (future No-Action) and under the Proposed Actions (future With-Action) conditions for an analysis year 2030. The incremental difference between the No-Action and With-Action Conditions serves as the basis for the impact analyses of the EIS. As noted in Chapter 21, "Mitigation," of the FEIS, where significant adverse impacts are identified, mitigation measures to reduce or eliminate the impacts to the fullest extent practicable were developed and evaluated. The Proposed Actions would result in

significant adverse impacts related to community facilities (public elementary schools and publicly funded childcare services), open space, historic and cultural resources, transportation (traffic, transit and pedestrians), and construction (noise). The FEIS concludes that mitigation measures, where identified as practicable and feasible, are not anticipated to exacerbate existing problems or otherwise result in any significant adverse impacts. Partial mitigation is proposed for significant adverse impacts associated with open space, historic and cultural resources, traffic, and construction. The significant adverse transit (bus) impacts would be fully mitigated.

Comment 1.31: The appendix of the Technical Memorandum inaccurately states that the Proposed Actions are not mapping deepest affordability MIH option which needs to be corrected. (40)

Response 1.31: The Proposed Actions intend to apply MIH Option 1, Option 2, Option 3 (the Deep Affordability Option) and Option 4 (the Workforce Option) to the Bay Street Corridor and Canal Street Corridor MIH areas. The zoning text amendment of the A-text Application has also been updated for the FEIS to reflect that MIH Option 1, Option 2, Deep Affordability and the Workforce options are proposed to be mapped. The ultimate determination of which MIH option will accompany the Proposed Actions will be decided once the deliberations of the CPC and City Council have concluded.

Comment 1.32: Six reasons to oppose the proposed application. MIH is flawed. Never before has all four MIH Options been mapped in any area of the City. Eighty percent of the existing housing stock is unregulated and there are zero protections for existing tenants. There is no guarantee that Projected Development Site 3 would provide 200 affordable housing units. The proposed application is incomplete as it does not define at what income level the affordable housing will be targeted. Real investments in the area have largely been ignored. (25)

Response 1.32: The Proposed Actions consider the inclusion of all four MIH options to provide the greatest flexibility for future development to respond the current and future market conditions of the neighborhood, and maximize the number of affordable housing units that can be created in buildings that may receive little or no subsidy. The Proposed Actions will allow for the creation of many regulated housing units in a community where few exist today, and where current zoning precludes the development of any residential development, including affordable housing. The analysis that informs the FEIS is based on projection, rather than specific projects, and can only base prediction of which MIH option will be applied based on consultation with property owners. Please see Comment 1.33.

Comment 1.33: I represent the owner of the property at 475 Bay Street and support the application. As a result of the proposed zoning changes, 475 Bay Street at the southern end of the rezoning area, which currently accommodates a 53,000-sf underutilized parking lot, could be redeveloped with 200 units of affordable housing and approximately 10,000 sf of retail and approximately 2,000 sf of community facility space. We would seek out HPD funding to provide 100 percent affordable housing at the site and potentially utilize the HPD's Mix and Match program. We would also like to see increased density (up to 4.6 FAR) and reduced accessory parking requirements in the southern portion of the Bay Street Corridor rezoning area to allow the development even more affordable housing and larger retail spaces. (19)

Response 1.33: Comment noted. The Proposed Actions seek to provide appropriate height and density in subareas based on neighborhood context and site conditions. The proposed height and density for this site was determined through public outreach and analysis.

Comment 1.34: The proposed rezoning has the potential to create a vibrant area, but MAS opposes the plan given the critical infrastructure deficiencies, including shortage of public school seats, lack of public open space and lack of traffic improvements, and lack of flood resiliency measures. (3)

There is a lack of infrastructure that could support this proposal, including overcrowded schools, congested roadways, no public hospital, and lack of public access to the waterfront. (16)

Response 1.34: See Response 1.30. The *Bay Street Corridor Rezoning and Related Actions DEIS* included analyses of potential construction and operational effects of the Proposed Actions on land use, community facilities, open space, air quality, water and sewer infrastructure, transportation, etc.; these analyses have been updated as needed in the FEIS.

Comment 1.35: The rezoning plan should provide increased tenant protections and landlord oversight to ensure that local tenants are not pushed out of their existing homes. (20) These protections must include, but not be limited to, guaranteed legal representation for tenants facing harassment and better financing and tax benefits for homeowners who agree to keep existing rental units affordable long-term. (21)

Response 1.35: Refer to Comment 16. The City understands the need to ensure appropriate safeguards for existing tenants and continues to provide assistance to address needs that are beyond the scope of the Proposed Actions. As part of HPD's Draft Bay Street Corridor Housing Plan, HPD has prioritized a number of critical resources to protect existing renters and support homeowners in the face of market changes and other challenges. The City preserves affordable housing by financing improvements to residential buildings in exchange for restrictions on the rents an owner can charge, enforcing the Housing Maintenance Code, and protecting tenants from deregulation and harassment. HPD administers loans and tax incentives to help building owners improve the quality, physical condition, and efficiency of their properties. In exchange for financial assistance, property owners are required to maintain rents at levels that are affordable to existing tenants, as well as limit rent increases. Additionally, HPD promotes homeownership opportunities through its down payment assistance program, offers homeowner repair loans and grants, provides foreclosure prevention and counseling in partnership with the Center for New York City Neighborhoods (CNYCN), and helps with mortgage servicing and refinancing. HPD has developed an outreach strategy specifically targeting property owners throughout CD1, who could benefit from our financing and tax incentives in exchange for maintaining affordable rents. HPD has used different methods to communicate with both landlords and homeowners, including events, mailings, emails, calls, and the surveying of distressed properties, and we continue to explore creative ways to engage owners. HPD is launching the Neighborhood Pillars program to finance the acquisition and rehabilitation of existing rent-regulated

buildings to protect current tenants and stabilize communities. As part of this initiative, the City will double the capacity of the NYC Acquisition Loan Fund to $275 million to enable non-profits and mission based organizations to acquire buildings that are rent-regulated but not otherwise part of an existing affordable housing program. To support tenants who are facing eviction or harassment, the City has expanded funding for civil legal services for low-income New Yorkers at the Human Resources Administration's Office of Civil Justice (OCJ). In August of 2017 New York City enacted Universal Access to Counsel, the nation's first law to provide access to legal services for every tenant facing eviction in Housing Court, to be implemented in phases through 2022. In CD1, HRA enacted the first phase of the City's Universal Access to Counsel program initiative in Fiscal Year 2018 targeting the zip codes 10302, 10303 and 10314, and in Fiscal Year 2019, Universal Access to Counsel will expand to zip code 10310. OCJ's legal services programs for tenants have assisted over 2,900 households in CD1 since January of 2014, providing legal assistance to approximately 9,100 North Shore residents facing eviction, displacement, and harassment by unscrupulous landlords. If the Proposed Actions are approved in the Bay Street corridor, CD1 will be included in the Certification of No Harassment (CONH) Pilot Program, the product of a collaborative, yearlong working group between the Administration and City Council. It requires owners of certain covered buildings to obtain a certificate from HPD proving that they have not harassed tenants before they can apply for building permits to work in or demolish rent stabilized buildings.

