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COMMITTEES
PUBLIC HOUSING
EDUCATION
SMALL BUSINESS
CIVIL RIGHTS
WOMEN'S ISSUES
AGING

Comments of Council Member Margaret S. Chin
Regarding
The Draft Scope of Work for a
Generic Environmental Impact Statement for the
Seward Park Extension Urban Renewal Area

October 11th, 2011

I would like to thank the Office of the Deputy Mayor for Economic Development, the Economic Development Corporation and the Department of Housing, Preservation and Development for holding this hearing and giving the public an opportunity to comment on the Draft Generic Environmental Impact Statement. It is incredibly important to the future of the Lower East Side that we can now begin to develop these parcels and create new opportunities for affordable housing and new small businesses for this community.

I also want to thank the planning facilitators of Pratt University. Mr. John Shapiro and his colleagues did a great job assisting the community with identifying and organizing their priorities. This is vital to a community planning effort. I also want to thank the firm of Beyer, Blinder, and Belle for their contribution. By guiding the conversation about the urban design impacts, the community was able to express their needs for developing these parcels and helping people to understand how design can impact a community.

Finally, and most importantly, I want to thank Community Board 3, residents, Tenant Associations, local businesses, non-profit organizations, and neighbors from surrounding communities. Over the last few years you have attended meeting after meeting. You have worked late into the evening. You have developed a plan and strategy for the coming future of your community. You have crafted a statement of principles that will define a significant part of the Lower East Side for years to come. I am extremely proud of the progress you have made here and I will do everything I can to make sure that this happens.

I will now take some time to highlight some of the important impacts that the development of these site will have. For each section a list of accompanying questions to be investigated is included.

LAND USE, ZONING, AND PUBLIC POLICY

The predominant land use in this area has historically been residential above the first floor of buildings and commercial stores at grade. The commercial uses, particularly along Delancey Street, consist of a less dense commercial character. Uses that dominate are retail, particularly Use Group 6 (retail and service establishments that serve local shopping needs, such as food and small clothing stores). The move toward a larger presence of eating and drinking has changed, considerably, the retail character of the area from wholesale commercial to retail. The build out of the Seward Park Mixed-Use Development Project will create increased commercial retail opportunities as well as higher density commercial office space opportunities. With the new development, the environmental impacts of this new development must be better understood. Specifically:

What will the impact of commercial office space be in an area that has traditionally been oriented towards commercial retail?

What will the impact of commercial projects, such as movie theatres, have on a community that currently lacks those services?

What will the impact be on the current stock of local businesses? Will the increased stock of ground floor commercial retail space along wide streets create negative impacts on retail rents per square foot?

What will the impact on stores that cater to low income residents?

What will the impacts of the C2-5 commercial overlay have on the surrounding businesses?

What new uses will be included in the overlay area? Will the new uses permitted in the overlay impact the surrounding community? How so? Will those new uses be in conflict with other uses in the area? How dense will those new uses be in comparison to what is currently available in the market?

SOCIOECONOMIC CONDITIONS

The impact on the socioeconomic conditions in my district is something of great concern to my constituents and me. There is a legitimate fear that the market rate units that will be constructed will hasten gentrification in the neighborhood which will further negatively impact socioeconomic conditions in the community. The development of market rate rental residential units has already negatively impacted the community thus far. The creation of new market rate units could cause further problems and that potential impact must be investigated. This project

will certainly directly displace residents on one of the sites. There will also be direct business displacement because of the project as well. Further, a community healthcare facility could be lost because of the mixed-use development.

In addition, the creation of new commercial retail space in the Lower East Side could cause demand increases and thus lead to speculation by real estate interests. In order to combat this potential problem the Final EIS should consider and study methods to retain businesses that offer affordable goods and services. One of the most important characteristics of a community is the diversity of businesses within that community. The EIS should study methods that can be employed in the new development where the celebration of diverse businesses in the Lower East Side is fostered.

Socioeconomic conditions are perhaps the most delicate components that could be adversely impacted by this development. Already the influx of people paying increasing market rate rents has had a negative impact on several issues.

Here are just some of the questions that I believe the Final EIS should investigate:

What will the impact be on the low-, moderate-, and middle-income groups in our community given the increase in the number of market-rate units built on the site?

What will be the impact on the delivery of social services in the community to vulnerable populations?

Will new market-rate units influence building owners in adjacent properties to raise their rents and thus cause indirect displacement of residents in rent-controlled or stabilized apartments?

COMMUNITY FACILITIES AND SERVICES

The Lower East Side is known as a working class and historically an immigrant. The provision of social services has always been an important task for organizations, elected officials, and non-profits. With 50% or more of the units to be built, what will the new demand on these services be? Housing, immigration, employment, training, and other services are stretched thin as it is. Will a new population of ranging between two and three thousand new people put too great a strain on the organizations and services currently available? It is imperative that the EIS study different ranges of new residents of very low-income, moderate-income and middle-income demand on facilities in similar communities and assess what impact development projects of this size and density will have on those populations within and around the Seward Park Extension Urban Renewal Area.