CHAPTER 2: LAND USE, ZONING & PUBLIC POLICY

Comment 2.1: The Proposed Actions will result in new development in areas that will experience flooding and are not appropriate for redevelopment given that in the past a ship ran aground on Front Street. (27)

Response 2.1: The Project Area is located within the designated boundary of New York City's Coastal Zone, and therefore, in accordance with *CEQR Technical Manual* guidance, the Proposed Actions have been assessed for consistency with the City's Waterfront Revitalization Program (WRP) policies. As described in Chapter 2, "Land Use, Zoning, and Public Policy," any development within the current one percent Annual Change Floodplain, facilitated by the Proposed Actions, would be designed in accordance with the 2014 New York City Building Code, which includes building code requirements for flood-resistant construction, including freeboard. These buildings would also be required to obtain flood insurance. Future developers proposing construction within the floodplain would also be subject to NYSDEC floodplain construction requirements, which include consideration of the effect of the additional structures in the floodplain on base flood elevations and the extent of flood hazard areas (including hydraulic modelling, where appropriate).

New development located outside the current one percent annual chance floodplain, but within the 2050s one percent annual chance floodplain, would be able to voluntarily flood-proof to the aforementioned standards; the Proposed Actions would not create zoning barriers to flood-resistant construction. If these buildings are

within the floodplain in the future, they would be able to retrofit to such standards and would not be hindered by the Proposed Action.

Comment 2.2: The proposed rezoning will allow for student housing to be constructed for CUNY on the Bay Street corridor, which will bring economic viability and vitality to the area. CUNY is looking to construct student housing that will serve any CUNY institution (e.g., John Jay College student could room with a Hunter College student, etc.) (6)

Response 2.2: Comment noted.

Comment 2.3: The North Shore has seen very little affordable housing development in recent years. Of the nearly 40,000 new affordable apartments constructed across the City since the start of the Mayor's Housing New York Plan, less than one percent has been constructed in Staten Island. This is primarily a result of the area's low density zoning, which makes new affordable housing construction nearly impossible. (34)

Response 2.3: Comment noted.

Comment 2.4: We don't have enough apartments, enough shopping, or enough parks and open space in the North Shore. (31)

Response 2.4: The proposed rezoning and related actions seek to achieve the following objectives:

- Create a vibrant, resilient downtown providing stronger connections to the New York Harbor and surrounding neighborhoods;
- Support the creation of new housing, including affordable housing, for a wide range of North Shore residents;
- Foster new and existing businesses and commercial development by encouraging job creation with a pedestrian-friendly retail/commercial corridor between St. George and Stapleton; and
- Align investments in infrastructure, public open spaces and services in the Bay Street Corridor to support current demands and future growth.

CHAPTER 3: SOCIOECONOMIC CONDITIONS

Comment 3.1: The current rezoning plan will not meet the community's needs for truly affordable housing and will fuel displacement of existing tenants. (4, 16, 21, 22)

Response 3.1: The Proposed Actions are intended to increase opportunities for affordable housing for existing and future residents. In conjunction with the rezoning, the City has increased and focused its efforts at the preservation of existing units and measures to counter tenant harassment. Chapter 3, "Socioeconomic Conditions," of the EIS includes an assessment of potential indirect residential displacement due to increased rents. Consistent with *CEQR Technical Manual* guidelines, the assessment focuses on the potential impacts that may be experienced by renters living in privately held units unprotected by rent control, rent stabilization, or other governmental regulations restricting rents, and whose incomes or poverty status indicate that they may not support substantial rent increases. Residents who are

homeowners, or who are renters living in rent-restricted units would not be vulnerable to large rent increases. As detailed in Chapter 3, "Socioeconomic Conditions," the assessment finds that the Proposed Actions would not result in significant adverse impacts due to indirect residential displacement. (see Comment 16 and Responses 1.1 and 1.3)

Comment 3.2: The DEIS's projection of indirect residential displacement is limited to the study area and does not assume displacement impacts for unprotected renters whom live beyond the study area boundary. (21, 25)

Response 3.2: Chapter 3, "Socioeconomic Conditions," of the EIS includes a detailed analysis of indirect residential displacement, which was prepared in accordance with *CEQR Technical Manual* guidance, criteria, and methodologies. To determine CEQR impacts, the detailed analysis of indirect residential displacement utilizes demographic, economic, and housing data from the 2000 and 2010 Census, as well as the 2012-2016 Five-year American Community Survey (ACS) to characterize existing conditions of residents and housing to identify potential populations at risk, assesses current and future socioeconomic trends in the area that may affect these populations, and examines the potential effects of the Proposed Actions on those trends. The detailed analysis examines an approximate ½-mile study area, as well as Staten Island and City, and provides a comparison of the study area population and housing stock to the greater borough and City as a whole.

Comment 3.3: Many renters are one rent-increase away from homelessness. (22)

Response 3.3: Comment noted. As stated in Chapter 3, "Socioeconomic Conditions," of the EIS, the analysis for socioeconomic conditions follows *CEQR Technical Manual* methodology in assessing the potential for the Proposed Actions to result in significant adverse impacts related to indirect residential displacement.

Comment 3.4: The proposed rezoning would increase the vulnerability of current residents. (20, 22, 25)

Response 3.4: See Responses 1.1, 1.3, and 3.1. The EIS for the Proposed Actions considers existing conditions and future conditions with and without the Proposed Actions. The difference between the future conditions with and without the Proposed Actions forms the basis for environmental analysis in the EIS. As noted in Chapter 3, "Socioeconomic Conditions," rents have been rising in the study area. The Proposed Actions would be expected to introduce more affordable housing than conditions in the future without the Proposed Actions. In this respect, the Proposed Actions could serve to maintain a more diverse demographic within the study area as compared with the future without the Proposed Actions, in which projects will continue the trend towards rising residential rents, as well as incomes in the study area.

Comment 3.5: Tenants are currently struggling with harassment from landlords who do not fix problems in their homes and are struggling with too many rent increases in one year's time. (12)

Response 3.5: Refer to Comment 16, Responses 1.1 and 1.35. One of the major goals of the proposed rezoning is to provide opportunities for the creation of affordable housing. The

proposed zoning changes and mapping of MIH are intended to help stabilize the rental housing market by increasing the supply of housing, including requiring new residential development to provide at a minimum 25 percent of the respective floor area as permanently affordable housing. On City-owned sites, the City is pursuing opportunities to create additional affordable housing and reach deep affordability levels. On privately owned sites, HPD will also continue to offer financing to incentivize the development affordable housing that exceeds minimum MIH requirements. Further, the City would aim to proactively preserve the existing affordable housing stock in the neighborhood through outreach to building owners to promote preservation loan and financing opportunities, providing tenant resources, and taking action against landlords who harass tenants (see Comment 16). The projected increase in supply of housing in the area in combination with the introduction of permanently affordable housing units under the Proposed Actions is expected to help relieve demand pressures and stabilize the rental market.

Comment 3.6: There are not enough affordable apartments for families who earn less than $30,000 per year in the area. The proposed plan forgets about the people who earn less than $40,000 per year. (13)

Response 3.6: Refer to Comment 1.19 and See Response 3.5.

Comment 3.7: The rezoning hasn't yet taken place, but its negative impact is enormous. Displacement is already occurring. Rent is going up and landlords are refusing to renew leases. (7, 20, 32)

Response 3.7: See Response 3.4.

Comment 3.8: The DEIS errs in assuming that the projected affordable housing this rezoning will bring will be enough to offset displacement. The new permanently affordable housing units will not serve these displaced tenants. (40)

Response 3.8: Refer to Responses 1.1, 1.3,

Comment 3.9: DCP assumes that all apartments within buildings with at least one rent-stabilized unit are themselves rent-stabilized, ignoring the fact that there are multiple avenues through which an apartment can leave stabilization, and therefore, the DCP is likely significantly under counting the number of renters who are unprotected. (25)

Response 3.9: In terms of the analytical framework of the EIS, the RWCDS does not assume tenant harassment, as this activity is illegal. The City has measures in place to address illegal tenant harassment from landlords. The EIS attempts to estimate the number of dwelling units that are not rent protected. However, exact data is not available. As noted in Chapter 3, "Socioeconomics" of the DEIS and FEIS, almost 1,800 low income area residents live in unprotected units. Those residents are already subject to rent increases as a result of their status. As documented in the EIS, rents have been rising in the study area and that trend is expected to continue in both the future No-Action and With-Action Conditions. The Proposed Actions would increase the supply of affordable housing on the North Shore, which would not otherwise occur absent the City's rezoning proposal.

Comment 3.10: The City should produce a mitigation plan that both supports relocation services for families displaced by the rezoning and offers fiscal support- in the form of a voucher- to help pay for increased rental costs. (25)

Response 3.10: Mitigation measures are proposed when a project results in significant adverse impacts. As discussed in Chapter 3, "Socioeconomic Conditions," the Proposed Actions would not result in significant adverse impacts related to direct and indirect residential displacement; therefore, mitigation measures are not necessary

Comment 3.11: HPD's Partners in Preservation pilot program needs to be expanded to Staten Island CD1 to ensure that there are on-the-ground, community-based anti-displacement initiatives to combat tenant harassment, and to provide a centralized location for tenants to have access to education about their rights as renters. (1)

Response 3.11: Refer to Response 1.35. HPD's Partners in Preservation program is a pilot program that works with community organizations to create building action plans for rent-stabilized buildings at risk of harassment or destabilization. This program is currently being tested in three neighborhoods with particularly high concentrations of rent-stabilized housing. The program is not designed to serve communities with high concentration of owner-occupied small homes.

Comment 3.12: HPD should aggressively reach out to property owners about entering HPD subsidy programs to prevent displacement in one- to four-family buildings where rent-burdened lower-income families reside. (1)

Response 3.12: Refer to Comment 1.35.

Comment 3.13: For those low-income tenants displaced between the date of adoption of the resolution and the full build-out of Bay Street, HPD should consider establishing a fund to help relocate tenants within the study area of the socio-economic chapter of the DEIS. (1)

Response 3.13: Targeted proactive tenant protection work including but not limited to outreach from the City's Tenant Support Unit was funded and began at the beginning of the Bay Street Neighborhood Study and will continue. Due to the limited number of potentially directly displaced tenants, relocation of tenants is not proposed.

Comment 3.14: It is critical that the FEIS specifies and evaluates MIH options and the potential impacts that differing income levels can have on socioeconomic conditions in the Project Area given that the Proposed Action will introduce more than 7,000 new residents to an area in which the median income ($43,071) is significantly lower than Staten Island ($74,021) and New York City ($55,191). (28)

Response 3.14: As detailed in the Response 1.3, there are a range of potential options in terms of affordability levels under MIH. As described in Chapter 3, "Socioeconomic Conditions," of the EIS, although the number of affordable DUs and the AMI bands for the Proposed Actions' affordable housing units have not yet been determined, based on the average household income of the study area ($57,660), and the existing trends of increasing household incomes and increasing gross rent, the Proposed Actions' overall population would be expected to have a higher average household income than the existing study area population, irrespective of the levels of affordability that

occur as a result of MIH. Therefore, following *CEQR Technical Manual* guidelines and methodology, further assessment is conducted in the EIS to determine whether the potential disparities in income could result in significant adverse impacts due to indirect displacement. Following *CEQR Technical Manual* methodologies, further assessment finds that the Proposed Actions, assuming any of the potential MIH options, would not result in significant adverse impacts due to indirect residential displacement.

Comment 3.15: The direct displacement of the Western Beef Supermarket from Projected Development Site 5 would leave the Bay Street Corridor without a large grocery store and current residents without affordable grocery shopping options. Although the Proposed Actions would create the opportunity for new commercial, there is no guarantee that new grocery stores would serve or continue to service similar demographics. Therefore, the City should explore and identify sites within the Project Area for the development of a new grocery store before closing Western Beef to ensure that the Bay Street Corridor does not become a food desert. The City must also ensure that the corridor is not without a large grocery store during the 12-year project build-out period. (28)

Response 3.15: 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 business displacement analysis considers the 30 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 preliminary direct displacement analysis provided in Chapter 3, "Socioeconomic Conditions," finds that the Proposed Actions would not result in significant adverse impacts due to direct business displacement. One of the potentially directly displaced businesses- Western Beef on Projected Development Site 5- is a large-format neighborhood grocery store. The EIS notes that there would continue to be other grocery stores within a reasonable area from which residents could shop, including Key Foods and other small-scale grocers and markets within Study Area. Demand for these markets to locate in the Study Area would be created with the introduction of new residential and worker populations. The Project Area is in the New York City Food Retail Expansion to Support Health (FRESH) Program, which provides zoning incentives and discretionary tax incentives to promote the establishment and retention of neighborhood grocery stores in communities that lack full-line grocery stores. Therefore, as Chapter 3 concludes, the potential direct displacement of Western Beef grocery store is not expected to result in significant adverse socioeconomic impacts pursuant to *CEQR Technical Manual* guidance.

Comment 3.16: Rents in the area are too high and not affordable. (9, 22, 33, 35)

Given the existing housing stock, one of the most common problems in the area is affordable housing, especially for immigrants as rents are often upwards of $2,000. (26)

Response 3.16: See Comment 1.19. The Proposed Actions would increase the supply of affordable housing in the North Shore, which would not otherwise occur absent the City's rezoning proposal.

Comment 3.17: The gap between high housing costs and low wages has grown fueling an affordability crisis and exposing many of our loved ones to displacement and homelessness. (7, 32)

Response 3.17: 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. The MIH program is a citywide program that establishes basic standards for affordability, based on planning studies and the public review process that enacted the program in 2016. MIH is identified as a strategy to substantially increase the supply of permanently affordable housing in the City for a range of households through zoning. It is also a key initiative of Mayor de Blasio's housing plan, *Housing New York*. The Proposed Actions are intended to provide new affordable housing which would not otherwise be required absent the Proposed Actions. Subject to the requirements of MIH, a share of new residential development would be set aside for permanently affordable housing for households at various income levels.

CHAPTER 4: COMMUNITY FACILITIES

Comment 4.1: The A-Text Application Technical Memorandum fails to disclose the updated school seat multipliers used to estimate the number of students generated by the rezoning. (28)

Response 4.1: Chapter 4, "Community Facilities," of the EIS includes the updated school seat multipliers utilized to estimate the number of students generated by the Proposed Actions. The multipliers for primary and intermediate schools have been refined to reflect how many pupils are generated by new housing at the community school district (CSD) level based on the 2012-2016 American Community Survey (ACS)-Public Use Microdata Sample (PUMS) (multipliers for high schools have been maintained at the borough level).[1] Based on newly released student generation rates for Staten Island (0.28 elementary school students per unit; 0.11 intermediate school students per unit; and 0.12 high school students per unit), the Proposed Actions would generate approximately 1,331 additional students (approximately 716 elementary school students, 282 intermediate school students, and 333 high school students).

Comment 4.2: While the CEQR methodology does not require the City to conduct a detailed analysis for impacts to local NYPD, FDNY, or local health care facilities, a full accounting of local NYPD, FDNY, and health care services is the least that could be done to assure residents that they will have access to the same amount of emergency services before and after this rezoning. The FEIS should include letters from the Commissioners of the FDNY, NYPD, and DOHMH that there will be no significant adverse impacts in local police, fire, and health care services in the North Shore with the approval of this rezoning. (1)

[1] As a result, the thresholds for determining when public schools analyses are necessary have changed. For elementary and intermediate schools in Community School District (CSD) 31 in Staten Island, if a project is anticipated to introduce more than 128 incremental residential units, an analysis is warranted. For high schools in Staten Island, the new threshold is 1,205 incremental residential units.