Some of the impacts that must be investigated are:

What will the impact to School Districts 1 and 2 be?

What will the impact of new school age children be on local zoned schools, charter schools and other educational institutions?

Is there or will there be enough school space to accommodate the number of children that will reside in the new units?

What services will be necessary to maintain and protect with a new incoming population?

What will the City need to provide in added capital dollars to address those new needs and create new school seats if needed?

With the inclusion of units specifically meant to house seniors, what will be the level of service demand created?

SHADOWS

With the construction of multiple buildings over 50 feet in height there will certainly be an impact on people's access to light and air. While the the CEQR and SEQRA guidelines suggest shadow studies only if they impact light sensitive resources including open space and historic light-sensitive resources, it would also be important to study the impact on surround residential units to the south of the project site that for decades have enjoyed unobstructed views. What will be the impact on those individuals? What will be the impact of landscaping and other open space resources, both public and private, in the community?

URBAN DESIGN/VISUAL RESOURCES

Currently the project site is vacant and thus allows a significant amount of light and air to permeate the developments around Broome, Norfolk, and Suffolk Streets. The EIS projects an added 1.5M square feet to be built on SPERUA sites. This increased bulk will have significant impacts on the neighborhood and can have significant impacts of the built environment. As noted elsewhere in this testimony, such a change will could hasten the trend of gentrification. This project must serve as a catalyst to improve the urban design fabric as well as achieve its goals. However, this cannot be at the expense of the innate character of the Lower East Side. Urban renewal projects create the larger towers immediately to the south and east of the site. However, the Lower East Side has historically been a low-rise neighborhood characterized by five to six story walk up buildings. The current as-of-right development that will eventually take place will be significantly larger than the developments around it and the rest of the neighborhood to the north and west, which are predominantly tenements.

Several concerns beyond what is required to be investigated:

How will development of the sites impact a low- to moderate-income community?

Could this hasten gentrification through the creation of non-contextual building projects?

What impacts will the addition of bulk on Essex Street and Delancey Street have on the surrounding community?

Is a 400ft. study area sufficient enough area to give a substantial portrait of the built character of the neighborhood?

Would the imposition of an overall design narrative for the separate sites enhance or promote the current design character of the Lower East Side?

Without a design program/narrative, would any future project necessarily take into account the overall character of the area?

New projects will change the character of Broome Street, Norfolk, Suffolk, and Clinton Streets. How will this change current residents relationship with these streets?

Would a change in the built environment be inviting to small businesses?

WATER AND SEWER INFRASTRUCTURE

While a preliminary water supply and demand analysis may not be warranted, as stated in the Draft EIS document, it is noted that a wastewater and stormwater infrastructure analysis will be needed. What needs to be included is what systems can be incorporated into new developments. Also, what systems can be put in place to increase all the developments overall sustainability? One of the most important opportunities of this new development will be the creation of sustainable buildings. This could have a significant impact on the kind of open space that will be created and any opportunities for future open space creation should not every site be developed or if future developers choose to add publically accessible open spaces to their projects.

TRANSPORTATION

Any new development at this site will have significant impacts on transportation to and from the area. Currently the site is served by three train lines (the J, Z, and F lines) as well as several bus lines (the M9, M14A, the M21and M15 on nearby Allen Street). It will be necessary to understand what the impacts to this multi-modal area will be. As more New Yorkers begin to use trains, buses and bicycles as their primary mode of transportation understanding these impacts will become more important. In addition, what will the increased trip generations to do vehicle travel over the Williamsburg Bridge? How will this affect the growing number of cyclists that traverse the bridge and that come to the area?

The build out of these sites will also bring more pedestrians to the area and at least between two and three thousand more residents. Delancey Street is a very wide street and is dangerous enough as it is. Increasing the number of people crossing this street will only make it more so. What improvements can be made that will enhance their safety when crossing to the access the site? What new features will be necessary to separate pedestrians and motor vehicles?

In the Traffic, Transit, and Pedestrian Study Areas section of the EIS, figure 4 notes the intersections that will be studied. I would ask that the intersections of Orchard and Broome Streets as well as Orchard and Grand be included. These streets serve large numbers of vehicular traffic trying to access the Williamsburg Bridge and thus must be included in the study areas.

Can the side streets handle the increased vehicle load?

What will the impact to pedestrian crossings be at these intersections?

What will the impact to deliveries for local businesses be during construction and after?

With regard to the loss of parking at the sites, how will shoppers from outside of New York be brought to the site?