Response 4.2: In accordance with *CEQR Technical Manual* guidance, assessments of potential indirect impacts to health care facilities, and police and fire protection services are warranted when a proposed project would create a sizeable new neighborhood where none existed before. The Project 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 police, fire, and health care services is not warranted pursuant to *CEQR Technical Manual* guidance. In addition, the Community Facilities chapter of the FEIS has been updated to include correspondence from the NYPD in Appendix K.

Comment 4.3: Investments need to be made to new and existing schools serving the Bay Street Corridor area. (39)

Response 4.3: Chapter 4, "Community Facilities" of the EIS identifies significant adverse impacts related to elementary schools in the study area. Chapter 20, "Mitigation," identifies mitigation measures to address school seat needs. In addition, significant investment has been made in local schools with annexes, expansions to Curtis High School, Susan Wagner High School and PS 13 as well as a new school at 357 Targee Street. The SCA capital budget for 2020-2024 funds 1,776 seats at the elementary and intermediate levels for the Subdistrict that includes the Bay Street Corridor. Over the course of that capital plan, SCA will work to site those seats within the Subdistrict to meet current school need. Additionally, the A-Text Application proposes a 100,000 sf floor area exemption for a school use on parcels A and B1 of the Special Stapleton Waterfront District to accommodate a future school to meet projected needs as a result of the proposed actions, should needs arise.

Comment 4.4: As the Bay Street Rezoning would exceed CEQR thresholds by increasing the New York Public Library (NYPL) Stapleton and St. George Branch catchment area populations by 15.49 and 7.19 percent, respectively, the City should identify funding to add a new library, identify and fund needed capital upgrades to local NYPL branches, and provide public Wi-Fi access via the LINKNYC program, or provide free publicly-accessible computer labs near the Bay Street corridor. (1)

Response 4.4: Chapter 4, "Community Facilities," of the EIS states that although the population introduced by the Proposed Actions would result in an increase of more than 5 percentage points compared to the No-Action Condition, no significant adverse impacts on the NYPL branches in the Library Study Area are anticipated. Many of the residents in the NYPL-Stapleton Branch are within the catchment area of the St. George Library Center, which has greater holdings and a smaller catchment population. Although there are no additional, public libraries within the immediate vicinity of the Project Area, residents in the Library Study Area would also have access to three NYPL libraries located less than three miles of the Project Area and the entire NYPL system through the interlibrary loan system, which delivers books to the nearest library branch. Therefore, there are more library resources available to Library Study Area residents than are reflected in this quantitative analysis. In addition, residents would also have access to libraries near their place of work. Furthermore, it is anticipated that the trend toward increased electronic research, the

SimplyE mobile app,[2] and the interlibrary loan system would make space available for increased patron capacity and programs to serve the future population.

CHAPTER 5: OPEN SPACE

Comment 5.1: The DEIS assumes that 7.5 acres of open space is expected to be introduced to both the 0.25-mile and 0.50-mile study areas under the No-Action Condition as a result of the NY Wheel Project. As this No-Action development is no longer slated to be completed due to funding issues and it is unclear what will be constructed in its place, the open space analysis in the FEIS must be revised to exclude the NY Wheel project in its calculations for the No-Action Condition. (28)

Response 5.1: While the NY Wheel Project will not be constructed as planned, restrictions recorded against this property would ensure that a specified amount of publicly accessible open space will be constructed at this property. Chapter 5, "Open Space" of the EIS has been updated to clarify that the 3.48 acres of the St. George Esplanade that existed before the construction of the NY Wheel project will be built back, connecting to existing esplanade in front of the Staten Island Yankees Ballfield and connecting the new esplanade being constructed as a part of the Empire Outlets project. In total this will equal 4.66 acres of publicly accessible open space. At the time when a project at the NY Wheel Site moves forward the additional open space required in the restrictive declaration will be constructed, bringing online additional acres of publicly accessible open space.

Comment 5.2: Area youth could use an unpaved surface for recreational use/pickup games. (27)

Response 5.2: Comment noted. As described in the EIS, in the future with the Proposed Actions, new open space would be created on the Stapleton Waterfront Phase III Sites, which would introduce a total of approximately 4.6 acres of publicly accessible open space (including 3.6 passive open space acres and one active open space acre) in the With-Action condition. The Stapleton Waterfront Phase I includes 4.61 acres of open space, and consists of both passive and active amenities, including green space, benches, a fish cleaning station, and several resiliency measures to help prevent flooding to the neighborhood.

Comment 5.3: Since 2015, DPR has been working with partner City agencies and the community to better understand this community's open space priorities and opportunities of the area. DPR is working with EDC on the design and build out of approximately 12 acres of waterfront public open space in the New Stapleton Waterfront, 4.5 acres of which has already been constructed. DPR has also been working on improving safety and creating sight lines at Tompkinsville Park, expanding the programmable space at the park and repairing a historic fountain. DPR continues to explore opportunities for replacing the Cromwell Recreational Center. DPR is committed to improving the Bay Street Corridor's public realm to reflect the community's vision for the area as well as improving existing parks. (2)

[2] SimplyE is a new mobile application that gives library cardholders the ability to browse, borrow, and read more than 300,000 free e-books from the NYPL.

Response 5.3: Comment noted.

CHAPTER 6: SHADOWS

Comment 6.1: The DEIS does not show significant adverse shadow impact to Lyons Pool from the incremental shadows of new development in Subdistrict A of the proposed Bay Street Rezoning. Nevertheless, there will be new incremental shadows over Lyons Pool during the peak summer hours for almost three hours in the afternoon. Proposed development adjacent to Lyons Pool could significantly impact the public's enjoyment of this critical amenity. (1, 23)

Response 6.1: Comment noted. While the FEIS identifies an increase in incremental shadow on the Lyons Pool property, it was determined that there would be no significant adverse impact on the property. The detailed shadows analysis provided in Chapter 6, "Shadows" was carried out in accordance with *CEQR Technical Manual* guidance and methodologies, and reviewed by expert City agencies, including DPR. During the outdoor public pool season, the main pool would continue to receive direct sunlight throughout the day, including the midday hours when the sun is strongest. On all days during the pool season, no incremental shadows would enter the main pool until the early evening/late afternoon hours after 4:18 PM when sunlight is weaker. Therefore, it is not expected that pool temperatures would be significantly reduced as a result of the Proposed Actions.

Response 6.1: Comment noted.

Comment 6.2: Given the scarcity of recreational and open spaces in the area as well as the high use of the Lyons Pool Recreation Center during the summer months, the City should examine design changes that eliminate or reduce shadow impacts on Lyons Pool. (28)

Response 6.2: Comment noted. See Response 6.1.

Comment 6.3: The Lyons Pool is heated by the sun. Incremental shadows generated by the high-rise new construction near the Lyons Pool will exacerbate and contribute to cooling effects on the pool, which will affect the users of the pool. If the water temperature is too cool the pool will be unusable. (23)

Response 6.3: See Response 6.1.

Comment 6.4: Did the shadows analysis in the DEIS factor in that Victory Boulevard and Bay Street are 20 feet higher than the pool deck? If not, this would cause shadows to enter the pool site earlier. (23)

Response 6.4: Yes. the detailed shadows analysis included in Chapter 6, "Shadows" of the EIS reflects changes in topography between the pool deck and street level at Victory Boulevard and Bay Street.

Comment 6.5: The shadows analysis assumes only a single tower on the north end of the property at Victory Boulevard and Bay Street. If the entire property at this location is developed to 165 feet height, it will cast an even larger shadow on the pool and shadows would enter the pool site earlier in the day. (23)

Response 6.5: As described in Chapter 1, "Project Description," the RWCDS was created in accordance with the criteria and guidance contained in the *CEQR Technical Manual* and is considered to be a reasonable and conservative projection of the amount of development that could result from the Proposed Actions. The development projections are based on a number of site-specific and contextual factors expected to affect the likelihood and amount of development in the future with the Proposed Actions. Due to FAR and setback regulations, the entire property would not be permitted to develop to the maximum allowable building height. In addition, the Proposed Actions would establish a maximum building height of 145 feet on Projected Development Site 7.

Comment 6.6: The pool now closes when the lifeguards can no longer see the bottom of the pool. Will early evening shadows from projected developments cause the pool to close earlier or force the DPR to install new lighting at the pool? (23)

Response 6.6: Shadows from existing buildings on the pool property currently cast shadow on the pool during the late afternoon. Incremental shadow coverage is not expected to worsen visibility compared to current conditions.

Comment 6.7: The DEIS incorrectly states that Lyons Pool is open from 11am to 7pm with a break for cleaning between 3-4pm. The pool is actually open from 7am to 8:30pm or dusk. The DEIS also incorrectly states that the pool is open from Memorial Day to Labor Day, when it is open from the last few days of June to the weekend after Labor Day. Therefore, the shadows study only covered one day in the summer when the pool is open- August 6. (23)

Response 6.7: The FEIS has been revised to reflect the Early Bird and Night Owl swim programs at this location, which allow for extended operation beyond the typical pool hours posted on the DPR website. In accordance with *CEQR Technical Manual* guidance, shadows on sunlight-sensitive resources of concern were modeled for four representative days of the year. In addition to August 6, these representative days include June 21, the summer solstice, when the potential for incremental shadow duration is greatest.

Comment 6.8: The DEIS concludes that there will be less sunlight in the afternoons on the pool deck and pool. Just because fewer swimmers used the pool in the afternoon in 2017 does not mean we should make the pool less desirable for future bathers. (23)

Response 6.8: Comment noted.

Comment 6.9: Possible solutions to prevent the cooling of the Lyons Pool could include limiting the height of nearby buildings that have the potential to create incremental shadows on the pool, requiring developers to have solar panels that would heat the water in a developer installed system, placing reflectors on top of new construction that could direct late afternoon sun onto the pool, or enclosing the pool with a retractable roof enabling the facility to operate year round. (23)

Response 6.9: Comment noted. See Response 6.1. The cooling of the Lyons Pool is outside the scope of this proposal given that the Proposed Actions are not expected to result in any significant adverse impacts on the Lyons Pool on any of the analysis days.

CHAPTER 7: HISTORICAL AND CULTURAL RESOURCES

No comments.

CHAPTER 8: URBAN DESIGN AND VISUAL RESOURCES

No comments.

CHAPTER 9: NATURAL RESOURCES

No comments.

CHAPTER 10: HAZARDOUS MATERIALS

No comments.

CHAPTER 11: WATER AND SEWER INFRASTRUCTURE

Comment 11.1: The DEIS does not consider localized flooding issues due to faulty sewer infrastructure that serves the wastewater treatment facilities. DEP should release its updated drainage plan for the Bay Street Corridor. The drainage plan should identify all areas of recurring localized flooding in the corridor, the timeline for implementing drainage improvements, and the capital investment needed to handle new development in the Bay Street corridor. (1)

Response 11.1: Refer to Comment 11.2. Chapter 11, "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 to the need for sewer drainage analysis, planning, and permits in the future. The sewer connection permitting process and CEQR process are separate. Beyond the drainage plan that is currently being developed by DEP with other City agencies, a NYCDEP 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 11.2: The proposed rezoning presents an opportunity to invest in the area. DEP is currently working on a drainage plan for the area, and implementing initial investments in the area, including improving the resiliency of Hannah Street Pump Station and installing flow monitoring equipment as well as devising capital plan for the area. The area does not have any immediate needs for water and sewer infrastructure, and DEP will need to evaluate and enhance the system throughout the horizon of the project. The area is primarily served by a combined sewer system that has ample capacity for dry weather flow and can serve any type of land use. DEP is not aware of any deficiencies in the sewer system in the area, and neither the pump station nor the interceptors are expected to be adversely affected by the rezoning plan. (17)

Response 11.2: Comment noted.

CHAPTER 12: SOLID WASTE AND SANITATION SERVICES

No comments.

CHAPTER 13: ENERGY

No comments.

CHAPTER 14: TRANSPORTATION

Comment 14.1: Staten Island Railroad (SIR) Stations at Tompkinsville and Stapleton are in dire need of new lighting, additional wayfinding and safety measures, and bicycle infrastructure near the train stations. Any future upgrades to SIR stations should also ensure that they are all ADA accessible. (1)

Response 14.1: Comment noted. This issue is outside the scope of CEQR analysis.

Comment 14.2: The Metropolitan Transportation Authority (MTA) should identify strategic locations to expand park and ride along the SIR to encourage more ridership and deter commuters from using single-occupancy private vehicles to get to work. (1)

Response 14.2: Comment noted.

Comment 14.3: The MTA will need to commit in writing to fund new buses along the S40, S42, S48, S51/81, S74/84, S76/86 and S78 Routes, expand the transit signal priority (TSP) hardware and software on MTA buses that serve the Bay Street Corridor, to allow buses to move more quickly in congested areas and provide a status update on the Bus Rapid Transit (BRT) along the North Shore. (1)

Response 14.3: Comment noted. Chapter 20, "Mitigation" of the FEIS identifies mitigation measures which would fully mitigate the significant adverse bus transit impacts. The general policy of NYCT is to provide additional bus service where demand warrants, taking into account financial and operational constraints.

Comment 14.4: The City should perform a comprehensive traffic study and develop an appropriate transportation mitigation plan that adequately addresses worsening traffic congestion due to the Proposed Actions. (3, 28)

Response 14.4: The transportation analyses in Chapter 14 of the EIS assess the potential for the RWCDS associated with the Proposed Actions to result in significant adverse impacts to all modes of transportation serving the Project Area, including roadways, sidewalks, transit services and parking. The transportation analyses in the EIS were conducted in accordance with *CEQR Technical Manual* guidance and include the weekday AM and PM peak hours for commuter demand, along with the weekday midday and Saturday afternoon peak hours, which are periods of peak retail and commercial activity. The transit analyses focus on the weekday AM and PM peak hours, which are the periods when overall demand on the subway and bus systems is typically greatest. Chapter 21 of the EIS presents mitigation measures to address many of the potential impacts expected to result from the Proposed Actions, including

a Traffic Monitoring Program to confirm mitigation measures are effective and appropriate as development associated with the Proposed Actions proceeds.

CHAPTER 15: AIR QUALITY

No comments.