NEIGHBORHOOD CHARACTER

The Lower East Side is a neighborhood of immigrants and working class people. This neighborhood has persisted in maintaining places of business that cater to these populations. Small affordable shops were one of the most significant characteristics of the Lower East Side, and this area in particular. Butcher shops, garment and textile shops, grocery stores, bagel stores, and many more characterized the commercial experience of the Lower East Side. Residential life was characterized by the tenement. Low-rise, walk up buildings where residents yelled down to the street to talk to their neighbors; where kids played stickball in the street, the kind of place Jane Jacobs popularized in her famous book, *Death and Life of Great American Cities*. This neighborhood's character was defined by the close connections people had to their neighbors, to the street, and to the life of the neighborhood.

That kind of place still exists to some extent, maybe with more bars and restaurants. However, the neighborhood, while perhaps a little taller still maintains that kind of feeling south of Delancey Street. What is important moving forward with this EIS is that we ensure a neighborhood that promotes walking and fosters connections to the rest of LES. The importance of ground floor retail offers diversity of businesses and lighting and security that promotes walking and supports a residential neighborhood.

How will the build out of these lots impact that character?

How can these connections be maintained and strengthened?

Will the addition of two thousand or more residents erode that character?

What can be done to ensure that the pedestrian experience is one where travel is safe and attractive, and where an active street life is maintained?

CONSTRUCTION IMPACTS

The construction of these sites will have tremendous impacts on the surrounding area. The number of trips generated by construction vehicles will change the vehicular level of access to the neighborhood for all non-construction vehicles. Implementing innovate construction techniques will be necessary as well as thinking creatively on how to use the space surrounding each project. Phased construction is one way that construction impacts can be mitigated. Using an un-built site as the staging area for an adjacent project could be one such method and should be investigated. Considering the bulk achievable at each site, the impacts to street closures and increased heavy vehicle flow could be counteracted using such a method. In addition, all methods of incentivizing the use of mass transit for construction workers must be introduced to minimize the number of construction personnel vehicles coming to the area. Distributing unlimited ride Metro Cards could achieve this in part. Requiring that all vehicles use ultra-low sulfur diesel fuel will also be necessary to reduce air quality impacts. In addition, full vehicle washing of construction vehicles leaving the site will also be necessary to further ensure air quality is maintained. The impacts will be heightened because of noise and vibration. These must also be mitigated using all available methods so that residents and visitors to the area are not adversely impacted.

ALTERNATIVES

An alternative No Build Action is simply unacceptable for the future well-being of the area and while it must be studied as per CEQR and SEQRA Guidelines, it cannot be seriously considered. The economic viability of the area will depend on the build out of these sites.

With respect to alternatives that analyze the movement of the Essex Street market, an investigation into the continued success of the market if expanded on a new site must be analyzed with respect to the continued use of the market site. The expansion of the market in the current location, as noted by Community Board 3 Manhattan's comments, must also be studied.

Other alternatives not specifically required, however qualitatively important to the EIS Scoping process, would be to examine alternative ratios with regard to increased residential and commercial components. For example, would the project substantively achieve the same goals if the housing side of the ratio were increased to 65% or 70%? Would consequently lower commercial ration be significant enough to reach the self-sufficiency goals that the City has set?

I would also like to suggest other financing and housing options. Would the project achieve the same goals if a land trust were put in place? Would a cooperative housing model financed by the commercial component be equally as successful? Would the maximization of affordable units well above 450 units be better for the community with respect to potential impacts?

What about incorporating other planning workshops results into the Final EIS? These workshops were undertaken using the same methods as those used to produce the Community Board's Final Development Guidelines.

Has the EIS taken into account the need for more units because of returning site tenants and their progeny to the newly constructed project? There was no mention of returning site tenants anywhere in the EIS Scoping documents and must be adequately addressed.

Has sustainability been properly incorporated and addressed by each component of the Draft EIS? What further sustainability measures can be added that further enhance the project? What would be the impact on the future Reasonable Worse Case Development Scenario if sustainability standards were incorporated in the Final EIS and subsequent RFP's?

Conclusion

These sites represent a significant opportunity for the Lower East Side. We have a chance to create affordable housing that will benefit future generations. The key to success in developing these sites will be equitable distribution of truly affordable housing throughout each development site. Increasing the percentages of affordable housing must be attempted through innovative partnerships between the City and affordable housing developers.

New development will provide economic opportunities to future entrepreneurs. It is important to look to the guidelines carefully crafted by the Community Board when moving forward. The inclusion of provisions limiting the size of retail away from "big-box" stores will be important to maintaining small, local businesses in the neighborhood. We must ensure that those who come to work at the new retail establishments earn a good wage with benefits they can use to help their families. Non-retail commercial development should offer amenities that all residents can enjoy. In addition, those spaces created for new small businesses should be offered at prices per square foot that LES residents and potential small business owners can afford.

Thank you. I look forward to the future of the Seward Park Extension Urban Renewal Area and to working towards a development that meets the needs of this important community.