CHAPTER 16: GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

Comment 16.1: The City should require a commitment from future developers in the Stapleton Waterfront (Phases II and III) to design the developments on the site to accommodate potential flooding up to a new Design Flood Elevation based on Sea Level Rise projections. (1)

The City should consider using a Land Disposition Agreement (LDA) for the City-owned Stapleton Waterfront Phase III Sites to require a commitment to design new construction to accommodate potential flooding up to the future Base Flood Elevations as per New York City's Panel on Climate Change (NPCC) Sea Level Rise projections. (28)

Response 16.1: As described in "Chapter 16, Greenhouse Gas Emissions and Climate Change," the Stapleton Waterfront Phase III Sites are currently located within the Special Flood Hazard Area with Base Flood Elevations ranging from 13 feet to 12 feet NAVD88. Any sites located within a current or future designated Special Flood Hazard Area would be designed in accordance with the New York City Building Code requirements for flood-resistant construction. All residential units would be constructed above the designated Design Flood Elevation, and all critical infrastructure such as generators, pumps, fuel storage, electrical and communications connections would be constructed above the appropriate Design Flood Elevations, or otherwise sealed or protected to be substantially impermeable to flooding. In addition, any commercial space at elevations below current flood elevations would be dry-flood proofed to accommodate flooding up to the designated Design Flood Elevation.

Comment 16.2: The FEIS should identify green and gray infrastructure improvements along the waterfront and inland to mitigate the impacts of future flooding events to new and existing commercial and residential development in and around the project area. (1)

Response 16.2: See Response 11.1. Since 2012, NYCDEP requires substantial stormwater detention for new developments or building alterations. Pursuant to Chapter 31 of Title 15 of the Rules of the City of New York (RCNY) for a new development, the stormwater release rate is the greater of 0.25 cubic feet per second (cfs) or 10 percent of the allowable flow. For alterations, the stormwater release rate for the altered areas will be directly proportional to the ratio of the altered area to the total site area, and no new points of discharge are permitted. Therefore, any new developments or alterations in the With-Action Condition requiring a connection to the sewer system would be required to achieve a new flow rate. Given these requirements, it is expected that there would be a substantial increase in on-site detention and retention because of the Proposed Actions. Much of the Project Area was developed before such detention and retention requirements were in place and therefore existing development sites are unlikely to currently provide significant detention.

As described in Chapter 11, "Water and Sewer Infrastructure," Stormwater Best Management Practices (BMPs) would be implemented to create opportunities for Projected Development Sites to incorporate on-site stormwater source controls during site planning and building design phases of development to meet the City' site connection requirements. The stormwater BMPs, in addition to the increased open space/softscape areas, would result in reduced stormwater runoff.

Comment 16.3: The DEIS conclusion that addressing resilience for privately-owned development sites is not practicable through the rezoning is unacceptable given the impacts of Superstorm Sandy on Staten Island and growing concerns about future storm resiliency. The City needs to develop an appropriate regulatory framework for new housing design and construction in flood-prone Rezoning Areas to address the increasing risks from storm surges and coastal flooding and identify resiliency measures as part of the rezoning proposal. (28)

Response 16.3: Refer to Response 16.1. All new private developments would be required to be designed in accordance with the New York City Building Code, which includes building code requirements for flood-resistant construction, including freeboard, for all sites located within the current one percent annual change floodplain.

CHAPTER 17: NOISE

No comments.

CHAPTER 18: PUBLIC HEALTH

No comments.

CHAPTER 19: NEIGHBORHOOD CHARACTER

No comments.

CHAPTER 20: CONSTRUCTION

No comments.

CHAPTER 21: MITIGATION

Comment 21.1: Considering the size of existing and projected deficits in public elementary school seat, the City should commit to building additional schools in the Rezoning Area, especially elementary schools, to address current and future overcapacity issues and the FEIS should do more than "explore and discuss" potential mitigation measures. (28)

Response 21.1: As noted in Chapter 21, "Mitigation" of the FEIS, mitigation measures have been identified to mitigate the significant adverse impacts related to public elementary schools. These measures include constructing or leasing a new elementary or K-8 school located at the Stapleton Waterfront Phase III Site (Northern Site) as part of a future five-year capital plan, as the development associated with the Proposed

Actions proceeds, should needs arise. In addition, currently funded elementary schools are in the process of being sited by the SCA to address current capacity issues.

Comment 21.2: To mitigate the Proposed Actions impacts on public elementary schools, a plan needs to be developed and presented to the public that would outline what kind of strategies the New York City School Construction Authority (SCA) and DCP are taking to reduce overcrowding in our schools to under 100 percent capacity by 2030. These strategies should include: new funding for school seats, building new schools in Stapleton Waterfront, acquiring the former Staten Island Hospital site for a new school, identifying mixed-use development projects near Bay Street that could incorporate a new SCA school, and other strategies that can be conducted to encourage families to use existing underutilized DOE facilities. (1)

Response 21.2: Comment noted. See Response 4.3.

Comment 21.3: CEQR methodology does not accurately capture the impacts to high schools in scenarios where there is existing overcrowding. The City Council has previously made our opinion clear that the thresholds in overcrowded districts should be different than those with no existing overcrowding in the local subdistrict. A three percent increase will make a significant overcrowding problem in our high schools even more significant. The FEIS should have a detailed plan to alleviate overcrowding in public high schools in Subdistrict 4 of CSD 31 by 2030. (1)

Response 21.3: As described in Chapter 4, "Community Facilities" of the FEIS, the public high schools analysis was conducted using *CEQR Technical Manual* guidance. The thresholds for identifying an impact are: (i) utilization exceeding 100%; and (ii) an increase of 5% or more from the No-Action condition. As these two conditions were not met, the FEIS does not identify a significant adverse impact related to public high schools.

Comment 21.4: As the DEIS identifies a significant adverse impact to daycare facilities, the City should allocate funding for the additional 72 publicly-funded childcare slots. NYC HPD should include language in their RFP for the disposition of the publicly-owned property on Jersey Street (part of the ULURP actions in this application) that indicates a preference for respondents who include daycare space in their development proposals. The New York City Administration for Children's Services (ACS) should work with local private land owners to lease or purchase property to run daycare facilities near the Bay Street corridor. (1)

Response 21.4: As noted in Chapter 21, "Mitigation" of the FEIS, mitigation measures have been identified to mitigate the significant adverse impact related to publicly-funded child care slots.

Comment 21.5: Given that the Project Area is underserved by open space; the City Disposition Sites should be examined as possible opportunities for new open space to create additional open space within the rezoning area. (28)

Response 21.5: As noted in Chapter 21, "Mitigation" of the FEIS, mitigation measures have been identified to partially mitigate the significant adverse impacts related to open space.

Comment 21.6: The City should consider covering the Lyons Pool to allow year-round enjoyment of the pool to mitigate impacts from incremental shadows. Alternatively, the City should analyze what kind of changes to the zoning text are necessary to eliminate new shadows from proposed development on Lyons Pool. (1)

Response 21.6: See Responses 6.1, 6.6, 6.7. As described in Chapter 6, "Shadows" of the FEIS, the shadows analysis was conducted pursuant to *CEQR Technical Manual* guidance, and concluded that there are no significant adverse shadow impacts for Lyons Pool on any of the analysis days.

Comment 21.7: The City should make commitments to improve the quality of existing open space in the study area, including funding for comfort stations, upgrades to playground equipment, and the addition of other amenities in Tompkinsville Park, Tappen Park and Luis Lopez Park. (1)

Response 21.7: Comment noted. In addition to new public open space along the Stapleton Waterfront, DPR continues to look for opportunities to improve existing parks and open space. Currently, work is underway at Tompkinsville Park to improve safety and increase the amount of programmable space. The City continues to explore potential for activating Village Hall in Tappen Park with concessions, restrooms and other uses. Improvements to both these parks and others in the study area are contingent upon the availability of funds. Although outside of the study area, DPR will be reconstructing Lopez Playground with funding provided by Council Member Rose.

Comment 21.8: The City should fund the necessary improvements at Pier 1 to open the pier to the public. (1)

Response 21.8: Comment noted. City agencies continue to assess the funding needs for Pier 1 and what measures can be taken to ensure that the uses associated with it continue to be provided to the community.

Comment 21.9: The City should outline the timeline and funding gaps for completion of the Tompkinsville Esplanade to connect the entire waterfront along from Stapleton to the Staten Island Ferry Terminal. The City should commit additional funding to help complete this critical waterfront connection to not only reduce the significant adverse impacts to local open space due to the rezoning, but to encourage alternative methods of transportation via bike and walking. (1)

Response 21.9: Comment noted.

Comment 21.10: The DEIS lacks detailed analysis to help mitigate the identified traffic impacts on local streets. More thoughtful solutions than normal signal timing and restriping will be required to mitigate traffic. (1)

Response 21.10: The implementation of traffic engineering improvements, including the modification of traffic single phasing and/or timing, elimination of on-street parking to add a limited travel lane, and modification to lane striping are standard measures that are routinely identified by the city and considered feasible for implementation. Implementation of recommended traffic engineering improvements is subject to the review and approval by DOT.

Comment 21.11: The final Traffic Monitoring Program should outline how the capital improvements, suggested by NYC EDC and NYC DOT in the Staten Island North Shore Transportation Improvement Strategy (TIS) can help alleviate traffic congestion at: Richmond Terrace and Ferry Terminal; Bay Street and Victory Boulevard; and Richmond Terrace and Wall Street. (1)

Response 21.11: The Mitigation chapter of the FEIS provides additional information regarding the Traffic Monitoring Program (TMP) to be implemented upon approval of the Proposed Actions.

Comment 21.12: DOT's Transportation Improvement Strategy should also study the creation of a new bus lane along Bay Street between Victory Boulevard and the ferry terminal and along Richmond Terrace between St. George Ferry Terminal and St. Peters Place. (1)

Response 21.12: Comment noted. This issue is outside the scope of CEQR analysis.

Comment 21.13: Further to alleviate congestion, the 120th NYPD Precinct should be relocated to the large city-owned parcel (Block 556, Lot 80) on Hill Street between Warren Street and Tompkins Avenue. Interim action to alleviate traffic congestion could include providing free parking for NYPD in the Wheel or Outlet mall parking lots. (1)

Response 21.13: Comment noted. This issue is outside the scope of the CEQR analysis though conversations continue with NYPD to address their parking needs and ensure the flow of traffic along Richmond Terrace.

Comment 21.14: Traffic Enforcement Agents (TEAs) need to be deployed during rush hour at all intersections that have unmitigated traffic impacts as a result of this rezoning. (1)

Response 21.14: Comment noted.

Comment 21.15: DOT should coordinate with DOB to identify opportunities for sidewalk widening when new development occurs in the Bay Street corridor. (1)

Response 21.15: As noted in the Chapter 21, "Mitigation" of the FEIS, sidewalk widenings would fully mitigate the significant adverse impacts related to pedestrian sidewalk elements. However, due to the constrained right-of-way, this mitigation was found to be infeasible. Where street widenings have been established, future construction would be required to build the street and sidewalks to their mapped widths, through the Builder's Pavement Plan associated with development.

Comment 21.16: The DEIS lacks concrete mitigation measures for addressing the considerable adverse impacts on North Shore residents, including school overcrowding, a shortage of open spaces, and traffic congestion. The FEIS should contain a schedule of mitigation measures and describe the agencies responsible for monitoring and implementation. Additionally, no certificates of occupancy should be issued for new development under the rezoning unless mitigation commitments and conditions are met. (28)

Response 21.16: Chapter 21, "Mitigation" of the FEIS identifies mitigation measures for significant adverse impacts identified, related to the Proposed Actions. The measures are described below, in addition to the agencies and parties consulted who, in

conjunction with DCP, are responsible for monitoring and implementing these measures. If feasible mitigation was not identified, the impact is identified as unavoidable.

As noted in Chapter 21, "Mitigation" of the FEIS, mitigation measures have been identified to mitigate the significant adverse impacts related to public elementary schools. These mitigation measures include constructing or leasing a new elementary or pre-kindergarten through 8th grade school located at the Stapleton Waterfront Phase III Site (Northern Site) as part of a future five-year capital plan, as the development associated with the Proposed Actions proceeds, should needs arise. Regarding open space, in addition to new public open space along the Stapleton Waterfront, DPR continues to identify opportunities to improve existing parks and open space. Currently, work is underway at Tompkinsville Park to improve safety and increase the amount of programmable space. The City continues to explore potential for activating Village Hall in Tappen Park with concessions, restrooms and other uses. Improvements to both these parks and others in the study area are contingent upon the availability of funds. Although outside of the study area, DPR will be reconstructing Lopez Playground with funding provided by Council Member Rose. For traffic, as described in the FEIS, a Traffic Monitoring Program (TMP) would be implemented upon approval of the Proposed Actions, to confirm the feasibility and effectiveness of the proposed mitigation measures. The implementation of traffic engineering improvements, including the modification of traffic single phasing and/or timing, elimination of on-street parking to add a limited travel lane, and modification to lane striping are standard measures that are routinely identified by the city and considered feasible for implementation. Implementation of recommended traffic engineering improvements is subject to the review and approval by DOT.

Comment 21.17: Infrastructure guarantees and commitments to Staten Island must be in place before the rezoning is approved. Transportation (to include adequate paths for biking and pedestrians and improved wayfinding), schools, libraries, public recreation, environmental protection, uniformed services, and other relevant City services must be committed with a guaranteed City commitment of adequate resources to adhere to the needs and results of the Bay Street Corridor Rezoning and the change in demographics it will cause. (38, 39)

Response 21.17: Refer to Response 21.17. Conversations amongst City agencies continues to identify necessary capital investments to support both current and future need.

CHAPTER 22: ALTERNATIVES

Comment 22.1: As the three City Disposition Sites offer more than 150,000 sf of developable area outside of the 2050 100-year flood plain, the FEIS should include an evaluation of an alternative in which the three disposition sites are explored as locations for affordable housing, schools, and new open space. (28)

Response 22.1: As described in Chapter 22, "Alternatives", the FEIS includes a new alternative, the "A-Text Alternative" which considers modification to the Proposed Actions. This Alternative includes a waiver for up to 100,000 sf of community facility space for school use on Stapleton Waterfront Phase III Sites; and modified UDAAP application

to increase the amount of housing to be provided on City Disposition Site 2, including affordable residences for seniors. As noted in Chapter 1, "Project Description" of the FEIS, the goals and objectives of the Bay Street Corridor Neighborhood Plan include providing housing, including affordable housing, for the broad spectrum of North Shore needs. City-owned sites, including the Stapleton Waterfront Phase III Sites provide opportunity to produce residential development along with open space, commercial uses, and community facilities.

CHAPTER 23: UNAVOIDABLE SIGNIFICANT ADVERSE IMPACTS

No comments.

CHAPTER 24: GROWTH-INDUCING ASPECTS OF THE PROPOSED ACTIONS

No comments.

CHAPTER 25: IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

No comments.

D. MISCELLANEOUS/OTHER COMMENTS

Comment 1: *Through the Neighborhood 360º Program, SBS is investing in the community and working with local partners to identify, develop, and launch commercial revitalization projects. SBS first partnered with the Staten Island Chamber of Commerce to conduct a Commercial District Needs Assessment (CDNA) of the Bay Street Corridor to analyze the local commercial district and identify opportunities for investment along the corridor. In 2017, SBS awarded $1.54 million in competitive Neighborhood 360º Grant funding to the Staten Island Chamber of Commerce, Staten Island Arts, and the 100 Gates Project to address the CDNA's findings over a 3.5-year span. Since the grant's inception, SBS has supported programming that includes holiday lights, beautification projects, district marketing, storefront improvements, and supplemental sidewalk cleaning services that benefit small businesses from St. George to Stapleton. This funding has also supported community events such as the Court Yard Fridays summer concert series, the Sonic Gates audio sculpture installations, and the Cinema Connex film series, and a 30th anniversary screening of Working Girl at the historic St. George Theater. Neighborhood 360º investment aims to strengthen Bay Street's existing small businesses and ensure that the corridor is vibrant and welcoming for residents. (8)*

Response 1: Comment noted.

Comment 2: *SBS operates one of seven NYC Business Solution Centers just outside of the Bay Street corridor at 120 Stuyvesant Place. At this center, Staten Island small businesses can access free business services, such as: education courses, financing assistance, help navigating government, Minority and Women-owned Business Enterprise (M/WBE) certification, and legal assistance. These free services also include SBS's Commercial Lease Assistance Program, which provides one to one assistance and allows small business owners to obtain best management practice advise and free legal assistance regarding new leases, lease renewals, back rent negotiations, and landlord harassment, as well as other issues such as lack of repairs and breach of contract issues. (8)*

Response 2: Comment noted.

Comment 3: SBS also operates one of 18 Workforce1 Career Centers on the North Shore at 120 Stuyvesant Place, which connects jobseekers to employment and training opportunities and offers businesses cost-saving recruitment services. (8)

Response 3: Comment noted.

Comment 4: SBS recently launched a Mobile Outreach Unit vehicle, which in addition to Chamber On-the-Go and Compliance Advisor teams, provide SBS services directly to business owners and jobseekers in their own neighborhoods. (8)

Response 4: Comment noted.

Comment 5: The State Legislature must move to pass Universal Rent Control, so that every tenant in New York, no matter where they live, receives the same basic tenant protections. Until this happens, the City of New York should reconsider the timeline for this local rezoning (21, 25)

Response 5: Comment noted.

Comment 6: Staten Island needs a plan that will greatly improve public transportation, which is a disaster, decrease class size in public schools, and preserve out public spaces for the enjoyment of all North Shore residents. (29)

Response 6: Comment noted. The Bay Street Corridor Neighborhood seeks to connect the existing mixed-use town centers of St. George, Tompkinsville, and Stapleton by creating a walkable neighborhood with opportunities for housing, businesses and jobs with access to existing public transportation. The plan takes a comprehensive look at current and future community needs to identify a wide range of strategies for the corridor's growth and vitality. For example, the proposed zoning changed would create a new mixed-use district on the North Shore of Staten Island to support the borough's downtown neighborhoods, provide a wider range of retail and services, and expand affordable housing options for a range of income groups, including seniors and young adults. The four guiding principles of the Bay Street Corridor Neighborhood Plan include: (1) creating a vibrant, resilient downtown environment providing stronger connections to New York Harbor and surrounding neighborhoods; (2) supporting the creation of new housing, including affordable housing for the broad spectrum of North Shore needs; (3) supporting new and existing businesses and new commercial development by encouraging new jobs through the creation of a thriving, pedestrian-friendly retail/business corridor between St. George and Stapleton; and (4) align investment in infrastructure, public open spaces, and services in the Bay Street Corridor to support current demands and future growth.

Comment 7: A comprehensive plan should ensure that no one on the North Shore should be made homeless. (29)

Response 7: Comment noted.

Comment 8: *We are pleased that the City has made a commitment to ensure that the prevailing wage is part of projects where it is subsidizing residential development, including the proposed Stapleton Phase III site(s). However, we are calling on private land owners to make early and credible commitments to providing good, industry standard prevailing wages for building service workers to allow people to live and work in the neighborhood. (5)*

Response 8: Comment noted. Local hiring provisions are beyond the scope of the Proposed Actions. SBS has opened a Workforce1 Satellite Center in the North Shore at 120 Stuyvesant Place that is expected to enhance residents' access to job opportunities (see Comment 3). SBS offers industry specific training programs in high-demand industries, including healthcare, technology, and industrial and manufacturing.

Comment 9: *The Cromwell Recreation Center must be built as a state-of-the-art facility regardless of the approval of the rezoning. (38, 39)*

The replacement of Cromwell Center at Lyons Pool should be funded in the 2020 Capital Budget. (1)

Response 9: Refer to Comment 15.

Comment 10: *Build an aquatic center in the footprint of the Former Observation Wheel. (38, 39)*

Response 10: Comment noted. The building of an aquatic center at the Former Observation Wheel site is beyond the scope of the EIS and not part of the Proposed Actions.

Comment 11: *The CPC should create a new use group for small breweries, which will be allowed in all commercial zoning districts and could be based on the proposed Zoning Section 135-14. (18)*

Response 11: Comment noted. Creating a new zoning use group for small breweries, would be Citywide zoning text change and is beyond the scope of the EIS.

Comment 12: *Bus and ferry timing needs to be coordinated to ensure ferry riders have adequate buses prepared to pick them up. (1)*

Response 12: Comment noted.

Comment 13: *A freight management plan for the North Shore - similar to the Off-Hour Truck Delivery Pilot Program should be created in the North Shore of Staten Island. (1)*

Response 13: Comment noted. The Proposed Actions involve discretionary land use approvals under the purview of the CPC. A freight management plan for the North Shore is beyond the scope of the EIS and is not part of the Proposed Actions.

Comment 14: *EDC should study expanding the East River ferry service to include a new ferry route between Stapleton and Brooklyn, along with committing to funding the opening of Pier 1 and identifying the funding gaps for the Tompkinsville Esplanade. (1)*

Response 14: Comment noted. The study of additional ferry service is beyond the scope of the EIS and is not part of the Proposed Actions. At this time, there is no further information

on additional service from Stapleton though the City continues to explore opportunities to expand its Fast Ferry service, with St George-Midtown service set to launch in 2020.

Comment 15: Discussions regarding the status/replacement of the Cromwell Recreational Center at the City level are ongoing. DPR conducted a feasibility study that explored potential geographic options for replacement space for the loss of the Cromwell Recreation Center, and the report identified Lyons Pool as the preferred site. (2)

Response 15: Comment noted.

Comment 16: The following provides HPD's tools and policies to keep North Shore tenants safely in their homes and the ways in which HPD is supporting low- and moderate- income homeowners:

Preservation:

- *To help low-income homeowners make critical repairs and stay in their homes, HPD announced the creation of Homefix, which pairs financial counselling with financial assistance and helps homeowners in small properties fund home repairs.*
- *HPD also offers other financial and tax incentives to renovate and repair existing buildings in exchange for preserving affordability for existing tenants.*
- *HPD is conducting a more proactive and strategic outreach (including mailers, robo-calls and participating/hosting local events) to property owners to let them know about HPD's financing programs to make building improvement and extend affordability.*
- *HPD's Neighborhood Pillars Initiative dedicates funding for non-profits and mission-based organizations to acquire and rehab unsubsidized rent-stabilized buildings so that they can maintain affordability.*
- *HPD is issuing a Certification of No Harassment Pilot Program in the North Shore to protect certain tenants from being harassed from their homes.*
- *HPD is working to combat the impact of zombie homes by holding noncompliant banks and mortgage servicers accountable for failing to maintain vacant properties on the brink of foreclosure.*
-

New Development

- *HPD is looking to create new affordable homeownership opportunities in Staten Island and in larger City. HPD launched the new Open Door Program last year, which finances the new construction of affordable homes in multifamily buildings for first time buyers earning a range of incomes. (34)*

Response 16: Comment noted.